

RECEIVED-DOCKETING DIV 08-976-GE-CSS



The Public Utilities
Commission of Ohio

2008 AUG 14 AM 11:51

Case Number

Public Utilities Commission of Ohio
Attn: Docketing
180 E. Broad St.
Columbus, OH 43215

PUCO
Formal Complaint Form

Deanna Chaffins
Customer Name

3354 Bechtel Dr.
Customer Address

Franklin, OH 45005
City State Zip

Against

05002084-02
Account Number

Duke Energy
Utility Company Name

111 Holly Dr.
Customer Service Address (if different from above)
Franklin, OH 45005
City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

(See Attached.)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Date Processed 8/14/08

Deanna Chaffins
Signature
(937) 743-9648
Customer Telephone Number
Cell (513) 589-8376

This letter is to request your assistance concerning the unfair gas and electric rates that were charged to me (by CG&E, now Duke Electric) when I occupied the home of 111 Holly Drive, Franklin, OH from 5/22/97 to 7/5/05. I called Duke Electric at least two occasions throughout the time that I lived at this location to inquire why my utility bills were so high. They told me that I must be using a lot of electricity/gas. I also inquired one time why my rate was much higher than my boyfriend (at that time). He lived in Loveland, OH and I lived in Franklin, OH, but we both had the same electric and gas company, Duke Energy. I was told that there must be a rate difference between the two cities.

I sold the home on 7/5/05 to Billy and Debra Long. They also experienced high utility bills. Later, they discovered that Duke Energy charged "Commercial" rates, rather than "Residential" rates. They were told that when I, Deanna Chaffins, (the first owner of the home) originally purchased the model home from Ryan Homes, the rate was never changed to "Residential" and both parties were charged the "Commercial" rates. Billy and Debra Long were issued a refund of approximately \$2,000 for the approximate ~~140~~ to three years that they were also overcharged for the Commercial rates. Through mutual friends, I was informed of the Longs findings and refund. They encouraged me to contact Duke Energy for a refund during the time that I lived at the location and was incorrectly charged the premium Commercial rates.

I did contact Duke Energy and I spoke with Amy at extension 4829. She told me that there was no way for them to know if I was operating a business from this location at the time that I lived there since it was so long ago. I explained to her that the home was never zoned for a business, it was in the middle of a subdivision. Furthermore; I could provide certified affidavits from the next door neighbors on each side of me to verify that I was not operating a business. I could also provide copies of my tax filings to show that I worked outside the home and did not operate a home business, etc... She then explained that since I no longer lived at the location, then I was not eligible for a refund.

I contacted PUCO and filed an informal complaint with Steve. He issued informal complaint # DCHA042108S8. He was not able to resolve the dispute. He recommended that I pursue filing a formal complaint.

There was no way that a consumer would have known that they were being charged the Commercial rate verses the Residential rate. Throughout the entire time that I lived at this location, none of the bills showed any indication that Commercial rates were being charged. If they would have, I would have immediately contacted Duke Energy to inquire about the charges and have them charge the correct Residential rate.

I am requesting two things:

- 1.) A refund of the difference from the Residential rate that should have been charged verses the Commercial rate that was charged during the entire time that I lived at this location.

- 2.) Request that Duke Energy indicate on the bills if they are charging rates higher than the Residential rates to protect other consumers from experiencing this type of situation.

In closing, it is obvious that Duke Energy incorrectly charged me rates much higher than everyone else in the neighborhood, due to their clerical error. I did question the rates several times (when I lived at the location), but they either were unwilling or unable to determine that they had made an error. Now, they are saying that it has been too long to issue a refund, even if they did make a mistake. That excuse is unacceptable. I believe that I am entitled to a refund to rectify the overpayment. If Duke Energy is not required to issue a refund, there is nothing to protect the average consumer from utility companies charging whatever rates they want to, as long as they get away with it and the consumer doesn't find out about it in a timely manner.

Attached is a copy of the Warren County Auditor's report showing the sale dates of the property and the State Use Code 0510-Single Family Dwelling to prove that it was always zoned as a residential property. Also attached, is a letter from Ryan Homes telling me to change the utility services to my name, a copy of the property survey, a copy of my home owners policy that was paid.

