BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Heather Wright 2034 River Drive Maineville, Ohio 45039 Complainant. v. **Duke Energy Ohio, Inc.,** Respondent.	)	Case No.19-0160-EL-CSS

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Heather Wright (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 contained in the first paragraph of the Complaint, Duke Energy Ohio denies that it is negatively impacting property values in Deerfield Township and the City of Maineville, Ohio. Duke Energy Ohio further submits that Complainant lacks standing to assert relief on behalf of other citizens of Deerfield Township and the City of Maineville, Ohio. All remaining allegations of this paragraph are denied.

3. Duke Energy Ohio denies the allegations contained in the second 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. Duke Energy Ohio denies the allegations contained within paragraph three of the Complaint.

5. With regard to the documents attached to the Complaint, Duke Energy Ohio states the easement provided by Complainant is not relevant to her property or the lawful actions Duke Energy Ohio intends to undertake on Complainant's property so as to enable the continued safe and reliable operation of its high-voltage transmission system. Answering further, Duke Energy Ohio states that the easement provides it with the unambiguous right to remove trees and other obstructions in the easement and right-of-way. However, with regard to certain statements therein, Duke Energy Ohio states that the terms of its lawfully obtained easements speak for themselves and further denies that its programs, as docketed under Case No. 16-915-EL-ESS, have not been approved. Said programs were approved pursuant to O.A.C. 4901:1-10-27(F)(2). All remaining allegations, as inferred or implied by the documents attached to the Complaint, are denied.

6. 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. All remaining allegations of this paragraph are denied.

7. Duke Energy Ohio denies each and every allegation of fact and conclusion of law not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. Answering further, such easement expressly confirms the rights of Duke Energy Ohio to engage in vegetation management activities with regard to the property on which such easement exists.

2. The Complainant does not assert any allegations of fact that would give rise to a cognizable claim against Duke Energy Ohio.

3. 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.

4. Duke Energy Ohio asserts as an affirmative defense that Complainant has not stated any request for relief that can be granted by this Commission.

5. Duke Energy Ohio states as an affirmative defense that Complainant lacks standing to assert any claims against the Company in respect of property for which he is not the lawful property owner of record.

6. Duke Energy Ohio asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the Commission's jurisdiction.

7. 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.

8. Duke Energy Ohio asserts that it has superior property rights, as confirmed by lawful grants of easement.

9. 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 Heather Wright 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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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 5th day of February 2019, upon the following:

Heather Wright
2034 River Drive
Maineville, Ohio 45039

/s/ Elizabeth H. Watts
Elizabeth H. Watts

Summary: Answer Answer of Duke Energy Ohio, Inc. to Complainant Heather Wright electronically filed by Mrs. Debbie L Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco O. Mr. and Watts, Elizabeth H