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NC
FILE

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13-0336-EL-ESS

January 28, 2013

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

RE: KAWS, Inc. vs. Duke Energy

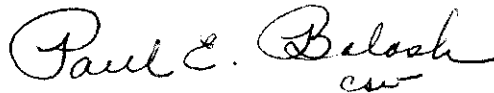
Dear Sir/Madam,

Enclosed herewith please find an original and three (3) copies of a Formal Complaint Form to be filed in the above-captioned matter.

After filing, please return any unused time-stamped copies to me in the enclosed envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Paul E. Balash

PEB/csw

>enclosures

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PUCO

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Technician AW Date Processed 1/30/13



Public Utilities Commission

ID: PBAL022812E7

Case Number

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

Formal Complaint Form

KAWS, INC. dba
RB Tool & Mfg. Co.

Customer Name (Please Print)

2680 Civic Center Drive

Customer Address

Cincinnati

OH

45231

City

State

Zip

Against

4610-2205-01-4 (Duke Energy)

Account Number

Same

Customer Service Address (if different from above)

Duke Energy

Utility Company Name

City

State

Zip

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

See attached Formal Complaint

Handwritten signature of Paul E. Balash

Signature

Paul E. Balash/0026177

Attorney-Secretary-KAWS, Inc.

(513) 591-0028

Customer Telephone Number

FORMAL COMPLAINT

Now comes Customer, KAWS, INC. dba RB Tool & Mfg. Co., through counsel and states:

1. On February 28, 2012 Customer (KAWS, INC. dba RB Tool & Mfg. Co.) contacted PUCO (Public Utilities Commission of Ohio) concerning power outages which had been occurring for sometime prior to February 28, 2012.
2. On February 28, 2012 PUCO was informed that Customer had attempted to work out the problem of outages with the supplier, Duke Energy.
3. The communication on February 28, 2012 was apparently considered an informal complaint by PUCO. As a result, PUCO contacted Duke Energy on or about March 14, 2012.
4. On or about March 16, 2012 PUCO received information from Duke Energy concerning various outages and indicated that it would commence a "walking pole by pole inspection of the circuit."
5. Duke Energy apparently conducted the pole by pole evaluation (unverified by Company), but neither PUCO or Customer have received any documentation indicating what, if any, changes, improvements or repairs were made because of said effort.
6. Customer continues to endure power outages on an intermittent basis and sees no improvement in the service.
7. Customer maintains that throughout the course of all the power outages, whether they be momentary or longer, Customer has been damaged in excess of \$16,240.00 due to the fact that even a monetary interruption of service causes certain machines to require lengthy (i.e. expensive) restarts during which time Customer cannot produce any product utilizing such machines.
8. On September 13, 2012 a letter was sent to PUCO indicating that the explanation for such outages was possibly:
 - i) weather related (not likely);
 - ii) heavy usage causing a brief overload (possible); or
 - iii) intervening cause such as automobile wreck, knocking pole out or animals (unlikely).
9. Obviously Duke Energy has failed in its mandated requirement to reasonably supply electric service. The lack of continuity of service in the sum of at least \$16,240.00 is not attributable to any accident or casualty, extraordinary action of the elements, action of any governmental authority, litigation, deficiency of supply, or any cause which the Company could have reasonably foreseen and made provision against. Said damages are subject to being increased based upon any further outages.
10. As a result of Duke Energy's unwillingness to correct the problem, Duke Energy is responsible for all the damages caused by the lack of continuity of service and said damages are increasing on the aforementioned basis.

WHEREFORE, Customer respectfully requests a hearing in this matter to address both the continued inefficient service and the damages that have been endured by Customer due to said inefficient service.



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KAWS, INC. dba RB Tool & Mfg. Co.
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