

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

Planning A Lifetime LLC	)	
4365 Brookdale Dr.	)	
Cincinnati, OH 45211	)	
	)	
Complainant,	)	Case No. 14-0147-EL-CSS
	)	
v.	)	
	)	
Duke Energy Ohio, Inc.	)	
	)	
Respondent.	)	

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**ANSWER OF RESPONDENT DUKE ENERGY OHIO, INC.**

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For its Answer to the Complaint of Planning A Lifetime LLC (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

1. Duke Energy Ohio admits that, on December 11, 2013, the Company established gas and electric service in Complainant’s name at 4365 Brookdale Drive, Cincinnati, Ohio 45211 (the “Brookdale Property”) under Account #9290-0289-22-9. Further answering, Duke Energy Ohio states that Allyssa Holder, Complainant’s owner, intentionally gave the false name “Ally Holders” when she applied online for service in Complainant’s name and further that Ms. Holder improperly applied for residential service at the Brookdale Property in the name of her business because Ms. Holder knew that she was not eligible for service in her name based on her prior history with the Company, including but not limited to, her history of making repeated payments which were returned for insufficient funds. Further answering, Duke Energy Ohio states that Complainant has never provided the Company with a valid lease or any other documentation confirming Complainant’s

right to occupy and possess the Brookdale Property or obtain service at that address in its name, and that Complainant's owner provided other false financial information to the Company during the course of the Company's investigation of Complainant's unlawful conduct herein.

2. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegation that Complainant "is a legitimate business with a tax id and a business license" and, therefore, denies such allegations.
3. Duke Energy Ohio denies that it is threatening Complainant "because of [Ms. Holder's] personal account." Further answering, Duke Energy Ohio states that Complainant was not entitled to service in its name at the Brookdale Property based on the Company's tariffs on file with the Commission, including but not limited to P.U.C.O. Electric No. 19 Sheet 20.2 and 21.5.
4. Duke Energy Ohio denies that Complainant uses the Brookdale Property "for business purposes" and, if so, Complainant improperly applied for and received residential service in its name at the Brookdale Property. Further answering, Duke Energy Ohio states that, on or about January 24, 2014, Complainant's owner Allyssa Holder admitted to one of the Company's employees that she uses the Brookdale Property as her family's home. Based on this admission and Duke Energy Ohio's additional investigation, the Company properly gave notice to Complainant and subsequently disconnected Complainant's service based on the fraudulent conduct of Complainant and its owner Allyssa Holder.
5. Duke Energy Ohio denies that it has harassed Complainant or Ms. Holder. Further answering, Duke Energy Ohio states that it owes its rate payers and shareholders a duty to comply with its filed tariffs, to avoid discriminating in favor of or against any

customer, and to investigate all illegal actions and to confirm that a customer is, in fact, legally entitled to service in the customer's name at a particular address.

6. Duke Energy Ohio denies all allegations of the Complaint not expressly admitted herein.

#### **AFFIRMATIVE DEFENSES**

7. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
8. 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.
9. 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.
10. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-10 with respect to the safe and reliable provision of electric services at the property leased by its customer Planning A Lifetime LLC
11. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-10-22-23 and R.C. 4933.28 with respect to the Company's notices and billings to Complainant.

12. Duke Energy Ohio asserts as an affirmative defense that Complainant's claims are barred by the fraudulent conduct and unclean hands of both Complainant and its owner Allyssa Holder.
13. Duke Energy Ohio asserts as an affirmative defense that Complainant have not stated any damages or request for relief, including relief which may be granted by this Commission.
14. 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, Respondent Duke Energy Ohio, Inc. prays that the Commission dismiss the Complaint of Planning A Lifetime, LLC for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,

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Attorneys for Duke Energy Ohio, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via regular US Mail, postage prepaid, on Complainant identified below on the 19<sup>th</sup> day of February, 2014:

Planning A Lifetime LLC  
4365 Brookdale Drive  
Cincinnati, OH 45211

/s/ Robert A. McMahon

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 14-0147-EL-CSS**

Summary: Answer electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.