

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Office of the Ohio Consumers'	)	
Counsel,	)	
	)	
and	)	
	)	
Communities United for Action	)	Case No. 15-1588-GE-CSS
Complainants,	)	
	)	
v.	)	
	)	
Duke Energy Ohio, Inc.	)	
Respondent.	)	

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**MOTION OF RESPONDENT DUKE ENERGY OHIO, INC.,  
FOR PROTECTIVE ORDER TO STAY DISCOVERY PENDING  
RESOLUTION OF ITS MOTION TO DISMISS THE COMPLAINT**

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Pursuant to Rule 4901-1-24 of the Ohio Administrative Code, Respondent Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) respectfully requests that discovery in this matter be stayed pending resolution of Duke Energy Ohio's Motion to Dismiss the Complaint of The Office of the Ohio Consumers' Counsel (OCC) and Communities United for Action (CUFA)(collectively, the Complainants). The grounds for this Motion are more fully set forth in the attached Memorandum in Support. A copy of the OCC's First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents, dated September 25, 2015, is attached as Exhibit A.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

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**MEMORANDUM IN SUPPORT OF RESPONDENT DUKE ENERGY OHIO, INC.'S  
MOTION FOR PROTECTIVE ORDER TO STAY DISCOVERY PENDING  
RESOLUTION OF ITS MOTION TO DISMISS THE COMPLAINT**

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**I. Introduction**

Contemporaneous herewith, Duke Energy Ohio has filed a Motion to Dismiss Complainant's Complaint, which impermissibly seeks an advisory opinion from the Public Utilities Commission of Ohio (Commission) and fails to state reasonable grounds for a dispute. As discussed in detail in the Company's Motion to Dismiss, the Complaint is not predicated upon any justiciable controversy or legal injury.<sup>1</sup> And this conclusion is borne out in the voluminous discovery requests issued by the OCC shortly after the Complaint was filed – requests that reflect an undeniable fishing expedition.

Duke Energy Ohio respectfully requests that discovery in this matter be stayed, pursuant to OAC 4901-1-24, so that Duke Energy Ohio can avoid the burden and expense of responding to discovery that will ultimately be unnecessary, since it is clear that the Complaint

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<sup>1</sup> Duke Energy Ohio incorporates herein, by reference, the arguments set forth in its Motion to Dismiss.

must be dismissed. In seeking this relief, Duke Energy Ohio expressly states that the scope of its present motion is limited to the issuance of discovery, in the first instance. It is not intended to address the validity of any request and thus cannot be seen as acquiescence, the Company's part, that the substance of the requests are proper.

## **II. Factual and Procedural Background**

Complainants filed its Complaint in this proceeding on September 15, 2015, alleging that Duke Energy Ohio residential customers need protection from their unlawful and unreasonable disconnection practices, especially during Ohio's cold weather months when winter heating is essential for the health and safety of Ohioans. The Complaint requests that the Commission find that Duke Energy Ohio willfully failed to comply to the Commission's Winter Reconnection Order; that their failure to properly implement the appropriate procedures for the disconnection of utility service to residential consumers during the winter heating season is unjust and unreasonable; and establish and prescribe the regulations, services, and practices to be observed and used by Duke Energy Ohio related to disconnection of customers for non-payment.<sup>2</sup>

Ten days after Complainants filed their Complaint, the OCC served Its Interrogatories, Requests for Admissions, and Requests for Production of Documents upon Duke Energy Ohio (the Discovery Requests, attached as Exhibit A). Through the Discovery Requests, the OCC is hoping to unveil information that it believes will support its baseless theories in this proceeding. But, as discussed herein, the OCC is not entitled to automatically engage in discovery in a complaint proceeding for which it bears the burden of proof. Rather, as Commission precedent

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<sup>2</sup> Complaint, at pp. 17-18, paras. 4, 5, and 8.

confirms, a valid basis for the Complaint must first exist.<sup>3</sup> As no such basis exists here, Duke Energy Ohio should not have to accept the burden and expense of responding to the Discovery Requests, which will ultimately be unnecessary.

