

FILE

Ohio

Public Utilities
Commission

09-871-52-03

Case Number

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

Formal Complain Form

Glenn A. Ray
Customer Name

5300 Hamilton Ave., Unit 400
Customer Address

Cincinnati OH 45224
City State Zip

Against

1740-0258-22-8
Account Number

Customer Service Address (if different from above)

Duke Energy
Utility Company Name

City State Zip

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

Please see attachments.

RECEIVED-DOCKETING DIV
2009 SEP 30 AM 10:37
PUCO

Glenn A. Ray
Signature

513-541-4976
Customer Telephone Number

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Technician JS Date Processed 9-30-09

PUBLIC UTILITIES COMMISSION OF OHIO

Glenn A. Ray
5300 Hamilton Avenue
Unit 400
Cincinnati, OH 45224
513-541-4976

CASE ID: GRAY082809A8

UTILITY COMPANY – DUKE ENERGY
CUSTOMER ACCOUNT NUMBER: 1740-0258-22-8
DUKE ENERGY CLAIM NUMBER: YLK 50760 LP

THE COMPLAINT

On April 17, 2009, a planned outage by my Condominium Association was extended far beyond the time estimated because a utility pole, owned by Duke Energy, was not safe to climb by Duke personnel and required replacement. My Condominium Association is not responsible for maintaining the pole, Duke Energy is. Securing and replacing a new pole extended the duration of the outage. Had owners known that power would be out for 18.5 hours, instead of the announced 4 hours, owners could have made alternate arrangements to transfer perishables. Since Duke Energy was given sufficient notice of the planned outage, the company could and should have made certain that necessary equipment and access, including the utility pole in question, were in place for the test outage, prior to the time scheduled. Had Duke Energy inspected the pole prior to the scheduled outage, the test could have been postponed until necessary equipment and access were available. Such due diligence is common operating procedure for companies the size of Duke Energy. The inconvenience for me, of the extension caused by Duke Energy, was lost frozen food because of thawing. Health experts warn against refreezing and consuming thawed food. The replacement value of this inconvenience I estimated to be \$75.00. Specialty Risk Services, on behalf of Duke Energy Corporation, denied my claim. An appeal to Specialty Risk Services was also denied. An employee of Duke Energy called August 28, 2009 and offered me a \$25 gift certificate, which I declined. Despite my declination, the \$25 gift certificate was mailed to me, which I returned by mail to the Duke Energy sender.

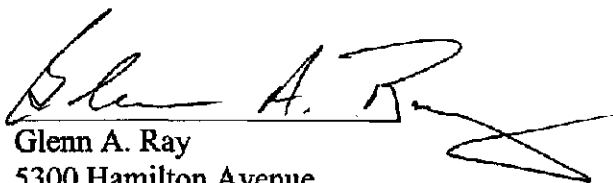
The Company's statement about Continuity of Service says, "*The Company will make reasonable provisions to supply satisfactory and continuous electric service, but does not guarantee a constant or uninterrupted supply of electricity and shall not be liable for any damage or claim of damage attributable to any interruption...caused by accident...or by any cause which the Company could not have reasonably foreseen and made provision against*" (my emphasis).

My issue is simple. I and other owners in my 181-unit building were inconvenienced because of the negligence of Duke Energy. I have put a modest monetary value on one aspect of my inconvenience—loss of frozen food at \$75. The issue is less about \$75 and more about Duke Energy accepting responsibility for its negligence. It is about the current prevailing corporate attitude of greed, “getting over,”— and, doing what is right by it customers be damned! My experience to date with the behavior of representatives of Duke Energy sadly provides supporting data for this assertion. (The \$25 gift certificate is a case in point.)

I am requesting that the Public Utilities Commission of Ohio rule in my favor and require Duke Energy to provide compensation to me in the amount of \$75 for frozen food lost during the above-described incident.

The following attachments are included:

1. Communication, regarding the power outage on April 17, 2009, to Owners and Residents from Lynn Saul, General Manager, The Hammond North Condominium.
2. Communications, dated August 10 and September 10, 2009, from Specialty Risk Services, LLC, regarding the denial of my claim and appeal, on behalf of Duke Energy.
3. Communications from Glenn Ray to
 - a. James E. Rogers, Duke Energy, dated August 18, 2009.
 - b. James E. Rogers, Duke Energy, dated August 27, 2009.
 - c. Alicia Jones, Duke Energy, dated September 3, 2009.



