

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Nancy M. Cole)	
7730 Camp Road)	
Camp Dennison, OH 45111)	
Complainant,)	Case No. 14-0805-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF RESPONDENT DUKE ENERGY OHIO, INC.

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

1. Duke Energy Ohio lacks knowledge sufficient to form a belief as to the truth of the allegations regarding Complainant's residence at 7730 Camp Road, Camp Dennison, Ohio 45111 (the "Property") and, therefore, denies such allegations.
2. Duke Energy Ohio denies that Complainant contacted the Company "throughout the years" or that agents and representatives of the Company "assured [Complainant] that [she] was a residential customer and was receiving residential rates."
3. Duke Energy Ohio admits that during February 2013 Complainant contacted the Company because Complainant thought she had received a high bill. In response to that request, the Company investigated the billing history and confirmed that a meter reader had mistakenly input the demand rate of 1.79 instead of 0.79 for the billing period December 5, 2013, through January 8, 2014. Thereafter, Duke Energy Ohio issued a corrected bill for the same period.

4. Duke Energy Ohio admits that Complainant contacted the Company on or about February 26, 2013, and requested a rate verification. In response to that request, a representative of the Company visited the Property and confirmed that Complainant and her husband live there. Without knowing anything further about Complainant's use of the Property and business operations thereon, the Company's agent mistakenly changed Complainant's billing rate from commercial to residential on or about March 15, 2013. Further answering, Duke Energy Ohio billed Complainant at the incorrect residential rate from March 2013 until April 2014 when the Company conclusively confirmed that Complainant operates a business at the Property and, therefore, correctly changed her billing rate back to commercial effective as of the May 7, 2014, meter read.
5. With the exception that Complainant benefitted from being billed at a lower residential rate than the correct commercial rate, Duke Energy Ohio denies that the Company failed to bill Complainant correctly for the first few months of 2014. As reflected on the histories of the gas and electric meter reads at the Property, attached hereto as Exhibit A, Duke Energy Ohio estimated Complainant's meter reads in December 2013, January 2014 and February 2014. Once the Company obtained actual reads in March 2014, Duke Energy Ohio issued accurate bills to Complainant for her gas and electric usage.
6. Duke Energy Ohio denies that it has retaliated against Complainant in any manner. The Company again investigated Complainant's Property and business operations at the Property in April 2014 in response to Complainant's contacts to the Company and complaints about her bills. At that time, Duke Energy Ohio confirmed that Complainant and her husband do, in fact, operate a business known as "Derbyshire Stables" at the Property. Among other things, Duke Energy Ohio reviewed the web site for

Complainant's business (<http://www.derbyshirestables.com/>) and its commercial listing in the Yellow Pages, and confirmed that Complainant and her husband operate a commercial business at the Property and generate income from that business by providing riding and jumping lessons, boarding services, and parties and camps for small and large groups, including catering. Therefore, Duke Energy Ohio properly changed Complainant's billing rate to commercial in accordance with the Company's tariffs on file with the Commission.

7. Duke Energy Ohio denies that the fact that Complainant and her husband reside at the Property means that Complainant should be billed at a residential rate. Further answering, Duke Energy Ohio notes that Complainant admits in her Complaint that she leases part of her barn to the U.C. Equestrian Team Coach.
8. Duke Energy Ohio denies all allegations of the Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

9. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
10. 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.
11. 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.

12. 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 and 4901:1-13 with respect to the safe and reliable provision of electric and gas services at Complainant's property.
13. 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 and 4901:1-13-11, as well as all other rules, regulations and statutes, with respect to the Company's billings to Complainant.
14. Duke Energy Ohio asserts as an affirmative defense that Complainant requested, received and enjoyed the benefit of the gas and electricity services provided by the Company while operating a business at the Property and, therefore, should pay Duke Energy Ohio for such services regardless of any technical or alleged issues or problems associated with the meters and billings.
15. 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.
16. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with its tariffs on file with the Commission and all other rules and regulations regarding the rates and billings for Complainant's account.
17. Duke Energy Ohio asserts as an affirmative defense that, from March 2013 through May 7, 2014, Complainant mistakenly received the financial benefits associated with the fact that her gas and electric meters were billed at a lower residential rate even though Complainant and her husband operated a business at the Property during that time period.

18. 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 Nancy M. Cole 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. McMahon

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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, this 11th day of July, 2014 upon the following:

Nancy M. Cole
7730 Camp Road
Camp Dennison, OH 45111

/s/ Robert A. McMahon

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NANCY COLE
7730 CAMP RD
CAMP DENNISON, OH 45111

Rd Date	Read	CCF Usage	Rd Source
7/8/2014	5653		23 Meter Reading
6/6/2014	5630		24 Meter Reading
5/7/2014	5606		81 Meter Reading
4/4/2014	5525		147 Meter Reading
3/10/2014	5378		322 SPEC-MR
2/6/2014	5056		317 Pro Rate
1/8/2014	4739		301 Pro Rate
12/6/2013	4438		184 Pro Rate
3/10/2014	5378	1,124	Meter Reading METER READ
3/7/2014	0		0 Meter Reading
2/6/2014	4254	0	Estimated BAD WEATHER NO READS
2/6/2014	0		0 Meter Reading
1/8/2014	4254	0	Estimated LOCKED NO READ
1/8/2014	0		0 Meter Reading
12/6/2013	4254	0	Estimated BAD WEATHER - NO READ
12/6/2013	0		0 Meter Reading
11/4/2013	0		0 Meter Reading
11/4/2013	4254		0 Special
11/4/2013	4254		0 IC-SET
11/4/2013	4254		67 IC-REM
10/5/2013	0		0 Meter Reading
10/4/2013	4187		15 Customer
10/4/2013	0		0 Meter Reading
9/17/2013	4172		9 SPEC-MR
9/5/2013	4163		24 Pro Rate
8/6/2013	4139		23 Pro Rate
9/17/2013	4172	9,997	Investigative Order
9/5/2013	4175		30 Estimated
9/5/2013	0		0 Meter Reading
8/6/2013	4145		29 Estimated
8/6/2013	0		0 Meter Reading
8/6/2013	0		0 Meter Reading
7/8/2013	4116		36 Meter Reading
6/5/2013	4080		24 Meter Reading
5/7/2013	4056		59 Estimated
5/7/2013	0		0 Meter Reading
4/8/2013	3997		205 Estimated
4/9/2013	0		0 Meter Reading
4/8/2013	0		0 Meter Reading
3/7/2013	3792		245 Corrected Meter Reading