### **III. Law and Argument**

Trial courts – and this Commission – have broad discretion to limit or delay discovery in order to prevent an abuse of the discovery process.<sup>4</sup> The courts – and this Commission – have exercised that discretion in order to stay discovery pending the resolution of dispositive motions.<sup>5</sup> Indeed, even the statutory framework for complaint proceedings before the Commission contemplates the existence of a legitimate complaint – one containing reasonable grounds therefor – to avoid dismissal and to enable a hearing.<sup>6</sup> This framework is appropriate as it prevents litigants from abusing the discovery rules by engaging in fishing expeditions intended to gather information that they hope may possibly give credence to an otherwise defective and baseless complaint. It prevents a drain on the Commission resources by avoiding motion practice that is inevitable where inappropriate discovery requests have been issued.

Pursuant to its broad discretion over the discovery process, and OAC 4901-1-24, the Commission should stay discovery in this proceeding pending resolution of Duke Energy Ohio's

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<sup>3</sup> See, e.g., *In the Matter of the Complaint of the Office of the Ohio Consumer's Counsel v. The Dayton Power & Light Company*, Case No. 88-1085-EL-CSS, 1988 Ohio PUC LEXIS 893, Entry, at ¶ 12 (declaring motion for protective order to stay discovery to be moot given dismissal of complaint that lacked reasonable grounds for setting a hearing).

<sup>4</sup> See *State ex rel. Grandview Hospital and Medical Center v. Gorman*, 51 Ohio St.3d 94, 95 (1990) (explaining that "[t]rial courts have extensive jurisdiction and power over discovery"); *In the Matter of the Application of FirstEnergy Corp. on Behalf of Ohio Edison Company, et al. for Approval of Their Transition Plans and for Authorization to Collect Transition Revenues*, Case No. 99-1212-EL-ETP, 2000 Ohio PUC LEXIS 676 (explaining that "[t]he Commission and the attorney examiners necessarily have considerable discretion in the procedural management of proceedings, including discovery").

<sup>5</sup> See, e.g., *Grover v. Bartsch*, 170 Ohio App.3d 188, 2006-Ohio-6115, at ¶ 12 (upholding the lower court's decision to stay discovery pending resolution of motion to dismiss); *Wilkes v. Ohio Edison Co.*, Case No. 09-682-EL-CSS (Entry, Dec. 16, 2009), at ¶ 4 (finding that "staying discovery is in the interest of both parties should the Commission ultimately decide to grant Ohio Edison's motion to dismiss").

<sup>6</sup> R.C. 4905.26 (*if it appears that reasonable grounds for a complaint are stated, the commission shall affix a time for hearing*)(emphasis added).

Motion to Dismiss. A stay of discovery will prevent the parties from undertaking time-consuming and costly discovery that will ultimately be unnecessary given Complainants' facially defective Complaint.


Duke Energy Ohio states that it requested from the OCC a stay in the discovery process pending resolution of motion practice, as required under O.A.C. 4901-1-24. The OCC denied the request.<sup>7</sup>

#### **IV. Conclusion**

For the reasons stated herein, Duke Energy Ohio respectfully requests that the Commission issue an order staying discovery until such time as it rules on the Company's Motion to Dismiss.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

  
\_\_\_\_\_  
Amy B. Spiller (0047277)(Counsel of Record)  
Deputy General Counsel  
Jeanne W. Kingery (0012172)  
Associate General Counsel  
Duke Energy Business Services LLC  
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Amy.Spiller@duke-energy.com (e-mail)

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<sup>7</sup> See e-mail communication attached hereto as Exhibit B.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Motion was served on the following parties this 8<sup>th</sup> day of October 2015, by regular U.S. Mail, overnight delivery, or electronic delivery.

