

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Carmen Schatzman)	
)	
Complainant,)	Case No. 22-728-EL-CSS
)	
v.)	
)	
Duke Energy Ohio, Inc.,)	
)	
Respondent.)	

ANSWER OF DUKE ENERGY OHIO, INC.

For its Answer to the Complaint of Ms. Carmen Schatzman (Complainant or Ms. Schatzman), 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 she is a customer/consumer of Duke Energy Ohio, Inc., the Company admits that Ms. Schatzman is a current customer of the Company.

5. With regard to the letter dated September 1, 2020 that was referenced by the Complainant and allegedly enclosed with the Complaint, the Company responds that no such letter was enclosed with Ms. Schatzman's Complaint.

6. Responding further, the Company admits that on September 1, 2020, Duke Energy Ohio sent the Complainant a letter notifying her that her supplier was switching to Dynegy Inc. due to a Government Aggregation in her area.

7. With regard to Complainant's allegations whereby she recounts statements made in the alleged September 1, 2020 letter, the Company states that the letter speaks for itself and the Company will be happy to review the letter identified by Ms. Schatzman if and when she is able to provide it, to ensure that it is the same letter that the Company is aware of.

8. With regard to the date upon which the Complainant received the alleged September 1, 2020 letter, the Company lacks sufficient knowledge to confirm or deny this allegation, and therefore denies the same.

9. Regarding the Complainant's allegation that she "called to gather some information about this letter" and "differences in companies," the Company admits that it has had various discussions with the Complainant, but the allegation in this sentence is too vague to identify whom Ms. Schatzman called and what was discussed, therefore the Company denies the same.

10. With regard to the Complainant's allegation that she called and received a letter in the mail dated September 10, 2020 documenting her request to cancel enrollment for service with Dynegy, the Company responds that the letter is not attached to Ms. Schatzman's Complaint, as she states.

11. Responding further, the Company admits that on September 10, 2020, Duke Energy Ohio sent the Complainant a letter notifying her that she had declined enrollment with the supplier (Dynergy Inc.) and that she would remain with Duke Energy Ohio and its Standard Service Offer.

12. With regard to Complainant's allegations whereby she recounts statements made in the alleged September 10, 2020 letter, the Company states that the letter speaks for itself and the Company will be happy to review the letter identified by Ms. Schatzman if and when she is able to provide it to ensure that it is the same letter that the Company is aware of.

13. With regard to the Complainant's allegation that she spoke with a Duke Energy Ohio representative on October 1, 2020, the Company admits this allegation.

14. Responding further, on October 1, 2020, the Complainant called back in to the Duke Energy Ohio call center stating that in her previous conversations with Duke Energy Ohio, she had only had questions regarding the Government Aggregation and Dynergy Inc., and that she did not in fact want to cancel supply service with Dynergy Inc. The customer stated that Duke Energy Ohio had illegally removed her from Dynergy Inc. supplier service following her initial phone call. In light of that fact, and the allegations made by the Complainant at that time, Duke Energy Ohio representatives attempted to cancel the rescind request with Dynergy Inc. Upon being unable to confirm the cancellation of the rescind request, Duke Energy Ohio requested that the customer be re-enrolled with the supplier, as she indicated was her original intent.

15. With regard to the Complainant's allegation that there have been multiple phone calls/discussions between her and the Company, Duke Energy Ohio admits that its representatives have interacted with the Complainant multiple times.

16. With regard to the Complainant's allegation that there were also many emails with all documents provided showing this request to remain with Duke Energy Ohio, the Company lacks sufficient knowledge regarding the emails, calls, fliers, or documentation mentioned by the Complainant as they are not attached or sufficiently identified in the Complaint, and therefore denies the same.

17. With regard to allegations related to various calls/recordings made in the Complaint, Duke Energy Ohio represents that its retention policies during the time period of the alleged Complaint would not have allowed for the preservation/availability of many of the calls/recordings, as alleged by the Complainant. Because these calls/recordings are not sufficiently identified by the Complaint, Duke Energy Ohio further responds that it therefore denies the same for lack of knowledge.

18. Duke Energy Ohio denies that the Complainant has been provided inadequate service, as generally alleged in the Complaint.

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

20. 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 that to the extent Complainant is seeking monetary damages, such relief is beyond the scope of the Commission's jurisdiction.

6. Duke Energy Ohio asserts an affirmative defense of unclean hands.

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 Carmen Schatzman, 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

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Larisa M. Vaysman (0090290)

Senior Counsel

Elyse H. Akhbari (0090701)

Duke Energy Business Services LLC

139 East Fourth Street, 1303-Main

Cincinnati, Ohio 45202

(513) 287-4320 (telephone)

(513) 287-7385 (fax)

rocco.dascenzo@duke-energy.com

Larisa.vaysman@duke-energy.com

Elyse.Akhbari@duke-energy.com

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 15th day of August, 2022, upon the following:

Ms. Carmen Schatzman
3143 Kleeman Road
Cincinnati, Ohio 45211

/s/ Elyse H. Akhbari
Elyse H. Akhbari

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/15/2022 2:17:58 PM

in

Case No(s). 22-0728-EL-CSS

Summary: Answer Duke Energy Ohio Inc. answer to the case caption electronically
filed by Mrs. Debbie L. Gates on behalf of Duke Energy Ohio Inc. and D'Ascenzo,
Rocco O. Mr. and Vaysman, Larisa and Akhbari, Elyse