BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

RB Tool & Mfg. Co. 2680 Civic Ctr. Drive Cincinnati, OH 45231	)	
Complainant,	)	Case No. 15-1012-EL-CSS
v.	)	
Duke Energy Ohio, Inc.	)	
Respondent.	)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of RB Tool & Mfg. Co. (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) states as follows:

1. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations of the Complaint and, therefore, denies all such allegations.
2. In response to the list of alleged "electrical power interruptions starting 7/6/2014-present" attached to the Complaint, Duke Energy Ohio states as follows:
    a. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding interruptions in Complainant's electrical service on July 6 and 7, 2014, and, therefore, denies all such allegations. Further answering, Duke Energy Ohio states that it does not have information about any outages or interruptions in Complainant's service on those days but does have information about adverse weather conditions and storms in the area on those days;

b. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding an interruption in Complainant's electrical service on July 21, 2014, and, therefore, denies such allegations. Further answering, Duke Energy Ohio states that it does not have information about any outages or interruptions in Complainant's service on that day;

c. Duke Energy Ohio admits there was a momentary interruption in Complainant's electrical service on July 22, 2014, when a bird came into contact with the Company's Fairfield 56 feeder, thereby causing a voltage sag and momentary interruption in Complainant's electrical service. Further answering, Duke Energy Ohio states that the Company's equipment and distribution system promptly self-corrected and restored service to Complainant and other customers in the area;

d. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding interruptions in Complainant's electrical service on October 6 and 7, 2014, and, therefore, denies all such allegations. Further answering, Duke Energy Ohio states that it does not have information about any outages or interruptions in Complainant's service on those days but does have information about adverse weather conditions and storms in the area on those days;

e. Duke Energy Ohio admits there was an interruption in Complainant's electrical service on October 16, 2014, due to an automobile accident on the Company's New Burlington feeder. Further answering, Duke Energy Ohio states that the Company promptly responded to that accident and restored service to the area as quickly as possible;

f. Duke Energy Ohio admits there was an interruption in Complainant's electrical service on November 24, 2014, due to adverse weather conditions and a storm that caused a tree limb to come into contact with a power line on the Company's New Burlington feeder. Further answering, Duke Energy Ohio states that the Company promptly responded to that incident and restored service to the area as quickly as possible;

g. Duke Energy Ohio admits there was an interruption in Complainant's electrical service on December 2, 2014, because an animal came into contact with the Company's power line. Further answering, Duke Energy Ohio states that the Company promptly responded to that incident and restored service to the area as quickly as possible;

h. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding interruptions in Complainant's electrical service on December 16, 17 and 18, 2014, and, therefore, denies all such allegations. Further answering, Duke Energy Ohio states that it does not have information about any outages or interruptions in Complainant's service on those days;

i. Duke Energy Ohio admits there was an interruption in Complainant's electrical service on January 12, 2015, because an animal (squirrel) came into contact with the Company's power line. Further answering, Duke Energy Ohio states that the Company promptly responded to that incident and restored service to the area as quickly as possible;

j. Duke Energy Ohio lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding an interruption in Complainant's electrical service on January 24, 2015, and, therefore, denies such allegations. Further answering, Duke Energy Ohio states that it does not have information about any outages or interruptions in Complainant's service on that day;

k. Duke Energy Ohio admits there was a momentary and unexplained interruption on the Company's New Burlington feeder on January 30, 2015, most likely due to a voltage sag, which caused a momentary interruption in Complainant's electrical service. Further answering, Duke Energy Ohio states that the Company's equipment and distribution system promptly self-corrected and restored service to Complainant and other customers in the area;

l. Duke Energy Ohio admits there was a momentary interruption in Complainant's electrical service on March 3, 2015, when a tree limb came into contact with a power line on the Company's Fairfield 56 feeder, thereby causing a voltage sag and momentary interruption in Complainant's electrical service. Further answering, Duke Energy Ohio states that the Company's equipment and distribution system promptly self-corrected and restored service to Complainant and other customers in the area; and

m. Duke Energy Ohio admits there was a momentary interruption in Complainant's electrical service on March 23, 2015, when adverse weather conditions and storms caused a voltage sag on the Company's Fairfield 56 feeder and a momentary interruption in Complainant's electrical service. Further answering, Duke Energy

Ohio states that the Company's equipment and distribution system promptly self-corrected and restored service to Complainant and other customers in the area.

3. To the extent Complainant alleges in the Complaint that any interruptions in its electrical service were caused by Duke Energy Ohio's failure to provide reasonable and adequate service, Duke Energy Ohio denies all such allegations.
4. Duke Energy Ohio denies all allegations of the Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

5. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.
6. 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.
7. 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.
8. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, Duke Energy Ohio has recommended on several occasions that Complainant install surge suppression and related equipment at Complainant's plant to mitigate interruptions in service caused by issues such as voltage sags which are outside the control of Duke Energy Ohio, and that Complainant has independently made the business decision not to install any recommended mitigation equipment at its facility.

9. Duke Energy Ohio asserts as an affirmative defense that pursuant to OAC 4901-1-08(A), corporations must be represented by attorneys in proceedings before the Commission. However, Complainant is an Ohio corporation named KAWS, Inc., which does business under the fictitious name "RB Tool & Mfg. Co." A copy of Complainant's fictitious name filing with the Ohio Secretary of State is attached hereto. An attorney did not file the Complaint, and no attorney has filed an appearance in this case on behalf of Complainant. Therefore, Complainant's Complaint should be dismissed.
10. Duke Energy Ohio asserts as an affirmative defense that, pursuant to Ohio Revised Code Section 4905.26, the Commission lacks subject matter jurisdiction and authority to award money damages.
11. 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, Duke Energy Ohio, Inc. respectfully moves this Commission to dismiss the Complaint of Complainant RB Tool & Mfg. Co. with prejudice; deny Complainant's Request for Relief, if any; and grant the Company such other, further and different relief as the Commission deems just and appropriate.

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 U.S. Mail on the undersigned on this 12th day of June, 2015:

Mr. Gregory Davis
RB Tool & Mfg. Co.
2680 Civic Center Drive
Cincinnati, OH 45231

/s/ Robert A. McMahon

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Summary: Answer ANSWER OF DUKE ENERGY OHIO, INC. electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.