

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Ricardo Garnell Lee)	
1305 Ryland Avenue, Apt. 1)	
Cincinnati, Ohio 45237)	
)	
Complainant,)	Case No. 18-445-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Ricardo Garnell Lee (Complainant), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) 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 first paragraph of the Complaint, Duke Energy Ohio provides the following answer:
 - a. To the extent alleged by Complainant, Duke Energy Ohio denies all allegations regarding illegal or fraudulent billing or other conduct by the Company or any of its agents and employees.
 - b. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's residence or service at 1851 Josephine Avenue, Apt. 1, Cincinnati, Ohio 45219 and, therefore, denies such allegations

because that service apparently dates back well beyond the 7-year document retention policy maintained by the Company.

3. In response to the second paragraph of the Complaint, Duke Energy Ohio provides the following answer:

a. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's arrest and prison sentence and, therefore, denies such allegations.

b. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's service and account at 1851 Josephine Avenue, Apt. 1, Cincinnati, Ohio 45219 and, therefore, denies such allegations because that service apparently dates back well beyond the 7-year document retention policy maintained by the Company.

4. In response to the third paragraph of the Complaint, Duke Energy Ohio provides the following answer:

a. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's arrest and prison sentence and, therefore, denies such allegations.

b. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's service and account at an unidentified address and, therefore, denies such allegations because that service apparently dates back well beyond the 7-year document retention policy maintained by the Company.

5. In response to the fourth paragraph of the Complaint, Duke Energy Ohio provides the following answer:
- a. Duke Energy Ohio admits that Complainant had electric service in his name at 6926 Shamrock Ave., Apt. 2, Cincinnati, Ohio 45231, under Account #6820-0264-31.
 - b. Duke Energy Ohio admits that Complainant was enrolled in the PIPP program. Further answering, Duke Energy Ohio states that Complainant's minimum monthly PIPP program installment was the higher of \$33.04 or the current monthly charges.
 - c. Duke Energy Ohio denies that the Company disconnected Complainant's service at 6926 Shamrock Ave., Apt. 2, Cincinnati, Ohio 45231, under Account #6820-0264-31, for non-payment in September 2010. Further answering, the Company's records show that it generated a final bill in Complainant's name on September 30, 2010, with a final account balance of \$3,549.05.
 - d. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding the date on which Complainant moved out of this property and, therefore, denies such allegations.
6. In response to the fifth paragraph of the Complaint, Duke Energy Ohio provides the following answer:
- a. Duke Energy Ohio denies that the "next location and address that [Complainant] had service in [his] name was at 3559 Van Antwerp. Place, Cincinnati, Ohio 45229.

- b. Further answering, Duke Energy Ohio states that, according to its records, Complainant next had gas and electric service in his name at 3303 Perkins Ave., Apt. 4, Cincinnati, Ohio 45229. Complainant had gas service under Account #8110-3729-02-5 from January 7, 2011, through March 21, 2011. Complainant had electric service, which included transferred charges of \$386.16 from his account at 6926 Shamrock, under Account #0220-0410-56-7 from January 7, 2011, through January 17, 2011.
- 7. In response to the sixth paragraph of the Complaint, Duke Energy Ohio provides the following answer:
 - a. Duke Energy Ohio denies that the “next address [Complainant] had services in [his] name was at 3303 Perkins Ave., Apt. 4, Cincinnati, Ohio 45229.”
 - b. Further answering, Duke Energy Ohio states that, according to its records, Complainant next had electric service in his name at 3559 Van Antwerp Place, Apt. 3, Cincinnati, Ohio 45229 from March 21, 2011, through March 13, 2012, under Account #5480-0415-42-2.
 - c. Further answering, Duke Energy Ohio states that Complainant’s bill generated on February 12, 2012, reflects a transferred balance of \$2,994.18 from Complainant’s electric account at 3303 Perkins Avenue.
- 8. In response to the seventh paragraph of the Complaint, Duke Energy Ohio provides the following answer:
 - a. Duke Energy Ohio admits that Complainant next had electric service in his name at 2496 Canterbury, Apt. 2, Cincinnati, Ohio 45237, under Account

#3260-0626-32-8, from December 3, 2015, through May 31, 2016, at which time the account was disconnected for non-payment.

