

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Stephen Grace)	
5868 Salem Road)	
Cincinnati, OH 45230)	
)	
Complainant,)	Case No. 14-0865-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF RESPONDENT DUKE ENERGY OHIO, INC.

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

1. Duke Energy Ohio admits that the neighborhood in which Complainant resides encountered high winds on the evening of March 14, 2014. Duke Energy Ohio further admits that, at approximately 8:30 p.m. that evening, one of Complainant's neighbors reported to the Company that a tree had fallen onto the Company's power lines and had caught fire. Further answering, Duke Energy Ohio states that its trouble crew promptly reported to the scene (along with the local fire department), at which point a member of the crew found that a tree had been uprooted, was lying on the power lines, had damaged a nearby shed and pool equipment, and that several customers were without power. Duke Energy Ohio ultimately restored power at approximately 12:27 a.m. early on March 15, 2014.

2. Duke Energy Ohio denies all remaining allegations of the Complaint, including but not limited to, the allegations that the Company cut down another tree and damaged the Complainant's pool equipment and related personal property.

AFFIRMATIVE DEFENSES

3. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
4. 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.
5. 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 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.
6. 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 or near Complainant's property.
7. Duke Energy Ohio asserts as an affirmative defense that this Commission lacks jurisdiction to award money damages as requested by Complainant.
8. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any damages or request for relief, including relief which may be granted by this Commission.
9. Duke Energy Ohio asserts as an affirmative defense that that at all times relevant to Complainant's claims, Duke Energy Ohio has acted in accordance with all of the

Company's filed tariffs and other service regulations with respect to the events of March 14 and 15, 2014, including its response to the downed power lines, its actions in removing the tree which had fallen onto the power lines and caught fire, and the Company's prompt restoration of service.

10. 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 Stephen Grace for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

Respectfully submitted,

/s/ Robert A. McMahan
Robert A. McMahan (0064319)
Counsel of Record
Eberly McMahan LLC
2321 Kemper Lane, Suite 100
Cincinnati, OH 45206
tel: (513) 533-3441
fax: (513) 533-3554
email: bcmahan@emh-law.com

Elizabeth H. Watts
Assistant General Counsel
Duke Energy Business Services Inc.
155 East Broad Street, 21st Floor
Columbus, OH 43215
tel: (614) 222-1331
fax: (614) 221-7556
email: elizabeth.watts@duke-energy.com

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, this 2nd day of June, 2014, upon the following:

Stephen Grace
5868 Salem Road
Cincinnati, OH 45230

/s/ Robert A. McMahon

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/2/2014 3:42:22 PM

in

Case No(s). 14-0865-EL-CSS

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