

FILE

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April 17, 2011

RECEIVED-DOCKETING DIV

Kerry K. Sheets
180 East Broad St.
Columbus, Ohio 43215

2011 APR 18 AM 10:54

PUCO

Re: Brenda Fitzgerald v. Duke Energy Ohio, Inc.
Case No. 10-791-el-css

Sir,

Attached is a copy of Duke's April 14, 2011 correspondence to us.

Duke identifies six of the eight employees or agents that have been subpoenaed in the above matter. Duke claims that the Public Utilities Commission of Ohio has no jurisdiction regarding five of these employees / agents because they work outside Ohio. See attached April 15, 2011 "MOTION TO QUASH".

In the motion to quash Mr. McMahon presumes to give advice to the Attorney General of Ohio, PUCO, then seems to claim to be representing both the ratepayers of Ohio and Duke Energy of Ohio.

We are ratepayers and we wish to state emphatically that Mr. McMahon does not represent us. It would seem to be an inherent conflict of interest for Mr. McMahon to represent both the ratepayers and Duke Energy in this or any complaint between ratepayers of Duke Energy and Duke Energy.

Additionally Mr. McMahon states "The subpoena to Mr. Rogers is unreasonable and oppressive...". Duke has refused to give us the name of a common supervisor of all the Duke Energy employees and or agents that have been involved in this matter since April 15, 2010. Since it now appears that the overwhelming majority of the employees/agents involved in this matter did not or do not work for Duke we have no choice but to subpoena Mr. Rogers.

Should PUCO decide to change the list of those already subpoenaed in this matter we wish to request a continuous until such time as the arguments are settled. The reason that we are hand delivering this answer to Dukes motion to quash is that if you do as they request we will not have time to file for a continuous since we cannot file for a continuous after April 21, 2011.

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Technician SM Date Processed APR 18 2011

April 17, 2011


Re: Case No. 10-791-el-css

If Dukes argument is allowed to stand in this matter that will effectively make them immune from this complaint and any other complaints filed against them.

When we called to have our power restored on April 15, 2010 we called a local phone number and our call was either answered or transferred out of state. We were unaware of this until April 14, 2011 [see attached].

We wish to notify you of a change of address effective immediately,

Our new address is: 123 Southern Trace Apt B
Cincinnati, Ohio 45255
Phone # 513-544-8739



Gerard R. Fitzgerald

We are sending a copy to without attachments: Mr. Robert A McMahon
2321 Kemper Lane Suite 100
Cincinnati, Ohio 45206

April 14, 2011

Mr. and Mrs. Gerard Fitzgerald
61 Hunters Court
Amelia, OH 45102

Re: Brenda Fitzgerald v. Duke Energy Ohio, Inc.
Case No. 10-791-EL-CSS

Dear Mr. and Mrs. Fitzgerald:

Pursuant to the Commission's Entry dated April 4, 2011, Duke Energy Ohio, Inc. hereby provides the following names, job titles and job descriptions of the company's employees with whom you spoke by telephone concerning your utility accounts:

- Barb Kramer; Customer Service Representative, Cincinnati, OH: handles customer service calls except credit-related calls
- Cindy Laycock; Customer Service Representative, Plainfield, IN: handles customer service calls except credit-related calls

Although we are not yet certain, you may have spoken to the following employee and, therefore, disclose her information out of precaution:

- Diana Agnew; Customer Service Representative, Plainfield, IN: handles customer service calls except credit-related calls

Finally, the following individuals are not employed by Duke Energy or an affiliated company. They work for ER Solutions, Inc., which contracts with Duke Energy to provide customer care services. While you only requested information about *employees* and did not request information about contract workers, Duke Energy is providing the following responsive information to avoid any further conflict or dispute:

- Ronald Hawthorne; Supervisor, ER Solutions, Inc., 2400 Presidents Drive, 4th Floor Montgomery, AL 36116: handles credit calls from customers
- Jonathan Green, Customer Service Representative, ER Solutions, Inc., 219 Perimeter Center Parkway NE, Atlanta, GA 30346: handles credit calls from customers

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- La'Tasha Savage, Customer Service Representative, ER Solutions, Inc., 2400 Presidents Drive, 4th Floor, Montgomery, AL 36116: handles credit calls from customers

Please note that neither Mr. Green nor Ms. Savage remain employed by ER Solutions, Inc.

This letter fulfills Duke Energy's responsibility to comply with the Commission's Entry dated April 4, 2011.

Very Truly Yours,



Robert A. McMahon