

Mark David Goss

Member

859.244.3232 (t)

859.231.0011 (f)

mgoss@fbtlaw.com

RECEIVED

JUL 15 2011

PUBLIC SERVICE
COMMISSION

July 15, 2011

VIA HAND-DELIVERY

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RE: *Bulldog's Enterprises, Inc. d/b/a Bulldog's Road House v. Duke Energy
Kentucky, Inc.*, Case No. 2010-00404

Dear Mr. Derouen,

Enclosed, please find for filing in the above-captioned case an original and ten copies of a Notice of Entry of Appearance designating David S. Samford to serve as co-counsel with me in this matter. In addition, please find for filing in the above-captioned case an original and six copies of Duke Energy Kentucky's responses to Commission Staff's First Information Requests and Bulldog's Enterprises, Inc.'s First Information Requests.

Copies of this letter and the filings have been served upon counsel for the complainant.

Sincerely,



Mark David Goss

cc: Eric Deters (w/attachments)
Brian Gillum (w/attachments)

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 15 2011

PUBLIC SERVICE
COMMISSION

In the Matter of:

BULLDOG'S ENTERPRISES, INC. D/B/A)
BULLDOG'S ROAD HOUSE)
)
COMPLAINANT)
)
V.)
)
DUKE ENERGY KENTUCKY, INC.)
)
DEFENDANT)

CASE NO. 2010-00404

DUKE ENERGY KENTUCKY, INC.'S
NOTICE OF ENTRY OF APPEARANCE

Comes now Duke Energy Kentucky, Inc. ("Duke Energy Kentucky"), by counsel, and hereby tenders a notice of entry of appearance, respectfully stating as follows:

Mr. David S. Samford shall also be counsel of record for Duke Energy Kentucky in this matter. Mr. Samford's contact information is as follows:

David S. Samford
FROST BROWN TODD, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749
(859) 231-0000
(859) 231-0011 (facsimile)

Mr. Goss shall remain as counsel of record for Duke Energy Kentucky.

This 15th day of July, 2011.

Respectfully submitted,



Mark David Goss
FROST BROWN TODD, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749
(859) 231-0000
(859) 231-0011 (facsimile)

Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was served by depositing same in the custody and care of the U.S. Mail, postage prepaid, on this 15th day of July, 2011, addressed to the following:

Eric C. Deters
James Y. Moore
Eric Deters & Associates
5247 Madison Pike
Independence, KY 41051

Brian P. Gillan
917 Main Street, Suite 400
Cincinnati, OH 45202



Counsel for Duke Energy Kentucky, Inc.

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

JUL 15 2011

BULLDOG'S ENTERPRISES, INC. D/B/A)
BULLDOG'S ROAD HOUSE)

PUBLIC SERVICE
COMMISSION

COMPLAINANT)

CASE NO. 2010-00404

V.)

DUKE ENERGY KENTUCKY, INC.)

DEFENDANT)

DUKE ENERGY KENTUCKY, INC.'S RESPONSE TO
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION

Comes now Duke Energy Kentucky, Inc. ("Duke Energy Kentucky"), by counsel, and hereby tenders its response to Commission Staff's First Request for Information (the "Requests"), respectfully stating as follows:

Duke Energy Kentucky's response consists of one original and six copies of information and documents responsive to Commission Staff's Requests. In accordance with the Commission's June 17, 2011 Order, July 1, 2011 Requests and the requirements of 807 KAR 5:001, the verifications for Duke Energy Kentucky's responses are attached hereto. The persons responsible for providing Duke Energy Kentucky's responses are James Ziolkowski and Pamela Ball. Consistent with the customer bills attached to Duke Energy Kentucky's Answer and Motion to Dismiss, the complainant's account number has been redacted on the documents provided herein.

This 15th day of July, 2011.

Respectfully submitted,



Mark David Goss
FROST BROWN TODD, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749
(859) 231-0000
(859) 231-0011 (facsimile)

Counsel for Duke Energy Kentucky, Inc.

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Independence, KY 41051

Brian P. Gillan
917 Main Street, Suite 400
Cincinnati, OH 45202



Counsel for Duke Energy Kentucky, Inc.

**Duke Energy Kentucky
Case No. 2010-404
Staff First Set Data Requests
Date Received: June 30, 2011**

STAFF-DR-01-001

REQUEST:

Refer to the Answer and Motion to Dismiss (“Answer”) filed on November 29, 2010, at paragraph 17. Duke Kentucky states that “... the higher bills it complains of are attributable in part to an increase in electric base rates (attributable to the roll-in of greater fuel adjustment clause expenses) which took effect in mid-2009 and an increase in natural gas rates which took effect in early 2010.” Explain how a roll-in of fuel costs to base rates, with a corresponding decrease to the fuel adjustment clause, would affect the total bill of a customer.

RESPONSE:

Per Commission order in Case No. 2008-00522, Duke Energy Kentucky increased its electric base rates due to the increase in the base fuel component effective with the first billing cycle for July 2009. Beginning with the expense month for July 2009, Duke Energy Kentucky calculated a Fuel Adjustment Clause (FAC) rate based upon the increased base fuel rate.

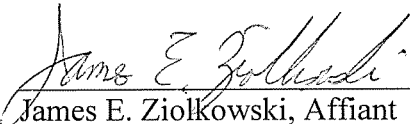
The FAC filing is based on a two month lag of actual expenses; therefore the expense month of July impacts September FAC rates. Due to the two month lag, the July and August base fuel rate in base rates and the FAC rate are not the same. Duke Energy Kentucky worked with the Staff on the implementation of the change of the base fuel rate in base rates and the calculation of the FAC rates.

PERSON RESPONSIBLE: Jim Ziolkowski

VERIFICATION

State of Ohio)
) SS:
County of Hamilton)

The undersigned, James E. Ziolkowski, being duly sworn, deposes and says that he is the Rates Manager of Duke Energy Ohio and Duke Energy Kentucky, that he has supervised the preparation of the responses to the foregoing information requests; and that the matters set forth in the foregoing responses to information requests are true and accurate to the best of his knowledge, information and belief, after reasonable inquiry.


James E. Ziolkowski, Affiant

Subscribed and sworn to before me by JAMES E. ZIOLKOWSKI on this 12TH day of July 2011.

ADELE M. DOCKERY
Notary Public, State of Ohio
My Commission Expires 01-05-2014


NOTARY PUBLIC

My Commission Expires: 1/5/2014

**Duke Energy Kentucky
Case No. 2010-404
Staff First Set Data Requests
Date Received: June 30, 2011**

STAFF-DR-01-002

REQUEST:

In its November 29, 2010 Answer, Duke Kentucky provided copies of Complainant's bills as an attachment.