Glenn A. Ray
5300 Hamilton Avenue
Unit 400
Cincinnati, OH 45224
513-541-4976
gray3@cinci.rr.com

The Hammond North

CONDOMINIUM

April 20, 2009

Dear Hammond North Owners and Residents:

Thank you for your patience and cooperation during the power outage this past Friday and Saturday. The 18.5 hour power outage was definitely NOT planned. When the notice was sent out for intermittent testing on Friday afternoon, it was planned to test all of our equipment for the transfer of power to the emergency generator during an emergency. All of the companies were present – Buckeye Generator, Corporate Equipment, and Duke Energy.

Now, I will try to explain "what happened"! When Duke Energy arrived on Friday, they went out to the utility pole in the front in order to simulate an outage. The "trouble shooter" from Duke noticed that the utility pole was very unstable and could cause a major problem. He called off the test and he called for back up support. When the Duke supervisor arrived, it was determined that a complete new utility pole needed to be installed and the current equipment transferred to that pole. He estimated a four hour outage and the Office quickly responded with notices on every floor, before the electric was turned off to the copy machine. As crews arrived, three to four trucks were taken from other jobs, the afternoon moved slowly, but as the power went out – the Hammond generator was able to back up all of our systems. Otis Elevator remained to check the elevators and Corporate Equipment checked the fire pump system. Again, the Hammond North emergency generator performed very well and all the emergency systems continued to function. (Our emergency generator runs on diesel fuel and can hold power for a maximum of four days before refueling.)

The Duke crew worked until 11:00p.m. and then tried to restore the power. The first fuse held but the remaining two fuses BLEW - fire works and smoke! The power could not be restored and the Duke men could no longer fix the problem because it was now a problem connected to the underground cable and that required another crew! We were told the next crew would be on their way as soon as they were all called to report to work. They arrived at the Hammond at 5:15 a.m. At approximately 6:15 a.m. and 6:30 a.m., there were two more power surges, but no restored power, finally by 9:45 a.m. all power was restored to the building!!

Please understand that this outage was not planned and due to the Duke emergency, the Hammond North was very inconvenienced but the overall result is all new equipment on a new and better utility pole. A meeting with Duke to discuss the problems, the equipment and the timing will all be addressed, but sometimes the unforeseen happens. We all need to be thankful that the generator worked well, the weather was not too hot or too cold, many people went out for dinner, and four tables of bridge players even played bridge by candle light in the Party Room! Please note that we are definitely considering better ways to communicate with everyone throughout the building during an emergency. Again, thank you for your cooperation and help in turning a difficult situation into another learning experience at the Hammond!