  
\_\_\_\_\_  
Amy B. Spiller

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**INTERROGATORIES, REQUESTS FOR ADMISSION AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS  
PROPOUNDED UPON DUKE ENERGY OHIO, INC.  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

**FIRST SET**

**September 25, 2015**

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The Office of the Ohio Consumers' Counsel in the above-captioned proceeding before the Public Utilities Commission of Ohio ("PUCO") submits the following Interrogatories, Requests for Admission and Requests for Production of Documents pursuant to Sections 4901-1-19, 4901-1-20 of the Ohio Administrative Code for response by Duke Energy Ohio, Inc. within the 20-day period of time as provided for in the PUCO's Rules. An electronic response should be provided to the extent possible, with hard copies of materials not available electronically, to the Office of the Ohio Consumers' Counsel at the following addresses:



Terry L. Etter, Counsel of Record  
Assistant Consumers' Counsel  
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Outside Counsel for the Office of the Ohio  
Consumers' Counsel

Additionally, Duke Energy Ohio, Inc. must follow the instructions provided herein in responding to the inquiries.

### **DEFINITIONS**

As used herein the following definitions apply:

1. "Document" or "Documentation" when used herein, is used in its customary broad sense, and means all originals of any nature whatsoever, identical copies, and all non-identical copies thereof, pertaining to any medium upon which intelligence or information is recorded in your possession, custody, or control regardless of where located; including any kind of printed, recorded, written, graphic, or photographic matter and things similar to any of the foregoing, regardless of their author or origin. The term specifically includes, without limiting the generality of the following: punchcards, printout sheets, movie film, slides, PowerPoint slides, phonograph records, photographs, memoranda, ledgers, work sheets, books, magazines,

## **Exhibit A**

notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, checks and drafts, acknowledgments, invoices, authorizations, budgets, analyses, projections, transcripts, minutes of meetings of any kind, telegrams, drafts, instructions, announcements, schedules, price lists, electronic copies, reports, studies, statistics, forecasts, decisions, and orders, intra-office and inter-office communications, correspondence, financial data, summaries or records of conversations or interviews, statements, returns, diaries, workpapers, maps, graphs, sketches, summaries or reports of investigations or negotiations, opinions or reports of consultants, brochures, bulletins, pamphlets, articles, advertisements, circulars, press releases, graphic records or representations or publications of any kind (including microfilm, videotape and records, however produced or reproduced), electronic (including e-mail), mechanical and electrical records of any kind and computer produced interpretations thereof (including, without limitation, tapes, tape cassettes, disks and records), other data compilations (including, source codes, object codes, program documentation, computer programs, computer printouts, cards, tapes, disks and recordings used in automated data processing together with the programming instructions and other material necessary to translate, understand or use the same), all drafts, prints, issues, alterations, modifications, changes, amendments, and mechanical or electric sound recordings and transcripts to the foregoing. A request for discovery concerning documents addressing, relating or referring to, or discussing a specified matter encompasses documents having a factual, contextual, or logical nexus to the matter, as well as documents making explicit or implicit reference thereto in the body of the

documents. Originals and duplicates of the same document need not be separately identified or produced; however, drafts of a document or documents differing from one another by initials, interlineations, notations, erasures, file stamps, and the like shall be deemed to be distinct documents requiring separate identification or production. Copies of documents shall be legible.

2. “Communication” shall mean any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations. A request seeking the identity of a communication addressing, relating or referring to, or discussing a specified matter encompasses documents having factual, contextual, or logical nexus to the matter, as well as communications in which explicit or implicit reference is made to the matter in the course of the communication.
3. The “substance” of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.
4. “And” or “Or” shall be construed conjunctively or disjunctively as necessary to make any request inclusive rather than exclusive.
5. “You,” and “Your,” or “Yourself” refer to the party requested to produce documents and answer interrogatories includes any present or former director, officer, agent, contractor, consultant, advisor, employee, partner, or joint venturer of such party. The Party requested to produce documents and answer interrogatories is Duke Energy Ohio, Inc.
6. Each singular shall be construed to include its plural, and vice versa, so as to make the request inclusive rather than exclusive.

