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RECEIVED

JUL 19 2011

PUBLIC SERVICE
COMMISSION

July 15, 2011

Mark David Goss
Frost Brown Todd, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749

**RE: BULLDOG'S ENTERPRISES, INC. V. DUKE ENERGY KENTUCKY,
INC.**

Dear Mr. Goss:

Enclosed please find Bulldog's Road House Response To Respondent's Initial Requests For Production of Documents and Interrogatories.

Sincerely,

Loretta Little

Assistant to Eric C. Deters

/ll

Encl.

cc: Public Service Commission

Q. DUKE ENERGY Ltr Goss 7-15-11 wpd

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

BULLDOG'S ENTERPRISES, INC. d/b/a)	
BULLDOG'S ROAD HOUSE)	
COMPLAINANT)	
)	
VS.)	Case No. 2010-00404
)	
DUKE ENERGY KENTUCKY, INC.)	
RESPONDENT)	

BULLDOG'S ROAD HOUSE REPOSE TO RESPONDENT'S INITIAL REQUESTS
FOR PROCUCTION OF DOCUMENTS AND INTERROGATORIES

Comes now the Complainant, Bulldog's Road House, by counsel, and does hereby respond to the first set of data request submitted by Respondent, Duke Energy Kentucky, Inc., as set forth below:

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

1. Please refer to paragraph seven of your complaint wherein you make the following statement: "Upon information and belief, thousands of Respondent's commercial customers are subject to such meter malfunctions annually." Please identify each and every fact known by you that supports this statement and identify with particularity the source(s) of your knowledge of each such fact.

RESPONSE:

Complainant has received several letters from similarly situated customers causing the Complainant to believe that Respondent's customers suffer a pattern of meter malfunctions every year. For a list of persons who provided Complainant with such information, please see response to Interrogatory 10.

Bulldog's Road House
Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404
Responding Witness: Eric C. Deters

2. Please refer to paragraph ten of your complaint wherein you make the following statement: "Complainant closed this location for retail customers on June 1, 2010."

a) Explain what is meant by "retail customers."

RESPONSE:

Retail customers mean the day-to-day patrons of the restaurant who visited with the intention of enjoying Complainant's food and drink.

b) Explain what is meant by "closed."

RESPONSE:

Bulldog's Road House closed to patrons for the months of June and July 2010. The restaurant remained, however, available for the booking of private events. No such events occurred during those two months except July 4th weekend and one other night. Also, it was closed for August until the last ten days.

c) Explain whether the Premises remained open for any type of service to other customers, persons or entities on or after June 1, 2010.

RESPONSE:

As mentioned above, the restaurant remained open for the booking of private events during June and July 2010. The restaurant opened for the July 4th holiday weekend (July 2-4, 2010) and one other party in July, but that was the only activity that actually occurred inside the restaurant during the time period in question. The restaurant reopened in late August.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

3. Please refer to paragraph eleven of your complaint wherein you make the following statement: "Despite the location being closed, and virtually no utilities being used, Respondent billed Complainant over \$3,600.00 for June and over \$3,800.00 for July "

a) Please explain what is meant by the phrase "virtually no utilities being used."

RESPONSE:

On, or around June 1, 2010, seven small refrigerators (four in the kitchen and three in the bar area), one large freezer and all of the televisions were shut down. In addition, the air was off and the lights were off.

b) Please identify the specific utilities being used at the Premises during the months of June and July 2010.

RESPONSE:

There would be no gas usage and limited electric based upon 3(a).

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky

Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

4. Please refer to paragraph thirteen of your complaint wherein you make the following statement: "Upon information and belief, Respondent treats all similarly situated commercial accounts in the same manner." Please identify each and every fact known by you that supports this statement and identify with particularity the source(s) of your knowledge of each such fact.

RESPONSE:

Complainant's information and belief is based upon the premises that Respondent conducts its business with each customer in a uniform manner, especially given the uniform billing statements contained within each customer bill, along with Respondent's uniform procedures for responding to customer billing complaints.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

5. Please refer to paragraph fifteen of your complaint wherein you make the following statement: "Respondent has tens of thousands of commercial customers utilizing its meters, of which thousands malfunction annually." Please identify each and every fact known by you that supports this statement and identify with particularity the source(s) of your knowledge of each such fact.

RESPONSE:

This information was received from Duke.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

6. Please refer to paragraph seventeen of your complaint wherein you make the following statement: "Respondent's commercial accounts that close are subsequently overbilled for utilities they did not use." Please identify each and every fact known by you that supports this statement and identify with particularity the source(s) of your knowledge of each such fact.

RESPONSE:

This is based upon common sense. In addition, others have said the same thing to Respondent.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

7. Please explain why Bulldog has standing to file this complaint when "Willie's of Independence" is the name of the customer who has subscribed to service from Duke Energy at the Premises.

RESPONSE:

Complainant purchased the property from Willie's of Independence. All services were paid by Bulldog's pursuant to the agreement of sale from Willie's. Respondent was paid from Complainant's pockets. Willie's made a full assignment. It was just never taken out of Willie's name.

Bulldog's Road House

**Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011**

Case No. 2010-00404

Responding Witness: Eric C. Deters

8. Please explain the legal, financial and commercial relationship(s) between Bulldog and Willie's of Independence.

RESPONSE:

There is no legal, financial and commercial relationship between the Bulldog and Willie's of Independence. Bulldog Enterprises, Inc. purchased the restaurant from Willie's of Independence.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

9. Please identify the specific tariff(s), regulation(s) and/or tariff(s) that you believe Duke Energy has violated. For each such violation, please identify each and every fact that you rely upon to support your belief and identify with particularity the source(s) of your knowledge of each such fact.

RESPONSE:

The ones which prevent Duke from billing for gas and electric not consumed.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

10. Please refer to page two of your response to Duke Energy's motion to dismiss wherein you make the following statement: "Numerous customers of Defendant have contacted Complainant to tell their stories regarding improper billing practices regularly carried out by Defendant." Please identify all such customers by name, address and telephone number.

RESPONSE:

Robert Beyrer
7579 Montridge Dr.
Cincinnati, OH 45244-3232

Kristin Valenti
4334 Glendale-Milford Road
Cincinnati, OH 45242

Stephen R. Kremer
3283 Yelton lane
Ameila, OH 45102

Larry Miller
1719 Dana Ave., Unit S
Cincinnati, OH 45206

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

11. Please state why you have not paid the undisputed portions of your electric and gas bills as required by 807 KAR 5:007, Sections 10-11.

RESPONSE:

Given the Respondent's inability to explain why the consumption of energy and gas was so high for the months of June and July 2010- in a closed restaurant-it is impossible for Bulldog's to determine what it actually owes. This discrepancy causes Bulldog's to question the accuracy of all prior bills. This is especially the case given the Defendant's record of repeated meter failures and the application of fast-meter charges to the bills.

Respondent was left with paying the bills or closing. Respondent chose closing.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

12. Please identify each and every Electrical Device that was installed at, attached to or located in the Premises during the months of June and July of 2010.

RESPONSE:

The normal equipment used in the operating of a full service kitchen.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

13. Please identify by name, title, address and phone number the person(s) who actually disconnected each of the Electrical Devices identified in response to interrogatory ___ and the date of each disconnection.

RESPONSE:

Tami Ponzer
Former General Manager, Bulldog's Roadhouse
85 Roselawn Dr.
Independence, KY 41501

Memorial Day weekend and after the two July events.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

14. For each Electrical Device you identified in response to interrogatory thirteen as being disconnected, please state whether it was subsequently reconnected to an electrical outlet.

RESPONSE:

Yes.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

15. Please state whether Bulldog was the employer of any individuals who worked at the Premises during the period of January 2010 through October 2010.

RESPONSE:

Yes.

a) If Bulldog was the employer of individuals who worked at the Premises during the period of January 2010 through October 2010, please identify by name, title, address and phone number the individuals so employed.

RESPONSE:

(See attached list)

b) If anyone worked at the Premises during the period of January 2010 through October 2010 and was an employee of a person or entity other than Bulldog, please identify the name, address and phone number of such other person or entity.

RESPONSE:

Every person working on the Premises from January 2010 through October 2010 was an employee of Bulldog's.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky

Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

16. Please state whether any activities (which for purposes of this interrogatory shall include, but not be limited to: hosting private parties, receptions, celebrations or dining; bartending; catering; warehousing or storage; cleaning; maintaining; or watching television, movies or live entertainment) were conducted at the Premises on or after June 1, 2010. If any such activities occurred at the Premises on or after June 1, 2010, please identify the nature and date(s) of each such activity.

RESPONSE:

No activities occurred at the premises after June 1, 2010, with the exception of the opening of the restaurant to patrons for the July 4, 2010 holiday weekend and one other July event. Bulldog's Roadhouse re-opened, with limited hours, in late August 2010.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

REQUESTS FOR PRODUCTION

1. Please produce a copy of any and all documents received by Bulldog from Duke Energy in 2010.

RESPONSE:

See attached.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky

Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

2. For each customer identified by you in Exhibit F to your response in opposition to Duke Energy's motion to dismiss or in your response to interrogatory number ___ above, please produce a copy of all documents received by you from each customer.

RESPONSE:

Attached.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

3. Please produce an audio recording or transcript of any discussions you have had about the facts of this case during a radio broadcast in which you were a participant.

RESPONSE:

Unknown. Respondent has no idea what shows it was spoken about. There were no transcripts.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

4. Please produce a copy of any video recordings or posts of any discussion you have had about the facts of this case in the context of a blog, internet post, or social media outlet (i.e. UTube, Twitter, Facebook, etc.).

RESPONSE:

No such video recordings or posts exist to Respondent's recollection.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

5. Please produce a copy of all payroll records arising from or relating to work performed by any individuals identified in response to interrogatory ____. To the extent that any confidential information may be set forth in said records, the Complainant should consider seeking a designation of the confidential information pursuant to 807 KAR 5:001, Section 7.

RESPONSE:

These are confidential.

Bulldog's Road House

Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011

Case No. 2010-00404

Responding Witness: Eric C. Deters

6. Please produce a copy of all bills of sale, bills of lading, invoices, receipts or other documents arising from or relating to deliveries of food, beverages, goods or supplies to the Premises on or after June 1, 2010.

RESPONSE:

Respondent does not have these in his possession.

Bulldog's Road House

**Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011**

Case No. 2010-00404

Responding Witness: Eric C. Deters

7. Please produce a copy of any and all utility bills arising from or relating to use of utility services at the Premises for June and July 2010. Without limitation, please include any bills for cable or satellite television service, water service, telephone service, wastewater/sewage service and trash removal service.

RESPONSE:

See attached.

Bulldog's Road House

**Response to the Initial Data Request of Duke Energy Kentucky
Dated: June 30, 2011**

Case No. 2010-00404

Responding Witness: Eric C. Deters

8. Please produce a copy of any and all bills of sale, bills of lading, invoices, receipts or other documents arising from or relating to the disposition of Electrical Devices located at the Premises as of June 1, 2010. If any Electrical Devices located at the Premises as of June 1, 2010 were sold, transferred, gifted or in any other manner removed from the Premises, and no documentation exists arising from or relating to said sale, transfer, gift or removal, please state the date and nature of each transaction.

RESPONSE:

(See attached.)

Respectfully submitted,



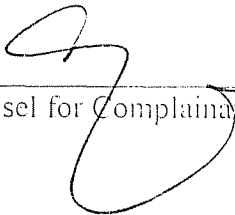
Eric C. Deters (81812)
5247 Madison Pike
Independence, KY 41017
Phone: (859) 363-1900
Fax: (859) 363-1444
Email: eric@ericdeters.com

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2011, a copy of the foregoing was served via electronic mail and regular U.S. mail, postage pre-paid, upon the following:

Mark David Gross
Frost Brown Todd, LLC

250 W. Main Street, Suite 2800
Lexington, KY 40507-1749


Counsel for Complainant

Q: DUKIE ENERGY Responses to Discovery DOC

Eric Deters

From: John F. Damico [jdamico@ercerc.com]
Sent: Friday, December 31, 2010 3:54 PM
To: Eric Deters
Cc: John F. Damico
Subject: Regarding your litigation with the electric company

o/c

Eric:

I have written to you before and I am on your newsletter list and wanted to remind you of my qualifications based on your comments today on the radio regarding your law suit with the electric company

This email is confidential and only between you and I and please do not forward this information or share with anyone.

