



RECEIVED-DOCKETING DIV

FILE

2009 NOV 30 AM 11:33

PUCO

139 East Fourth Street, R. 25 At II
P.O. Box 960
Cincinnati, Ohio 45201-0960
Tel: 513-419-1837
Fax: 513-419-1848
dianne.kuhnell@duke-energy.com

Dianne B. Kuhnell
Senior Paralegal

VIA OVERNIGHT MAIL DELIVERY

November 25, 2009

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 09-1081-EL-CSS

Dear Docketing Division:

Enclosed please find for filing an original and twelve copies of the *Answer of Duke Energy Ohio*.

Please file-stamp and return two copies in the envelope provided.

Should you have any questions, please contact me at (513) 419-1837.

Very truly yours,

Dianne Kuhnell
Senior Paralegal

cc: Parties of Record

Enclosure

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 SM Date Processed NOV 30 2009

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RECEIVED-DOCKETING
2009 NOV 30 AM 11:33
PUCO

Michael Todd Dawson
P. O. Box 32281
Cincinnati, OH 45232

Complainant,

v.

Duke Energy Ohio

Respondent

Case No. 09-1081-EL-CSS

ANSWER OF DUKE ENERGY OHIO

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

1. Duke Energy is without sufficient knowledge or information at this time to either admit or deny the allegation of paragraph one of the Complaint and thus denies the same. The Company attaches as Attachment A the letter dated June 2, 2009 that was sent to the Complainant in explanation of the master metering charges. The Company also attaches hereto as Attachment B the report from the May 21, 2009 inspection.
2. With respect to the allegations contained in paragraph two in this section of the Complaint, Duke Energy Ohio admits that the account numbers listed are the new account numbers presently assigned to Complainant at two different service addresses. The remainder of this paragraph does not contain any factual allegations to which a response is required. However, to the extent a response is required, Duke Energy Ohio denies the same.

3. The allegations contained in paragraph three of the Complaint do not contain any factual allegations to which a response is required. However, to the extent a response is required, Duke Energy Ohio denies the same.
4. Duke Energy Ohio is without sufficient knowledge or information at this time to either admit or deny the allegations in paragraph four of the Complaint and thus denies the same.
5. With respect to the allegations contained in paragraph five of the Complaint Duke Energy Ohio admits it transferred charges to Account 8480-2206-07-0, the account number that was provided to Complainant as stated in paragraph two of his Complaint. Duke Energy Ohio maintains there are no further factual allegations to which a response is required in the remainder of this paragraph. However, to the extent a response is required, Duke Energy Ohio denies the same.
6. With respect to paragraph six of the Complaint, including the separate subparts listed thereunder, Duke Energy Ohio states that the requests made under the Freedom of Information Act are improperly asserted. Duke Energy Ohio is not a government entity and, as such, does not fall under the purview of this Act. Answering further, Duke Energy Ohio maintains it has responded to all allegations in the Complaint and this paragraph does not contain any factual allegations to which a response is required. . However, to the extent a response is required, Duke Energy Ohio denies the same.

AFFIRMATIVE DEFENSES

7. 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.

8. 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 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 Duke Energy Ohio's filed tariffs.
9. Duke Energy 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.
10. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
11. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the jurisdiction of this Commission.
12. Duke Energy Ohio asserts as an affirmative defense that Complainant has failed to join a necessary party.
13. 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 moves this Commission to dismiss the Complaint of Michael Todd Dawson for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief.

Respectfully submitted,

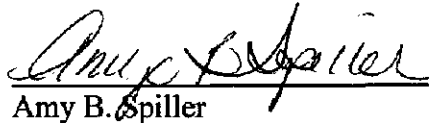


Amy B. Spiller
Associate General Counsel
Elizabeth H. Watts
Assistant General Counsel
Duke Energy Business Services Inc.
139 East Fourth Street
Rm 2500 Atrium II
P.O. Box 960
Cincinnati, OH 45201-0960
tel: (513) 419-1810
fax: (513) 419-1846
email: amy.spiller@duke-energy.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to the complaint of Michael Todd Dawson was served via regular US Mail postage prepaid, this 25th day of November 2009, upon the following:

Michael Todd Dawson
P.O. Box 32281
Cincinnati, OH 45232



Amy B. Spiller

ATTACHMENT A



Duke Energy Corporation
139 East Fourth Street
Cincinnati, OH 45202

Jun. 2, 2009

M Todd Dawson
PO Box 32281
Cincinnati, Oh 45232-0281

Subject: Changes in Master Meter Billing
284 McGregor, Hse & Ap 1

Dear Mr. Dawson:

Master Meters measure energy use in common areas such as lighting in shared hallways, basements, outdoor lighting or appliances such as furnaces or hot water heaters in a building shared by more than one family or tenant. Master Meters are the sole responsibility of owners and cannot be billed to a tenant unless that tenant occupies the entire building. Charges for commonly-shared areas are the responsibility of the owner of the building. As the owner of the building, you are responsible for rewiring the premises so that these charges are separately metered to your account. There are no exceptions to this rule.