Some last things worth mentioning, I had previous services with CG&E in my home before living at this location. At the time that I added services, I canceled services from my previous home of 6641 Heller Road, Greenville, OH 45331, which was a residential home. I also told the person how excited that I was for purchasing a brand new model home. I am sure it was initially a clerical mistake on her part, however; I should not have to be the one to pay for the utility companies mistakes all of the years since there was no way I could have known I was being overcharged. All I am asking is to be charged the fair residential amount. I feel that is the least that the utility company should offer the consumer.

I would appreciate any help that you can provide.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Chaffins". The signature is written in dark ink and is positioned above the printed name.

Deanna Chaffins

Warren County Ohio Property Search

Nick Nelson, Auditor ~ Beth Deckard, Recorder ~ Jim Aumann, Treasurer

Administration Building 406 Justice Dr., Lebanon, Oh. 513-695-1235

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Search by: Map / Owner's Name / Property Address / Parcel ID / Account Number / Subdivision
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Sales History

Parcel ID	04261930040	Current Owner	LONG DEBRA & BILLY	Property Value As Of	01-01-2007
Account Number	2138268	Property Address	111 HOLLY DR FRANKLIN 45005	Ownership As Of Tax Data As Of	07-11-2008 07-11-2008
Legal Description	HARPLAND ESTATES 1 LOT: 22 0 acres	State Use Code	0510 - SINGLE FAMILY DWG (PLATTED)	Census Tract	303.00
Tax District	21 - FRANKLIN CITY FCSD	School District	FRANKLIN C.S.D.	Ohio Public School District Number	8304

Date	Grantor	Grantee	Consideration
07-06-2005	CHAFFINS, DEANNA	LONG, DEBRA & BILLY	\$175,000.00
05-22-1997	NVR HOMES, INC.	CHAFFINS, DEANNA	\$154,900.00
04-15-1996	HENDERSON CONSTRUCTION, 	NVR HOMES, INC.	\$25,000.00
06-21-1995	HENDERSON CONSTRUCTION, 	HENDERSON CONSTRUCTION, 	\$0.00



April 23, 1997

Ms. Deanna J. Chaffins
6641 Heller Rd.
Greenville, OH 45331

RE: LOT # 0022, HARPLAND ESTATES (HE)

Dear Deanna:

We are happy to advise you that your new Ryan Home is nearing completion.

The date for your presettlement is Wednesday, May 14, 1997, at 10:00 a.m. At this time you will meet with our construction supervisor at your new home. The purpose of this meeting is to familiarize you with the operation of all equipment and to hold an inspection of the home to see that it meets with your satisfaction. Homeowner's maintenance responsibilities are also reviewed together with valuable tips on the proper care of your home.

Following your presettlement inspection, the closing of your new home will take place at 8:00 a.m. on Thursday, May 15, 1997 at First Title Agency, Inc., 6239 Wilmington Pk., Centerville, OH 45459 with Ann Riegel who may be reached at 513/772-1140. NVR will telephone you prior to closing to inform you of the amount needed to close. Please obtain this amount in the form of a Certified or Cashiers check made payable to you. You will receive your keys at closing and then you may move in any time following the closing.

Our Service Manager will make a final inspection with you six months after the closing to go through the house with you and list any items that may need attention as indicated under the terms of our warranty.

We have been informed that your new address is the following: 111 Holly Dr., Franklin, OH 45005

Listed below are the utility companies you are responsible for notifying before you close:

City of Franklin @ 513/746-9921 for water, sewer and trash
CG & E (Middletown) @ 513/425-4555 for gas and electric
Ameritech @ 800/660-1000 for telephone
TCI Cablevision @ 513/424-2408 for cable television

Please notify me if you have any other concerns. We hope that you will spend many happy years in your new home. We are well aware that Ryan Homeowners are our best sales people; therefore, we will do our best to make this the finest home you have ever owned.

Sincerely,

RYAN HOMES

LESA L. NICKELL

Sales and Settlement Secretary

c: Homeowner's File, Sales Representative Ann Riegel via fax @ 513/435-3999, Donna Nelson via fax @ 513/771-5268 ps3/17/97

734 Plums in Valley Drive • Springborn, Ohio 45066 • 513-746-0073 • FAX 513-746-0887

We are pleased to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the nation, we encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin.