- a. The bill for service from August 19 to September 21 was not included in the attachment. Provide a copy of the omitted bill.
- b. The last bill provided by Duke Kentucky for the Complainant was for service through October 19, 2010. Provide a copy of all subsequent bills for the Complainant.

RESPONSE:

See Staff-DR-01-002 Attachment.

PERSON RESPONSIBLE: Pam Ball

Account Number 90 14

Due Date	Amount Due
Oct 22, 2010	\$ 21,204.94

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

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



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

PO Box 9001076
 Louisville KY 40290-1076

210 00021204943

102220102 00021405655

Page 1 of 2

Name/Service Address	For Inquiries Call	Account Number
----------------------	--------------------	----------------

Willie's Of Independence
 2015 Declaration Dr
 Independence KY 41051

Duke Energy 1-800-774-1202
 For Account Services, please contact
 Business Service Center

Mail Payments To	Account Information
------------------	---------------------

PO Box 9001076
 Louisville KY 40290-1076

Payments after Sep 30 not included Bill prepared on Sep 30, 2010
 Next meter reading Oct 19, 2010

Meter Number	Reading Date From To	Days	Meter Reading Previous Present	Null	Usage	Actual kW
Elec 106195956	Aug 19 Aug 30	11	3009 3354	40	13,800	99.60
Elec 106195956*	Aug 30 Sep 21	22	3354 4010	40	26,240	56.40

* New Meter

Electric - Commercial		
Usage -	40,040 kWh	99.60 kW
Duke Energy - Rate DS01		\$ 3,057.80
Current Electric Charges		\$ 3,057.80

Current Billing	
Amt Due - Previous Bill	\$ 21,146.86
Canceled Charges:	
Electric Charges	3,280.42cr
Balance Forward	17,866.44
Current Electric Charges	3,057.80
Taxes	280.70
Current Amount Due	\$ 21,204.94

Taxes	
Taxes	\$ 280.70

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.

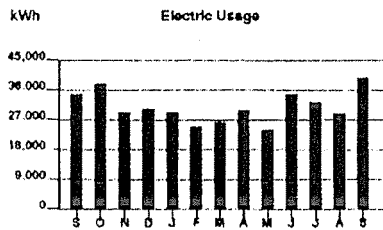
This bill reflects canceled and rebilled electric charges for prior months.

Due Date	Amount Due	After Oct 22, 2010
Oct 22, 2010	\$ 21,204.94	\$ 21,405.65

Name	Service Address	Account Number
Willie's Of Independence	2015 Declaration Dr Independence KY 41051	

Explanation of Current Charges		
Electric		Duke Energy
Meter - 106195956		Rate DS01 - Distribution Service
Multipliers - 40		Customer Charge \$ 15.00
kWh Usage - 13,800		Demand Chrg
Demand Read - 02.49		15.00 kW @ 0.00000000 0.00
Actual kW - 99.60		84.60 kW @ \$ 7.75000000 655.65
Aug 19 - Aug 30		Energy Chrg
11 Days		6,000 kWh @ \$ 0.09156800 549.41
Meter - * 106195956		29,880 kWh @ \$ 0.06004200 1,794.05
Multipliers - 40		4,160 kWh @ \$ 0.05096600 212.02
kWh Usage - 26,240		Elec DSM Rider
Demand Read - 01.41		40,040 kWh @ \$ 0.00091700 36.72
Actual kW - 56.40		Rider MSR E
Billed kW - 99.60		40,040 kWh @ 0.00000000 0.00
Aug 30 - Sep 21		Rider PSM
22 Days		40,040 kWh @ \$ 0.00117600cr 47.09cr
* Meter Change		Elec Fuel Adjustment
		40,040 kWh @ \$ 0.00394500cr 157.96cr
		Total Current Electric Charges \$ 3,057.80

Explanation of Taxes		
Taxes		
	Rate Incr for School Tax	\$ 91.73
	Kentucky State Tax	188.97
	Total Taxes	\$ 280.70



Calculations based on most recent 12 month history
 Total Usage 388,480
 Average Usage 30,707

	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
Electric	34,840	37,980	29,380	30,280	29,800	24,880	26,240	29,780	24,040	34,920	32,400	29,000	40,040

DISCONNECT NOTICE

Account Number 90 14

Due Date	Amount Due
Nov 11, 2010	\$ 24,553.41

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

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

Willie's Of Independence
 2015 Declaration Dr
 Independence KY 41051

PO Box 9001084
 Louisville KY 40290-1084

210 00024553418

111120102 00024859657

DISCONNECT NOTICE

Page 1 of 2

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

Mail Payments To	Account Information
PO Box 9001084 Louisville KY 40290-1084	Payments after Oct 20 not included Bill prepared on Oct 20, 2010 Next meter reading Nov 17, 2010

IMPORTANT-Your service may be disconnected if your past due amount of \$17,866.44 is not paid before 11/05/2010. This includes your past due utility amount of \$10,766.44 and your past due Deposit amount of \$7,100.00. 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
Gas 000172281	Sep 21 Oct 19	28	44823 45736	1	913	
Elec 106195956	Sep 21 Oct 19	28	4010 4711	40	28,040	97.60

Gas - Commercial	
Usage - 913 CCF	
Duke Energy - Rate GS	\$ 734.90
Current Gas Charges	\$ 734.90
Gas Cost Recovery \$0.54760000/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 21,204.94
Balance Forward	21,204.94
Current Gas Charges	734.90
Current Electric Charges	2,332.02
Taxes	281.55
Current Amount Due	\$ 24,553.41

Electric - Commercial	
Usage - 28,040 kWh	97.60 kW
Duke Energy - Rate DS01	\$ 2,332.02
Current Electric Charges	\$ 2,332.02

Taxes	
Taxes	\$ 281.55

DISCONNECT NOTICE

Due Date	Amount Due	Alter
Nov 11, 2010	\$ 24,553.41	Nov 11, 2010
		\$ 24,859.65

**** FINAL BILL ****

Account Number 90 14

Due Date	Amount Due
Dec 14, 2010	\$ 19,558.84

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

\$ _____ \$ _____
 Winter Care Contribution Amount Enclosed
 (for Customer Assistance)



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

PO Box 9001076
 Louisville KY 40290-1076

210 00019558843

121420104 00019641244

**** FINAL BILL ****

Page 1 of 2

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

Mail Payments To	Account Information
PO Box 9001076 Louisville KY 40290-1076	Payments after Nov 22 not included Bill prepared on Nov 22, 2010

Meter	Number	Reading Date From	To	Days	Meter Reading Previous	Present	Multi	Usage	Actual kW
Gas	000172281	Oct 19	Nov 09	21	45736	46178	1	442	
Elec	106195966	Oct 19	Nov 15	27	4711	4945	40	9,360	76.00

Gas - Commercial	
Usage - 442 CCF	
Duke Energy - Rate GS	\$ 359.70
Current Gas Charges	\$ 359.70
Gas Cost Recovery \$0.53070000/CCF	

Current Billing	
Amt Due - Previous Bill	\$ 24,553.41
Late Payment Charge(s)	306.24
Balance Forward	24,859.65
Current Gas Charges	359.70
Current Electric Charges	1,288.21
Cancel Deposit Amt Due	7,100.00cr
Taxes	151.28
Current Amount Due	\$ 19,558.84

Electric - Commercial	
Usage - 9,360 kWh	94.52 kW*
Duke Energy - Rate DS01	\$ 1,288.21
Current Electric Charges	\$ 1,288.21
* Based on 85% of Previous Maximum Actual Demand of 111.20 kW Billed in Jul 10.	