Sincerely,

Lynn Saul
General Manager



Wittler document

DATE: 10/10/68 TIME: 10:00 AM FROM: SAC, NEW YORK TO: DIRECTOR, FBI (100-388610) RE: JAMES EARL RAY, AKA; ALIEN; C; R; S; T; U; V; W; X; Y; Z; AA; AB; AC; AD; AE; AF; AG; AH; AI; AJ; AK; AL; AM; AN; AO; AP; AQ; AR; AS; AT; AU; AV; AW; AX; AY; AZ; BA; BB; BC; BD; BE; BF; BG; BH; BI; BJ; BK; BL; BM; BN; BO; BP; BQ; BR; BS; BT; BU; BV; BW; BX; BY; BZ; CA; CB; CC; CD; CE; CF; CG; CH; CI; CJ; CK; CL; CM; CN; CO; CP; CQ; CR; CS; CT; CU; CV; CW; CX; CY; CZ; DA; DB; DC; DD; DE; DF; DG; DH; DI; DJ; DK; DL; DM; DN; DO; DP; DQ; DR; DS; DT; DU; DV; DW; DX; DY; DZ; EA; EB; EC; ED; EE; EF; EG; EH; EI; EJ; EK; EL; EM; EN; EO; EP; EQ; ER; ES; ET; EU; EV; EW; EX; EY; EZ; FA; FB; FC; FD; FE; FF; FG; FH; FI; FJ; FK; FL; FM; FN; FO; FP; FQ; FR; FS; FT; FU; FV; FW; FX; FY; FZ; GA; GB; GC; GD; GE; GF; GG; GH; GI; GJ; GK; GL; GM; GN; GO; GP; GQ; GR; GS; GT; GU; GV; GW; GX; GY; GZ; HA; HB; HC; HD; HE; HF; HG; HH; HI; HJ; HK; HL; HM; HN; HO; HP; HQ; HR; HS; HT; HU; HV; HW; HX; HY; HZ; IA; IB; IC; ID; IE; IF; IG; IH; II; IJ; IK; IL; IM; IN; IO; IP; IQ; IR; IS; IT; IU; IV; IW; IX; IY; IZ; JA; JB; JC; JD; JE; JF; JG; JH; JI; JJ; JK; JL; JM; JN; JO; JP; JQ; JR; JS; JT; JU; JV; JW; JX; JY; JZ; KA; KB; KC; KD; KE; KF; KG; KH; KI; KJ; KK; KL; KM; KN; KO; KP; KQ; KR; KS; KT; KU; KV; KW; KX; KY; KZ; LA; LB; LC; LD; LE; LF; LG; LH; LI; LJ; LK; LL; LM; LN; LO; LP; LQ; LR; LS; LT; LU; LV; LW; LX; LY; LZ; MA; MB; MC; MD; ME; MF; MG; MH; MI; MJ; MK; ML; MM; MN; MO; MP; MQ; MR; MS; MT; MU; MV; MW; MX; MY; MZ; NA; NB; NC; ND; NE; NF; NG; NH; NI; NJ; NK; NL; NM; NN; NO; NP; NQ; NR; NS; NT; NU; NV; NW; NX; NY; NZ; OA; OB; OC; OD; OE; OF; OG; OH; OI; OJ; OK; OL; OM; ON; OO; OP; OQ; OR; OS; OT; OU; OV; OW; OX; OY; OZ; PA; PB; PC; PD; PE; PF; PG; PH; PI; PJ; PK; PL; PM; PN; PO; PP; PQ; PR; PS; PT; PU; PV; PW; PX; PY; PZ; QA; QB; QC; QD; QE; QF; QG; QH; QI; QJ; QK; QL; QM; QN; QO; QP; QQ; QR; QS; QT; QU; QV; QW; QX; QY; QZ; RA; RB; RC; RD; RE; RF; RG; RH; RI; RJ; RK; RL; RM; RN; RO; RP; RQ; RR; RS; RT; RU; RV; RW; RX; RY; RZ; SA; SB; SC; SD; SE; SF; SG; SH; SI; SJ; SK; SL; SM; SN; SO; SP; SQ; SR; SS; ST; SU; SV; SW; SX; SY; SZ; TA; TB; TC; TD; TE; TF; TG; TH; TI; TJ; TK; TL; TM; TN; TO; TP; TQ; TR; TS; TT; TU; TV; TW; TX; TY; TZ; UA; UB; UC; UD; UE; UF; UG; UH; UI; UJ; UK; UL; UM; UN; UO; UP; UQ; UR; US; UT; UU; UV; UW; UX; UY; UZ; VA; VB; VC; VD; VE; VF; VG; VH; VI; VJ; VK; VL; VM; VN; VO; VP; VQ; VR; VS; VT; VU; VV; VW; VX; VY; VZ; WA; WB; WC; WD; WE; WF; WG; WH; WI; WJ; WK; WL; WM; WN; WO; WP; WQ; WR; WS; WT; WU; WV; WW; WX; WY; WZ; XA; XB; XC; XD; XE; XF; XG; XH; XI; XJ; XK; XL; XM; XN; XO; XP; XQ; XR; XS; XT; XU; XV; XW; XX; XY; XZ; YA; YB; YC; YD; YE; YF; YG; YH; YI; YJ; YK; YL; YM; YN; YO; YP; YQ; YR; YS; YT; YU; YV; YW; YX; YY; YZ; ZA; ZB; ZC; ZD; ZE; ZF; ZG; ZH; ZI; ZJ; ZK; ZL; ZM; ZN; ZO; ZP; ZQ; ZR; ZS; ZT; ZU; ZV; ZW; ZX; ZY; ZZ.

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In view of the above, it is our opinion that Duke Energy is not liable for your loss and we must respectfully deny your claim.

We sincerely regret your loss and the inconvenience that you incurred. If you have questions regarding this matter, please feel free to contact me at 1-800-541-0139, extension 35822 or by fax.

Sincerely,


Karen Hayes
Claims Processor

Ashley Greer #35828 - called - 8/18/09
" 8/21/09

August 25, 2009

Karen Hayes
Specialty Risk Services, LLC
P.O. Box 305104
Nashville, TN 37230-5104

RE: Duke Energy Claim No. YLK 50760 LP

Ms. Hayes:

As instructed by Ashley Greer on 8-21-09, I am enclosing statements and information to appeal the denial of my claim. The information includes: 1) a general statement that describes the incident, 2) a copy of a notice to owners regarding the planned outage, and 3) a statement to owners by the Manager of the Hammond North Condominium explaining the outage problem.

Based on this information, Duke Energy is clearly responsible for the substantially increased length of the planned outage. Had owners known in advance that the outage of 4 hours would in fact be 18.5 hours, owners could have made alternate arrangements to avoid losing frozen food. This inconvenience is clearly due to the failure of Duke Energy to maintain its utility involved with energy to the Condominium building.

I look forward to your response.