OCCUPANCY AGREEMENT

DATE: MAY 15, 1997
BORROWER: DEANNA CHAFFINS

LOAN #: DC0567
PROPERTY ADDRESS: 111 HOLLY DRIVE, FRANKLIN, OH 45005

The undersigned Borrower(s) of the above captioned property understand that one of the conditions of the loan is that Borrower(s) occupy the subject property and Borrower(s) do hereby certify as follows:

1. Borrower intends to occupy the property as Borrower's primary residence.
2. Borrower intends to occupy the property during the 12 month period immediately (not more than 60 days) following the loan closing as the primary residence of the Borrower (i.e., the property will be "owner occupied").
3. If Borrower's intention changes prior to the loan closing, Borrower agrees to notify Lender immediately of that fact.
4. Borrower understands that Lender may not make the loan in connection with subject property without this Occupancy Agreement.
5. Borrower acknowledges Lender has relied upon the Borrower's representation of occupancy in securing said loan, the interest rate or funding said loan.

THE UNDERSIGNED BORROWER(S) ACKNOWLEDGES AND AGREES THAT:

1. ANY MISREPRESENTATION OF OCCUPANCY BY BORROWER(S);
2. BORROWER(S) FAILURE TO OCCUPY THE PROPERTY AS THE PRIMARY RESIDENCE (i.e. OWNER-OCCUPIED) DURING THE 12 MONTH PERIOD FOLLOWING THE LOAN CLOSING;

SHALL CONSTITUTE A DEFAULT UNDER THE NOTE AND SECURITY INSTRUMENT EXECUTED IN CONNECTION WITH SAID LOAN AND, UPON THE OCCURRENCE OF SAID DEFAULT, THE WHOLE SUM OF PRINCIPAL AND INTEREST PAYABLE PURSUANT TO SAID NOTE PLUS COSTS AND FEES SHALL BECOME IMMEDIATELY DUE AT THE OPTION OF THE HOLDER THEREOF AND/OR LENDER MAY ADJUST THE INTEREST RATE TO BE EQUIVALENT TO THAT OF A NON-OWNER OCCUPIED LOAN.

Borrower(s) understand that it is a Federal Crime punishable by fine or imprisonment or both to knowingly make any false statement concerning any of the above facts, as applicable under the provisions of Title 18 U.S.C., Sec 1014.

I declare that the foregoing Agreement is true and correct and agree to said terms of Agreement allowing Lender discretion to call loan due and/or adjust the interest rate based upon any misrepresentation of occupancy.

Borrower DEANNA CHAFFINS Date 05/15/97

Borrower Date

Borrower Date

Borrower Date

QUICK CLOSE DECLARATIONS

WHEN USED AS A DECLARATIONS, ATTACHMENT OF POLICY PROVISIONS
AND FORMS AND ENDORSEMENTS COMPLETE THIS POLICY.

POLICY NUMBER 6601982

Named Insured and Mailing Address (Number, Street, City, County, State, Zip Code)

DEANNA CHAFFINS
111 HOLLY DR.
FRANKLIN, OH 45005

Agency

MEARS INSURANCE
313 S. MAIN ST
FRANKLIN, OH 45005

Code: 5489

Location of Dwelling (if other than insured's mailing address)



Coverage provided by:

- ☐ CENTRAL MUTUAL INSURANCE CO.
☒ ALL AMERICA INSURANCE CO.

Billing Statement To: ☐ Insured ☒ Mortgagee ☐ Other
(If other, show name & address below.)



If required: S.S. No.

Loan No.

First Mortgagee: (Name, Street, City, State, Zip)

NVR MORTGAGE FINANCE INC. ISAA
111 RYAN CT.
PITTSBURGH, PA. 15205

Second Mortgagee: (Name, Street, City, State, Zip)

Policy Period: From: 5-15-97 To 5-15-98 ☒ 12:01 a.m. ☐ 12:00 Noon Standard Time at residence premises

We will provide the insurance described in this policy in return for the premium and compliance with all applicable policy provisions.

