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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of the Complaint of)
)
Windmere Subdivision,)
)
Complainant)
)
)
)
v.)
)
Duke Energy Ohio, Inc.)
)
Respondent.)

Case No. 16-1575-EL-CSS

ANSWER OF WINDMERE SUBDIVISION, COMPLAINANT

On September 19, 2016 Duke Energy Ohio, Inc. filed a Motion to Dismiss the instant case on the grounds that an attorney-at-law does not represent the Complainant, Windmere Subdivision. In support of its Motion to Dismiss, the Respondent cites two cases wherein it appears that both Complainants were incorporated entities. The Respondent's argument is not only frivolous but also misplaced in the instant case. Secondly, no new evidence is forth coming from the instant Motion that has not been previously addressed in the Respondent's original Answer filed on August 3, 2016.

According to Section 1701.01(A) of the Ohio Revised Code, a corporation is for profit formed under the laws of the state of Ohio. Paul Samuelson, the world-renowned economist, defined a corporation as a fictitious legal person created by the state, which exists at the pleasure of the state with perpetual succession through the issuance of

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common stock. Webster defines a corporation as a body of persons granted a charter legally recognizing it as a separate entity having its own rights, privileges and liabilities distinct from those of its members.

Unfortunately, Duke's Answer is ill-suited and the cited cases are irrelevant. Windmere Subdivision is not a corporation as defined in any reasonable way. Windmere Subdivision has not filed for a certificate for articles of incorporation with the Secretary of State, has not issued common stock and does not exist for profit¹. The only element of this case that even closely resembles a corporation is the Respondent's misapplication of Rate DM, commonly referred to as a "small commercial rate".

Windmere Subdivision is a plot of land subdivided by several dozen parcels. Each parcel is individually owned with a single-family dwelling situated on each parcel. Residents occupy the dwellings and the service is provided under the provisions of the Respondent's residential rate except for the lighting service at issue in the instant case. The lighting account is in the name of Ms. Wereley, a resident of Windmere Subdivision, who volunteered to make sure bills for the lighting service are timely paid. It was only when Ms. Wereley took over the payment process during 2015 did she recognize that the average rate for the off-peak lighting service was in excess of one-dollar per kilowatt-hour and the investigation and the dialogue with the Respondent followed.

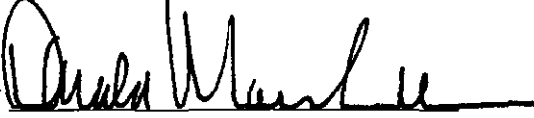
The Commission's Formal Complaint Procedure correctly allows for individuals to file a complaint without the representation of an attorney, which is the case herein. The Complainant reiterates its apology for bringing this matter before the Commission but the Respondent's attitude leaves Ms. Wereley and the residents of Windmere Subdivision no other choice². The Complainant respectfully requests that the Commission issue a procedural schedule so that the appropriate rate for the lighting service at issue may be determined.

¹ Even a Homeowners Association does not exist.

² For example, in lieu of attempting to reach a resolution in this matter, they feel more compelled to file ludicrous Motions.

Respectfully submitted,

Windmere Subdivision

By 

Donald Marshall, President

Eagle Energy, LLC

Also served via U. S. Mail postage prepaid on the 21st day of September 2016:

Amy B. Spiller,

Deputy General Counsel,

Duke Energy Ohio, Inc.