Taxes	
Taxes	\$ 151.28

PLEASE NOTE: This is your final bill for service at 2015 DECLARATION DR.

**** FINAL BILL ****

Due Date	Amount Due	After
Dec 14, 2010	\$ 19,558.84	Dec 14, 2010
		\$ 19,641.24

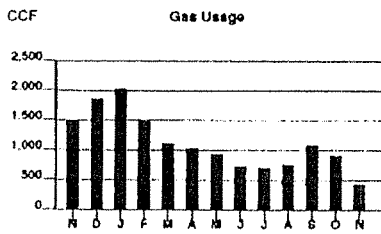
** FINAL BILL **

Page 2 of 2

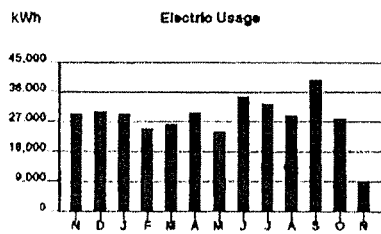
Name	Service Address	Account Number
Willie's Of Independence	2015 Declaration Dr Independence KY 41051	7

Explanation of Current Charges		
Gas Meter - 000172281 CCF Usage - 442 Oct 19 - Nov 09 21 Days	Duke Energy Rate GS - General Service Customer Charge \$ 34.39 Gas Delivery Charge 442 CCF @ \$ 0.20530000 90.74 Gas Cost Recovery 442 CCF @ \$ 0.53070000 234.57	\$ 359.70
Total Current Gas Charges		\$ 359.70
Electric Meter - 106195956 Multipliers - 40 kWh Usage - 9,360 Demand Read - 01.90 Actual kW - 76.00 Billed kW - 94.52* Oct 19 - Nov 15 27 Days * Based on 85% of Previous Maximum Actual Demand of 111.20 kW Billed in Jul 10	Duke Energy Rate DS01 - Distribution Service Customer Charge \$ 15.00 Demand Chrg 15.00 kW 0.00000000 0.00 79.52 kW @ \$ 7.75000000 616.28 Energy Chrg 6,000 kWh @ \$ 0.09156800 549.41 3,360 kWh @ \$ 0.06004200 201.74 Elec DSM Rider 9,360 kWh @ \$ 0.00091700 8.58 Rider MSR-E 9,360 kWh 0.00000000 0.00 Rider PSM 9,360 kWh @ \$ 0.00117600cr 11.01cr Elec Fuel Adjustment 9,360 kWh @ \$ 0.00980700cr 91.79cr	1,288.21
Total Current Electric Charges		\$ 1,288.21

Explanation of Taxes		
Taxes	Rate Incr for School Tax \$ 49.44 Kentucky State Tax 101.84	\$ 151.28
Total Taxes		\$ 151.28



Calculations based on most recent 12 month history
 Total Usage 13,133
 Average Usage 1,094




Calculations based on most recent 12 month history
 Total Usage 338,560
 Average Usage 28,213

	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Gas	1,491	1,882	2,034	1,495	1,114	1,031	937	749	708	770	1,080	917	442
Electric	29,350	30,290	29,600	34,850	28,240	29,760	24,040	34,920	32,400	29,000	40,040	29,040	9,360

VERIFICATION

State of Indiana)
)
County of Hendricks)

The undersigned, Pamela Ball being duly sworn, deposes and says that I am employed by the Duke Energy Corporation affiliated companies as Senior Customer Relationship Specialist; that on behalf of Duke Energy Kentucky, Inc., I have supervised the preparation of the responses to the foregoing responses to information requests; and that the matters set forth in the foregoing response to information requests are true and accurate to the best of my knowledge, information and belief after reasonable inquire.



Pamela Ball, Affiant

Subscribed and sworn to before me by Pamela Ball on this 1st day of July,
2011.



NOTARY PUBLIC Paula M. Roseman

My Commission Expires: 3/17/17

Resident: Hendricks County

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUL 15 2011

In the Matter of:

BULLDOG'S ENTERPRISES, INC. D/B/A)
BULLDOG'S ROAD HOUSE)
)
COMPLAINANT)
)
V.)
)
DUKE ENERGY KENTUCKY, INC.)
)
DEFENDANT)

PUBLIC SERVICE
COMMISSION

CASE NO. 2010-00404

DUKE ENERGY KENTUCKY, INC.'S RESPONSE TO
BULLDOG'S ENTERPRISES, INC.'S FIRST REQUEST FOR INFORMATION

Comes now Duke Energy Kentucky, Inc. ("Duke Energy Kentucky"), by counsel, and hereby tenders its response to Bulldog's Enterprises, Inc.'s First Request for Information (the "Requests"), respectfully stating as follows:

Duke Energy Kentucky's response consists of one original and six copies of information and documents responsive to Bulldog's Enterprises, Inc.'s Requests. In accordance with the Commission's June 17, 2011 Order and the requirements of 807 KAR 5:001, the verifications for Duke Energy Kentucky's responses are attached hereto. The persons responsible for providing Duke Energy Kentucky's responses are James Ziolkowski, Pamela Ball and Charles Ploeger. Consistent with the customer bills attached to Duke Energy Kentucky's Answer and Motion to Dismiss, the complainant's account number has been redacted on the documents provided herein.

This 15th day of July, 2011.

Respectfully submitted,



Mark David Goss
FROST BROWN TODD, LLC
250 W. Main Street, Suite 2800
Lexington, KY 40507-1749
(859) 231-0000
(859) 231-0011 (facsimile)

Counsel for Duke Energy Kentucky, Inc.

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was served by depositing same in the custody and care of the U.S. Mail, postage prepaid, on this 15th day of July, 2011, addressed to the following:

Eric C. Deters
James Y. Moore
Eric Deters & Associates
5247 Madison Pike
Independence, KY 41051

Brian P. Gillan
917 Main Street, Suite 400
Cincinnati, OH 45202



Counsel for Duke Energy Kentucky, Inc.

