

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Hizam Akkawi)	
SO & GE LLC)	Case No. 20-1818-GA-CSS
979 Hawthorne Ave.)	
Cincinnati, Ohio 45205)	
)	
Complainant,)	
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of SO & GE LLC (Complainant),¹ Duke Energy Ohio, Inc., (Duke Energy Ohio or Respondent or the Company) states as follows:

1. The Complaint is not in a form allowing for specific admission or denial as to individual allegations. Accordingly, Duke Energy Ohio generally denies the allegations set out in the Complaint.
2. Statements regarding general procedures for the Public Utilities Commission of Ohio (Commission) are not allegations to which a response is required.
3. Statements regarding requested relief are not allegations to which a response is required.
4. In response to the allegations on the second page of the Complaint, regarding alleged calls made by a former employee, these allegations are too vague and ambiguous to

¹ The "Customer Name" field on the Complaint says "Hizam Akkawi SO & GE LLC." However, the account in question is a business account, with the customer being SO & GE LLC.

permit a response and therefore Duke Energy Ohio denies these allegations. Answering further, Duke Energy Ohio states that it lacks sufficient information to form a belief as to the truth of these allegations, and thus denies. Answering further, Duke Energy Ohio admits that an anonymous person contacted Duke Energy Ohio in July 2020 stating that Complainant had been saying that he tampered with the electric meter. All remaining allegations are denied.

5. In response to the remaining allegations on the second page of the Complaint, these allegations are too vague and ambiguous to permit a response and therefore Duke Energy Ohio denies these allegations. Answering further, Duke Energy Ohio admits that on July 16, 2020, a Duke Energy Ohio investigator went to investigate the meter at 979 Hawthorne Ave., Cincinnati, Ohio 45205 (the Premises), and found the electric meter seal cut and the bypass bar in the meter base, indicating tampering. Answering further, Duke Energy Ohio states that Complainant's usage had dropped steeply on or approximately after 2015. Answering further, Duke Energy Ohio admits that, in July 2020, it added a charge to the Complainant's account for estimated past usage from December 15, 2015 to July 16, 2020, in the amount of \$22,933.39, with the estimate being based on historical usage.

6. Duke Energy Ohio denies each and every allegation of fact and conclusion of law not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. The Complainant does not assert any allegations of fact that would give rise to a cognizable claim against Duke Energy Ohio.

2. Duke Energy Ohio asserts as an affirmative defense that pursuant to R.C. 4905.26 and O.A.C. 4901-9-01-(B)(3), Complainant has failed to set forth reasonable grounds for complaint.

3. Duke Energy Ohio asserts as an affirmative defense that Complainant's claims are barred by its unclean hands and fraudulent conduct. Based on Duke Energy Ohio's investigation, the meter at the Premises had been tampered with, as described in Paragraph 5 of the previous section.

4. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.

5. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the Commission's jurisdiction.

6. Duke Energy Ohio asserts that to the extent the Complainant is seeking equitable relief, such relief is beyond the scope of the Commission's jurisdiction.

7. Duke Energy Ohio reserves the right to raise additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and discovery of this matter.

CONCLUSION

WHEREFORE, having fully answered, Duke Energy Ohio respectfully requests that the Commission dismiss the Complaint of SO & GE LLC, for failure to set forth reasonable grounds for the Complaint and to deny Complainant's request for relief, if any.

Respectfully submitted,

/s/ Larisa M. Vaysman

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Willing to accept service via email

Attorneys for Respondent Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of Duke Energy Ohio, Inc., was served via UPS delivery, this 19th day of January 2021, upon the following:

Hizam Akkawi
SO & GE LLC
979 Hawthorne Ave.
Cincinnati, Ohio 45205

/s/ Larisa M. Vaysman
Larisa M. Vaysman

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in

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Summary: Answer of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Duke Energy Ohio, Inc.