

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Edward Jackson)	
)	
Complainant,)	Case No. 22-0182-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Mr. Edward Jackson (Complainant or Mr. Jackson), 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.
3. Statements regarding requested relief are not allegations to which a response is required.
4. With regard to the Complainant's allegation that he purchased the property at 934 and 936 Cleveland Avenue, Cincinnati, Ohio (the Property) as a vacant shell in October 2018, the Company lacks sufficient information to form a belief as to the truth of this allegation, and thus denies the same.

5. With regard to the Complainant's allegation that permits for the Property were established with the local municipality and a permit for temporary electric and rough was issued sometime between 2019 and 2020, the Company lacks sufficient information to form a belief as to the truth of this allegation, and thus denies the same.

6. With regard to the Complainant's allegation that final completion of inspections associated with the Property and occupancy approval were completed in June 2020, the Company lacks sufficient information to form a belief as to the truth of this allegation, and thus denies the same.

7. Duke Energy Ohio admits that it issued energy bills monthly to Mr. Jackson following Mr. Jackson's opening an account for the Property, which has had electric service in Mr. Jackson's name at a master meter account since January 15, 2019, according to Company records.

8. Duke Energy Ohio denies that each utility bill issued to Mr. Jackson was paid as issued, as alleged in the Complaint.

9. With regard to the Complainant's allegation that he engaged with a certified electrical contractor prior to finalization of electrical installation at the Property, the Company lacks sufficient information to form a belief as to the truth of this allegation, and thus denies the same.

10. With regard to the Complainant's allegation that a representative of Duke Energy Ohio came to the Property to install new permanent meters for each unit on the exterior of the Property, Duke Energy Ohio admits that its contractor or representative went to the Property at some time in 2020 to replace the meters at the Property. At that time, the Company's contractor or representative found that the Complainant was obtaining electrical service by tampering with

the Company's metering services at the Property. The Company found that the Complainant had run a wire up to the weather head and brought that wire inside the basement of the Property—thus bypassing the meters and allowing for unmetered service (photographs of same are attached to the Company's Answer herein as Attachment 1).

11. With regard to the Complainant's allegation related to the meters in the basement of the Property, the Company admits that the meters were found disconnected by the Company's contractor or representative, but lacks sufficient information to form a belief as to the truth of the allegations regarding why the meters were disconnected or where they were located in the basement, and thus denies the same.

12. With regard to the Complainant's allegations related to his electrician, the Company admits that a tamper investigator from the Company did speak by phone with a person who the Complainant represented to be his electrician. Responding further, the alleged electrician identified work that they performed that establishes a timeline for the meter bypass and tampering beginning on or about April 30, 2019, and continuing until the Company discontinued services to the tampered line for safety purposes upon its discovery of the tamper arrangement at the Property on or about March 5, 2021. Regarding any remaining allegations related to the Complainant's alleged electrician, the Company lacks sufficient information to form a belief as to the truth of the allegations regarding the same, and therefore denies.

13. With regard to the Complainant's allegation that he was issued an invoice for unpaid utilities, the Company admits that it issued such invoice to the Complainant covering both past due billed amounts, as well as charges for recovery associated with tamper in the total amount of \$5,202.63 (as of April 1, 2021) as follows:

- Transfer from Account Number 21500410-23 in the amount of \$2,715.53;

- Transfer from Account Number 35803962-01 in the amount of \$1,958.85;
- And \$528.25 in current electric charges, gas supply charges, taxes, and late payment charges associated with the Property.

14. With regard to the Complainant's allegation that billings had been paid for what the Complainant termed "temporary electric" in excess of \$4,900, the Company admits that the Complainant made some payments in response to electric bills issued by the Company. Regarding any remaining allegations related to the Complainant's total payments, what the Complainant means by "temporary electric," and the exact payment amount, the Company asserts that the Complainant was taking power at an unmetered rate, and therefore the Company lacks sufficient information to form a belief as to the truth of the allegations regarding the exact payments due by the Complainant, and thus denies any associated remaining allegations.

15. Duke Energy Ohio denies any remaining allegations in the Complaint not covered above.

16. 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-(B)(3), Complainant has failed to set forth reasonable grounds for complaint.

3. 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 applicable filed tariffs.

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 asserts as an affirmative defense that Complainant's claims are barred by his unclean hands and fraudulent conduct.

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 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 Edward Jackson, for failure to set forth reasonable grounds for the Complaint and to deny Complainant's requests for relief.

Respectfully submitted,

DUKE ENERGY OHIO, INC.

/s/ Elyse H. Akhbari

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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 regular US mail, this 31st day of March 2022, upon the following:

Mr. Edward Jackson
934 Cleveland Avenue
Cincinnati, Ohio 45229

Mr. Edward Jackson
936 Cleveland Avenue
Cincinnati, Ohio 45229

/s/ Elyse H. Akhbari
Elyse H. Akhbari





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Case No(s). 22-0182-EL-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 Akhbari, Elyse Hanson and Kingery, Jeanne W. and Vaysman, Larisa