

**FILE**

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Vladimir Andriyenko  
14 Easley Drive, Apt.312  
Milford, OH 45150

Complainant

v.

Duke Energy Ohio, Inc.

Respondent

Case No. 08-57-EL-CSS

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**ANSWER OF DUKE ENERGY OHIO, INC**

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For its Answer to the Complaint of Vladimir Andriyenko ("Complainant"), Duke Energy Ohio, Inc. ("DE- Ohio") states as follows:

1. DE-Ohio is without sufficient knowledge or information to either admit or deny the allegations contained in the complaint. DE-Ohio shows no customer account with the name of the Complainant.

**AFFIRMATIVE DEFENSES**

2. DE-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. DE-Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, DE-Ohio has provided reasonable and adequate service and has billed the Complainant according to all applicable provisions of Title 49 of the Ohio Revised Code and regulations promulgated thereunder, and in accordance with all of DE-Ohio's filed tariffs.

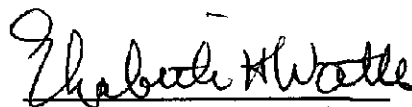
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4. DE-Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company is acting in conformance with O.A.C. 4901:1-10-23 and R.C. 4933.28.
5. DE-Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
6. DE-Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the jurisdiction of this Commission.
7. DE-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, DE-Ohio respectfully moves this Commission to dismiss the Complaint of Vladimir Andriyenko for failure to set forth reasonable grounds for the complaint and to deny Complainant's Request for Relief.

Respectfully Submitted,

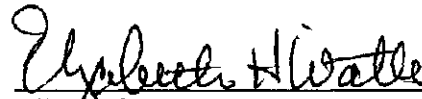


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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer to the complaint of Vladimir Andriyenko was served via regular US Mail postage prepaid, this 6<sup>th</sup> day of February 2008, upon the following:

Vladimir Andriyenko  
14 Easley Dr., Apt.312  
Milford, Ohio 45150

  
Elizabeth H. Watts