

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

David Rentals LLC)	
5535 Colerain Ave)	
Cincinnati, Ohio 45239)	
)	
And)	Case No. 21-0556-GA-CSS
)	
David Rentals LLC)	
509 Carplin)	
Fl. 1)	
Cincinnati, Ohio 45229)	
)	
)	
Complainant,)	
)	
v.)	
)	
Duke Energy Ohio, Inc.)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of David Rentals LLC (Complainant),¹ Duke Energy Ohio, Inc., (Duke Energy Ohio or Respondent or the 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. Statements regarding general procedures for the Public Utilities Commission of Ohio (Commission) are not allegations to which a response is required.

¹ The Complaint was submitted by Mr. Jonathan Roth, who identified himself as President of David Rentals, LLC. See Complaint, p. 2.

3. Statements regarding requested relief are not allegations to which a response is required.

4. In response to the allegations in the first paragraph of the Complaint,² these allegations are too vague and ambiguous to permit a response and also Duke Energy Ohio states that it lacks sufficient information to form a belief as to the truth of these allegations, and thus denies. Answering further, Duke Energy Ohio states that a service technician visited 509 Carplin Place on November 30, 2020, to turn on gas service, and found that no gas was coming to the meters. Answering further, Duke Energy Ohio states that a gas service line was connected to the property as of December 1, 2020. Answering further, Duke Energy Ohio states that a service technician visited 509 Carplin Place on January 14, 2021 to turn on gas service to the first and second floors, and found that the gas service was already active with incorrect gas meters installed (meters which belonged at different locations). Answering further, Duke Energy Ohio states that active gas service was restored at 509 Carplin Place on January 14, 2021. All remaining allegations in this paragraph are denied.

5. In response to the allegations in the second paragraph of the Complaint regarding the hiring of a plumber and the plumber's alleged actions,³ Duke Energy Ohio states that it lacks sufficient information to form a belief as to the truth of these allegations, and thus denies.

6. In response to the allegations in the second paragraph of the Complaint regarding alleged actions by Duke Energy Ohio,⁴ these allegations are too vague and ambiguous to permit a response, in part because they do not identify which premises or account is being described, and thus Duke Energy Ohio denies these allegations. Answering further, Duke Energy Ohio states that it first received a request from Mr. Roth for gas service at 806, 808, and 810 Poplar,

² Complaint, p. 2 (from "My complaint..." to "responsible line (manifold)").

³ *Id.* (from "The background..." to "... onto Carplin by mistake.").

⁴ *Id.* (from "Duke made multiple trips ..." to "...turned on the gas.").

Cincinnati, Ohio, on December 14, 2020. Answering further, gas service was connected to 806, 808, and 810 Poplar as of January 19, 2021. Answering further, gas service to 509 Carplin Place was abandoned as of October 22, 2020, then the gas service line to 509 Carplin Place was connected on December 1, 2020. Answering further, a Duke Energy Ohio technician visited 509 Carplin Place on January 14, 2021, and discovered two gas meters that should have been located at 806 Poplar and 810 Poplar. Answering further, Duke Energy Ohio states that active gas service was restored at 509 Carplin Place on January 14, 2021. All remaining allegations in this paragraph are denied.

7. In response to the allegations in the third paragraph of the Complaint,⁵ these allegations are too vague and ambiguous to permit a response and/or Duke Energy Ohio lacks sufficient information to form a belief as to the truth of these allegations, and thus Duke Energy Ohio denies these allegations. Answering further, Duke Energy Ohio states that the two accounts located on the first and second floors of 509 Carplin Place, respectively, were billed revenue collections charges of \$316.16 and \$319.02 respectively on February 15, 2021. Answering further, Duke Energy Ohio states that these amounts, for each account, included both usage charges and additional fees. Answering further, Duke Energy Ohio states that Mr. Roth first requested gas service at 509 Carplin Place on November 25, 2020, and that the gas service line at that address was connected on December 1, 2020. Answering further, Duke Energy Ohio states that active gas service was restored at 509 Carplin Place on January 14, 2021. All remaining allegations in this paragraph are denied.

8. In response to the allegations in the fourth paragraph of the Complaint,⁶ these allegations are too vague and ambiguous to permit a response, in part because Complainant does

⁵ Complaint, p. 2 (from “Did the plumber. . .” to “compensation to me”).

⁶ *Id.* (from “I have paid. . .” to “act with impunity”).

not identify which premises and charges are at issue, and/or Duke Energy Ohio lacks sufficient information to form a belief as to the truth of these allegations, and thus Duke Energy Ohio denies these allegations. Answering further, statements regarding requested relief are not allegations to which a response is required. Answering further, Duke Energy Ohio denies that it has billed any charges “to punish” Complainant for any current or previous complaints to the Commission. Answering further, Duke Energy Ohio states that Complainant has balances remaining on the two accounts at 509 Carplin Place, with \$410.44 due on the first floor account and \$71.45 due on the second floor account. All remaining allegations in this paragraph are denied.

9. 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-(C)(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 asserts that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the Commission’s jurisdiction.

5. 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.

6. 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 David Rentals, LLC, for failure to set forth reasonable grounds for the Complaint and to deny Complainant's request for relief, if any.

Respectfully submitted,

/s/ Larisa M. Vaysman

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Larisa M. Vaysman (0090290) (Counsel of Record)

Senior Counsel

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Willing to accept service via email

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 UPS delivery, this 27th day of May 2021, upon the following:

David Rentals, LLC
5535 Colerain Ave
Cincinnati, Ohio 45239

David Rentals, LLC
509 Carplin
Fl. 1
Cincinnati, Ohio 45229

/s/ Larisa M. Vaysman
Larisa M. Vaysman

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in

Case No(s). 21-0556-GA-CSS

Summary: Answer Answer of Duke Energy Ohio, Inc. electronically filed by Mrs. Tammy M Meyer on behalf of Duke Energy Ohio Inc. and D'Ascenzo, Rocco and Vaysman, Larisa