7. Words expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.
8. "Person" includes any firm, corporation, joint venture, association, entity or group of persons, unless the context clearly indicates that only an individual person is referred to.
9. "Identify," or "the identity of," or "identified" means as follows:
  - A. When used in reference to an individual, to state his full name and present or last known position and business affiliation, and his position and business affiliation at the time in question;
  - B. When used in reference to a commercial or governmental entity, to state its full name, type of entity (e.g., corporation, partnership, single proprietorship), and its present or last known address;
  - C. When used in reference to a document, to state the date, author, title, type of document (e.g., letter, memorandum, photograph, tape recording, etc.), general subject matter of the document, and its present or last known location and custodian;
  - D. When used in reference to a communication, to state the type of communication (i.e., letter, personal conversation, etc.), the date thereof, and the parties thereto and, in the case of a conversation, to state the substance, place, and approximate time thereof, and identity of other persons in the presence of each party thereto;

- E. When used in reference to an act, to state the substance of the act, the date, time, and place of performance, and the identity of the actor and all other persons present.
10. The terms “PUCO” and “Commission” refer to the Public Utilities Commission of Ohio, including its Commissioners, personnel (including persons working in the Public Utilities Section of the Ohio Attorney General’s Office), and offices.
11. The term “e.g.” connotes illustration by example, not limitation.
12. “Duke” and “Company” refer to Duke Energy Ohio, Inc.
13. “OCC” means the Office of the Ohio Consumers’ Counsel
14. “Proceeding” means the above-captioned case.
16. “Rule 4901: X-XX-XX” means the Chapter 4901 rule contained within the Ohio Administrative Code.

**INSTRUCTIONS FOR ANSWERING**

1. All information is to be divulged which is in your possession or control, or within the possession or control of your attorney, agents, or other representatives of yours or your attorney.
2. Where an interrogatory calls for an answer in more than one part, each part should be separate in the answer so that the answer is clearly understandable.
3. Each interrogatory shall be answered separately and fully in writing under oath, in accordance with Ohio Admin. Code 4901-1-19(A), unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections are to be signed by the attorney making them.
4. If any answer requires more space than provided, continue the answer on the reverse side of the page or on an added page.
5. Your organization(s) is requested to produce responsive materials and information within its physical control or custody, as well as that physically controlled or possessed by any other person acting or purporting to act on your behalf, whether as an officer, director, employee, agent, independent contractor, attorney, consultant, witness, or otherwise.
6. Where these requests seek quantitative or computational information (e.g., models, analyses, databases, and formulas) stored by your organization(s) or its consultants in computer-readable form, in addition to providing hard copy (if an electronic response is not otherwise provided as requested), you are requested to produce such computer-readable information, in order of preference:

- A. Microsoft Excel worksheet files on compact disk;
  - B. other Microsoft Windows or Excel compatible worksheet or database diskette files;
  - C. ASCII text diskette files; and
  - D. such other magnetic media files as your organization(s) may use.
7. Conversion from the units of measurement used by your organization(s) in the ordinary course of business need not be made in your response; e.g., data requested in kWh may be provided in mWh or gWh as long as the unit measure is made clear.
8. Unless otherwise indicated, the following requests shall require you to furnish information and tangible materials pertaining to, in existence, or in effect for the whole or any part of the period from January 1, 2000 through and including the date of your response.
9. Responses must be complete when made, and must be supplemented with subsequently acquired information at the time such information is available.
10. In the event that a claim of privilege is invoked as the reason for not responding to discovery, the nature of the information with respect to which privilege is claimed shall be set forth in responses together with the type of privilege claimed and a statement of all circumstances upon which the respondent to discovery will rely to support such a claim of privilege (i.e. provide a privilege log). Respondent to the discovery must a) identify (see definition) the individual, entity, act, communication, and/or document that is the subject of the withheld information based upon the privilege claim, b) identify all persons to whom the information has already been

## **Exhibit A**

revealed, and c) provide the basis upon which the information is being withheld and the reason that the information is not provided in discovery.



**INTERROGATORIES**

INT-1-001. How many disconnections for non-payment of residential electric service did the Company make in each month of the following calendar years:  
2011, 2012, 2013, 2014, and 2015 to date?