Glenn A. Ray, Ed.D.
5300 Hamilton Avenue
Unit 400
Cincinnati, OH 45224
513-541-4976
gray3@cinci.com



SPECIALTY RISK SERVICES

Specialty Risk Services, Inc.

P.O. Box 305104

Nashville, TN 37230-5104

Tel: 1-800-541-0139 ext: 35822 Fax: 1-860-757-5571

September 10, 2009

Glenn Ray
5300 Hamilton # 400
Cincinnati OH 45224

Re: Account: Duke Energy Corporation
Claim Number: YLK 50760 LP
Date of Loss: On or about 4-17-09

Dear Mr. Ray:

As you know, Specialty Risk Services is handling the above referenced claim on behalf of Duke Energy Corporation. The investigation has been completed by Duke Energy regarding the above referenced claim.

At your request, Duke Energy has reviewed the additional information that you have provided. The status of your claim remains denied as we see no negligence on the part of Duke Energy Corporation that could have caused or contribute to your loss.

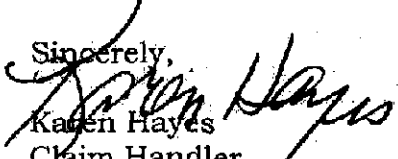
As stated in our previous letter, your loss occurred due to unexpected maintenance problem. The condition of the pole was too dangerous not to be replaced immediately. The length of time a repair of this nature can take is approximate at best.

Duke Energy Corporation, like other electric utilities across the country, can not guarantee continuous, uninterrupted electric service. The Service Regulations provide that Duke shall not be liable for any loss or damage to a customer that results from a service interruption that is required in order for Duke Energy Corporation to make necessary adjustments to, changes in or repairs on our lines and facilities.

We sincerely regret the loss and inconvenience that you have incurred. It is our opinion that you should contact your insurance company to report your damage.

If you have any questions with regard to this matter, please feel free to contact me at the above listed toll free number.

Sincerely,


Karen Hayes
Claim Handler
Enclosure

August 18, 2009

James E. Rogers
Chairman, President & CEO
Duke Energy
139 East Fourth Street
Cincinnati, OH 45202

Mr. Rogers,

My issue is simple. I was inconvenienced because of the negligence of Duke Energy. This fact caused an outage that resulted in my losing frozen food that I estimate to be \$75.00.

While I know your time is more valuable than to "waste" it for such a small amount. It is not the amount that is important, as you probably have guessed correctly. What matters is central to Duke Energy and its customers. This appeal to you is my only recourse, having received the enclosed "Claim Denied" from your "Claims Processor."

The brief facts are these: a planned outage by my Condominium was extended far beyond the time estimated because an electric pole, *maintained by Duke Energy*, was not safe to climb and had to be replaced. My Condominium Association is not responsible for maintaining the pole. Securing a new pole extended the time that caused me to lose frozen food. Whatever system Duke Energy currently uses, to make sure that items necessary for the delivery of energy to customers are in good working order, in this case, is not working.

My claim is such a small price to pay to keep my belief alive that greed, poor service, and self-interest are not the dominant corporate ethos in America...yet. It would be a pleasure for you to prove me right!

I look forward to your response. Thank you for your time.

Glenn A. Ray, Ed.D.
5300 Hamilton Avenue
Unit 400
Cincinnati, OH 45224
513-541-4976
gray3@cinci.rr.com

August 27, 2009

James E. Rogers
Chairman, President & CEO
Duke Energy
139 East Fourth Street
Cincinnati, OH 45202

Mr. Rogers,

I am grateful for the recent response from your office, from "Alicia" I believe, to settle the issue described in my letter to you of August 18. (The issue: an appeal of a denied claim of \$75 for frozen food lost during an outage prolonged by Duke Energy.)

In my previous letter, I tried, apparently unsuccessfully, to emphasize that the issue was not about \$75 but more about corporate behavior and customer relations.

The \$25 "courtesy," offered to me by Alicia, is insulting. My hope, that Duke Energy, under your leadership, is not representative of corporate selfishness and self-interest so prevalent today, was obviously misplaced. Enjoy the \$75 victory!

Sincerely,

Glenn A. Ray, Ed.D.
5300 Hamilton Avenue
Unit 400
Cincinnati, OH 45224
513-541-4976
gray3@cinci.rr.com

September 3, 2009

Alicia Jones
Duke Energy
139 East Fourth Street
Cincinnati, OH 45202

Ms. Jones:

I am returning to you the \$25.00 Gift Certificate received today. The amount of the Gift Certificate is an insult and unacceptable, as I stated in my August 27, 2009 letter to Mr. Rogers and to you.

Glenn A. Ray, Ed.D.

cc: James E. Rogers
Chairman, President & CEO