I am a small business owner, water, sewer and stormwater financial rate consultant

We specialize in setting water, sewer and stormwater rates and specialize in establishing storm water utility program all across the united states

With that said, I may be helpful assisting you with identifying the skeletons the electric company may have or at least provide the appropriate questions to ask or the areas of cost or approaches to emphasize in your analysis.

I am not an experienced gas/electric utility rate setting consultant but the concepts and approaches are generally the same from industry to industry.

I have been an expert witness for several stormwater cases including having to defend the City of Lancaster Ohio stormwater utility program which I established and then later defended in court and the program was upheld this past May 2010.

This is very next information is confidential from the City of Cold Springs KY standpoint

I am assisting the City of Cold Springs KY with a law suit against SD1 (the sanitation district 1)

The City is suing SD1 and is requesting to be released from the SD1 stormwater fee.

It appears the court will rule that the City can leave the SD1 district and fee

Again this is not for public distribution as of yet

I am willing to provide some level of free services to you to prove I am qualified if you deem my services appropriate

I listen to you on the radio and I agree with most of your viewpoints

I am a conservative and registered as a republican in Kentucky only because I want to

vote in the primaries otherwise I am an independent

I have been a small business (self employed) owner since 1995

If you are ever in need of my services please let me know and visit my web site or contact me if you have any questions

Lastly, my plan is to get involved with the Tea Party in northern Kentucky and assist them to challenge the local water districts determining where the waste with those agencies may be etc. I would love to assist a community or group to sue SD1 regarding either or both sanitary and storm rates.)

Thank you for your time

Sincerely

John F. Damico
President
Environmental Rate Consultants, Inc (ERC)
2113 Greenbriar Place
Union, Kentucky 41091
359.384.7283
359.384.7284 fax
359.466.3354 cell
jdamico@ercerc.com
www.ercerc.com

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#####

From: Eric Deters [mailto:eric@ericdeters.com]
Sent: Thursday, December 30, 2010 12:42 PM
To: jdamico@ercerc.com
Subject: Newsletter

You are receiving this email from Eric C. Deters & Assoc. To ensure that you continue to receive emails from us, click [confirm](#). If you add [eric@ericdeters](mailto:eric@ericdeters.com) to your safe senders list in Outlook the images will automatically download.

You may [unsubscribe](#) if you no longer wish to receive our emails.

Eric Deters

From: JOE BREHM [JBREHM0@INSIGHTBB.COM] **Sent:** Fri 10/22/2010 9:22 AM
To: Eric Deters
Cc:
Subject: RE: CLASS ACTION UTILITY CASES
Attachments:

Yes I will.

I will keep a record each time this happens to me.

Thanks Joe

From: eric@ericdeters.com [mailto:eric@ericdeters.com]
Sent: Thursday, October 21, 2010 10:53 PM
To: JOE BREHM
Subject: Re: CLASS ACTION UTILITY CASES

At no cost...will you join me?

Sent on the Sprint® Now Network from my BlackBerry®

From: "JOE BREHM" <JBREHM0@INSIGHTBB.COM>
Date: Thu, 21 Oct 2010 23:46:06 -0500
To: <eric@ericdeters.com>
Subject: CLASS ACTION UTILITY CASES

Hello Eric,

If you are still filling a case against the utilities I have something.

509 Ash Road

Covington, Ky 41015

I had the water turned on 8-18-2010. They charged me the \$36.89. 8-18-2010 thru 8-31-2010. I was told that was the average

9-1-2010 thru 9-30-2010 I was charged \$40.37.

The house is empty and there should only be a couple of gallons used a month. There is no running toilet or bath in this house.

I called and asked what is up and was told they would adjust it to their minimum even if no water is being used.

\$10.12/month sanitation

\$4.44 / month storm water

I have this happen all the time with houses but haven't had anything documented to send you.

Both the water company and the electric company will charge a minimum fee even the utility is shut off at the service entrance by the home owner. The only way to avoid this minimum fee is to call them and have them shut off the service. I do this for my gas at my personal residence each summer, but then they charge me \$25 to come back out and turn it back on.

Listen to you on the radio all of the time and love your show. The issues are generally very relevant to what I am dealing with.

Thanks for all your help,

Joe Brehm

859-816-8712



139 East Fourth Street, ATII 25
P.O. Box 960
Cincinnati, OH 45201-0960
Telephone: (513) 419-1831
Facsimile: (513) 419-1826

James E. McLean
Assistant General Counsel
E-mail: James.McLean@duke-energy.com

August 3, 2010

Hon. Eric Deters
Eric C. Deters & Associates
5247 Madison Pike
Independence, KY 41051

*I made a decision
Friday to close Bulldogs
in Independence. →*

Re: Willic's of Independence

Dear Eric:

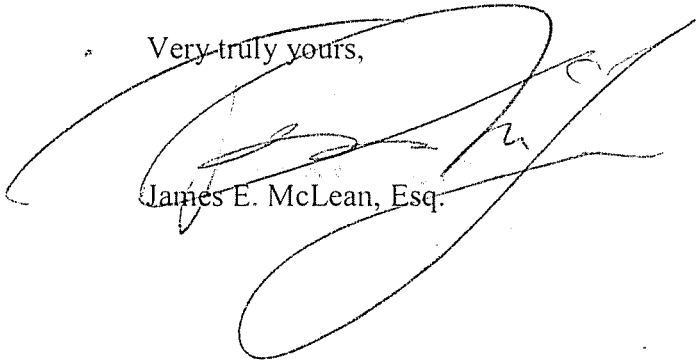
I am in receipt of your August 2, 2010 letter in which you indicated you were unhappy with your current Duke Energy billing statements. In your previous correspondence you indicated that your business was not fully functioning for the past few months and that your Duke Energy statements should be reflecting decreased usage.

We have investigated, but calls to you seeking additional information about your usage during the relevant period in order to assist in our investigation, have gone unanswered. Nonetheless, as a courtesy to you and out of an abundance of caution, we will be sending a technician to your place of business within the week to test the meter's accuracy. The disconnect order has been postponed until August 16th to give us additional time to resolve this dispute.

If the meter is determined to be malfunctioning, then we will certainly repair it and adjust your bill accordingly. However, if the meter is operating properly I am sure you understand that we must insist upon payment. In that event, we must receive a payment of at least \$3,612.00 by August 13th.

Finally, the caustic nature of the correspondence you have sent, particularly your August 2nd letter, was alarming. As a member of the Bar you are held to a higher standard. I sincerely hope you will demonstrate more diplomacy and professionalism moving forward, and extend to me the courtesy I have extended to you. Should you have any questions, please do not hesitate to contact me.

Very truly yours,


James E. McLean, Esq.

JEM/emr



DUKE ENERGY
P O Box 840
Cincinnati OH 45201

May 24, 2010

Willie's of Independence
2015 Declaration Dr.
Independence, IN 41051

Subject: Billing Adjustment for Unmetered Usage for Account Number 0410220802

Dear Customer:

It has been determined that our electric meter 108007257 at 2015 Declaration Dr. was not registering properly for the time period of 4/21/10 to 4/30/10. As a result of this finding, the meter was replaced on 4/30/10. Although metering equipment may occasionally malfunction, use of the service often continues without interruption and without proper meter registration.

When this circumstance occurs, Kentucky law states that the company can re-bill commercial accounts for the portion of the electric usage that did not register up to two years immediately prior to the date the defective meter was removed. Therefore, in accordance with Kentucky law, in order to bill for the unmetered usage, we have recalculated and re-billed your account for the time period of 4/21/10 to 4/30/10.

The method of determining the actual usage during this time period was based on a review of your usage patterns before and/or after installation of the new meter. Additionally, the appropriate rate in effect during the malfunction period was used to calculate the dollar amount owed. Any payments made to this account during the noted time period have been credited as well.

A billing adjustment for \$617.90 for the unmetered usage will be reflected on your next bill.

We realize that unexpected bills can be difficult to manage. After you have received your bill, if you need to make payment arrangements or if you have any questions concerning the adjustment, please feel free to call our Business Service Center at 1-800-774-1202.

At Duke Energy, we value you as a customer and appreciate the opportunity to serve your electric needs.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Rainear".

J.R. Rainear
Customer Service Department



October 6, 2010

0001705 01 AB 0 360 **AUTO T6 2 0123 41051-798315 -C01-P00000-I



WILLIE'S OF INDEPENDENCE
2015 DECLARATION DR
INDEPENDENCE KY 41051-7983

Subject: Disconnection Notice for Account Number 04102208-02-7

Dear Customer:

We want to inform you of some important information regarding your account with us.

At this time, our records indicate that your account at 2015 DECLARATION DR has a past due balance of \$9,561.64. To maintain your utility service, it will be necessary for you to pay your bill in full.

Please contact us at (513)651-5100 as soon as possible to discuss your account.

Thank you in advance for your prompt attention to this matter. We look forward to hearing from you soon.

Sincerely,

J.R. Rainear
Customer Service Department



CR043

0123-01-00-0001705-0001-0001705





November 2, 2010

0000137 01 AT 0 357 **AUTO F1 2 0142 41051-798313 -C01-P00000-4



WILLIE'S OF INDEPENDENCE
2015 DECLARATION DR
INDEPENDENCE KY 41051-7983

Subject: Disconnection Notice for Account Number 04102208-02-7

Dear Customer:

We want to inform you of some important information regarding your account with us.

At this time, our records indicate that our account at 2015 DECLARATION DR has a past due balance of \$17,866.44. To maintain your utility service, it will be necessary for you to pay your bill in full.

Please contact us at (513)651-5100 as soon as possible to discuss your account.

Thank you in advance for your prompt attention to this matter. We look forward to hearing from you soon.

Sincerely,

J.R. Rainear
Customer Service Department



CR043

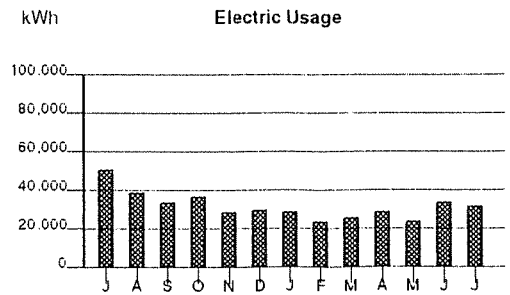
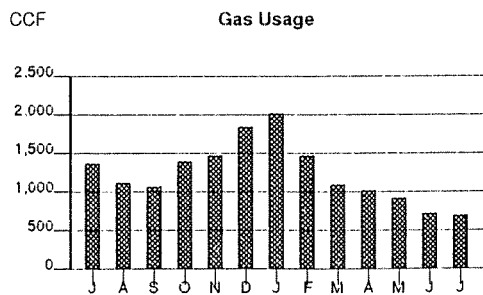
0142-01-00-0000137-0001-0000137

Name	Service Address	Account Number
Willie's Of Independence	2015 Declaration Dr Independence KY 41051	0410-2208-02-7

Reduce Your Carbon Footprint: Looking for a way to help the environment? Participating in the new Carbon Offset Program is an easy and inexpensive way to balance out the environmental consequences of your energy use. Visit www.balanceyourequation.com for more information.