**RESPONSE:**

INT-1-002. Regarding the disconnections identified in response to OCC INT-1-001, how many of the disconnections occurred during the following timeframes:

- a. October 17, 2011 through April 15, 2012?
- b. October 15, 2012 through April 15, 2013?
- c. October 14, 2013 through April 15, 2014?
- d. October 20, 2014 through April 15, 2015?

**RESPONSE:**

INT-1-003. Regarding Duke's response to OCC INT-1-002.a., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2011 through April 15, 2012)?

**RESPONSE:**

INT-1-004. Regarding Duke's response to OCC INT-1-002.b., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2012 through April 15, 2013)?

**RESPONSE:**

INT-1-005. Regarding Duke's response to OCC INT-1-002.c., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2013 through April 15, 2014)?

**RESPONSE:**

INT-1-006. Regarding Duke's response to OCC INT-1-002.d., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2014 through April 15, 2015)?

**RESPONSE:**

INT-1-007. How many disconnections for non-payment of residential natural gas service did the Company make in each month of the following calendar years: 2011, 2012, 2013, 2014, and 2015 to date?

**RESPONSE:**

INT-1-008. Regarding the disconnections identified in response to OCC INT-1-007, how many of the disconnections occurred during the following timeframes:

- a. October 17, 2011 through April 15, 2012?
- b. October 15, 2012 through April 15, 2013?
- c. October 14, 2013 through April 15, 2014?
- d. October 20, 2014 through April 15, 2015?

**RESPONSE:**

INT-1-009. Regarding Duke's response to OCC INT-1-008.a., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2011 through April 15, 2012)?

**RESPONSE:**

INT-1-010. Regarding Duke's response to OCC INT-1-008.b., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2012 through April 15, 2013)?

**RESPONSE:**

INT-1-011. Regarding Duke's response to OCC INT-1-008.c., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2013 through April 15, 2014)?

**RESPONSE:**

INT-1-012. Regarding Duke's response to OCC INT-1-008.d., how many of the disconnections involved arrearages that were not incurred during the applicable winter heating season (i.e., November 1, 2014 through April 15, 2015)?

**RESPONSE:**

INT-1-013. What are the capabilities to perform remote disconnections and reconnections of the Automated Metering Infrastructure ("AMI") meters that were procured as part of Duke's Grid Modernization Program?

**RESPONSE:**

INT-1-014. Referring to Duke's response to OCC INT-1-001 how many of the disconnections for each month of the years 2011, 2012, 2013, 2014, and 2015 to date were performed using the remote disconnection capabilities of the AMI meters?

**RESPONSE:**

INT-1-015. Referring to Duke's response to OCC INT-1-001, how many of the customers who were disconnected for nonpayment for each month of the years 2011, 2012, 2013, 2014, and 2015 to date were reconnected using the remote reconnection capabilities of the AMI meters?

**RESPONSE:**

INT-1-016. Have any changes been made in Duke's credit and collection policies and practices as a result of the implementation of remote disconnection and reconnection capabilities associated with AMI? If so, provide a detailed explanation of each change.

**RESPONSE:**

INT-1-017. For each year 2011, 2012, 2013, 2014, and 2015 to date, what are the total revenues that Duke collected from residential natural gas customers in late payment charges?

**RESPONSE:**

INT-1-018. For each year 2011, 2012, 2013, 2014, and 2015 to date, what are the total revenues that Duke collected from residential electric customers in late payment charges?

**RESPONSE:**

INT-1-019. For each year 2011, 2012, 2013, 2014, and 2015 to date, what are the total revenues that Duke collected from residential natural gas customers in reconnection charges?

**RESPONSE:**

INT-1-020. For each year 2011, 2012, 2013, 2014, and 2015 to date, what are the total revenues that Duke collected from residential electric customers in reconnection charges?

**RESPONSE:**

INT-1-021. What are the total costs incurred by the Company to perform a reconnection using the remote reconnection capabilities of the AMI meters?