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-001

REQUEST:

State the name, title and addresses for each person answering or assisting answering these Interrogatories and Requests for Production of Documents.

RESPONSE:

These responses were prepared with the assistance of counsel.

Charlie Ploeger, Lab Supervisor - Service Delivery, 424 Gest Street, Cincinnati, Ohio 45203

Pam Ball, Senior Customer Relationship Spec, 1000 Main Street, Plainfield, Indiana, 46168

Jim Ziolkowski, Rates Manager, 221 E. Fourth Street, Cincinnati, Ohio 45202

PERSON RESPONSIBLE: Legal

Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011

BDE-DR-01-002

REQUEST:

Please identify and produce any and all correspondence between yourself and the Complainant.

RESPONSE:

Please see the following attachments:

- BDE-DR-01-002(a) – A copy of a letter dated May 24, 2010 from J.R. Rainear to Eric Deters;
- BDE-DR-01-002(b) - A copy of a letter dated 6/29/10 from Eric Deters;
- BDE-DR-01-002(c) – An email from James McLean to Eric Deters;
- BDE-DR-01-002(d) – An email from Eric Deters to James McLean dated July 1, 2010;
- BDE-DR-01-002(e) - A copy of a letter from Eric Deters to Amy Spiller dated August 2, 2010;
- BDE-DR-01-002(f) – A copy of a letter dated August 3, 2010 from James McLean to Eric Deters;
- BDE-DR-01-002(g) – An email from James McLean to Eric Deters dated August 18, 2010;
- BDE-DR-01-002(h) – An email from Eric Deters to James McLean dated August 18, 2010;
- BDE-DR-01-002(i) – An email from James McLean to Eric Deters dated August 31, 2010;
- BDE-DR-01-002(j) – An email from James McLean to Eric Deters dated September 1, 2010;
- BDE-DR-01-002(k) – An email from Eric Deters to James McLean dated September 4, 2010;
- BDE-DR-01-002(l) - An email from James McLean to Brian Gillan dated September 7, 2010;
- BDE-DR-01-002(m) - An email from James McLean to Brian Gillan dated September 16, 2010;
- BDE-DR-01-002(n) – An email from James McLean to Brian Gillan;
- BDE-DR-01-002(o) – An email from James McLean to Brian Gillan dated September 24, 2010;
- BDE-DR-01-002(p) – An email to Brian Gillan from James McLean dated October 14, 2010;

BDE-DR-01-002(q) – An email from Eric Deters to James McLean dated October 26, 2010.

PERSON RESPONSIBLE: Legal/Pam Ball

08/19/2010 THU 14:23 FAX 7653494022 DUKE MARTINSVILLE

002/004

May 24, 2010

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

Subject: Billing Adjustment for Unmetered Usage for Account Number

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,



J.R. Rainear
Customer Service Department



Attorneys
Licensed in
Kentucky, Ohio
and Florida

Attorneys At Law

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

Of Counsel

William D. Cunningham

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
5247 Madison Pike
Independence, KY 41051
859-363-1900 • 1-866-960-HURT • Fnx: 859-363-1444
eric@ericdeters.com • www.ericdeters.com

McLean, James E

To: ericdeters@ericdeters.com
Cc: Moss, Steven J
Subject: Willie's of Independence- electric bill
Attachments: Letter from Eric Deters 6-29-10.pdf

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 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

CONFIDENTIALITY NOTICE:

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McLean, James E

From: Deters Associate [DAssociate@ericdeters.com]
Sent: Thursday, July 01, 2010 2:05 PM
To: McLean, James E
Subject: Message from Eric Deters

Thank you for the response.

Eric Deters

AUG-02-2010 MON 12:43 PM ERIC C DETERS & ASSOC.

FAX NO. 859 363 1444

P. 01

ERIC C. DETERS & ASSOCIATES ATTORNEYS AT LAW

5247 Madison Pike
Independence, Kentucky 41051
Telephone: (859) 363-1900
Telefax: (859) 363-1444

FAX TRANSMITTAL SHEET

TO: Amy Spiller

FAX NO.: 513 - 297 - 7474

FROM: Eric Deters

DATE: 8/2/10 # OF PAGES: 4
(including cover page)

REMARKS:

CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGE

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AUG-02-2010 MON 12:43 PM ERIC C DETERS & ASSOC.

FAX NO. 859 363 1444

P. 03



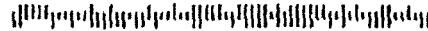
DISCONNECT NOTICE

Account Number 90 14

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

#04B0D2YH02CMSE02#

0000030



Willie's Of Independence
 2015 Declaration Dr
 Independence KY 41051-7903

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

Winter Care Contribution (for Customer Assistance) Amount Enclosed

PO Box 9001084
 Louisville KY 40290-1084

110 00007418906

081320101 00007585667

DISCONNECT NOTICE

PLEASE REFER TO THE BOTTOM OF YOUR BILLS

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

Mailing Address	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	Meter Reading Present	Multi	Usage	Actual kW
Gas 000177281	Jun 21 Jul 21	30	4267	4293	1	706	
Elec 100195916	Jun 21 Jul 21	30	1474	2284	40	32,400	111.20

Gas - Commercial	
Usage - 706 CCF	
Duke Energy - Rate GS	\$ 874.36
Current Gas Charges	\$ 674.36
Gas Cost Recovery \$0.0020000/CCF	

Current Billing	
Am't Due - Previous Bill	\$ 3,612.09
Late Payment Charge(s)	166.42
Balance Forward	3,777.61
Current Gas Charges	674.36
Current Electric Charges	2,860.85
Taxes	306.18
Current Amount Due	\$ 7,418.90

Electric - Commercial	
Usage - 32,400 kWh	111.20 kW
Duke Energy - Rate DS01	\$ 2,860.85
Current Electric Charges	\$ 2,860.85

Taxes	
Taxes	\$ 306.18

DISCONNECT NOTICE

Due Date	Amount Due	After
Aug 13, 2010	\$ 7,418.90	Aug 13, 2010
		\$ 7,565.66



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visit us at www.duke-energy.com

AUG-02-2010 MON 12:44 PM ERIC C DETERS & ASSOC.

FAX NO. 859 363 1444

P. 04



DISCONNECT NOTICE

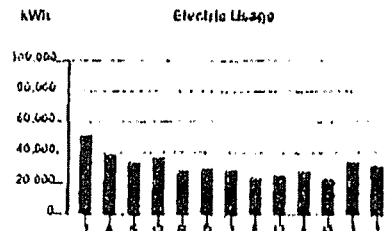
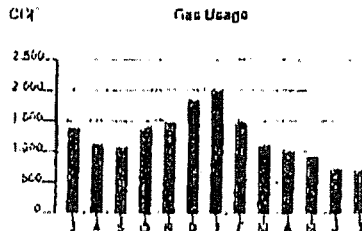
Page 2 of 2

Name	Service Address	Account Number
Willie's Of Independence	2015 Declaration Dr Independence KY 41051	

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.balanceyourcarbon.com for more information.