EXHIBIT A

2/6/2013	3547	270 Corrected Meter Reading
3/7/2013	3792	245 Meter Reading
2/6/2013	3547	270 Meter Reading
1/8/2013	3277	234 Meter Reading
12/5/2012	3043	151 Meter Reading
11/2/2012	2892	48 Meter Reading
10/4/2012	2844	18 Meter Reading
9/5/2012	2826	20 Meter Reading
8/6/2012	2806	20 Meter Reading
7/6/2012	2786	21 Meter Reading
6/6/2012	2765	21 Estimated
6/6/2012	0	0 Meter Reading
5/7/2012	2744	49 Estimated
5/7/2012	0	0 Meter Reading
4/5/2012	2695	79 Estimated
4/5/2012	0	0 Meter Reading

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NANCY COLE
7730 CAMP RD
CAMP DENNISON, OH 45111

Rd Date	Read	KWH Usage	Rd Source	
7/8/2014	963	4,480	Meter Reading	
6/6/2014	851	3,000	Meter Reading	
6/6/2014	851	3,000	Meter Reading	
5/7/2014	776	1,680	Meter Reading	
5/7/2014	776	1,680	Meter Reading	
4/7/2014	734	5,240	Estimated	
4/4/2014	706	4,120	Meter Reading	
3/10/2014	603	7,880	SPEC-MR	
2/6/2014	406	7,680	Pro Rate	
1/8/2014	214	8,560	Pro Rate	
3/10/2014	603	24,120	Meter Reading	METER READING
3/7/2014	0	0	Meter Reading	
2/6/2014	0	0	Estimated	WEATHER CONDITIONS NO READING
2/6/2014	0	0	Meter Reading	
1/8/2014	0	0	Estimated	LOCKED NO ACCESS
1/8/2014	0	0	Meter Reading	
12/6/2013	0	0	MRD-MC	WEATHER CONDITIONS NO READING
12/3/2013	0	0	Special	
12/3/2013	0	0	Meter Change - Set	
12/3/2013	55536	4,760	Meter Change - Remove	
11/4/2013	55417	3,240	Meter Reading	
10/5/2013	0	0	Meter Reading	
10/4/2013	55336	2,080	Customer	
10/4/2013	0	0	Meter Reading	
9/17/2013	55284	1,720	SPEC-MR	
9/5/2013	55241	4,240	Pro Rate	
8/6/2013	55135	4,040	Pro Rate	
9/17/2013	55284	3,996,840	Investigative Order	
9/5/2013	55363	6,720	Estimated	
9/5/2013	0	0	Meter Reading	
8/21/2013	55214	760	Customer	
8/6/2013	55195	6,440	Estimated	
8/6/2013	0	0	Meter Reading	
8/6/2013	0	0	Meter Reading	
7/8/2013	55034	6,600	Meter Reading	
6/5/2013	54869	2,360	Meter Reading	
5/7/2013	54810	4,320	Estimated	
5/7/2013	0	0	Meter Reading	
4/8/2013	54702	5,800	Estimated	
4/9/2013	0	0	Meter Reading	

4/8/2013	0	0	Meter Reading
3/7/2013	54557	6,040	Corrected Meter Reading
2/6/2013	54406	6,680	Corrected Meter Reading
3/7/2013	54557	6,040	Meter Reading
2/6/2013	54406	6,680	Meter Reading
1/8/2013	54239	6,840	OFF-SCH
1/8/2013	54239	6,840	Corrected Meter Reading
1/8/2013	54239	6,840	Corrected Meter Reading
1/8/2013	54239	6,840	Meter Reading
12/5/2012	54068	5,280	Meter Reading
12/5/2012	54068	5,280	Meter Reading
11/2/2012	53936	3,520	Meter Reading
10/4/2012	53848	3,160	Meter Reading
9/5/2012	53769	4,480	Meter Reading
8/6/2012	53657	5,720	Meter Reading
7/6/2012	53514	4,680	Meter Reading
7/6/2012	53514	4,680	Meter Reading
6/6/2012	53397	4,360	Estimated
6/6/2012	0	0	Meter Reading
5/7/2012	53288	2,400	Estimated
5/7/2012	0	0	Meter Reading
4/5/2012	53228	3,000	Estimated
4/5/2012	0	0	Meter Reading
3/7/2012	53153	4,320	Meter Reading
2/7/2012	53045	4,760	Meter Reading
1/9/2012	52926	6,160	Meter Reading
12/7/2011	52772	4,640	Meter Reading
11/4/2011	52656	3,480	Meter Reading
10/6/2011	52569	3,880	Meter Reading
9/7/2011	52472	6,480	OFF-SCH
9/7/2011	52472	6,480	Meter Reading
8/8/2011	52310	7,320	Estimated
7/8/2011	52127	5,200	Meter Reading
6/8/2011	51997	3,800	Meter Reading



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7/11/2014 12:05:12 PM

in

Case No(s). 14-0805-EL-CSS

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