Explanation of Current Charges			
Gas		Duke Energy	
Meter -	000172281	Rate GS - General Service	
CCF Usage -	706	Customer Charge	\$ 47.50
Jun 21 - Jul 21		Gas Delivery Charge	
30 Days		706 CCF @ \$ 0.20530000	144.94
		Gas Cost Recovery	
		706 CCF @ \$ 0.68260000	481.92
		Total Current Gas Charges	\$ 674.36
Electric		Duke Energy	
Meter -	106195956	Rate DS01 - Distribution Service	
Multipliers -	40	Customer Charge	\$ 15.00
kWh Usage -	32,400	Demand Chrg	
Demand Read -	02.78	15.00 kW @ 0.00000000	0.00
Actual kW -	111.20	96.20 kW @ \$ 7.75000000	745.55
Jun 21 - Jul 21		Energy Chrg	
30 Days		6,000 kWh @ \$ 0.09156800	549.41
		26,400 kWh @ \$ 0.06004200	1,585.11
		Elec DSM Rider	
		32,400 kWh @ \$ 0.00091700	29.71
		Rider MSR-E	
		32,400 kWh @ 0.00000000	0.00
		Rider PSM	
		32,400 kWh @ \$ 0.00091700cr	29.71cr
		Elec Fuel Adjustment	
		32,400 kWh @ \$ 0.00722900cr	234.22cr
		Total Current Electric Charges	\$ 2,660.85

Explanation of Taxes		
Taxes	Rate Incr for School Tax	\$ 100.06
	Kentucky State Tax	206.12
	Total Taxes	\$ 306.18



Calculations based on most recent 12 month history
 Total Usage 15,060
 Average Usage 1.255

Calculations based on most recent 12 month history
 Total Usage 374,200
 Average Usage 31,183

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Gas	1,377	1,129	1,093	1,419	1,491	1,862	2,034	1,495	1,114	1,031	937	749	706
Electric	51,600	39,920	34,840	37,960	29,360	30,280	29,600	24,880	26,240	29,760	24,040	34,920	32,400

Printed on recyclable paper.



DISCONNECT NOTICE

Account Number 0410-2208-02-7 90 14

For less detailed billing information on your monthly bill, check box on right

Due Date	Amount Due
Aug 13, 2010	\$ 7,418.90

\$ _____ \$ _____
 WinterCare Contribution Amount Enclosed
 (for Customer Assistance)

#04B0D2YH02CMSE02#

0000030 01 SP 0.440 **SNGPL 1116519 41051-798315 -C01-P00000-1 46



Willie's Of Independence
 2015 Declaration Dr
 Independence KY 41051-7983

PO Box 9001084
 Louisville KY 40290-1084

210 00007418906 04102208027 081320101 00007585667

DISCONNECT NOTICE

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT

Page 1 of 2

Name /Service Address	For Inquiries Call	Account Number
Willie's Of Independence 2015 Declaration Dr Independence KY 41051	Duke Energy For Account Services, please contact Business Service Center	1-800-774-1202 0410-2208-02-7

Mail Payments To	Account Information
PO Box 9001084 Louisville KY 40290-1084	Payments after Jul 22 not included Bill prepared on Jul 22, 2010 Next meter reading Aug 19, 2010

IMPORTANT- Your service may be disconnected if your past due amount of \$3,612.09 is not paid before 08/09/2010. A reconnection charge will be required. For questions, please call the number shown above.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Multi	Usage	Actual kW
Gas	000172281	Jun 21	Jul 21	30	42267	42973	1	706	
Elec	106195956	Jun 21	Jul 21	30	1474	2284	40	32,400	111.20

Gas - Commercial	
Usage -	706 CCF
Duke Energy - Rate GS	\$ 674.36
Current Gas Charges	\$ 674.36
Gas Cost Recovery \$0.68260000/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 3,612.09
Late Payment Charge(s)	165.42
Balance Forward	3,777.51
Current Gas Charges	674.36
Current Electric Charges	2,660.85
Taxes	306.18
Current Amount Due	\$ 7,418.90

Electric - Commercial	
Usage -	32,400 kWh 111.20 kW
Duke Energy - Rate DS01	\$ 2,660.85
Current Electric Charges	\$ 2,660.85

Taxes	
Taxes	\$ 306.18

Printed on recyclable paper

DISCONNECT NOTICE

Due Date	Amount Due	After
Aug 13, 2010	\$ 7,418.90	Aug 13, 2010
		\$ 7,585.66





NOTICE OF DISCONNECTION

We regret that it has been necessary to disconnect your gas and/or electric service(s), due to an unpaid balance.

RESTORING SERVICE

To restore your gas and/or electric service(s) you will be required to satisfy all of the following:

- Pay the entire past-due balance or the past-due amount of any extended payment plan.
- Pay a reconnection charge.
- Pay a security deposit (if applicable).
- Provide current credit information.

NOTE: If you are unable to satisfy each of these requirements, you may be eligible for other arrangements. Contact our Credit Department at the telephone number below to discuss your account.

SPECIAL WINTER PROVISION (November 3 through March 31)

Under the guidelines of the Special Winter Provision of the Public Service Commission, residential customers, whose gas and/or electric service(s) has been disconnected for nonpayment, may have the service(s) reconnected by satisfying all of the following:

- Present a Certificate of Financial Need (CFN) to Duke Energy from your local Community Action Commission, including a certification that a referral for weatherization service has been made.
- Pay one-third (1/3) of the past-due balance or \$200, whichever is less.
- Set-up an extended payment plan, which would bring your account current as soon as possible, but not later than October 15. If at the time of application for reconnection, you have an outstanding bill in excess of \$600, you must agree to a repayment plan that would pay off your current charges each month in addition to a good faith reduction of the past-due bill, consistent with your ability to pay.

For additional information contact your local Community Action Commission (see phone numbers below).

PAYMENT OPTIONS

Payments can be made by any of the following methods:

- Pay over the phone by electronic check or credit card (VISA & MasterCard). Please call 1-877-596-5068.
- Pay at a Pay Station. Visit www.duke-energy.com or contact our Credit Department to locate a Pay Station near you.

ENERGY ASSISTANCE

Residential customers may qualify for energy assistance. Contact the local CAC serving your county.

Boone County CAC	859-586-9250	Gallatin County CAC	859-567-4660
Pendleton County CAC	859-654-4054	Owen County CAC	502-484-2116
Kenton County CAC	859-291-8607	Campbell County CAC	859-431-4177
Grant County CAC	859-824-4768	Carroll County CAC	502-732-5253

United Way & Community Chest Information and Referral Services - call 211 or 859-525-2600

CONTACT INFORMATION

If you have any questions about your bill, or this disconnect notice, please contact our Credit Department. Our representatives are available 7:00 a.m. to 7:00 p.m. Monday through Friday and Saturday 8:00 a.m. to 1:00 p.m.

Credit Department
513-651-5100 or 1-800-648-7777

You replied on 10/26/2010 9:21 AM.

Eric Deters

From: McLean, James E [James.McLean@duke-energy.com] **Sent:** Tue 10/26/2010 9:18 AM
To: Eric Deters
Cc:
Subject: RE:
Attachments:

Eric, thank you for updating me. I know you must be disappointed and I truly feel badly that things went south for Bulldog's. It looked like a nice place.

Our regulatory attorneys will continue to handle the PSC Complaint.

James E. McLean, Jr.
Assistant General Counsel



Duke Energy - Office of General Counsel
phone: (513) 419-1831

cellular: (513) 504-6843
fax: (513) 419-1846

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From: Eric Deters [mailto:EDeters@ericdeters.com]
Sent: Tuesday, October 26, 2010 8:34 AM
To: McLean, James E
Subject:

James -

I made a decision Friday to close Bulldogs in Independence. Duke billed me the same as May for three months I was closed. The Water District's meters, they claim, made a mistake. I was paying their bill every month. Bam. A \$7,000.00 bill. Last week, the Sanitation District hit me with an \$8,000.00 bill. Problem. I never ever received one. Unbelievable. Duke Sanitation District Water. Three strikes. I'm out. I'm not going to pay \$40,000.00 from my personal or law office accounts to three utilities who have absolutely committed ridiculous acts. I don't have to have their dreaded "disconnect" to worry about anymore. Also, Bulldog Enterprises doesn't own the building. My trust does. Bulldog Enterprises is judgment proof. I'm not dropping the PSC complaint.

Eric Deters

Eric Deters

From: McLean, James E [James.McLean@duke-energy.com]

Sent: Saturday, September 04, 2010 6:15 PM

To: Eric Deters

Subject: Re: Bulldog's Roadhouse

I guess civility will not be part of the equation.. I have extended to you every professional courtesy, yet you are unwilling to do the same. It is unfortunate and disappointing.

It is reasonable for you to pay the undisputed portion of the charges (the gas and the fixed fees which you have not disputed), dismiss your civil complaint, and file a complaint with the Kentucky PSC which is the proper forum. Contrary to your belief, you are the same as any other rate payer. If you decline to cooperate as outlined above, then we will proceed with disconnection as I have indicated. You may be guided accordingly.

Sent using BlackBerry

From: Eric Deters <EDeters@ericdeters.com>

To: McLean, James E

Sent: Sat Sep 04 11:50:08 2010

Subject: RE: Bulldog's Roadhouse

it is fucking impossible that my charges for two months i was closed heating and air off to be the same as the prior months ...i propose i begin paying the bill going forward since i reopened two weeks ago until we litigate those two months if you disconnect my service my damages will be significant and im hold duke responsible im not paying for two months i did not use that energy billed and you arrogant asses have propped nothing to address that!!!!!!!1

-----Original Message-----

From: McLean, James E [mailto:James.McLean@duke-energy.com]

Sent: Friday, September 03, 2010 2:03 PM

To: Eric Deters

Cc: D'Ascenzo, Rocco O; Ball, Pam; Rolfes, Minna; Steven Martin

Subject: Bulldog's Roadhouse

Eric, we suspended the disconnection orders in August so we could investigate further. Nothing unusual was found during our walkthrough at the restaurant. Further, as you know, the meter was tested and was found to be properly recording usage. These things were all done as a courtesy to you. You have not disputed the gas usage or the fixed charges, but you have paid nothing since June. As a result, your service is scheduled for disconnection on September 9.

We are willing to continue to try to work with you on this dispute, but the proper forum is the Kentucky PSC. We will continue to investigate, but I am asking that you file your complaint with the Kentucky PSC, pay the undisputed portion of the charges, and dismiss the action you have filed against Duke Energy in Kenton County as the Court does not have jurisdiction over this dispute. If you are unwilling to do so, we will proceed with disconnection on September 9.

Again, we are willing to continue to work with you and trust you will agree to proceed as set forth above so that we can continue to investigate. Please let me know your intentions on or before September 8.

James E. McLean, Jr.
Assistant General Counsel

9/4/2010

Eric Deters

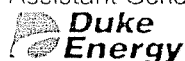
From: McLean, James E [James.McLean@duke-energy.com]
Sent: Friday, September 03, 2010 2:03 PM
To: Eric Deters
Cc: D'Ascenzo, Rocco O; Ball, Pam; Rolfes, Minna; Steven Martin
Subject: Bulldog's Roadhouse

Eric, we suspended the disconnection orders in August so we could investigate further. Nothing unusual was found during our walkthrough at the restaurant. Further, as you know, the meter was tested and was found to be properly recording usage. These things were all done as a courtesy to you. You have not disputed the gas usage or the fixed charges, but you have paid nothing since June. As a result, your service is scheduled for disconnection on September 9.

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Again, we are willing to continue to work with you and trust you will agree to proceed as set forth above so that we can continue to investigate. Please let me know your intentions on or before September 8.

James E McLean, Jr.
Assistant General Counsel



Duke Energy - Office of General Counsel
139 East Fourth Street
25 AT II
Cincinnati, OH 45202
phone: (513) 419-1831
cellular: (513) 504-6843
fax: (513) 419-1846
james.mclean@duke-energy.com

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Eric Deters

From: Spiller, Amy B [Amy.Spiller@duke-energy.com] **Sent:** Mon 8/2/2010 5:02 PM
To: Eric Deters
Cc:
Subject: Duke Energy billing issue
Attachments:

Eric

I wanted to let you know that the fax you intended to send to me today was erroneously sent to the Greater Cincinnati Minority Council, of which I am a member. Please ask your admin. correct your contact information for me. My fax number is below.

This letter, as well as your first, have been forwarded to James McLean for handling. James can be reached at (513) 419-1831.

Amy B. Spiller

Associate General Counsel
Duke Energy Business Services
139 E. Fourth Street, EAO25
Cincinnati, Ohio 45202
(513) 419-1810 (telephone)
(513) 410-1846 (facsimile)

*Fax My letter on
Duke - To This
Guy - Call him
to get his
fax*

(Handwritten signature)

CONFIDENTIAL NOTIFICATION:

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Attorneys
Licensed in
Kentucky, Ohio
and Florida

Attorneys At Law

Eric C. Deters
Charles T. Lester, Jr.
Diane M. Brown
Robert Lewis
Laura A. Tholke

August 2, 2010

Hon. Amy Spiller
Duke Energy, Cincinnati, OH
Associate General Counsel
225 E. 6th St., Floor 2
Cincinnati, OH 45202

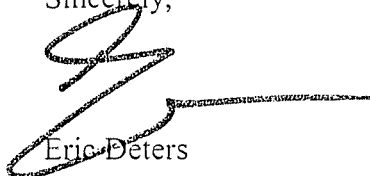
RE: Enclosed

Dear Amy:

We have still not resolved the fraudulent \$3,612.00 bill. I was freaking closed!
Now, there are late charges. Now, I get billed another \$3,000.00 plus, when I was only
open July 4th weekend!