Coverages and Limit of Liability	Section I				Section II	
	A. Dwelling	B. Other Structures	C. Personal Property	D. Loss of Use	E. Personal Liability Each Occurrence	F. Medical Payments to Others Each Person
	\$ 155,000	\$ 15,000	\$ 116,250	\$ 155,000	\$ 300,000	\$ 1,000
Premium	Basic Policy Premium \$ 507	Additional Premium \$ 212.70 cr	Sched. Prop. Premium \$	Total Premium \$ 294.30	Payment Received with application \$ 294.30	

Forms and Endorsements made part of this policy at time of issue (Numbers and Edition Dates):

Deductible	Section I \$ 250	Other \$	In case of a loss under Section I, we cover only that part of the loss over the deductible stated.
<input type="checkbox"/> Within City Limits <input type="checkbox"/> Within Fire District—Specify Fire Dept.			<input type="checkbox"/> Within Protected Suburban—No. of Dwellings
Section II — Other insured locations (No., Street, City, County, State, Zip Code)			

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any false information, or conceals, for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime.

This policy shall not be valid unless countersigned by our authorized agent.

Deanna Chaffins 5/7/97
Insured's Signature Date

[Signature]
Authorized Agent

5-7-97
Countersignature Date

ATTENTION APPLICANT AS PART OF OUR ROUTINE PROCEDURE, AN INQUIRY MAY BE OBTAINED FROM TIME TO TIME. THIS MAY INCLUDE INFORMATION AS TO CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS AND MODE OF LIVING. UPON YOUR WRITTEN REQUEST, ADDITIONAL INFORMATION AS TO THE NATURE AND SCOPE OF THE REPORT, IF ONE IS OBTAINED WILL BE PROVIDED. WE ARE BRINGING THIS TO YOUR ATTENTION IN COMPLIANCE WITH THE PUBLIC LAW 91-508

MEARS INSURANCE

313 SOUTH MAIN STREET
FRANKLIN, OHIO 45005
1-513-746-2828 1-800-776-2488

6421

DATE 5-7 1997

RECEIVED FROM

Deanna Cheppin

AMOUNT

\$ 294.30

DOLLARS

FOR

Home ins.

PREVIOUS BALANCE

THIS PAYMENT

BALANCE DUE

294.30

☒ CASH

☒ CHECK

☐ MONEY ORDER

BY

John P. Mears
JPM



The Public Utilities Commission of Ohio

*Monitoring marketplaces and enforcing rules to
assure safe, adequate, and reliable utility services*

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners:
Ronda Hartman Fergus
Valerie A. Lammie
Paul A. Centolella
Cheryl Roberto

June 26, 2008

Deanna Chaffins
111 Holly Dr
Franklin, OH 45005

CASE ID: DCHA042108S8

Dear Ms. Chaffins:

Thank you for contacting the Public Utilities Commission of Ohio (PUCO).
Enclosed is the necessary information for filing a formal complaint.

Please note that all filings must be made on 8-1/2 by 11 inch paper. You must
provide one original and 10 copies of the complaint.

If you have any questions about this or any other regulated utility-related matter,
please contact the PUCO Consumer Hotline at 1-800-686-PUCO (7826). For more
information regarding the PUCO, visit us on the web at www.PUCO.ohio.gov.

Sincerely,

Stephen Watson
Customer Service Investigator
Service Monitoring and Enforcement Department

Chaffins, Deanna (PPI)

From: ContactThePUCO@puc.state.oh.us
Sent: Tuesday, July 22, 2008 7:54 AM
To: dchaffins1@cinci.rr.com
Cc: Chaffins, Deanna (PPI)
Subject: Follow-up E-mail. Case: DCHA042108S8

Public Utilities Commission of Ohio
Investigation and Audit Division

Memorandum

Re: Deanna Chaffins

3354 Bechtel Dr

Franklin, OH 45005
(937) 743-9648

CASE ID: DCHA042108S8

Notes:

Hi Ms. Chaffins,

The account number was 05002084-02
Good luck.

Steve

From: Stephen Watson

Compliance Investigator
PUCO/SMED/IAD

7/22/2008