

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Antuan Burrell-El</b>	)	
5607 Ebersole Avenue	)	
Cincinnati, Ohio 45227	)	
	)	Case No. 21-0298-GA-CSS
Complainant	)	
	)	
v.	)	
	)	
<b>Duke Energy Ohio, Inc.</b>	)	
	)	
Respondent	)	

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**DUKE ENERGY OHIO INC.’S MEMORANDUM CONTRA COMPLAINANT’S  
NOTICE: EVIDENCE FOR PUBLIC RECORD ENTERED IN THE JOURNAL ON  
MAY 3, 2021**

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On March 31, 2021, Mr. Antuan Burrell-El (Complainant) filed a complaint against Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company), contractor KS Energy Services (KS Energy), and insurance company Gallagher Bassett Services, Inc. (Gallagher Bassett), alleging, among other things, “insurance fraud,” “negligence and immoral acts,” “defamation of character,” “intentional emotional distress,” violation of the Fifth Amendment of the Constitution of the United States of America, and violation of Article I of the Ohio Constitution.<sup>1</sup> Duke Energy Ohio filed its Answer on April 20, 2021. On May 3, 2021, Complainant filed a document titled “notice: Evidence for Public Record” (Notice) under the document type “Correspondence.” As Complainant’s Notice appears to request relief,<sup>2</sup> Duke Energy Ohio has construed it as a motion and therefore files this memorandum contra in response.

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<sup>1</sup> Complaint, pp. 5-6.

<sup>2</sup> Notice, p. 3.

In the Notice, Complainant appears to accuse the Company of violating several criminal statutes and requests that the Commission “approves the Complaint/ Claim against Duke Energy, for failure to handle this insurance claim in good faith” and “finds Duke Energy and their Contractor KS Energy at fault in fraudulent actions against Complainant and oath to public service.”<sup>3</sup>

The Company denies committing any criminal (or civil) violations and opposes Complainant’s requests for relief on the grounds that there is no basis for such relief to be granted. In complaint proceedings, the burden of proof lies with the complainant,<sup>4</sup> and Complainant here has not met this burden. Accordingly, the Commission should deny Complainant’s requests for relief contained in the Notice.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Larisa M. Vaysman

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Willing to accept service via email

*Attorneys for Duke Energy Ohio, Inc.*

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<sup>3</sup> See Notice, pp. 1-2, p. 3.

<sup>4</sup> *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Duke Energy Ohio Inc.'s Memorandum Contra Complainant's Notice: Evidence For Public Record Entered In The Journal On May 3, 2021 was served on the following parties this 18<sup>th</sup> day of May, 2021, by UPS delivery.

Antuan Burrese-El  
5607 Ebersole Ave  
Cincinnati, Ohio 45227

/s/ Larisa M. Vaysman  
Larisa M. Vaysman

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**5/18/2021 11:59:24 AM**

**in**

**Case No(s). 21-0298-GA-CSS**

Summary: Memorandum Duke Energy Ohio, Inc.'s Memorandum Contra Complainant's  
Notice: Evidence for Public Record Entered in the Journal on May 3, 2021 electronically filed  
by Carys Cochern on behalf of Duke Energy Ohio, Inc.