You guys are unbelievable. I will "kill" someone if they turn off my energy!

Sincerely,



Eric Deters

Deters Associate

From: Moss, Steven J [Steven.Moss@duke-energy.com]
Sent: Thursday, July 08, 2010 10:29 AM
To: Deters Associate
Subject: FW: Willie's of Independence- electric bill

Mr Deters,

I am forwarding an email I sent, but for some reason it was not deliverable to the email address below James also had this email address in his file. Hope this one works
Steve

From: Moss, Steven J
Sent: Thursday, July 08, 2010 10:17 AM
To: ericdeters@ericdeters.com
Cc: McLean, James E
Subject: RE: Willie's of Independence- electric bill



Mr. Deters,

James asked me to look into this matter while he is out of the office on vacation. I received some information on your account today, however I have some questions that need to be answered before I can respond. Unfortunately, the people I need to talk to are on vacation this week as well. I hope to be able to respond to your request for information on your bill next week after I have had an opportunity to review this matter further.

Your letter mentions that your restaurant was closed for a month. Could you please provide me the dates it was closed?

If you have any questions in the meantime, feel free to contact me.

Thanks

Steve

Steven J Moss
Associate General Counsel
Office of the General Counsel
Duke Energy Corporation
1000 E. Main Street
Plainfield, IN 46168
Telephone 317 838 1870
Cell 317 432 5567
Fax 317 838 1842
Email: steven.moss@duke-energy.com

From: McLean, James E
Sent: Thursday, July 01, 2010 11:14 AM
To: ericdeters@ericdeters.com
Cc: Moss, Steven J
Subject: Willie's of Independence- electric bill

Eric, I am in receipt of your June 29 letter inquiring about your recent electric bill for the above-referenced property.

I left you a voicemail message as well. I am certain the business of the day keeps you quite busy- I

7/8/2010

was just reaching out to let you know we are investigating. Once our investigation is complete, we will provide you with a detailed response. Of course, in the interim, feel free to call me with any questions or further concerns.

I will be out of the office the next few weeks on vacation. If I cannot respond before my departure from the office next week, then I will have another attorney in our Midwest legal department, Steve Moss, take over handling

James E. McLean, Jr.
Assistant General Counsel



Duke Energy - Office of General Counsel
139 East Fourth Street
25 AT II
Cincinnati, OH 45202
phone: (513) 419-1831
cellular: (513) 504-6843
fax: (513) 419-1846
james.mclean@duke-energy.com

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June 29, 2010

Duke Energy
P.O. Box 9001076
Louisville, KY 40290-1076

Julie Janson
President of Kentucky & Ohio Duke Energy
139 E. 4th St.
Cincinnati, OH 45202

Hon. Amy Spiller
Associate General Counsel
155 East Broad St.
Suite 2100
Columbus, OH 43215

RE: The Enclosed Bill

To whom it concerns:

I would like Duke to explain how this bill is as much as the last bill when I have been closed for a month! Our air conditioner has been off or on 80 the entire time. Lights have been off. None of the kitchen equipment on except for a few days to cater!

This is a damn fraud!

Sincerely,

Eric Deters

NOTICE DISCONNECTION OF SERVICE

Our records show that your account is now past due. We want to continue serving you, but we will have to **DISCONNECT YOUR SERVICE** unless we receive your payment. For the amount to pay and the date this amount needs to be paid by to avoid disconnect refer to the enclosed bill in the "Important" message box.

If you have paid or made satisfactory arrangements within the past few days, thank you, and please disregard this notice.

IF YOUR SERVICES ARE DISCONNECTED

If it is necessary for the Company to disconnect your service, you must do the following to have your service reconnected: 1) pay the entire past due amount; 2) pay the appropriate reconnection charges; 3) give the Company current credit information; and 4) if appropriate, pay a security deposit.

**CUSTOMER SERVICES DEPARTMENT
DUKE ENERGY**



Cincinnati
644 Linn
Cincinnati, Ohio 45233

Newport
1697A Monmouth Street
Newport, Kentucky 41071

**CUSTOMER SERVICES DEPARTMENT
TELEPHONE NUMBERS
(513) 651-5100 OR 1-800-648-7777**

DISCONNECT NOTICE

513-419-1831 Page 1 of 2

Name: Service Address Willie's Of Independence 2015 Declaration Dr Independence KY 41031	For Inquiries Call Duke Energy 1 800-774-1202 For Account Services, please call our Business Service Center	Account Number 0410-2208-02-7
---	---	----------------------------------

Mail Payments To PO Box 900 1084 Louisville KY 40201-1084	Account Information Payments after Mar 23 not included Last payment received Mar 06 Bill received Mar 15 Next meter reading Mar 23
---	--

IMPORTANT: Your service may be disconnected if your past due amount of \$11,532.65 is not paid before 04/14/2010. This includes your past due utility amount of \$3,887.88 and your past due deposit amount of \$7,644.77. A reconnection charge will be required. For questions, please call our number shown above.

Meter	Number	Reading Date From	Reading Date To	Days	Meter Reading Previous	Meter Reading Present	Multi	Usage	Actual kW
Gas	1084	Feb 15	Mar 23	31	354	390	1	1114	
Elec	1084	Feb 15	Mar 23	31	400	514	1	2624	

Gas - Commercial

Usage: 1114 CCF
 Unit & Linegr. Fee: \$1,049.65
 Current Gas Charges: \$1,049.65
 Gas Cost Recovery: \$0.00 (0.00 CCF)

Current Billing

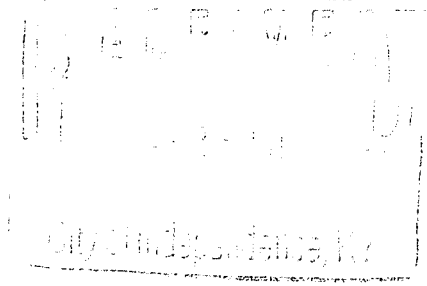
Am Due - Previous Bill: \$1,114.40
 Payment - Deposited: \$0.00
 Balance Forward: \$11,532.65
 Current Gas Charges: \$1,049.65
 Current Electric Charges: \$2,239.23
 Taxes: \$301.92
 Current Amount Due: \$15,123.65

Electric - Commercial

Usage: 2624 kWh
 Unit & Linegr. Fee: \$2,239.23
 Current Electric Charges: \$2,239.23
 Base Demand of 110 kW. Peak Demand Actual Demand of 110 kW. FV Billed in Jul 09

Taxes

Taxes: \$301.92



Tax ID# 300529751

DISCONNECT NOTICE		
Due Date	Amount Due	After
Apr 14 2010	\$ 15,123.65	Apr 14 2010
		\$ 1,123.65

Duke Energy

BULLDOG ENTERPRISES INC.
 OPERATING ACCOUNT
 5247 MADISON PIKE
 INDEPENDENCE KY 41031

Handwritten note: 4/6/10, 054.26, 5000.50

Three thousand eight hundred eight seven 89/100 3,887.88



Bulldog 0410-2208-02-07

DISCONNECT NOTICE

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT

Name /Service Address	For Inquiries Call	Account Number
Willie's Of Independence 2015 Declaration Dr Independence KY 41051	Duke Energy For Account Services, please contact Business Service Center	1-800-774-1202 0410-2208-02-7

LA [Signature]

Mail Payments To	Account Information	
PO Box 9001084 Louisville KY 40290-1084	Payments after Mar 23 not included Last payment received Mar 09	Bill prepared on Mar 23, 2010 Next meter reading Apr 21, 2010

IMPORTANT-Your service may be disconnected if your past due amount of \$11,532.89 is not paid before 04/09/2010. This includes your past due utility amount of \$3,887.89 and your past due Deposit amount of \$7,645.00. A reconnection charge will be required. For questions, please call the number shown above.

Meter	Number	Reading Date		Days	Meter Reading		Multi	Usage	Actual kW
		From	To		Previous	Present			
Gas	000172281	Feb 19	Mar 22	31	38436	39550	1	1,114	
Elec	108007257	Feb 19	Mar 22	31	7490	8146	40	26,240	73.60

Gas - Commercial	
Usage -	1,114 CCF
Duke Energy - Rate GS	\$ 1,049.65
Current Gas Charges	\$ 1,049.65
Gas Cost Recovery \$0.69430000/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 16,107.46
Payment(s) Received	4,574.57 cr
Balance Forward	11,532.89
Current Gas Charges	1,049.65
Current Electric Charges	2,239.23
Taxes	301.92
Current Amount Due	\$ 15,123.69

pk

Electric - Commercial	
Usage -	26,240 kWh 93.50 kW*
Duke Energy - Rate DS01	\$ 2,239.23
Current Electric Charges	\$ 2,239.23
* Based on 85% of Previous Maximum Actual Demand of 110.00 kW Billed in Jul 09.	

Taxes	
Taxes	\$ 301.92

RECEIVED
MAR 26 2010
City of Independence, KY

DISCONNECT NOTICE

Due Date	Amount Due	After
Apr 14, 2010	\$ 15,123.69	Apr 14, 2010
		\$ 15,288.13



6432-01-00-0000029-0001-0000057

visit us at www.duke-energy.com

DISCONNECT NOTICE

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT

Name /Service Address	For Inquiries Call	Account Number
Willie's Of Independence 2015 Declaration Dr Independence KY 41051	Duke Energy For Account Services, please contact Business Service Center	1-800-774-1202 0410-2208-02-7

W. Allen

Mail Payments To	Account Information	
PO Box 9001084 Louisville KY 40290-1084	Payments after Mar 23 not included Last payment received Mar 09	Bill prepared on Mar 23, 2010 Next meter reading Apr 21, 2010

IMPORTANT-Your service may be disconnected if your past due amount of \$11,532.89 is not paid before 04/09/2010. This includes your past due utility amount of \$3,887.89 and your past due Deposit amount of \$7,645.00. A reconnection charge will be required. For questions, please call the number shown above.

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Multi	Usage	Actual kW
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Elec	108007257	Feb 19	Mar 22	31	7490	8146	40	26,240	73.60

Gas - Commercial	
Usage -	1,114 CCF
Duke Energy - Rate GS	\$ 1,049.65
Current Gas Charges	\$ 1,049.65
Gas Cost Recovery \$0.69430000/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 16,107.46
Payment(s) Received	4,574.57 cr
Balance Forward	11,532.89
Current Gas Charges	1,049.65
Current Electric Charges	2,239.23
Taxes	301.92
Current Amount Due	\$ 15,123.69

pd *

Electric - Commercial	
Usage -	26,240 kWh 93.50 kW *
Duke Energy - Rate DS01	\$ 2,239.23
Current Electric Charges	\$ 2,239.23
* Based on 85% of Previous Maximum Actual Demand of 110.00 kW Billed in Jul 09.	

Taxes	
Taxes	\$ 301.92

RECEIVED
MAR 26 2010
City of Independence, KY

DISCONNECT NOTICE

Due Date	Amount Due	After Apr 14, 2010
Apr 14, 2010	\$ 15,123.69	\$ 15,288.13



6432-01-00-0000029-0001-0000057

visit us at www.duke-energy.com



Our Service Representative Was Here...

