

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Andras Heimann)	
6163 Crest Valley Lane)	
Loveland, Ohio 45140)	
)	
Complainant,)	Case No. 20-1247-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Andras Heimann (Complainant), 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 contained on the first and second pages of the Complaint, Duke Energy Ohio admits that Mr. Heimann was erroneously billed an incorrect rate of \$0.649 (instead of \$0.0649 per kWh) on his December 3, 2019 billing statement and that his January 2020 billing statement incorrectly contained two usage charges of \$20.24 due to human

error. Answering further, Duke Energy Ohio states that all of these errors have been corrected, as of Mr. Heimann's bill prepared on March 12, 2020, with the following corrections:

- The erroneously billed rate on Mr. Heimann's December 3, 2019 statement resulted in a charge of \$102.54. Mr. Heimann's bill prepared on March 12, 2020 depicts a credit of \$102.54, and a corrected charge of \$10.25 to correct this.
- The two incorrect usage charges of \$20.24 on Mr. Heimann's bill prepared on January 28, 2020 were corrected by two credits of \$20.24. One such credit appeared on the bill prepared January 28, 2020, and the second such credit appeared on the bill prepared March 4, 2020.

Answering further, Duke Energy Ohio admits that Mr. Heimann is accurately quoting a response from Ms. Christina Cassady on April 20, 2020 and his own reply thereto on April 22, 2020. Answering further, Duke Energy Ohio lacks knowledge or information sufficient to admit or deny whether Complainant is accurately quoting the alleged response from Ms. Cassady dated May 15, 2020. All remaining allegations are denied.

5. In response to allegations on the third page of the Complaint:

- a. Duke Energy Ohio denies that it "incorrectly stated" that it was unable to reach Mr. Heimann. Answering further, on April 23, 2020, a Duke Energy Ohio consumer affairs specialist correctly stated that she attempted to contact Mr. Heimann to discuss his concerns, but that his mailbox was full at the time. Answering further, the same consumer affairs specialist, Ms. Alicia Jones, was eventually able to reach Mr. Heimann at a later time; however, her statement was correct at the time it was made.

b. Duke Energy Ohio admits that the pictured spreadsheet appears to be an accurate copy of the spreadsheet the Company provided to Mr. Heimann.

c. All remaining allegations are denied.

6. In response to the allegation on the fourth page of the Complaint that “mistakes made in the billing process . . . persist[,],” Duke Energy Ohio denies that any mistakes have been made in billing Mr. Heimann *after* his bill prepared March 12, 2020 on which the final correction was depicted. Answering further, Duke Energy Ohio states that, as of Mr. Heimann’s March 12, 2020 bill, all prior billing errors had been corrected and that Mr. Heimann has been correctly billed since the correction in his March 2020 bill. Answering further, Duke Energy Ohio believes that Mr. Heimann’s complaint regarding more recent billing stems from a misunderstanding of the relationship between the net metering spreadsheet provided to him by the Company and his bill. All remaining allegations are denied.

7. 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 has not stated any request for relief that can be granted by this Commission.

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

5. 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.

6. 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 Andras Heimann, 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

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Larisa M. Vaysman (0090290) (Counsel of Record)

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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 regular US Mail postage prepaid, or by electronic mail service, this 27th day of July 2020, upon the following:

Andras Heimann
6163 Crest Valley Lane
Loveland, Ohio 45140

/s/ Larisa M. Vaysman
Larisa M. Vaysman