- b. Further answering, Duke Energy Ohio states that Complainant's bill generated on December 31, 2015, reflects a transferred balance of \$3,146.82 from Complainant's electric account at 3559 Van Antwerp Place, Apt. 3.
 - c. Duke Energy Ohio admits that Complainant was removed from the PIPP program on or about June 6, 2016, with a final balance due of \$2,891.83.
9. In response to the eighth paragraph of the Complaint, Duke Energy Ohio provides the following answer:
- a. Duke Energy Ohio admits that Complainant next had gas and electric service in his name at 109 Glenridge Pl., Apt. 3, Cincinnati, Ohio 45217, under Account #4150-3696-09-4, from March 7, 2017, through November 29, 2017.
 - b. Further answering, Duke Energy Ohio states that Complainant's bill generated on March 31, 2017, reflects a transferred balance of \$2,716.83 from Complainant's electric account at 2496 Canterbury, Apt. 2.
 - c. Further answering, Duke Energy Ohio states that Complainant was removed from the PIPP program before the Company generated his final bill at 109 Glenridge Pl., Apt. 3 and that, once he tried to re-enroll in the PIPP program, Complainant was required to pay the default amount.
10. In response to the ninth paragraph of the Complaint, Duke Energy Ohio provides the following answer:

- a. Duke Energy Ohio admits that Complainant next established gas and electric service in his name at his current address of 1305 Ryland, Apt. 1, Cincinnati, Ohio 45237, under Account #6340-3633-08-0, as of January 19, 2018.
 - b. Further answering, Duke Energy Ohio states that Complainant's bill generated on February 2, 2018, reflects a transferred balance of \$1,827.29 from Complainant's gas and electric account at 109 Glenridge Pl., Apt. 3.
 - c. Duke Energy Ohio admits that Complainant exercised his rights under the "Winter Rule" to establish service at this address and account.
 - d. Duke Energy Ohio denies that that the Company has discriminated against Complainant, provided inadequate service to Complainant, failed to provide service to Complainant, or otherwise committed any unlawful act while providing service to Complainant.
 - e. Duke Energy Ohio lacks knowledge or information sufficient to admit or deny the allegations regarding Complainant's communications with or application to the local community action agency regarding the PIPP program and, therefore, denies such allegations.
 - f. Duke Energy Ohio denies all remaining allegations regarding claims of unfair billing and violations of the PIPP program by the Company.
11. Duke Energy Ohio denies all allegations of the Complaint not expressly admitted herein.

AFFIRMATIVE DEFENSES

12. The Complaint fails to state a claim against Duke Energy Ohio upon which relief may be granted.

13. The Complaint does not assert any allegations of fact that would give rise to a cognizable claim against Duke Energy Ohio, nor does the Complaint allege that Duke Energy Ohio did or failed to do something in violation of applicable Ohio law.
14. Duke Energy Ohio asserts as an affirmative defense that pursuant to R.C. 4905.26 and O.A.C. 4901-9-01-(C)(3), Complainant has failed to set forth reasonable grounds for complaint.
15. Duke Energy Ohio asserts as an affirmative defense that, pursuant to R.C. 4905.26, the Company furnished gas and electric services to Complainant that were adequate, just and reasonable, and that all charges made or demanded for the Company's services were just, reasonable and not more than allowed by law, the Company's filed tariffs, or by order of the Commission.
16. 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.
17. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-10-22-23 and R.C. 4933.28 with respect to the Company's billings to Complainant.
18. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-13-4 with respect to reading Complainant's meters.

19. Duke Energy Ohio asserts as an affirmative defense that at all times relevant to Complainant's claims, the Company acted in conformance with O.A.C. 4901:1-10-05 with respect to the meters installed at Complainant's various properties.
20. Duke Energy Ohio asserts as an affirmative defense that the Company is not responsible for the initiation of the enrollment in the PIPP program and that initiation is overseen by the Community Action Agency in Cincinnati and the Ohio Development Service Agency in Columbus.
21. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief, including relief which may be granted by this Commission.
22. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages and other injunctive relief, such relief is beyond the scope of the jurisdiction of this Commission.
23. 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 Ricardo Garnell Lee for failure to set forth reasonable grounds for the Complaint and to deny Complainant's Request for Relief, if any.

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 US Mail, postage prepaid, on this 16th day of April, 2018, upon the following:

Ricardo Garnell Lee
1305 Ryland Avenue, Apt. 1
Cincinnati, OH 45237

/s/ Robert A. McMahon

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 18-0445-EL-CSS

Summary: Answer Answer of Duke Energy Ohio, Inc. electronically filed by Mr. Robert A. McMahon on behalf of Duke Energy Ohio, Inc.