**RESPONSE:**

INT-1-022. For each year 2011, 2012, 2013, 2014 and 2015 to date, how many of Duke's residential customers were enrolled in one of the following PUCO-mandated payment plans?

- a. One-third;
- b. One-sixth; and
- c. One-ninth.

**RESPONSE:**

INT-1-023. Referring to Duke's response to OCC INT-1-022, for each year, how many Duke residential customers defaulted on one of the PUCO-mandated payment plans and were disconnected for non-payment?

**RESPONSE:**

INT-1-024. For each year 2011, 2012, 2013, 2014 and 2015 to date, how many Duke residential customers were enrolled in a payment plan other than the PUCO-mandated payment plans?

**RESPONSE:**

INT-1-025. Referring to Duke's response to OCC INT-1-024, for each year, how many of the customers were enrolled in a payment plan other than the PUCO-mandated payment plans during the applicable winter heating season (i.e., November 1 of one year through April 15 of the next year)?

**RESPONSE:**

INT-1-026. Referring to Duke's response to OCC INT-1-024, for each year, how many Duke residential customers were disconnected for non-payment as a result of defaulting on a payment plan other than a PUCO-mandated payment plan?

**RESPONSE:**

INT-1-027. For each month in the years 2011, 2012, 2013, 2014 and 2015 to date, how many residential premise visits did Duke perform on the day of disconnection before disconnecting a residential customer's electric service, as required by Ohio Adm. Code 4901:1-06(A)(2)?

**RESPONSE:**

INT-1-028. Explain the options that are provided to customers during the premise visits to avoid disconnection.

**RESPONSE:**

INT-1-029. If contact is not made with the customer during the premise visit and a disconnection notice is hung on the door, when is the service actually disconnected?

**RESPONSE:**

INT-1-030. For each year 2011, 2012, 2013, 2014 and 2015 to date, how many of the residential premise visits that Duke performed resulted in the avoidance of a disconnection for non-payment?

**RESPONSE:**



INT-1-031. Provide a detailed timeline of Duke's credit and collection process related to residential customers including the number of days for each step in the process from the time a bill generates until a disconnection for non-payment would occur if the bill were not paid during the summer months.

**RESPONSE:**

INT-1-032. Provide a detailed timeline of Duke's credit and collection process related to residential customers including the number of days for each step in the process from the time a bill generates until a disconnection for non-payment would occur if the bill were not paid during a winter month.

**RESPONSE:**

INT-1-033. Referring to Duke's response to INT-1-031 and INT-1-032, provide an explanation of any disconnection notice(s) that are provided to customers throughout the timeline.

**RESPONSE:**

INT-1-034. What criteria does Duke use to determine that a residential electric customer's service should be disconnected?

**RESPONSE:**

INT-1-035. Does Duke have a threshold past-due balance amount that triggers disconnection of residential electric service?

**RESPONSE:**

INT-1-036. If the response to OCC INT-1-035 is affirmative, what is the threshold past-due balance amount that triggers disconnection of residential electric service?

**RESPONSE:**

INT-1-037. What criteria does Duke use to determine that a residential natural gas customer's service should be disconnected?

**RESPONSE:**

INT-1-038. Does Duke have a threshold past-due balance amount that triggers disconnection of residential natural gas service?

**RESPONSE:**

INT-1-039. If the response to OCC INT-1-038 is affirmative, what is the threshold past-due balance amount that triggers disconnection of residential natural gas service?

**RESPONSE:**

INT-1-040. For each year 2011, 2012, 2013, 2014, and 2015 to date, what was the average unpaid residential customer bill at the time of disconnection?

**RESPONSE:**

INT-1-041. When and how are residential combination natural gas and electric customers informed about the option to retain either gas or electric service in the event of disconnection or pending disconnection of both gas and electric services?

**RESPONSE:**

INT-1-042. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many residential combination natural gas and electric customers who were either disconnected or had a pending disconnection of gas and electric service chose to retain their electric service by paying or arranging payment for the past due electric balance?

