

Brief for Donald Anderson v Duke Energy Ohio

PUCO case number 16-256-EL-CS8

November 15, 2017

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PUCO

As Mr. Anderson testified, an estimate should be based a customer's history of utility usage at a specific property which can be adjusted for weather. Duke did not provide any testimony on estimates. When Duke Energy, did a "so called estimate" for 6259 Corbly, the records and testimony showed they did not do that in that they put on an initial charge which was the equivalent of many months of previous history. Duke new or should have known that these were fraudulent charges. A reading that was arranged by the PUCO and agreed to by Duke Energy and Mr. Anderson resulted in Duke giving Mr. Anderson a credit of over \$1000 for their fraudulent over charging. Although the PUCO had ordered Duke to provide Mr. Anderson with recalculated billings for all the properties through which the charges went, Duke failed to provide Mr. Anderson with that information. Duke charges late charges are based outstanding balances. On cross examination, Duke's representative stated that they had only given Mr. Anderson credit for utility usage, but had not recalculated late charges. These false late charges appear to have resulted in the remainder of the charges Duke has charged Mr. Anderson. Duke should not be allowed to profit from fraudulent activity. Therefore, the PUCO should disallow all charges other than currant utility usage on all the properties managed by Mr. Anderson.

Duke had done three disconnections at 85 Red Bud as follows:

1. Duke in an agreement with Mr. Anderson, had put a remote electric meter reader at 85 Red Bud. They apparently had not communicated that to their personnel, because they disconnected Red Bud because they did not have a utility reading for that property. When I called Duke, they put me in touch with their local meter reading department. The meter reading manager told me that if Duke had told her to read the meter that she would have sent one of her personnel to read the meter because she had the device to read it in her office. The service was restarted.
2. For a second time, Duke had disconnected 85 Redbud more than 12 months prior to attaching the 6259 Corbly utility charges to the property. After the 2<sup>nd</sup> disconnection Duke continued to charge Mr. Anderson monthly charges for Red Bud. Mr. Anderson paid each of these bills wanting to see when Duke would catch their mistake.
3. After the Corbly's charges were attached to Red Bud, Duke supposedly disconnected the property. At that time, Dukes personnel should have reported that the property was already disconnected. Apparently this was not done.

Therefore I am asking that Duke be ordered to return the 12 months payments plus legal interest for the time they have had Mr. Anderson's money.

Carol Anderson has attempted to place 2474 Sir Douglas in her name. Duke has illegally refused to do so. I request that the PUCO be order to Duke do so.



Donald Anderson

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