Date: 11/15/10 Time: 2:5 pm

Customer Name:

Customer Address: 2015 Declaration Dr

Our service representative was here to perform one of the following services:

- Read Meter
- Turn Service On
- Turn Service Off
- Make a Routine Check
- Investigate Trouble
- Change Meter
- Install Meter
- Remove Meter Barrel Lock
- Inspect Gas Service Line
- Light Gas Pilots
- Inspect Gas House Line
- Other as Noted

Type of Service/Meter: Gas Electric

Comments

Notes:

- Check your clocks or electric timing devices for proper settings
- Service is available—no need to call
- Call to make arrangements for us to gain entry

To Obtain Electric Service:

- Reset fuse box handle to upright position
- Replace main fuses
- Reset main circuit breaker

If you have a service that still needs completed please contact our Customer Service Department at the following number to schedule an appointment:

**513.421.9500 (local)
or
1.800.544.6900 (toll free)**

The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

Eric Deters

From: Robert Beyrer [rbeyrer@cinci.rr.com] **Sent:** Mon 1/3/2011 8:56 AM
To: Eric Deters
Cc:
Subject: Duke Energy - Class action suit
Attachments:

Eric,

My name is Robert Beyrer I am a war veteran and a retired Cincinnati Police Detective I am emailing you to see if there is enough parties interested in a class action suit against Duke Energy and their billing practice. I have saved my billing statements for the past 4-5 years and have disputed my Duke Energy bills many times each year Using my past experience as an investigator I have come across an issue I think is wrong. I found that Duke Energy will bill double Rider charges, Distribution charges, Delivery charges and Generation charges. Another billing practice Duke Energy likes to do is not adjust those charges when they are unable to read the meters do to inclement weather They will adjust the Kilowatt usage but not the Delivery, Destination, Rider and Generation charges. I have called and complained about this billing practice in the past and had Duke adjust their rate. Now they will not listen and state "that is the way it is and they can not change it, comes from the HQ." I have spoken to Cincinnati Public Schools about this as well and they are looking into this issue since they are having the same problem with Duke Energy and their billing practice

Thank you and please let me know or a direction I can take to resolve this issue

Robert Beyrer
Cell: (513) 703-7462

*meets in Cincinnati
40 - R Friday*

*10:30 meeting
Friday*

o/c

Jim Moore



DUKE ENERGY CORPORATION
139 East Fourth Street
PO Box 960
Cincinnati, OH 45202

800 544 6900

March 3, 2010

*AUTO**SCH 5-DIGIT 45244

Robert A Beyrer
7579 Montridge Dr 31013
Cincinnati OH 45244-3232 71

031013

Subject: IMPORTANT MESSAGE ABOUT YOUR BILL
Account number: 32700332

Dear Duke Energy Customer:

You are likely already aware that we incorrectly estimated the most recent bills for some of our customers, at higher amounts than they should have been.

The recent hazardous winter weather created dangerous working conditions for our meter readers. With safety in mind, we decided to employ a common industry practice of estimating energy usage for those meters that could not safely be read during the inclement weather. In the last billing cycle, those estimates were too high for a number of customer accounts, including yours.

We sincerely apologize for this error. I assure you this is a highly unusual error, not typical of our usual billing accuracy. Let me explain how we are addressing this situation.

If, like most customers, you are billed for the actual energy you use each month, you have the option to pay only half of the current charges on your most recent bill. (You are still responsible for any previous unpaid balances, if applicable.) No late payment fees will be assessed. Weather permitting, we will get an actual reading on your meter(s) next month, and make any needed adjustments on your March bill.

If your payment is made by bank draft (BillPayer 2000), we will make every attempt to reduce it by half. If the incorrect payment has already been drafted, any adjustment determined after an actual meter reading will be made on your next bill.

If you are on a Fixed Bill, Budget Bill or Percentage of Income Plan, you should pay the amount due on your bill, as you pay the same amount each month, regardless of estimated usage. This month's estimated meter reading will not be used for any future purpose for your account; only the actual meter read will be applied. **If you are on a Deferred Payment Plan, you should pay your regular installment payment** and at least half of your estimated current charges. Weather permitting, we will get an actual reading on your meter(s) next month, and make any needed adjustments on your March bill.

We understand this can be confusing, and you may have received conflicting information through the media or by phone. We will make every attempt to resolve this issue fairly and promptly. Should you have any further questions or concerns, our customer service representatives are available to assist you at 800-544-6900 (7 a.m. to 7 p.m., Monday through Friday).

Again, we apologize for the inconvenience, and thank you for your patience.

Sincerely,

J.R. Rainear
Vice President, Revenue Services



November 2, 2010

0001513 01 AT 0 357 **AUTO** 14 0 0142 45244-323279 -C01-P00000-1



ROBERT A BEYRER
7579 MONTRIDGE DR
CINCINNATI OH 45244-3232

Subject: Extended Payment Plan for Account Number 32700332-23-2

Dear Customer:

This letter confirms the extended payment plan you requested on November 2, 2010. The plan gives you the opportunity to pay your balance of \$781.88 in 003 installments of \$191.00 in addition to your regular monthly utility bill.

You may remain on this extended payment plan and avoid disconnection of your utility service as long as you make your agreed upon payments in full by the due date each month.

If you have any questions about this agreement, please contact us at 1-800-648-7777. Our service hours are 7:00 a.m. until 7:00 p.m., Monday through Friday, and on Saturdays from 8:00 a.m. until 1:00 p.m.

At Duke Energy, we appreciate your business and the opportunity to serve you.

Sincerely,

J.R. Rainear
Customer Service Department

CR033

0142-01-00-0001513-0001-0001513



The National Alliance For Insurance Education & Research

P.O. Box 27027, Austin, Texas 78755-2027 ■ 3630 North Hills Drive, Austin, Texas 78731

Telephone: 800-633-2165 ■ Fax: 512-349-6194 ■ Email: alliance@scic.com

RWH USAGE

RWH

	2009		2010		2010		2010	
	DEBIT	CHEQ	DEBIT	CHEQ	DEBIT	CHEQ	DEBIT	CHEQ
JAN	4690	45.46 47.26	81.43 20.72	29.90 16.97	4431	34.81 43.23	22.49 18.67	17.16 14.78
FEB	3976	79.32	40.24	26.53	5480	121.25	42.35	43.7
MAR	2902	57.89	40.24	16.96	3232	71.51	42.35	21.81
APR	2043	40.70	40.24	9.30	1922	42.53	42.35	9.01
MAY	1553	30.98	40.24	4.93	1540	31.07	42.35	5.28
JUN	1513	30.18	40.24	22.57	1620	35.84	42.35	34.88
JULY	1622	4.78 28.65	5.33 34.89	4.45 28.90	2048	45.31	42.35	58.97
AUG	1406	31.11	40.24	21.77	2133	42.19	42.35	63.75
SEP	1516	33.54	40.24	27.67	1777	39.32	42.35	43.72
OCT	1479	32.72	40.24	4.07	1570	34.74	42.35	5.70
TOTAL	22,708	463.05	404.31	219.16	25,753	24249	569.80	427.31

+3045
+106.75
+323.50
+23
+99.61
+122.41

RENTS 2009

RENTS 2010

	FPP	AAC	TCR	DELT	GEN	FPP	AAC	TCR	DELT	GEN
JAN	114.1	17.57	27.99	34.55	23.16	116.27	9.07	9.94	19.45	54.81
FEB	106.08	15.57	24.75	40.72		219.00	24.12	28.03	53.92	
MAR	77.43	12.60	18.06	30.43		261.67	33.20	33.40	66.40	
APR	40.38	10.23	12.72	21.61		77.90	12.09	9.83	20.68	
MAY	30.64	7.90	9.67	16.86		62.42	10.80	7.88	17.40	
JUN	29.90	10.79	9.42	17.08		65.66	16.01	8.29	19.64	
JULY	47.30	10.14	8.75	15.27		79.29	20.88	10.48	24.92	
AUG	47.50	9.90	8.75	15.18		82.58	21.84	10.91	24.49	
SEP	51.22	10.80	9.44	16.42		68.79	17.80	9.03	20.42	
OCT	57.76	7.72	7.57	15.26		66.02	10.69	9.77	16.49	
TOTAL	602.56	113.24	137.12	223.98	2210	1161.03	188.06	150.34	338.62	0

DELT

RENTS

FPP	AAC	TCR	DELT	GEN
558.77	74.82	13.22	114.64	-23.16
MORE 2010	MORE	MORE	MORE	

RENTS 761.15 MORE TO 2010



THE NATIONAL ALLIANCE
for Insurance Education & Research

www.TheNationalAlliance.com

KWH USAGE = 3045 MORE IN 2010

DISTRIB CHRG = \$106.⁷⁵ MORE IN 2010

GEN. CHRG = \$122.01 MORE IN 2010

REBELS = \$761.¹⁵ MORE IN 2010

\$990.51 MORE IN 2010

AVG. KWH PRICE GEN CHRG 2009 = \$.041023800 (11000 KWH)
 " " " " " " = \$.0323269 (12,708 KWH)
 23,708

AVG KWH PRICE DISTR. CHRG 2009 = \$.0228147 (27,708 KWH)
 = 22708 * 27,236 DEC 2009

AVG KWH PRICE GEN CHRG 2010 = \$.04234500 (11,000) plus \$.002107
 " " " " " = \$.0349833 (18,051) plus \$.007343
 29,051 KWH plus 5347 KWH

AVG KWH PRICE DISTR. CHRG 2010 = \$.0212600 (25,753 KWH)
 plus \$.0006829

BUDGET BILLING 2009 = 205 = \$250 (10 mos)
 " " " " " " 2010 = " " " " " "
 " " " " " " 2011 = 305 = 3050 } 800 INCREASE

COPIE TO: Eric Deters

IN CARE OF: Clear Channel Cincinnati 700WLW
8044 Montgomery Rd. Suit 650
Cincinnati, Ohio 45236 e
Ph (513) 686-8300

Date: July 29, 2010

Dear Sir:

A friend told me you have a billing problem with Duke Energy. I also had a billing problem in the spring of 2008.

My problem was triggered by Duke's policy to read the meter once every 12 months. Their delay in reading, then using a high estimated value resulted in questionable computed values for previous months in the billing cycle.

This is my experience and analysis as presented to Brian Thomas and Howard Ain as of March 10, 2009, that has resulted in no response or effort on their part.

After looking at the Ohio Consumers Counsel website I came to the conclusion it was a waste of time and just a put off.

Like to hear from you!

Stephen R. Kremer

PH (513) 797-6098
3283 Yelton Lane
Amelia, Ohio 45102

COPIES TO; Howard Ain; Brian Thomas; Ohio Consumers Counsel

SUBJECT: Billing practices of Duke Energy. The movement of kw-hrs usage to higher rate months and/or the resetting of initial kw-hrs numerical value below known meter reading in order to increase a month's usage. How often are people with "corrected bills" over charged for estimated readings that lie outside Dukes own known readings? If estimated values for kw-hrs usages are computer generated, do they always favor Duke? Has a study or investigation been done? Does a watchdog group exist?

MY OBSERVATION AND EXPERIENCE:

In an attempt to call in a meter reading it was not accepted by Duke do to a policy of having to read a meter in person at least once in 12 months. This rejection triggered an estimated meter value in order for Duke to meet its billing cycle. The special meter read occurred a week later, the reader said the estimate was high. The normal bill arrives the next day. Yes, the estimate was high, but I paid the bill within 4 days. Having just paid an inflated bill, the next day another bill arrives from Duke. This named "corrected bill" recalculated the previous 8-month usage and resets my initial reading for upcoming month to an arbitrary computer generated number below the initial value of the previous month. I was not credited the inflated bill I had just paid, this "corrected bill" must be computer garbage!! I assumed I would be credited next billing cycle, with an accurate, on time; call in of my next meter reading. With a timely call in of my end of month reading, I received my bill at the beginning of the month. The bill used the computer generated low number from the "corrected bill" this results in another over payment. I called Duke billing, managed to get the bill reduced by \$40 dollars, but I am still owed \$80 dollars.

QUESTIONS RAISED BY THIS EXPERIENCE:

1. Was this a fluke and one time occurrence?
2. If not, is this standard practice by Duke billing?
3. What percentage of customers receive a "corrected bill" if access to their meter is not possible in one or more billing periods?
4. Is it the practice of Duke to recalculate and move kw-hrs to higher rate paying months?
5. Is this practice sanctioned by the PUC in the States served by Duke?
6. Is this recalculation of bill made with clear understanding of customers?
7. What about the gas customers?

I do not have a large enough sample among friends and relatives to do an investigation. Maybe some of your friends or colleges have occasions when a "corrected bill" is generated. If this is the case they should be analyzed for describe discrepancies.

