

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Robert Lamb,</b>	)	
	)	
Complainant,	)	Case No. 22-982-GA-CSS
	)	
v.	)	
	)	
<b>Duke Energy Ohio, Inc.,</b>	)	
	)	
Respondent.	)	

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**ANSWER OF DUKE ENERGY OHIO, INC.**

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For its Answer to the Complaint of Mr. Robert Lamb (Complainant or Mr. Lamb), 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 is a customer/consumer of Duke Energy Ohio, Inc., the Company admits that Mr. Lamb is a current customer of the Company.

5. With regard to the Complainant's allegation that he and his landlord have previously complained and requested that his gas meter be moved outside, the Company

responds that it was not previously made aware, in the informal Commission complaint process, nor via the customer or his landlord, that he desired to move his meter outside from an indoor location.

6. Responding further, the Company states that, upon learning that the customer desired to have the meter for gas moved outside during the formal Complaint process, the Company contacted Mr. Lamb directly to evaluate whether or not his meter could in fact be moved to an outdoor location. Following successful contact with Mr. Lamb, the Company has set a time on November 11, 2022, to make the requested move of the meter from an indoor location to an outdoor location.

7. Regarding the Complainant's allegations whereby he states that his gas meter has been estimated, the Company admits and denies as follows: As stated above, the meter associated with Mr. Lamb's account is currently in an indoor location. Actual meter readings were obtained for the account associated with Mr. Lamb on 1/22/2022 and 7/26/2022. The Company was able to prorate the usage between the two known reads and make the relevant billing adjustments to August 2022 billing, sending a corrected statement for \$1,361.15. This amount represents the corrected charges for gas as well as unpaid electric charges, which Mr. Lamb also had associated with his account at that time—not only the corrected gas usage. A corrected invoice was issued to Mr. Lamb for the actual amount owed, based upon the actual readings obtained and outstanding electric charges. An initial payment plan was then established with the Company, to which Mr. Lamb has made some limited payments.

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

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

10. 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 Robert Lamb, 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 9<sup>th</sup> day of November 2022, upon the following:

Mr. Robert Lamb  
1200 Forrer Street  
Middletown, Ohio 45044

/s/ Elyse H. Akhbari  
Elyse H. Akhbari

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 22-0982-GA-CSS**

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