Explanation of Current Charges		
Gas Meter - 000172201 CCF Usage - 700 Jun 21 - Jul 21 30 Days	Duke Energy Rate GS - General Service Customer Charge \$ 47.50 Gas Delivery Charge 700 CCF @ \$ 0.20530000 144.01 Gas Cost Recovery 700 CCF @ \$ 0.68210000 481.92	\$ 674.36
Total Current Gas Charges		\$ 674.36
Electric Meter - 106105956 Multipliers - 40 KWh Usage - 32,400 Demand Read - 02.78 Actual kW - 111.20 Jun 21 - Jul 21 30 Days	Duke Energy Rate DS01 - Distribution Service Customer Charge \$ 15.00 Demand Chrg 15.00 kW @ 0.00000000 0.00 06.20 kW @ \$ 7.75000000 745.65 Energy Chrg 6,000 kWh @ \$ 0.09166600 549.41 26,400 kWh @ \$ 0.06004200 1,585.11 Elec DSM Rider 32,400 kWh @ \$ 0.00091700 29.71 Rider MSN-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	2,660.15
Total Current Electric Charges		\$ 2,660.85

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



Calculations based on metered for last 12 months history
 Total Usage 16,000
 Average Usage 1,333

Calculations based on metered for last 12 months history
 Total Usage 374,500
 Average Usage 31,183

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
Gas	1,377	1,127	1,097	1,417	1,297	1,887	2,097	1,467	1,317	1,037	937	747	707
Electric	51,600	39,600	31,800	37,500	32,300	39,200	29,600	74,000	26,200	29,700	21,000	34,900	32,800



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visit us at www.duke-energy.com

AUG-02-2010 MON 12:43 PM ERIC C DETERS & ASSOC.

FAX NO. 859 363 1444

P. 02



Attorneys
Licensed in
Kentucky, Ohio
and Florida

Attorneys At Law
Eric C. Deters
Charles C. Lester, Jr.
Diane M. Howell
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,

A handwritten signature in black ink, appearing to be "Eric Deters", written over a horizontal line.

Eric Deters



139 East Fourth Street, 4TH 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

Re: Willie's of Independence

Dear Eric:

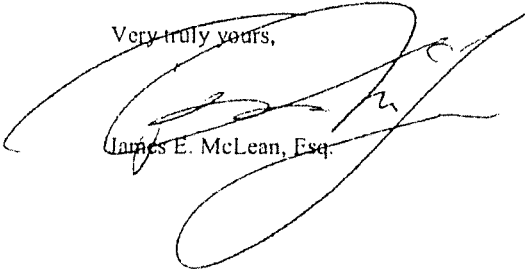
I am in receipt of your August 2, 2010 letter in which you indicated you were unhappy with your current Duke Energy billing statements. In your previous correspondence you indicated that your business was not fully functioning for the past few months and that your Duke Energy statements should be reflecting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

McLean, James E

From: McLean, James E
Sent: Tuesday, August 31, 2010 10:43 AM
To: eric@ericdeters.com
Cc: Steven Martin
Subject: Bulldog's Roadhouse

Eric, during the walkthrough we noticed that the Duke pad mount transformer had shifted on the pad. We are sending a work crew out to fix it. That is their only purpose for being there. Let me know if you have any questions.

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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McLean, James E

From: eric@ericdeters.com
Sent: Wednesday, August 18, 2010 9:36 AM
To: McLean, James E
Subject: Re: Duke Energy

I'll agree to that

Sent on the Sprint® Now Network from my BlackBerry®

From: "McLean, James E" <James.McLean@duke-energy.com>
Date: Wed, 18 Aug 2010 09:30:04 -0400
To: eric@ericdeters.com<eric@ericdeters.com>
Subject: Duke Energy

Eric, I am still trying to help resolve this dispute. I wish we could have discussed this further before you filed your suit. Nonetheless, I was thinking we could set up an energy audit, if you are willing. The meter is functioning properly—there has to be an explanation. Again, if it is on our end we will be more than happy to make any necessary adjustments to the bill.

Let me know.

James E. McLean, Jr
Assistant General Counsel



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McLean, James E

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Sent: Tuesday, August 31, 2010 10:43 AM
To: eric@ericdeters.com
Cc: Steven Martin
Subject: Bulldog's Roadhouse

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James E. McLean, Jr.
Assistant General Counsel



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McLean, James E

From: McLean, James E
Sent: Wednesday, September 01, 2010 8:57 AM
To: eric@ericdeters.com
Cc: Dale, Keith L; Toebbe, Ken C; Rolfes, Minna
Subject: Bulldog's Roadhouse formerly Willie's of Independence

Eric, just another reminder that Duke Energy personnel will come out to perform repair on the transformer pad during restaurant's off hours (in the a.m.). It is my understanding that your manager has also been made aware.

James E. McLean, Jr
Assistant General Counsel



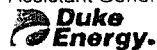
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Again, we are willing to continue to work with you and trust you will agree to proceed as set forth above so that we can continue to investigate. Please let me know your intentions on or before September 8.

James E. McLean, Jr.
Assistant General Counsel



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Ball, Pam

From: McLean, James E
Sent: Tuesday, September 07, 2010 11:26 AM
To: bgillan1957@yahoo.com
Cc: D'Ascenzo, Rocco O; Steven Martin, Roffes, Minna; Ball, Pam

Brian, below is a partial itemization of the charges separate from the electric usage. An electric demand charge is listed below, but I believe Eric disputes that and it was not included in my calculation. Also, I did not include the July 21 to August 19 period as that bill is not due until September 13. However, he may want to consider paying the undisputed portion of those charges as well which totals an additional \$725.70, assuming he is able to do so.

Per our conversation, Eric will pay \$1,363.60 which represents the undisputed charges for May 20 to July 21 and file his complaint with the Kentucky PSC. Upon receipt, the disconnection will be postponed. You anticipate dismissal of the civil suit as you agree with me that the court lacks jurisdiction and the Kentucky PSC is the proper forum for this dispute.


Please let me know how payment will be made. If he pays using speedpay there is a small fee. I am told that he usually pays by check. If you like the check can be delivered to my office—I just don't want to take a chance that his payment will be missed.

Thank you for your professionalism. Hope to hear from you soon.