Our records indicate that your tenant [REDACTED] was incorrectly billed for Master Metered charges in the past.

For the period 08-09-08 through 08-11-09, we have billed all Master Metered charges to you, which are explained in the enclosed billing statements.

Our goal is to supply reliable, quality service and accurate billing to all of our valued customers. If you have any questions or concerns, please do not hesitate to contact me at 513-287-3223, Monday through Friday, between the hours of 8:00 a.m. and 3:30 p.m. Should you receive my voice mail, please leave a message and I will return your call.

At Duke Energy, we appreciate your business and the opportunity to serve you.

Sincerely,

[REDACTED]
Power Delivery - Central Operations
Enc:

ATTACHMENT B

SEQUENCE OF EVENTS FOR FIELD ROUTING PREMISE INVESTIGATION

LOCATION: 284 McGregor & 2305 Maplewood
Cincinnati, Ohio 45219

- **04/30/09** Call received from Duke contractor on premise **284 McGregor – account [REDACTED]**
- Per contractor on premise to complete on order – found electric meter panel marked differently from
- Information provided on order for meter to identify apt number, found multiple markings on meter.
- *(contractor states found electric meter box marked #1 for electric meter #16801, also states someone has written the #90764772 on meter; as if to indicate this was meter number here before new meter #16801 was installed)*
- **04/30/09** [REDACTED] field routing issues a field routing workfile for a premise investigation for possible switched meters on premise per Duke Contactor's verbal report.
- **05/11/09** – [REDACTED] on premise to conduct a field investigation to verify if switched meter condition is indicated on premise.
- **Report of field investigation: 05/11/09 – per [REDACTED]**

Electric meter # 16801 – read-004939 – supply apt 2, 2fl @284 McGregor – for water heater, furnace blower, lights, (found 2 electric heaters not working)

Electric meter #16807 – read-006095 – supply common use house meter for basement lights & water heater; apt 1, 1fl-@284 McGregor – water-heater, furnace blower, lights

Electric meter #14383 – read 00567 – supply apt 2, 2fl @ 2305 Maplewood for water-heater, furnace blower, and lights

Electric meter #16749 – read 000884 – supply common use house meter for 284 McGregor –security lights & outside basement area lights

Gas meter #619609 – read 9692 1-supply common use house meter for 284 McGregor – 1 heating vent to basement, apt 1, 1floor stove, furnace

Gas meter #622193 –read 8281 – supply apt 2, 2fl- 284 McGregor –stove, furnace

Gas meter#619607 – read 3109- supply common use house meter for 2305 Maplewood – 1 heating vent to basement, apt 1, 1floor – stove, furnace

Gas meter #624003 –read 4117-supply apt 2, @ 2305 Maplewood – oven, furnace

Special Condition of Master Meter is indicated on the following meters: 16807, 14384, 16749, 619609, and 619607 –

Field investigation conducted on 05/11/09 found switched meters not indicated – found special condition master meter indicated.

05/15/09 – Field investigation report updated in CICS system and accounts updated and special condition code added to accounts correcting billing if in any tenants name and re-billing of owner occurred.

ATTACHMENT B**How accounts were billed at time of investigation 05/11/09**

<u>Account #</u>	<u>Name</u>	<u>Meter #</u>	<u>Address</u>	<u>Other</u>
59302047-16	M Todd Dawson	622193/16801	284McGregor, 2f	
██████████	██████████	619609/16807	284McGregor, 1f	non-metro
93602228-04	M Todd Dawson	16749	284McGregor, hse	non-mmtr
██████████	██████████	624003/14383	2305 Maplewood, ap2, 2f	
21700013-45	M Todd Dawson	619607/14384	2305 Maplewood, ap 1	non-mmtr

How accounts were billed after 05/15/09

<u>Account #</u>	<u>Name</u>	<u>Meter #</u>	<u>Address</u>	<u>Other</u>
59302047-16	same	same	284 McGregor, ap 2,2f	
848022206-07	M Todd Dawson	619609/16807	284McGregor, hse	MMTR
93602228-04	same	same	same	MMTR
██████████	██████████	same	same	
21700013-45	same	same	2305Maplewood,hse	MMTR