**RESPONSE:**

INT-1-043. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many residential combination natural gas and electric customers who were either disconnected or had a pending disconnection of gas and electric service chose to retain their natural gas service by paying or arranging payment for the past due natural gas balance?

**RESPONSE:**

INT-1-044. How does Duke define a customer “complaint”?

**RESPONSE:**

INT-1-045. How does Duke receive complaints directly from a customer (e.g., by telephone, email, letter, etc.)?

**RESPONSE:**

INT-1-046. Who is responsible for receiving and responding to customer complaints for Duke?

**RESPONSE:**

INT-1-047. What protocols and policies does Duke have in place for handling customer complaints?

**RESPONSE:**

INT-1-048. Is Duke aware of any public demonstrations by Duke customers (individually or collectively) protesting Duke’s credit, collection and/or disconnection policies and practices?

**RESPONSE:**

INT-1-049. If the answer to INT-1-048 is affirmative, please explain by identifying the date, place, and subject matter of the protest(s) if known.

**RESPONSE:**

INT-1-050. Please identify any and all meetings Duke has had with Public Utilities Commission of Ohio employees about disconnections of Duke's customers for each of the following years:

- a. 2011
- b. 2012
- c. 2013
- d. 2014
- e. 2015 to date

**RESPONSE:**

INT-1-051. For each meeting listed above in response to INT-1-050, please identify the following:

- a. The date the meeting occurred.
- b. Who was in attendance.
- c. The subject matter of the meeting.

**RESPONSE:**

INT-1-052. What was the credit and collection budget for Duke Energy Ohio for each of the years 2008, 2009, 2010, 2010, 2011, 2012, 2013, 2014, and 2015?

**RESPONSE:**

INT-1-053. Referring to the Duke response to INT-1-052, what were the total expenditures for credit and collection activities for each of the years 2008, 2009, 2010, 2010, 2011, 2012, 2013, 2014, and 2015 to date?

**RESPONSE:**

INT-1-054. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many medical certifications were accepted by Duke?

**RESPONSE:**

INT-1-055. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many medical certifications were accepted by Duke where more than one certification was accepted for the same address?

**RESPONSE:**

INT-1-056. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many medical certifications were accepted telephonically by Duke?

**RESPONSE:**

INT-1-057. For each year 2011, 2012, 2013, 2014, and 2015 to date, how many medical certifications were rejected by Duke?

**RESPONSE:**

INT-1-058. Referring to Duke's response to INT-1-057, why were the medical certifications were rejected, and what is the number of medical certifications that were rejected for each reason?

**RESPONSE:**

INT-1-059. What are the different methods in which Duke enables medical professionals to request a medical certification form?

**RESPONSE:**

INT-1-060. Does Duke reconnect electric service on a 24-hour per-day basis, seven days per-week after the medical certification form is received from medical professionals?

**RESPONSE:**

INT-1-061. Referring to the online "Medical Certification Request" form, how many medical certifications were rejected by year 2011, 2012, 2013, 2014, and 2015 to date because the form was not completed in its entirety?

**RESPONSE:**

INT-1-062. How does Duke provide disconnection notices to residential electric customers?

**RESPONSE:**

INT-1-063. After residential customers have received a disconnection notice for electric service, how many days do they have to respond to the disconnection notice before service is actually disconnected?

**RESPONSE:**

INT-1-064. How does Duke provide natural gas disconnection notices to residential customers?

**RESPONSE:**

INT-1-065. After residential customers have received a disconnection notice for natural gas service, how many days do they have to respond to the disconnection notice before service is actually disconnected?

**RESPONSE:**



**REQUESTS FOR ADMISSION**

1. Please admit or deny the following statement. If the response is anything but an unqualified admission, please explain in detail.
2. Duke believes that the procedures set forth in Ohio Adm. Code 4901:1-18-06(B) for the period November 1<sup>st</sup> through April 15<sup>th</sup> do not apply if the customer's arrearages were not incurred during the winter heating season, as defined in Ohio Adm. Code 4901:1-18-01(V).
3. Please admit or deny the following statement. If the response is anything but an unqualified admission, please explain in detail.
4. Duke believes that the procedures set forth in the PUCO's annual Winter Reconnect Order (such as the Finding and Order issued on September 2, 2015 in Case No. 15-1460-GE-UNC) do not apply if the customer's arrearages were not incurred during the winter heating season set forth in the annual Winter Reconnect Order.