5/20 - 6/21 **past due**
Customer Charge - \$47.50
Gas Delivery Charge - \$153.77
Gas Cost Recovery - \$487.97
Electric Customer Charge - \$15.00
Electric Demand - \$655.65
Total - \$689.24
Total w/ Elec. Demand & Surcharge - \$1,359.89

6/21 - 7/21 **past due**
Customer Charge - \$47.50
Gas Delivery Charge - \$144.94
Gas Cost Recovery - \$481.92
Electric Customer Charge - \$15.00
Electric Demand - \$745.55
Total - \$674.36
Total w/ Elec. Demand & Surcharge - \$1,434.91

7/21 - 8/19 (**payment due Sept. 13**)
Customer Charge - \$47.50
Gas Delivery Charge - \$158.08
Gas Cost Recovery - \$505.12
Electric Customer Charge - \$15.00
Electric Demand - \$664.95
Total - \$710.70
Total w/ Elec. Demand & Surcharge - \$1,390.65

James E. McLean, Jr
Assistant General Counsel

Duke Energy - Office of General Counsel
139 East Fourth Street

McLean, James E

To: bgillan1957@yahoo.com
Cc: D'Ascenzo, Rocco O; Steven Martin; Rolfes, Minna; Ball, Pam

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James E. McLean, Jr.
Assistant General Counsel



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McLean, James E

From: McLean, James E
Sent: Friday, September 24, 2010 8:54 AM
To: 'Brian Gillan'
Subject: RE: Bulldog's

Brian, did the dismissal go on? Can you send a file-stamped copy?
Eric still has not filed a complaint with the Kentucky PSC which was part of our agreement.

James E. McLean, Jr.
Assistant General Counsel



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phone: (513) 419-1831
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From: Brian Gillan [mailto:bgillan1957@yahoo.com]
Sent: Thursday, September 16, 2010 1:45 PM
To: McLean, James E
Subject: RE: Bulldog's

I am waiting to hear from Eric on the PSC. My ass't got jammed up, but the R41 will be filed tomorrow.

Sorry . . .

--- On Thu, 9/16/10, McLean, James E <James.McLean@duke-energy.com> wrote:

From: McLean, James E <James.McLean@duke-energy.com>
Subject: RE: Bulldog's
To: "bgillan1957@yahoo.com" <bgillan1957@yahoo.com>
Cc: "Steven Martin" <SMartin@zslaw.com>, "Rolfes, Minna" <Minna.Rolfes@duke-energy.com>
Date: Thursday, September 16, 2010, 1:23 PM

Brian, we have not yet seen any filing by Eric in the Kentucky PSC. Also, where are you on preparing and filing the Agreed Order of Dismissal with the court?

James E. McLean, Jr.
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Subject: RE: Bulldog's
To: "bgillan1957@yahoo.com" <bgillan1957@yahoo.com>
Cc: "Steven Martin" <SMartin@zslaw.com>, "Rolfes, Minna" <Minna.Rolfes@duke-energy.com>
Date: Thursday, September 16, 2010, 1:23 PM

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Assistant General Counsel

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McLean, James E

To: Brian Gillan
Cc: D'Ascenzo, Rocco O
Subject: Bulldog's

Brian, I was in depositions most of yesterday. You are starting to sound a little like Eric. I have bent over backwards on this one and someone has not been dealing straight and it is not me. I have followed up with you multiple times on this matter.

We postponed the disconnect orders based on your representation that the suit would be dismissed *and* a complaint filed with the Kentucky PSC. That was OVER a month ago and we still have not been served and the docket does not show a filing with the PSC. I followed up with you on September 16 about the filing of the complaint with the PSC. I e-mailed you again on September 24 warning of impending disconnection as the complaint had not been filed. I e-mailed you yet again on the morning of October 14 asking whether the complaint with the PSC had been filed. The filing has been promised for weeks.

At this point it is out of my hands.

James E. McLean, Jr.
Assistant General Counsel



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fax: (513) 419-1846

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From: Brian Gillan [mailto:bgillan1957@yahoo.com]
Sent: Thursday, October 14, 2010 10:04 AM
To: McLean, James E
Subject: RE: Re:

James:

I never got a reply to this email, or the voice mail I left you last week.

Eric's most recent bill shoed \$3004.60 as due by October 24, and yet Duke sent a out a guy on a disconnect yesterday!

What's up with that? Do the right and left hands know what each is doing?

Please clarify this. The PSC suit is in route to Frankfort Co.

Brian

--- On Tue, 10/5/10, Brian Gillan <bgillan1957@yahoo.com> wrote:

From: Brian Gillan <bgillan1957@yahoo.com>
Subject: RE: Re:
To: "James McLean" <James.McLean@duke-energy.com>
Date: Tuesday, October 5, 2010, 1:03 PM

Jim:

We're filing in front of the PSC this week, but Eric wanted me to confirm that he needs to pay \$3004.60 by the upcoming due date to keep the lights on.

Please advise.

Thanks,

Brian

--- On Tue, 9/7/10, McLean, James E <James.McLean@duke-energy.com> wrote:

From: McLean, James E <James.McLean@duke-energy.com>
Subject: RE: Re:
To: "bgillan1957@yahoo.com" <bgillan1957@yahoo.com>
Cc: "Steven Martin" <SMartin@zslaw.com>
Date: Tuesday, September 7, 2010, 1:33 PM

Thanks.

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: bgillan1957@yahoo.com [mailto:bgillan1957@yahoo.com]
Sent: Tuesday, September 07, 2010 1:28 PM
To: McLean, James E
Subject: Re: Re:

We'll take care of it

Sent on the Sprint® Now Network from my BlackBerry®

From: "McLean, James E" <James.McLean@duke-energy.com>
Date: Tue, 7 Sep 2010 13:26:44 -0400
To: bgillan1957@yahoo.com<bgillan1957@yahoo.com>
Subject: RE: Re:

Brian, will you take care of the dismissal order? Dismissal at Eric's cost I presume.

James E. McLean, Jr.
Assistant General Counsel



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

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From: bgillan1957@yahoo.com [mailto:bgillan1957@yahoo.com]
Sent: Tuesday, September 07, 2010 12:25 PM
To: McLean, James E
Subject: Re:

Jim:

I caught Eric on break in his trial. We have a deal. I suspect he'll send over a check in the a.m., and my ass't will hand-deliver it to your office.

Thanks for your help and professionalism.

Brian

Sent on the Sprint® Now Network from my BlackBerry®

From: "McLean, James E" <James.McLean@duke-energy.com>

Date: Tue, 7 Sep 2010 11:25:58 -0400

To: bgillan1957@yahoo.com<bgillan1957@yahoo.com>

Cc: D'Ascenzo, Rocco O<Rocco.D'Ascenzo@duke-energy.com>; Steven Martin<SMartin@zslaw.com>; Rolfes, Minna<Minna.Rolfes@duke-energy.com>; Ball,Pam<Pam.Ball@duke-energy.com>

Subject:

Brian, below is a partial itemization of the charges separate from the electric usage. An electric demand charge is listed below, but I believe Eric disputes that and it was not included in my calculation. Also, I did not include the July 21 to August 19 period as that bill is not due until September 13. However, he may want to consider paying the undisputed portion of those charges as well which totals an additional \$725.70, assuming he is able to do so.