Thank you,

Stephen R. Kremer
3283 Yelton Ln.
Amelia , Ohio 45102
Phone 513 797-6098

Gentlemen:

I live on a farm in Clermont County. In early spring of 2007 I requested of Duke Energy to read my own meter. I have a drive over 1,400 ft long; it can be easily rutted after the spring thaw. This relieves the meter-reading burden of Duke and is done by phone.

I called in meter-reading of 6335 on March 26, 2008 Duke would not accept that reading. I was told that they must read the meter at least once in 12 months. I said OK, but explained this defeats the purpose, but was told this is the rule even if the reader has to walk in. No meter reader showed Wednesday, Thursday or Friday. Wanting my readings to track my energy usage, I called and complained. He showed on April 4th and said estimate was high.

I received February 26 to March 26 Bill on April 5th, with the reading of 5301 and 7054E estimate, giving a usage for the month of 1,753 kW- hours. Promptly paid this bill April 7th of \$160. I knew this was high, as told by the April 4th reading; but I assumed it would be corrected and credited next billing cycle with an accurate on time meter reading.

HERE COMES THE BRICK!!! Before my next scheduled call in reading due April 24!!!

On April 12 (5 days after paying) received "corrected bill prepared April 8th with all previous eight months as estimates. February 26 was 3368E estimate and March 26th was set to an unknown number of 4252(What is this? No E). The bar graph showed 884 kw-hours usage, but for April (but it is February/March I want corrected.). Now I have a second bill of 43 dollars for February/ March billing period and a bar graph for April. This was garbage, I just paid 160 dollars on April 7th using estimate of 7054E.

Called in my April 24th reading of 6789, it was accepted. Note, I have not reached the estimate of 7054E for February /March billing cycle. Received bill 3rd of May for March /April, it used the computer generated 4252 and my reported reading of 6789, a usage of 2537 kw-hours and payment of the \$106 dollars. Note, actual readings were 6335(not accepted) and 6789, for usage of 454 kw-hours. I have not reached 7054E estimated reading for which I paid \$160 and now I am told to pay \$106. I will have to call again, Duke billing, what a pain!!!

Called Duke May 12th could not get any satisfaction from their billing person, asked for the boss. Convinced him to use meter reading of 6335 for March 26th reading. Told him I wanted my bar graph to show actual kw-hours usage for I compare them from the year to year. I asked him if 4252(Number from nowhere) was a mistake in reading on April 4th, he said no, the meter man read 6518 and then the another special read after my second complaint was 6949 on May 9th. QUESTION, WHY DIDN'T THEY USE ONE OF THOSE INPERSON READINGS TO CORRECT MY BILL!!! The Duke billing manager could not give an answer!! 4252 was not in line with special meter readings!!

Received a "corrected bill prepared May 12th" for March /April with a new charge of \$84 a slight improvement from the \$106. The bar graph showed true usage for March / April period. But bar graphs for earlier summer months absorbed peak kw-hours and absorb my \$ 160 payment. Went ahead and paid the \$84 for March/April billing. Maybe I will be credited in April/May bill. Hopefully it's just a lag in calculating the credit and bar graph readouts!

Called in my May 23rd reading of 7133, it was accepted. Early June received April/May bill \$41 dollars for a usage of 334Kw-hours. The numbers were all correct, but no credit from earlier payments was given!

See spreadsheet # 2 "True Billing" , I calculate from their "corrected billing data" that I am owed a credit of \$80 dollars.

AS IT SHOULD BE CHART 2

Early Month Bill 1st, 2nd, 3rd, 4th	Date/ Pervious estimate>	Date/ Last read E estimate>	Days/ Usage E	calculated bill	Paid	Credit
Febuary Jan (usage)	26-Dec 958	25-Jan 3243	30 2285	\$194.02	\$194.02	\$0.00
March Feb (usage)	25-Jan 3243	26-Feb 5301	32 2058	\$181.64	\$181.64	0.00
April Mar (usage)	26-Feb 5301	26-Mar 6335	29 1034	\$111.61	\$160.79	\$49.18
May Apr (usaage)	26-Mar 6335	24-Apr 6789	29 454	\$53.38	\$84.41	\$31.03
June May(usage)	24-Apr 6789	23-May 7133	29 344	\$41.57	\$41.57	\$0.00
Amount I am still owed ,but not credited!!!!				Total Credit		\$80.21

OWED
YET

MIR MARCH 26 READING WAS 6335, NOT Accepted

APRIL 5th Bill used 7054 E

APRIL 4th meter MAN READ 6518

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT

Page 1 of 2

Name /Service Address	For Inquiries Call	Account Number
Stephen Kremer 3283 Yelton Ln Amelia OH 45102	Duke Energy <i>FEB - MARCH USAGE</i> 513-421-9500 1-800-544-6900	2040-0614-20-3

Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after Mar 31 not included Last payment received Mar 19 Bill prepared on Mar 31, 2008 Next meter reading Apr 24, 2008

Meter	Number	Reading Date From To	Days	Meter Reading Previous	Meter Reading Present	Usage
Elec	031198856	Feb 26 Mar 26/	29	5301	7054 E <i>6335</i>	1,753

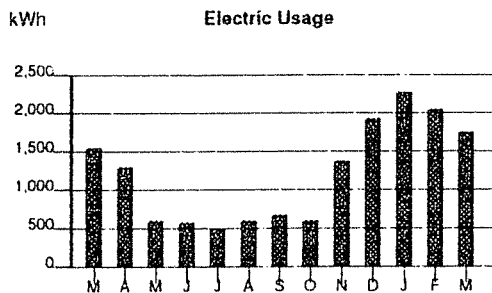
Electric - Residential	
Usage -	1,753 kWh
Duke Energy - Rate RS	\$ 160.79
Current Electric Charges	\$ 160.79

Current Billing	
Amt Due - Previous Bill	\$ 181.64
Payment(s) Received	- 181.64cr
Balance Forward	0.00
Current Electric Charges	160.79
Current Amount Due	\$ 160.79

WOW ACCEPT

Total Generation Charges	\$ 63.54	\$ 160.79
Total Current Electric Charges		\$ 160.79

PAID



Calculations based on most recent 12 month history
 Total Usage 14,386
 Average Usage 1,199

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Electric	1,561	1,310	621	592	521	611	680	623	1,391	1,941	2,285	2,058	1,753

RECEIVED April 8th

** CORRECTED BILL **

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT.

Page 1 of 5

Name /Service Address	For Inquiries Call	Account Number
Stephen Kremer 3283 Yelton Ln Amelia OH 45102	<i>Feb - MARCH USAGE CORRECTION</i> Duke Energy 513-421-9500 1-800-544-6900	2040-0614-20-3

Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after Apr 08 not included Bill prepared on Apr 08, 2008 Next meter reading Apr 24, 2008

Meter Number	Reading Date From To	Days	Meter Reading Previous Present	Usage
Elec 031198856	Feb 25 Mar 26	30	3368 E <i>Feb</i> 4252 <i>854</i>	884

Electric - Residential	
Usage -	884 kWh
Duke Energy - Rate RS	\$ 97.14
Current Electric Charges	\$ 97.14

Current Billing	
Amt Due - Previous Bill	\$ 160.79
Canceled Charges:	
Electric Charges	1,125.43cr
Prior Month(s) Charges:	
Electric Charges	910.93
Balance Forward	53.71cr
Current Electric Charges	97.14
Current Amount Due	\$ 43.43

PAID

NOT PAID

Explanation of Prior Month(s) Charges		
Electric Meter - 031198856 Multipliers - 1 kWh Pres Read - 3368E kWh Prev Read - 2400E kWh Usage - 968 Jan 25 - Feb 25 31 Days	Duke Energy Rate RS - Residential Svc-Winter Distribution-Customer Chg \$ 4.50 Delivery Charges Distribution-Energy Chg 968kWh @ \$ 0.01994900 19.31 Rider TCR 6.19 Rider RSC 6.41 Rider AAC 7.01 Delivery Riders 17.69 Total Delivery Charges \$ 56.61 Generation Charges Generation Energy Chg 968kWh @ \$ 0.03755300 36.35 Rider FPP 8.46 Total Generation Charges \$ 44.81	\$ 105.92
Electric Meter - 031198856 Multipliers - 1 kWh Pres Read - 2400E kWh Prev Read - 1434E kWh Usage - 966 Dec 26 - Jan 25 30 Days	Duke Energy Rate RS - Residential Svc-Winter Distribution-Customer Chg \$ 4.50 Delivery Charges Distribution-Energy Chg 966kWh @ \$ 0.01994900 19.27 Rider TCR 6.18 Rider RSC 6.40 Rider AAC 5.04 Delivery Riders 17.64 Total Delivery Charges \$ 54.53 Generation Charges Generation Energy Chg 966kWh @ \$ 0.03755300 36.28 Rider FPP 8.44 Total Generation Charges \$ 44.72	\$ 103.75

Name		Service Address	Account Number
Stephen Kremer		3283 Yelton Ln Amelia OH 45102	2040-0614-20-3
Electric		Duke Energy	
Meter -	031198856	Rate RS - Residential Svc-Summer	
Multipliers -	1	Distribution-Customer Chg	\$ 4.50
kWh Pres Read -	8791E	Delivery Charges	
kWh Prev Read -	7582E	Distribution-Energy Chg	
kWh Usage -	1,209	1,209 kWh @ \$ 0.01994900	24.12
Aug 23 - Sep 24		Rider TCR	6.31
32 Days		Rider RSC	8.38
		Rider AAC	3.35
		Delivery Riders	20.31
		Total Delivery Charges	\$ 62.47
		Generation Charges	
		Generation Energy Chg	
		1,000 kWh @ \$ 0.03755300	37.55
		209 kWh @ \$ 0.04758100	9.94
		Rider FPP	26.83
		Total Generation Charges	\$ 74.32
			\$ 141.29
Electric		Duke Energy	
Meter -	031198856	Rate RS - Residential Svc-Summer	
Multipliers -	1	Distribution-Customer Chg	\$ 4.50
kWh Pres Read -	7582E	Delivery Charges	
kWh Prev Read -	6263E	Distribution-Energy Chg	
kWh Usage -	1,319	1,319 kWh @ \$ 0.01994900	26.31
Jul 25 - Aug 23		Rider TCR	6.89
29 Days		Rider RSC	9.31
		Rider AAC	3.72
		Delivery Riders	22.31
		Total Delivery Charges	\$ 68.54
		Generation Charges	
		Generation Energy Chg	
		1,000 kWh @ \$ 0.03755300	37.55
		319 kWh @ \$ 0.04758100	15.18
		Rider FPP	29.28
		Total Generation Charges	\$ 82.01
			\$ 155.05
Electric		Duke Energy	
Meter -	031198856	Rate RS - Residential Svc-Summer	
Multipliers -	1	Distribution-Customer Chg	\$ 4.50
kWh Pres Read -	6263E	Delivery Charges	
kWh Prev Read -	5191	Distribution-Energy Chg	
kWh Usage -	1,072	1,072 kWh @ \$ 0.01994900	21.39
Jun 26 - Jul 25		Rider TCR	5.60
29 Days		Rider RSC	7.23
		Rider AAC	2.89
		Delivery Riders	15.94
		Total Delivery Charges	\$ 53.05
		Generation Charges	
		Generation Energy Chg	
		1,000 kWh @ \$ 0.03755300	37.55
		72 kWh @ \$ 0.04758100	3.43
		Rider FPP	23.79
		Total Generation Charges	\$ 64.77
			\$ 122.32
Total Prior Electric Charges			\$ 910.93

MAY 3rd BILL FOR MARCH-APRIL USAGE

NOTE: USED 4252? a meter RESET VALUE

END of APRIL HAVE NOT REACHED 7054E PAID 160.79

PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT

Page 1 of 2

Name /Service Address	For Inquiries Call	Account Number
Stephen Kremer 3283 Yelton Ln Amelia OH 45102	Duke Energy 513-421-9500 1-800-544-6900	2040-0614-20-3

MARCH-APRIL USAGE

Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after Apr 25 not included Last payment received Apr 14 Bill prepared on Apr 25, 2008 Next meter reading May 23, 2008

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Usage
Elec	031198856	Mar 26	Apr 24	29	4252	6789	2,537

APRIL 4th MAY

Electric - Residential	
Usage -	2,537 kWh
Duke Energy - Rate RS	\$ 221.82
Current Electric Charges	\$ 221.82

Current Billing	
Amt Due - Previous Bill	\$ 43.43
Payment(s) Received	160.79cr
Balance Forward	117.36cr
Current Electric Charges	221.82
Current Amount Due	\$ 104.46

160.79

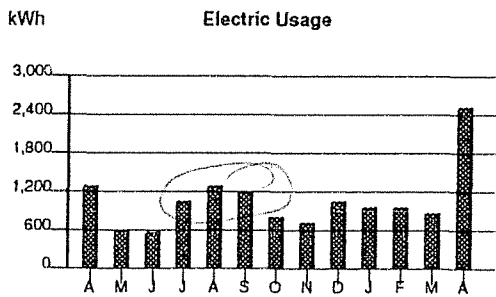
NOT PAID
CALLED
BILLING

SPECIAL
READING

APRIL 4th 6518 METER READER → APRIL 23rd 2:15 6945

Your bill has been reformatted to comply with a Commission Remand Order in Case No. 03-93-EL-ATA

Total Generation Charges	\$ 138.84	\$ 221.82
Total Current Electric Charges		\$ 221.82



KW - kWh
MOVED!