**REQUESTS FOR PRODUCTION**

- RPD-1-001. Produce all documents referenced by Duke in response to OCC INT-1-001 through OCC INT-1-065.
- RPD-1-002. Please provide a copy of Duke's current residential customer credit and collection policies and practices.
- RPD-1-003. Please provide a copy of Duke's residential customer credit and collection policies and practices that were in effect prior to the PUCO Finding and Order in Case 08-1229-GA-COI.
- RPD-1-004. Please provide a copy of any guidance that was provided by the PUCO since 2011 that is related to Duke's remote disconnection or reconnections using AMI meters.
- RPD-1-005. Please provide a copy of the disconnection notice(s) that Duke provides to residential customers who become delinquent in payments.
- RPD-1-006. Please provide a copy of all training materials used by Duke to train call center and credit and collection personnel about the options available for residential customers to avoid disconnection for non-payment.

- RPD-1-007. Please provide a copy of all complaints regarding Duke's disconnection of residential customers for nonpayment that Duke received from January 1, 2011 through September 2015 to date.
- RPD-1-008. Please provide copies of any and all discovery (including interrogatories, requests for admission, and requests for production of documents) served by Duke and responses to the discovery from PUCO Case No. 15-298-GE-CSS.
- RPD-1-009. Please provide copies of any and all discovery (including interrogatories, requests for admission, and requests for production of documents) served upon Duke and responses to that discovery from PUCO Case No. 15-298-GE-CSS.
- RPD-1-010. Please provide copies of any and all PUCO Staff data requests from PUCO Case No. 15-298-GE-CSS.
- RPD-1-011. Please provide copies of any and all guidelines or internal policies Duke has about handling customer complaints.

## **Exhibit A**

- RPD-1-012. Please provide a copy of any instructions that are provided to medical professionals concerning completion of the online “Medical Certification Request” form.
- RPD-1-013. Please provide a copy of any and all guidelines or internal policies Duke has concerning the processing and administration of medical certifications.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing Interrogatories, Requests for Admission and Request for Production of Documents Propounded Upon Duke Energy, First Set, were served upon the below parties via electronic transmission this 25<sup>th</sup> day of September 2015.

/s/ Terry L. Etter

Terry L. Etter

Assistant Consumers' Counsel

**SERVICE LIST**

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**Spiller, Amy B**

---

**From:** Terry.Etter@occ.ohio.gov  
**Sent:** Thursday, October 08, 2015 10:35 AM  
**To:** Spiller, Amy B  
**Subject:** RE: OCC/CUFA v. Duke Energy Ohio

\*\*\* Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Amy: Thanks for bringing this to our attention. After discussing it internally, OCC does not agree that discovery should be held in abeyance.

Terry Etter  
614-466-7964

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**From:** Spiller, Amy B [<mailto:Amy.Spiller@duke-energy.com>]  
**Sent:** Thursday, October 08, 2015 8:13 AM  
**To:** Etter, Terry  
**Subject:** OCC/CUFA v. Duke Energy Ohio .

Terry

I just wanted to follow up on our conversation yesterday regarding the referenced matter. Please let me know whether the OCC would agree to hold discovery in abeyance pending the resolution of a motion we're filing.

Thank you.

**Amy B. Spiller**  
Deputy General Counsel  
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**Case No(s). 15-1588-GE-CSS**

Summary: Motion Motion of Respondent Duke Energy Ohio, Inc., for Protective Order to Stay Discovery Pending Resolution of its Motion to Dismiss the Complaint electronically filed by Ms. E Minna Rolfes on behalf of Amy B. Spiller and Duke Energy Ohio, Inc.