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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Antuan Burress-El

Complainant,

v.

DUKE ENERGY OHIO, Inc.

Respondent.

Case No. 21-0298-GA-CSS

JUDICIAL NOTICE

REQUEST FOR MOTION FOR HEARING ORAL ARGUMENTS

Notice:

Now comes Antuan Burrese-El requesting for a Motion for Hearing on Oral Arguments for lawful discourse against Duke Energy for their violations, immoral treatments, and illegal practices. **O.A.C Section 4901-1-32 - Oral arguments** - The commission, the legal director, the deputy legal director, or an attorney examiner may, upon motion of any party or upon their own motion, hear oral arguments at any time during a proceeding. Such arguments may, in the discretion of the commission, the legal director, the deputy legal director, or the attorney examiner, be limited to one or more specific issues, and are subject to such time limitations and other conditions as the commission, the legal director, the deputy legal director, or the attorney examiner may prescribe.

I, am not claiming to be a professional esquire who has years of law school and a bar license. I, am not claiming; I understand all legalese, therefore I, am only defending myself and my common law rights afforded to me by the constitution to enjoy my rights to Life, Liberty, and Pursuit of happiness. It is well documented that the damages caused by their contractor's negligence led to deprivation of the loss of a working furnace and created violations of public trust, and public safety issues.

Complainant had the opportunity of two failed meditations with Duke Energy which took place virtually on June 2, 2021, and August 23, 2021. On September 1, 2021, complainant filed a report with the Pipeline and Hazardous Materials Safety Administration an investigation was done by the National Response Center and EPA report # 1315346, which found Duke and their contractor liable for operator error. On September 13th complainant made a Request for Freedom of Information Act (FOIA), a request was entered into the Department of Homeland Security PAL (dhs.gov). On September 20, 2021 FOIA #2021-CG-02270 found the public service provider at fault and filed a report into the U.S.Coast Guards and Home Land Securities public records.

DAMAGES AND LEGAL DEFINITIONS IN SUPPORT OF LAW

The Commission has the authority to remedy compensation through Common Law Torts to complainant. For Duke Energy's breach of duty causing foreseeable loss. The loss involved damage to property, mental, and physical injury.

COMPENSATORY TORT - loss has occurred as a result of the negligence or unlawful conduct of another party.

PUNITIVE TORT - Duke Energy engaged in an intentional and wanton and willful misconduct.

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INTERNATIONAL INFLICTION OF EMOTIONAL DISTRESS TORT - Duke Energy's outrageous conduct caused customer to suffer emotional distress and it was done intentionally, or with a reckless disregard for its effect on the victim.

LEGAL EXPENSES - party is entitled to be awarded their reasonable legal costs that they spent during the case.

STATUTORY TORT - Duke Energy violations of the law, entitled the victim to a statutory award

DISHONESTY - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity; intent to deceive; use of County property or funds for personal gain or purposes.

PERJURY- Also known as forswearing, it's an intentional act of lying or stating a false oath or affirmation to tell the truth, whether verbally or in writing, pertaining matters material to a judicial proceeding.

IMMORAL - Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

IMMORAL CONDUCT - Conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

MALFEASANCE TORT - The commission of some act which a person ought not to do at all, or which is unlawful.

MISFEASANCE TORT - The improper performance or commission of some act which a person may lawfully do, or which is required by the terms and conditions of this policy and procedure manual.

NEGLECT - Omission or failure to do something that can and should be done, or that is required to be done. An absence of care or attention in doing something that should be done. An omission of a given act. A designed refusal or unwillingness to perform one's duty.

NONFEASANCE TORT - Nonperformance of some act which ought to be performed or which is required by the terms and conditions of this policy and procedure manual, the total omission to perform such act or the total neglect of the performance of such act.

I will be extremely honored for an opportunity to face my offenders in the interest of justice and voice my sentiments. I would like to show on its face the impenitent that our public utility service provider has for me as a customer. And the impiety that Duke Energy speaks throughout our pleadings. I am required to use laws to help me, I request the laws of malfeasance, nonfeasance, and misfeasance. And moving forward on the merits of this case Duke Energy has not shown itself to be fair or unbiased or without prejudices and the complainant respectfully requests a moot charge to be held upon Duke Energy for its dishonorable Deposition as a public service provider.