Calculations based on most recent 12 month history
Total Usage 12,811
Average Usage 1,068

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Electric	1,310	621	592	1,072	1,319	1,209	821	747	1,075	966	968	884	2,537

? ? ? ? ? ? ? ? ?

Received 177 May 15

**** CORRECTED BILL ****

↑ PLEASE RETURN THE TOP PORTION WITH YOUR PAYMENT. ↓

Page 1 of 3

Name /Service Address	For Inquiries Call	Account Number
Stephen Kremer 3283 Yelton Ln Amelia OH 45102	Duke Energy 513-421-9500 1-800-544-6900	2040-0614-20-3

MARCH - APRIL USAGE
CORRECTED

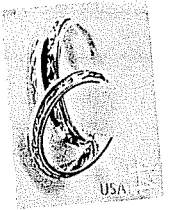
Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after May 12 not included Bill prepared on May 12, 2008 Next meter reading May 23, 2008

Meter	Number	Reading Date		Days	Meter Reading		Usage
		From	To		Previous	Present	
Elec	031198856	Mar 26	Apr 24	29	6335 OK	6789 OK	454

Electric - Residential	Current Billing
Usage - 454 kWh Duke Energy - Rate RS \$ 53.38 Current Electric Charges \$ 53.38	Amt Due - Previous Bill \$ 104.46 Canceled Charges: Electric Charges 528.63 cr Prior Month(s) Charges: Electric Charges 455.20 Balance Forward 31.03 Current Electric Charges 53.38 Current Amount Due \$ 84.41
Total Current Electric Charges \$ 53.38	

Explanation of Prior Month(s) Charges		
Electric Meter - 031198856 Multipliers - 1 kWh Pres Read - 6335 kWh Prev Read - 5301 kWh Usage - 1,034 Feb 26 - Mar 26 29 Days	Duke Energy Rate RS - Residential Svc-Winter Distribution-Customer Chg \$ 4.50 Delivery Charges Distribution-Energy Chg 1,034 kWh @ \$ 0.01994900 20.63 Rider TCR 6.62 Rider RSC 6.72 Rider AAC 7.34 Delivery Riders 18.73 Total Delivery Charges \$ 60.04 Generation Charges Generation Energy Chg 1,000 kWh @ \$ 0.03755300 37.55 34 kWh @ \$ 0.01416900 0.48 Rider FPP 9.04 Total Generation Charges \$ 47.07	PAID 160 79 \$ 111.61
Electric Meter - 031198856 Multipliers - 1 kWh Pres Read - 5301 kWh Prev Read - 3243 kWh Usage - 2,058 Jan 25 - Feb 26 32 Days	Duke Energy Rate RS - Residential Svc-Winter Distribution-Customer Chg \$ 4.50 Delivery Charges Distribution-Energy Chg 2,058 kWh @ \$ 0.01994900 41.06 Rider TCR 13.17 Rider RSC 9.28 Rider AAC 10.14 Delivery Riders 32.96 Total Delivery Charges \$ 106.61 Generation Charges Generation Energy Chg 1,000 kWh @ \$ 0.03755300 37.55 1,058 kWh @ \$ 0.01416900 14.99 Rider FPP 17.99 Total Generation Charges \$ 70.53	PAID \$ 181.64

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STEPHEN R. KREITER
3283 YELTON LANE
AMELIA, OHIO 45102

RETURN RECEIPT

Contents:

1. Cover Letter
2. Details of billing occurrences
3. Spreadsheet of billing timeline
4. Spreadsheet of correct billing
5. Bills of March, April, May, for spring 2008

Loretta Little

From: Eric Deters
Sent: Monday, October 11, 2010 2:56 PM
To: Loretta Little
Subject: FW: DUKE ENERGY

Attachments: S25C-210101114150.pdf



S25C-21010111415
0.pdf (2 MB)

-----Original Message-----

From: Kristin Valenti [mailto:Kmv@hauckco.com]
Sent: Monday, October 11, 2010 2:35 PM
To: Eric Deters
Subject: DUKE ENERGY

Eric:

I was listening to your show on Saturday regarding the utility company and the monopoly rip off. I received (please see attached) an invoice and letter from Duke Energy. It seems that my Gas meter wasn't working properly and a few months they didn't bill me. They came up with an estimate on what they think I owe. I put a high efficiency furnace in Aug 2008 and I'm not sure what they are doing is legal or fair. Any suggestions? The bill is now close to \$1500.00 due in a couple weeks. If you want to contact me after 5:00 my cell is 513-240-3829..Or at work 513-842-3302. Would love some input on what to do.
Sincerely,

Kristin

Kristin M. Valenti
Controller
~~Hauck Holdings, LTD~~
4334 Glendale-Milford Road
Cincinnati Ohio 45242

VS. Duke

(513) 733-3300 (p)
(513) 842-1611 (f)



Duke Energy

Mailing Address:
P O Box 840
Cincinnati, OH 45201

October 1, 2010

Kristian Valenti
9599 Lansford Dr
Cincinnati, OH 45242
Subject: Billing Adjustment for Unmetered Usage for Account Number 34600198 22

Dear Ms. Valenti:

It has been determined that gas meter 538492 at 9599 Lansford Dr was not registering properly for the time period of 4/27/09 to 6/02/10. As a result of this finding, the index was replaced on 6/02/10. Although metering equipment may occasionally malfunction, use of the service often continues without interruption and without proper meter registration.

When this circumstance occurs, Ohio law states that the company can re-bill residential accounts for the portion of gas usage that did not register for up to one year immediately prior to the date the defective index was removed. Therefore, in accordance with Ohio law, we have recalculated and re-billed your account for the time period of 6/25/09 to 6/02/10 in order to bill for the unmetered usage.

The method of determining the actual usage during this time period was based on a review of your usage patterns before and/or after installation of the new meter. We also reviewed a base period of non-heating and non-air conditioning usage, and used this information to determine usage during the re-billing period. If heating or air conditioning was a factor in this determination, weather difference adjustments were factored into the calculation accordingly. Additionally, the appropriate rate in effect during the malfunction period was used to calculate the dollar amount owed. Any payments made to this account during the noted time period have been credited as well.

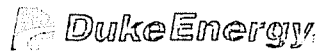
A billing adjustment of \$981.90 for unmetered gas usage will be reflected on your next billing statement.

We realize that unexpected bills can be difficult to manage. After you have received your bill, please feel free to call our Customer Service Department at 1-800-544-6900 if you have any questions concerning the adjustment. You may request a payment agreement of up to 12 months if needed.

At Duke Energy, we value you as a customer and appreciate the opportunity to serve you.

Sincerely,

J.R. Rainear
Customer Service Department



Due Date	Amount Due
Oct 26, 2010	\$ 1,413.84

Account Number 3460-0198-22-1 10 18

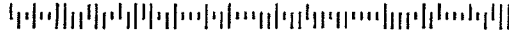
For less detailed billing information on your monthly bill, check box on right

\$ _____ \$ _____

#34T0 Y1XH 22CM SE00#

HeatShare Contribution (for Customer Assistance) Amount Enclosed

0022527 01AL0152 11A0107 1501207 15212 610099 1010100001231



Kristian Valenti
9599 Lansford Dr
Cincinnati OH 45242-6103

PO Box 9001076
Louisville KY 40290-1076

400 00001413848 34600198221 102620100 00001435051

SEE REVERSE FOR TOP ELECTRIC AND GAS PAYMENTS

Page 1 of 3

Name /Service Address	For Inquiries Call	Account Number
Kristian Valenti 9599 Lansford Dr Cincinnati OH 45242	Duke Energy 513-421-9500	3460-0198-22-1

Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after Oct 04 not included Last payment received Sep 30 Bill prepared on Oct 04, 2010 Next meter reading Oct 25, 2010

Meter	Number	Reading Date From	Reading Date To	Days	Meter Reading Previous	Meter Reading Present	Usage
Gas	000538492	Aug 25	Sep 24	30	1143	1172	29
Elec	046287949	Aug 25	Sep 24	30	42215	44435	2,220

Gas - Residential	
Usage -	29 CCF
Duke Energy - Rate RS	\$ 52.64
Current Gas Charges	\$ 52.64
Gas Cost Recovery \$0.66059720/CCF	

Electric - Residential	
Usage -	2,220 kWh
Duke Energy - Rate RS	\$ 311.20
Current Electric Charges	\$ 311.20

Current Billing	
Amt Due - Previous Bill	\$ 420.58
Payment(s) Received	430.00cr
Late Payment Charge(s)	6.31
Canceled Charges:	
Gas Charges	91.59cr
Prior Month(s) Charges:	
Gas Charges	162.80
Balance Forward	68.10
Current Gas Charges	52.64
Current Electric Charges	311.20
Revenue Collections Chg	981.90
Current Amount Due	\$ 1,413.84

Should payment of this bill by the due date present a problem, please call us at the number listed in the "For Inquiries Call" section of your bill.

This bill reflects canceled and rebilled gas charges for prior months.

This month's Gas Cost Recovery (GCR) charge for customers purchasing their natural gas from Duke Energy is \$0.5853911 per CCF, which includes a base GCR of \$0.5581 and Ohio excise tax of \$0.0272911.

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Due Date	Amount Due	After Oct 26, 2010
Oct 26, 2010	\$ 1,413.84	\$ 1,435.05



10/01/10 00:00:00 00010019975

visit us at www.duke-energy.com



Bill Payment Made Easy

Paperless Billing - View and pay your bill for free by registering at www.duke-energy.com

Payment Advantage - Free Service, payment automatically drafts from your bank account. Enroll at www.duke-energy.com/paymybill or call 1-800-544-6900.

Speedpay® - Pay by phone 1-800-544-6900 with credit card or check a convenience fee will be charged

PAYMENT OF BILLS

In order to avoid paying a late charge, please mail your payment to Duke Energy several days before the due date. Or, if you prefer, you may pay by phone through Speedpay, pay online with Paperless-Billing, or pay automatically through Payment Advantage. Payments can also be made at a Pay Agent location. For more information about our bill payment options, please visit us at www.duke-energy.com or call 1-800-544-6900.

Disconnection of your utility service(s) will not result from failure to pay any non-tariffed or non-regulated products or services.

Under state law, the amount you are being billed for gas includes: (1) 1.85% State Excise Tax, (2) natural gas distribution taxes that have been in effect since 2001 and are currently at \$ 0.1593 for the first 1,000 CCF, \$ 0.0877 for the next 19,000 CCF and \$ 0.0411 for all additional CCF and, (3) Assessments to assist in the support of the operations of the PUCO and the Office of the Consumers Counsel that have been in effect since 1912 and 1977 respectively.

Under state law, the amount you are being billed for electric includes: (1) kilowatt-hour taxes that have been in effect since 2001 and are currently at \$ 0.0465 for the first 2,000 kWh, \$ 0.0419 for the next 13,000 kWh and \$ 0.0363 for all additional kWh and, (2) Assessments to assist in the support of the PUCO and the Office of the Consumers Counsel that have been in effect since 1912 and 1977 respectively.

