BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

Leigh Huffman )

8203 Bent Tree Drive )

West Chester, Ohio 45069 )

)

Complainant, ) Case No. 20-0403-EL-CSS

)

v. ) )

Duke Energy Ohio, Inc. )

)

Respondent. )

**ANSWER OF DUKE ENERGY OHIO, INC.**

For its Answer to the Complaint of Leigh Huffman (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

1. In response to the first paragraph of the Complaint, Duke Energy Ohio provides the following answer:
   1. Duke Energy Ohio denies Complainant was the customer of record on Account No. 61700725-28 (the “Account”) at 7562 Hidden Trace Drive, West Chester, Ohio 45069 (the “Property”). The Company’s customer of record on that Account was Timothy D. Huffman, Complainant’s husband.
   2. Duke Energy Ohio denies the Account was “closed” or disconnected in May 2019. Further answering, Duke Energy Ohio states that, as requested by Complainant on April 29, 2019, the Company completed the requested off order on June 5, 2019, and issued the final bill on the Account.
   3. Duke Energy Ohio denies that energy usage on the Account “spiked starting September 2018” and that electric usage on the Account was reported inaccurately following the installation of a smart meter at the Property or at any other time.
   4. Duke Energy Ohio denies that a smart meter was installed at the Property in September 2018. Further answering, Duke Energy Ohio states the Company installed a new smart meter at the Property on May 22, 2018.
   5. The Company denies all remaining allegations in the first paragraph of the Complaint.
2. In response to the second paragraph of the Complaint, Duke Energy Ohio provides the following answer:
   1. Duke Energy Ohio denies Complainant was the customer of record on the Account.
   2. Duke Energy Ohio admits the Account has been paid in full.
   3. Duke Energy Ohio denies that Complainant or her husband, the Company’s customer of record, ever expressed a desire to contest the accuracy of the meter readings and Company’s billing records on the Account prior to July 2019.
   4. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations in paragraph two of Complainant’s Complaint regarding the alleged “timeline” and, therefore, denies such allegations.
   5. Duke Energy Ohio denies that a smart meter was installed on the Account during September 2018. Further answering, Duke Energy Ohio states the Company installed a new smart meter on May 22, 2018, and that smart meter provided all electric readings on the Account going forward as of that date.
   6. In response to Complainant’s Reason #1, Duke Energy Ohio denies that electric usage and billed usage on the Account doubled following the installation of the smart meter or that the smart meter inaccurately reported electric usage on the Account. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the remaining allegations related to alleged “average reported energy usage” and “average energy charges” and, therefore, denies such allegations.
   7. In response to Complainant’s Reason #2, Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding changes in Complainant’s home between Summer 2018 and June 2019 and, therefore, denies such allegations.
   8. In response to Complainant’s Reason #3, Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding the energy efficiency of the Property or the appliances, windows, HVAC and other components situated at the Property and, therefore, denies such allegations.
   9. In response to Complainant’s Reason #4, Duke Energy Ohio denies any issues or problems with the smart meter at the Property or that the meter inaccurately recorded electric usage on the Account prior to June 5, 2019. Duke Energy Ohio further denies the relevance or accuracy of the information set forth in the article attached to Complainant’s Complaint.
   10. In response to Complainant’s Reason #5, Duke Energy Ohio states that the Company properly calculated the Budget Billing ending balance based on the total amount of electric usage on the Account less the total amount of payments on the Account. Duke Energy Ohio denies the remaining allegations.
3. Duke Energy Ohio denies all allegations of the Complaint not expressly admitted herein.

**AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
2. The Complaint does not assert any allegations of fact that would give rise to a cognizable claim against Duke Energy Ohio, nor does the Complaint allege that Duke Energy Ohio did or failed to do something in violation of applicable Ohio law.
3. Duke Energy Ohio asserts as an affirmative defense that pursuant to R.C. 4905.26 and O.A.C. 4901-9-01-(C)(3), Complainant has failed to set forth reasonable grounds for complaint.
4. Duke Energy Ohio asserts as an affirmative defense that, pursuant to R.C. 4905.26, the Company furnished electric services to its customer of record on the Account that were adequate, just and reasonable, and that all charges made or demanded for the Company’s services were just, reasonable and not more than allowed by law, the Company’s filed tariffs, or by order of the Commission.
5. Duke Energy Ohio asserts as an affirmative defense that, at all times relevant to Complainant’s claims, Duke Energy Ohio has provided reasonable and adequate service and has billed its customer of record on the Account according to all applicable provisions of Title 49 of the Ohio Revised Code and regulations promulgated thereunder, and in accordance with all of Duke Energy Ohio’s filed tariffs.
6. Duke Energy Ohio asserts as an affirmative defense that, at all times relevant to Complainant’s claims, the Company acted in conformance with O.A.C. 4901:1-10-22-23 and R.C. 4933.28 with respect to the Company’s billings on the Account.
7. Duke Energy Ohio asserts as an affirmative defense that, at all times relevant to Complainant’s claims, the Company acted in conformance with O.A.C. 4901:1-13-4 with respect to reading the meter on the Account.
8. Duke Energy Ohio asserts as an affirmative defense that, at all times relevant to Complainant’s claims, the Company acted in conformance with O.A.C. 4901:1-10-05 with respect to the meters installed at the Property.
9. Duke Energy Ohio asserts as an affirmative defense that Complainant is not the customer of record on the Account and, therefore, lacks standing to assert any claims against the Company.
10. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief, including relief which may be granted by this Commission.
11. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages and other injunctive relief, such relief is beyond the scope of the jurisdiction of this Commission.
12. 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, Inc. respectfully moves this Commission to dismiss the Complaint of Leigh Huffman for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,

/s/ Robert A. McMahon

Robert A. McMahon (0064319)

Counsel of Record

Eberly McMahon Copetas LLC

2321 Kemper Lane, Suite 100

Cincinnati, OH 45206

tel: (513) 533-3441

fax: (513) 533-3554

email: [bmcmahon@emclawyers.com](mailto:bmcmahon@emclawyers.com)

Larisa M. Vaysman

Senior Counsel

Duke Energy Business Services Inc.

139 East Fourth Street, EM1303

Cincinnati, OH 45202

                                                                        tel:         (513) 287-4010

                                                                        fax:        (513) 287-4385

                                                                        email: [Larisa.Vaysman@duke-energy.com](mailto:Larisa.Vaysman@duke-energy.com)

Attorneys for Duke Energy Ohio, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via regular US Mail, postage prepaid, on this 9th day of March, 2020, upon the following:

Leigh Huffman

8203 Bent Tree Drive

West Chester, OH 45069

/s/ Robert A. McMahon