1. Complainant's case is in the interest of justices and the public trust. Please let the record reflect that **The Fifth Amendment to the United States Constitution** provides in pertinent part that *"private property" shall not "be taken for public use, without just compensation."* U.S. CONST. amend. V, § 1. **The Ohio Constitution: Eminent domain. Article I §19** *Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.*
2. **House Bill 1 - 100th General Assembly - Section 4903.02 | Examination of witnesses.** *production of records. The public utilities commission may, in case of the refusal of any person to testify to any matter regarding which he may be lawfully interrogated by any such member, employee, or inspector of the commission at any time or place, the court of common pleas of any county or any judge thereof, shall, on application of any commissioner, compel obedience by contempt proceedings as in the case of the disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.*
3. **House Bill 1 - 100th General Assembly - Section 4903.03 | Examination of records.** *The public utilities commission may, through the public utilities commissioners or by inspectors or employees authorized by it, examine all books, contracts, records, documents, and papers of any public utility, and by subpoena duces tecum may compel the production thereof, or of verified copies of the same or*

any of them. The commission may compel the attendance of such witnesses as it requires to give evidence at such examination.

4. **House Bill 1 - 104th General Assembly - Section 4903.04 | Witnesses may be compelled to testify.** *If a person disobeys an order of the public utilities commission or a public utilities commissioner, or a subpoena, or if a witness refuses to testify to any matter regarding which he may be lawfully interrogated, the court of common pleas of a county or a judge of such court, on application of a commissioner, The commission also shall have the powers vested in notaries public to compel witnesses to testify and to produce books and papers.*
5. **House Bill 525 - 127th General Assembly - Section 4903.05 | Witness fees and mileage.** *Each witness who appears before the public utilities commission by its order shall receive the fees and mileage provided for under section 119.094 of the Revised Code, which shall be audited and paid by the state as other expenses are audited and paid, upon the presentation of proper vouchers sworn to by such witnesses and approved by the chairperson of the commission. No witness subpoenaed at the instance of parties other than the commission is entitled to compensation from the state for attendance or travel, unless the commission certifies that the witness's testimony was material to the matter investigated.*
6. **House Bill 1 - 100th General Assembly - Section 4903.06 | Depositions.** *In an investigation, the public utilities commission or any party to the investigation may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed for depositions in civil actions in the court of common pleas.*
7. **House Bill 1 - 100th General Assembly - Section 4903.08 | Incrimination no excuse.** *No person shall be excused from testifying or from producing accounts, books, and papers, in any hearing before the public utilities commission. No such person shall be prosecuted or subjected to any penalty or forfeiture on account of, any transaction or matter concerning which he has testified or produced any documentary evidence. No person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.*
8. **Senate Bill 378 - 114th General Assembly - Section 4903.082 | Right of discovery.** *All parties and intervenors shall be granted ample rights of discovery. The present rules of the public utilities commission should be reviewed regularly by the commission to aid full and reasonable discovery by all parties. Without limiting the commission's discretion the Rules of Civil Procedure should be used wherever practicable.*
9. **Senate Bill 162 - 128th General Assembly - Section 4903.22 | Rules of practice.** *Except when otherwise provided by law, all processes in actions and proceedings in a court arising under Chapters 4901., 4903., 4905., 4906., 4907., 4909., 4921., 4923., and 4927. of the Revised Code shall be served, and the practice and rules of evidence in such actions and proceedings shall be the same, as in civil actions. A sheriff or other officer empowered to execute civil processes shall execute process issued under those chapters and receive compensation therefor as prescribed by law for like services.*
10. **Senate Bill 361 - 100th General Assembly - Section 4903.25 | Violation.** *No officer, agent, or employee in an official capacity of a public utility shall knowingly violate section 4903.03 or 4903.24 of the Revised Code, nor shall any officer, agent, or employee in an official capacity or a public utility or railroad knowingly violate section 4903.02 or 4903.08 of the Revised Code, or willfully*

fail to comply with any lawful order or direction of the public utilities commission made with respect to any public utility or railroad. Each day's continuance of such failure is a separate offense.

11. Senate Bill 2 - 121st General Assembly - Section 4903.99 | Penalty. *Whoever violates section 4903.25 of the Revised Code is guilty of a felony of the fifth degree.*

I, say here, and will verify in open court, that all herein be true

CONCLUSION

WHEREFORE, having fully motioned the Commission, the legal director, the deputy director, or a attorney examiner. I Antuan Burress-EI respectfully request that the board and or examiner grant the Hearing for Oral Arguments on the merits. This case is in the Interest of Justice and Public Trust. Please allow the record to reflect that Complainant has led this case and maintained it in good faith through this Deposition. Duke Energy and its contractor have displayed irresponsibility, unaccountability, and in bad faith Deposition throughout this case. Which sets forth reasonable grounds for a good cause and due diligence for the PUCO to honor an in-person hearing for the public record. Duke Energy must face the law and public scrutiny on its face over the merits, on the open floor. Duke Energy has lost its way as a public utility service provider and should face proper authority of the commission and the state laws of Ohio that support the PUCO. I pray all actions that the laws and codes of Ohio provide shall be implemented in the Interests of Justice with extreme prejudice.

Respectfully submitted,

Antuan Burress-EI

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been served vis UPS delivery, this 11th day of March 2022, upon the following:

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