Per our conversation, Eric will pay \$1,363.60 which represents the undisputed charges for May 20 to July 21 and file his complaint with the Kentucky PSC. Upon receipt, the disconnection will be postponed. You anticipate dismissal of the civil suit as you agree with me that the court lacks jurisdiction and the Kentucky PSC is the proper forum for this dispute.

Please let me know how payment will be made. If he pays using speedpay there is a small fee. I am told that he usually pays by check. If you like the check can be delivered to my office—I just don't want to take a chance that his payment will be missed.

Thank you for your professionalism. Hope to hear from you soon.

5/20 - 6/21 past due

Customer Charge - \$47.50

Gas Delivery Charge - \$153.77

Gas Cost Recovery - \$487.97

Electric Customer Charge - \$15.00

Electric Demand - \$655.65

Total - \$689.24

Total w/ Elec. Demand & Surcharge - \$1,359.89

6/21 - 7/21 past due

Customer Charge - \$47.50

Gas Delivery Charge - \$144.94

Gas Cost Recovery - \$481.92

Electric Customer Charge - \$15.00

Electric Demand - \$745.55

Total - \$674.36

Total w/ Elec. Demand & Surcharge - \$1,434.91

7/21 - 8/19 (payment due Sept. 13).

Customer Charge - \$47.50

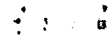
Gas Delivery Charge - \$158.08

Gas Cost Recovery - \$505.12

Electric Customer Charge - \$15.00

Electric Demand - \$664.95

Total - \$710.70



Total w/ Elec. Demand & Surcharge - \$1,390.65

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
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james.mclean@duke-energy.com

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McLean, James E

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

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

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-003

REQUEST:

State whether or not you supplied gas and electric to Complainant's property at 2015 Declaration Dr, Independence, Kentucky beginning on or around May 2008.

RESPONSE:

Yes.

PERSON RESPONSIBLE: Pam Ball

BDE-DR-01-004

REQUEST:

State whether you have ever supplied the above mentioned property with gas and electric service before Complainant purchased the property and, if so, state:

- i. The name and address of each person and/or entity with whom you supplied such service;
- ii. The dates of such service, specific to each customer; and
- iii. The nature and use of the property during these times.

RESPONSE:

Objection. This data request is overly broad and unduly burdensome with respect to a lack of reference to time and seeks confidential and proprietary customer information. Answering further, this request is objectionable in that it seeks to elicit information that is irrelevant to this proceeding or is otherwise not reasonably calculated to lead to the disclosure of information relevant to this proceeding. Without waiving said objection:

- i.) The service address for prior accounts for the last five years at this location is the same as the current address.
- ii.) The dates of service for most recent (including last five years) prior account information is as follows:
 - Complainant: 9/18/07-11/15/10 (Electric) and 9/18/07-11/09/10 (Gas); and
 - Tinco Gringo, Inc. DBA Courthouse Restaurant: 4/24/01-9/18/07 (both electric and gas).
- (iii.) Upon information and belief, the immediate prior use of the facility was as a restaurant.

PERSON RESPONSIBLE: As to Objection-Legal
Pam Ball

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-005

REQUEST:

Please produce any bills related to Interrogatory 4, *supra*, documenting your and electric service to any owner of the property at 2015 Declaration Drive prior to the Complainant.

RESPONSE:

Objection. This data request is overly broad and unduly burdensome in that it lacks reference to time and seeks confidential and proprietary customer information. Answering further, this request seeks to elicit information that is irrelevant to this proceeding or is otherwise not reasonably calculated to lead to the disclosure of information relevant to this proceeding. Prior usage of other Customers is irrelevant.

PERSON RESPONSIBLE: Legal

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-006

REQUEST:

State whether you have ever supplied gas and electric to the above mentioned property at any time when the property was vacant or between owners, and, if so, state the dates when such service was supplied.

RESPONSE:

Objection. This data request is overly broad and unduly burdensome with respect to a lack of reference to time. Answering further, this request seeks to elicit information that is irrelevant to this proceeding or is otherwise not reasonably calculated to lead to the disclosure of information relevant to this proceeding. Without waiving said objection, under Duke Energy Kentucky's tariffs, "[c]ustomer assumes all responsibility on Customer's side of the point of delivery (the end of the Company's service drop, or where Company's wires are joined to Customer's wires or apparatus) for the service supplied or taken..." In other words, service is supplied to customers and customers are responsible for service consumed while the account is in their name unless or until service is disconnected.

This account has either been in a customer's name and consuming service or that service was disconnected and the meter was sealed.

PERSON RESPONSIBLE: As to Objection – Legal
Pam Ball

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-007

REQUEST:

Please produce any documents related to Interrogatory 6, *supra*, that show the levels of gas and electric usage at the above mentioned property while it was vacant or between owners.

RESPONSE:

Objection. This data request is overly broad and unduly burdensome in that it lacks a reference to time. Answering further, this request is objectionable in that it seeks to elicit information that is irrelevant to this proceeding or is otherwise not reasonably calculated to lead to the disclosure of information relevant to this proceeding. Without waiving said objection, if there is no customer of record, there is no usage because meters are sealed and service is discontinued.

PERSON RESPONSIBLE: As to Objection – Legal
Pam Ball

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-008

REQUEST:

Explain the tariff schedule in which you charged the Complainant for electric usage during the relevant billing periods 2008, 2009, 2010, including, in detail, the rate per Kwh's the Complainant was charged for such service.

RESPONSE:

The Complainant's account takes service under Rate DS (Service At Secondary Distribution Voltage), Sheet No. 40.

Charges under Rate DS include a monthly customer charge, a two-step demand (per kW) charge, and a three-step energy (per kWh) charge. The following riders (billed on a per-kWh basis) also apply to billing under Rate DS:

Sheet No. 78, Rider DSMR, Demand Side Management Rider

Sheet No. 80, Rider FAC, Fuel Adjustment Clause

Sheet No. 81, Rider MSR-E, Merger Savings Credit Rider – Electric

Sheet No. 82, Rider PSM, Profit Sharing Mechanism

The attached spreadsheet BDE-DR-01-008 Attachment.xlsx shows the detailed billing calculations and applicable rates for each of the relevant billing months in 2008, 2009, and 2010. For each bill, the average rate per kWh also appears.

