

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Patricia L. McGill)	
8951 Terwilligers Trail)	
Cincinnati, Ohio 45249)	
)	
Complainant)	Case No. 17-2314-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Patricia L. McGill (Complainant), Duke Energy Ohio, Inc., (Duke Energy Ohio or Respondent) states as follows:

1. The Complaint is not in a form allowing for specific admission or denial as to individual allegations. Accordingly, Duke Energy Ohio generally denies the allegations set out in the Complaint.
2. In response to the allegations to the second paragraph of the Complaint, Duke Energy Ohio denies that it is negatively impacting property values in the neighborhood in which Complainant's property is located. Further answering, Duke Energy Ohio submits that statements regarding requested relief are not allegations to which a response is required and that Complainant lacks standing to assert relief on behalf of other residents in Complainant's neighborhood. However, to the extent a response is required, Duke Energy Ohio states that its actions are necessary to enable the continued safe and reliable operation of high-voltage power lines used in the provision of service to Duke Energy

Ohio's customers, including Complainant, and are consistent with its express grants of easement and with its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as approved on June 13, 2016. Duke Energy Ohio further states that it has engaged in extensive community outreach, interacting with individual property owners on whose property the Company possesses easement rights and will be working. Answering further, Duke Energy Ohio states that the Public Utilities Commission of Ohio (Commission) is without jurisdiction to issue equitable relief, including the relief requested herein. All remaining allegations of the Complaint are denied.

3. Duke Energy Ohio denies the allegations contained in the third paragraph of the Complaint. Answering further, Duke Energy Ohio states that its actions are consistent with its express grants of easement and with its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as approved on June 13, 2016. All remaining allegations of this paragraph are denied.
4. In response to the allegations contained in the fourth paragraph of the Complaint, Duke Energy Ohio submits that statements regarding requested relief are not allegations to which a response is required. Duke Energy Ohio further submits that Complainant lacks standing to assert relief on behalf of other citizens of Symmes Township and the City of Montgomery. However, to the extent a response is required, Duke Energy Ohio denies that it is using toxic herbicides on Complainant's property. Answering further, Duke Energy Ohio states that its actions are necessary to enable the continued safe and reliable operation of high-voltage power lines used in the provision of service to Duke Energy Ohio's customers, including those located in Symmes Township and the city of

Montgomery and are consistent with its express grants of easement and with its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as approved on June 13, 2016. Duke Energy Ohio further states that the Public Utilities Commission of Ohio (Commission) is without jurisdiction to issue equitable relief, including the relief requested herein. All remaining allegations of this paragraph are denied.

5. With regard to the allegation that a stop order be issued, Duke Energy Ohio states that the Commission is without jurisdiction to resolve issues of equity. Answering further, Duke Energy Ohio states that any vegetation management activities in which it may engage are permissible under express grants of easement and consistent with its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as approved on June 13, 2016.
6. Statements regarding the lack of objection to trimming trees are not allegations to which a response is required. However, to the extent a response is required, Duke Energy Ohio is without sufficient knowledge as to the truth of the opinions of Complainant and thus denies the same. Answering further, Duke Energy Ohio states that its practices are permissible under express grants of easement and consistent with its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines, Section (f), as approved on June 13, 2016.
7. Duke Energy Ohio denies each and every allegation of fact and conclusion of law not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. The Complainant does not assert any allegations of fact that would give rise to a cognizable claim against Duke Energy Ohio.
2. 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.
3. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.
4. Duke Energy Ohio states as an affirmative defense that Complainant lacks standing to assert any claims against the Respondent in respect of property for which she is not the lawful property owner of record.
5. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the Commission's jurisdiction.
6. Duke Energy Ohio asserts that to the extent the Complainant is seeking equitable relief, such relief is beyond the scope of the Commission's jurisdiction.
7. Duke Energy Ohio asserts that it has superior property rights, as confirmed by lawful grants of easement.
8. 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 respectfully requests that the Commission dismiss the Complaint of Patricia L. McGill for failure to set forth reasonable grounds for the Complaint and to deny Complainant's request for relief, if any.

Respectfully submitted,

/s/ Elizabeth H. Watts

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Attorneys for Respondent Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of Duke Energy Ohio, Inc., was served via regular US Mail postage prepaid, or by electronic mail service, this 22nd day of November 2017, upon the following:

Patricia L. McGill
8951 Terwilligers Trail
Cincinnati, OH 45249

/s/ Elizabeth H. Watts
Elizabeth H. Watts

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Summary: Answer of Duke Energy Ohio, Inc. electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.