EXPLANATION OF BILL LANGUAGE

(The following terms will not appear on every bill)

CCF	Gas usage, measured in hundreds of cubic feet.	Gas Cost Recovery	The GAS COST RECOVERY (GCR) rate is the cost (per 100 cubic feet) of gas we purchase from our suppliers. This rate varies periodically as gas prices to us increase or decrease. Duke Energy makes no profit on this charge since it is based on the actual costs we pay our suppliers for the gas we purchase and resell. The GCR rate is approved by the Public Utilities Commission of Ohio.
CR	Credited amount.	Generation Charges	Charges associated with the production of electricity.
Current Charges (Gas and Electric)	Total of all charges based on usage during the current billing period for gas and electric services.	Kilowatt-hour (kWh)	The unit of measure for the electricity you use. For example, you use one kWh of electricity to light a 100 watt light bulb for 10 hours.
Customer Charge	The fixed monthly basic distribution charge to partially cover costs for billing, meter reading, service line maintenance, and equipment.	Late Payment Charge	A 1.5% late charge is added to the overdue amount of the regulated portion of your bill if you do not pay by the bill due date.
Delivery Charges (Electric)	Charges for the operating expenses of delivering energy.	Meter Multiplier	A factor that the meter reading usage is multiplied by in order to obtain the correct energy usage.
Delivery Riders (Electric)	Charges to recover various costs associated with Duke Energy's electric operations and to fund Ohio energy-related programs.	Rate	Code that identifies the gas delivery or electric distribution billing tariff used to calculate the bill.
Distribution - Energy Charge	Charge for the use of local wires, transformers, substations, and other equipment used to deliver electricity to your home/business.	Rider AAC	Charges to recover changes in environmental compliance, homeland security and tax costs.
Early Return Premium	A premium paid for early return to the standard service offer.	Rider FPP	Charges to recover the cost of fuel and purchase power.
Estimated (E) and Actual Readings	An actual reading is a reading we take from your meter. On the months we are unable to read your meter, we calculate your bill based on your past usage. Adjustments may be needed later, when we take an actual meter reading. If you would like to read your own meter to avoid estimated bills please call us.	Rider TCR	Charges to recover transmission costs assessed by the regional transmission organization.
Fixed Delivery Service Charge	The fixed costs for delivering gas, which do not change with usage.	Supplier Charges	Charges from a Gas and / or Electric Supplier other than Duke Energy.
		Usage	Amount of energy used during the billing period.
		Usage-Based Charge	Charges to recover various costs associated with Duke Energy's gas operations and to fund Ohio energy-related programs.

BILLING OR SERVICE INQUIRES OR COMPLAINTS

If you have a question or complaint about your bill or service, call us at (513) 421-9500, or from a toll area call 1-800-544-6900. Persons who have a hearing impairment may call our TDD/TTY toll free number, 1-800-752-3254. You may also write to our Customer Services Department at P.O. Box 960, Mail Drop 309C, Cincinnati, 45201. In addition, you may contact us by fax at (513) 287-2376, or by e-mail at www.duke-energy.com.

If your complaint is not resolved after you have called Duke Energy Ohio, or for general utility information, residential and business consumers may contact the Public Utilities Commission of Ohio for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.puco.ohio.gov.

Residential customers may also contact the Ohio Consumers Counsel for assistance with complaints and utility issues at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pickccc.org.

To obtain information about competitive gas offers, visit www.puco.ohio.gov or call 1-800-299-7271.

BUSINESS HOURS

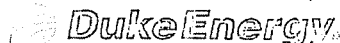
OFFICE HOURS:

Cincinnati - 8:00 a.m. - 5:00 p.m. Monday - Friday

SERVICE EMERGENCY NUMBERS

Gas Trouble - (513) 651-4466 or 1-800-634-4300

Electric Trouble - (513) 651-4182 or 1-800-543-5599



visit us at www.duke-energy.com

Name	Service Address	Account Number
Kristian Valenti	9599 Lansford Dr Cincinnati OH 45242	3460-0198-22-1

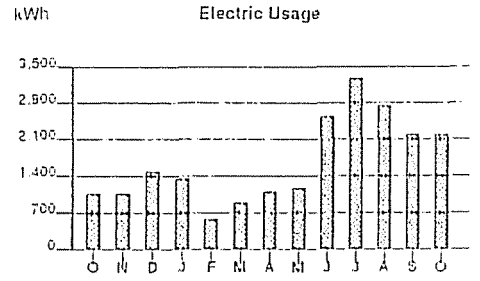
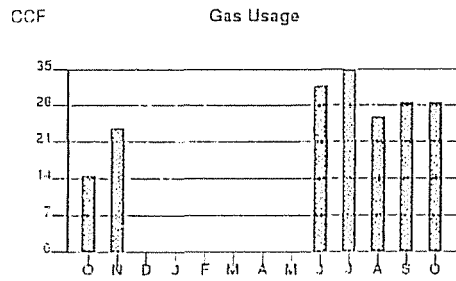
PRICE TO COMPARE. In order for an average residential customer to save money, an electric supplier must offer a price lower than 9.43 cents per kWh. Your Price to Compare may be different based on your usage. Visit www.duke-energy.com to calculate your individual Price to Compare or contact Duke Energy for a written explanation.

Explanation of Current Charges		
Gas Meter - 000538492 CCF Usage - 29 Aug 25 - Sep 24 30 Days	Duke Energy Rate RS - Residential Service Fixed Delivery Service Charge \$ 25.33 Usage-Based Charge 29 CCF @ \$ 0.03272800 0.95 Gas Delivery Riders 7.20 Gas Cost Recovery 29 CCF @ \$ 0.66059720 19.16	\$ 52.64
Total Current Gas Charges		\$ 52.64
Electric Meter - 046287949 kWh Usage - 2,220 Aug 25 - Sep 24 30 Days	Duke Energy Rate RS - Residential Svc-Summer Distribution-Customer Chg \$ 5.50 Delivery Charges Distribution-Energy Chg 2,220 kWh @ \$ 0.02212600 49.12 Delivery Riders 25.45 Total Delivery Charges \$ 74.57 Generation Charges Generation Energy Chg 1,000 kWh @ \$ 0.04234500 42.35 1,220 kWh @ \$ 0.05626500 68.64 Rider FPP 85.95 Rider AAC 22.83 Rider TCR 11.36 Total Generation Charges \$ 231.73	311.20
Total Current Electric Charges		\$ 311.20

Explanation of Prior Month(s) Charges		
Gas Meter - 000538492 CCF Usage - 26 Jul 27 - Aug 25 29 Days	Duke Energy Rate RS - Residential Service Fixed Delivery Service Charge \$ 25.33 Usage-Based Charge 26 CCF @ \$ 0.03272800 0.85 Gas Delivery Riders 6.99 Gas Cost Recovery 26 CCF @ \$ 0.68734420 17.87	\$ 51.04

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Name	Service Address	Account Number
Kristian Valenti	9599 Lansford Dr Cincinnati OH 45242	3460-0198-22-1
Gas Meter - 000538492	Duke Energy Rate RS - Residential Service	
CCF Usage - 35	Fixed Delivery Service Charge	\$ 25.33
Jun 25 - Jul 27 32 Days	Usage-Based Charge 35 CCF @ \$ 0.03272800	1.15
Gas Meter - 000538492	Gas Delivery Riders	7.61
CCF Usage - 0	Gas Cost Recovery 35 CCF @ \$ 0.68744910	24.06
May 26 - Jun 02 7 Days	Duke Energy Rate RS - Residential Service	\$ 58.15
Meter - 000538492	Fixed Delivery Service Charge	\$ 25.33
CCF Usage - 32	Usage-Based Charge 32 CCF @ \$ 0.03272800	1.05
Jun 02 - Jun 25 23 Days	Gas Delivery Riders	7.06
* Meter Change	Gas Cost Recovery 32 CCF @ \$ 0.63028400	20.17
Total Prior Gas Charges		\$ 162.80



Calculations based on most recent 12 month history

Any prior months adjusted usage on this bill, will display in your historical usage graph and chart on your next bill

Total Usage 175
Average Usage 15

Calculations based on most recent 12 month history

Any prior months adjusted usage on this bill, will display in your historical usage graph and chart on your next bill

Total Usage 21,033
Average Usage 1,753

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
Gas	15	25	0	0	0	0	0	0	35	35	25	25	25
Electric	1,115	1,105	1,525	1,385	625	545	1,145	1,215	2,575	3,335	2,765	2,220	2,220

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Deters Associate 2

From: danny miller <funnydust14@yahoo.com>
Sent: Thursday, December 02, 2010 2:13 PM
To: Deters Associate 2
Subject: Re: Duke Energy

On the night of the fire, a woman living in unit #33 lit a cigarette which caused the initial explosion. From what I understand (I am not one hundred percent), Duke was at the complex to light a pilot light either that day or the day prior. The woman allegedly called Duke to report a gas smell and she was told that it had already been taken care of. We later found out that an untapped gas line was the cause of the explosion. She lived in unit 33, and I lived in unit 31. All I remember is hearing a blast, my dog barking, and a woman yelling "My hand, my hand". The next thing I knew was there was glass on the ground and two of my neighbors and a police officer telling me to get out immediately. Five to ten minutes later almost all ten units were engulfed in flames. As far as Duke is concerned, I'm not sure if they are taking responsibility for the blaze, but I do know that the fire was ruled an accident. My wife and I spoke to several others and it was said that the building was full of violations. Between Duke and Steeplechase, I'm not totally sure which one is responsible. Please let me know if there is anything I can do to make things more clear for you and I will do my best to answer any questions that you may have. Thank you so much for your immediate reply, and I look forward to hearing from you soon!
Danny Miller

--- On Thu, 12/2/10, Deters Associate 2 <DAssociate2@ericdeters.com> wrote:

From: Deters Associate 2 <DAssociate2@ericdeters.com>
Subject: Duke Energy
To: funnydust14@yahoo.com
Date: Thursday, December 2, 2010, 10:02 AM

I'm interested. Can you email me more details? What are the details against Duke?

Eric Deters



Deters Associate 2

From: Larry Miller <lmillerdrummer@gmail.com>
Sent: Tuesday, December 28, 2010 2:21 PM
To: Deters Associate 2
Subject: Re: Duke

HEY, Mr. Deters they turned the electric back off again just now and for no reason! The pole truck driver told me they are playing games! I need some help are bill is paid up and I'm sitting here again with no power! I have called to waiting a response from Duke!

On Wednesday, December 22, 2010, Larry Miller <lmillerdrummer@gmail.com> wrote:

> They told me there was no work order for it to be turned off that we always pay are bill on time and had great credit with them ! They sent a meter reader to turn it on and told that it was turned at the pole! So he couldn't turn it on! He had to tell them that a pole truck would be needed! So I went with out electric and no heat from 11:15 am til 3:05! When driver with the pole truck got finished I asked him how they can do this to paying customers! He said they do it all the time! Said this is how they get a reading on a meter! I said they have a key to the side door to get in!

>
> On Dec 22, 2010 9:04 AM, "Deters Associate 2" <DAssociate2@ericdeters.com> wrote:> They gave you no reason why they turned off?

>>
>>
>>
>> Eric Deters
>>
>
>

--
Larry Miller Operations
Night Light Services Inc.
1719 Dana Ave. Unit S
Cincinnati, Ohio 45206
513-406-8839





Attorneys
Licensed in
Kentucky, Ohio, Miller <lmillerdrummer@gmail.com>
and Florida

Date: Associates
From: Eric C. Deters
Sent: Wednesday, December 22, 2010 9:14 AM
To: Attorneys At Law Deters Associate 2
Subject: Re: Duke

Eric C. Deters
Charles T. Lester, Jr.
Geoffrey P. Damon
Diane M. Brown

There was no work order for it to be turned off that we always pay are bill on time and had great credit with them! They sent a meter reader to turn it on and told that it was turned at the pole! So he couldn't turn it on! He had to tell them that a pole truck would be needed! So I went with out electric and no heat from 11:15 am til 3:05! When driver with the pole truck got finished I asked him how they can do this to paying customers! He said they do it all the time! Said this is how they get a reading on a meter! I said they have a key to the side door to get in!

On Dec 22, 2010 9:04 AM, "Deters Associate 2" <DAssociate2@ericdeters.com> wrote:

- > They gave you no reason why they turned off?
- >
- >
- >
- > Eric Deters
- >