PERSON RESPONSIBLE: James E. Ziolkowski

DUKE ENERGY KENTUCKY
 ACCOUNT (WILLIE'S OF INDEPENDENCE)
 RATE DS
 BDE-DR-01-008 Attachment

	Nov-10	Oct-10	Sep-10	Aug-10	Jul-10	Jun-10	May-10	Apr-10	Mar-10	Feb-10
BKWH	9,360	28,040	40,040	29,000	32,400	34,920	24,040	29,760	26,240	24,880
BKW	94.5	97.6	99.6	100.8	111.2	99.6	101.6	93.5	93.5	93.5
ACTUAL BILL	\$1,288.21	\$2,332.02	\$3,057.80	\$2,500.83	\$2,660.85	\$2,619.14	\$2,133.01	\$2,371.67	\$2,239.23	\$2,084.57
AVG PER KWH	\$0.1376	\$0.0832	\$0.0764	\$0.0862	\$0.0821	\$0.0750	\$0.0887	\$0.0797	\$0.0853	\$0.0838
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE	\$616.28	\$640.15	\$655.65	\$664.95	\$745.55	\$655.65	\$671.15	\$608.38	\$608.38	\$608.38
ENERGY CHARGE	\$751.15	\$1,872.73	\$2,555.48	\$1,930.37	\$2,134.52	\$2,285.82	\$1,632.57	\$1,976.01	\$1,764.66	\$1,683.00
FAC	-\$91.79	-\$188.60	-\$157.96	-\$109.50	-\$234.22	-\$337.33	-\$209.17	-\$250.13	-\$157.94	-\$226.66
PSM	-\$11.01	-\$32.98	-\$47.09	-\$26.59	-\$29.71	-\$32.02	\$1.42	\$1.76	\$1.55	-\$2.34
DSM	\$8.58	\$25.71	\$36.72	\$26.59	\$29.71	\$32.02	\$22.04	\$27.29	\$13.43	\$12.74
MSE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	-\$6.64	-\$5.85	-\$5.55
CALC TOTAL BILL	\$1,288.21	\$2,332.02	\$3,057.80	\$2,500.82	\$2,660.85	\$2,619.15	\$2,133.01	\$2,371.66	\$2,239.23	\$2,084.57
DIFFERENCE	\$0.00	\$0.00	\$0.00	-\$0.01	\$0.00	\$0.01	\$0.00	-\$0.01	\$0.00	\$0.00
RATES:										
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE:										
FIRST 15 KW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ADDITIONAL KW	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75
ENERGY CHARGE										
FIRST 5000 KWH	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568
NEXT 300 KWH/KW	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042
ADDITIONAL KWH	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966
FAC PER KWH	-\$0.009807	-\$0.006726	-\$0.003945	-\$0.003776	-\$0.007229	-\$0.009660	-\$0.008701	-\$0.008405	-\$0.006019	-\$0.009110
PSM PER KWH	-\$0.001176	-\$0.001176	-\$0.001176	-\$0.000917	-\$0.000917	-\$0.000917	-\$0.000059	\$0.000059	\$0.000052	-\$0.000094
DSM PER KWH	\$0.000917	\$0.000917	\$0.000917	\$0.000917	\$0.000917	\$0.000917	\$0.000917	\$0.000917	\$0.000512	\$0.000512
MSE PER KWH	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	-\$0.000223	-\$0.000223	-\$0.000223

DUKE ENERGY KENTUCKY
 ACCOUNT (WI)
 RATE DS
 BDE-DR-01-008 Attachm

	Jan-10	Dec-09	Nov-09	Oct-09	Sep-09	Aug-09	Jul-09	Jun-09	May-09	Apr-09
BKWH	29,600	30,280	29,360	37,960	34,840	39,920	51,600	24,840	6,480	28,400
BKW	93.5	93.5	93.5	96.4	109.6	108.4	110.0	101.7	101.7	101.7
ACTUAL BILL	\$2,272.42	\$2,398.78	\$2,343.53	\$2,919.89	\$2,827.06	\$3,580.85	\$4,340.74	\$2,274.43	\$1,246.73	\$2,555.15
AVG PER KWH	\$0.0768	\$0.0792	\$0.0798	\$0.0769	\$0.0811	\$0.0897	\$0.0841	\$0.0916	\$0.1924	\$0.0900
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE	\$608.38	\$608.38	\$608.38	\$630.85	\$733.15	\$723.85	\$736.25	\$671.62	\$671.62	\$671.62
ENERGY CHARGE	\$1,966.40	\$2,007.23	\$1,951.99	\$2,440.76	\$2,281.02	\$2,573.33	\$3,172.97	\$1,379.02	\$499.55	\$1,549.54
FAC	-\$323.14	-\$237.73	-\$233.24	-\$168.54	-\$203.78	\$255.21	\$399.13	\$200.43	\$55.60	\$271.87
PSM	-\$2.78	-\$2.85	-\$7.08	-\$9.15	-\$8.40	\$1.92	\$2.48	\$1.19	\$3.09	\$13.55
DSM	\$15.16	\$15.50	\$15.03	\$19.44	\$17.84	\$20.44	\$26.42	\$12.72	\$3.32	\$39.90
MSE	-\$6.60	-\$6.75	-\$6.55	-\$8.47	-\$7.77	-\$8.90	-\$11.51	-\$5.54	-\$1.45	-\$6.33
CALC TOTAL BILL	\$2,272.40	\$2,398.78	\$2,343.54	\$2,919.89	\$2,827.06	\$3,580.84	\$4,340.73	\$2,274.44	\$1,246.73	\$2,555.15
DIFFERENCE	-\$0.02	\$0.00	\$0.01	\$0.00	\$0.00	-\$0.01	-\$0.01	\$0.01	\$0.00	\$0.00
RATES:										
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE:										
FIRST 15 KW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ADDITIONAL KW	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75
ENERGY CHARGE										
FIRST 6000 KWH	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.091568	\$0.079427	\$0.079427	\$0.079427
NEXT 300 KWH/KW	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.060042	\$0.047901	\$0.047901	\$0.047901
ADDITIONAL KWH	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.050966	\$0.038825	\$0.038825	\$0.038825
FAC PER KWH	-\$0.010917	-\$0.007851	-\$0.007944	-\$0.004440	-\$0.005849	\$0.006393	\$0.007735	\$0.008069	\$0.008580	\$0.009573
PSM PER KWH	-\$0.000094	-\$0.000094	-\$0.000241	-\$0.000241	-\$0.000241	\$0.000048	\$0.000048	\$0.000048	\$0.000477	\$0.000477
DSM PER KWH	\$0.000512	\$0.000512	\$0.000512	\$0.000512	\$0.000512	\$0.000512	\$0.000512	\$0.000512	\$0.001405	\$0.001405
MSE PER KWH	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223

DUKE ENERGY KENTUCKY
 ACCOUNT #1
 RATE DS
 BDE-DR-01-408 Attachment

	Mar-09	Feb-09	Jan-09	Dec-08	Nov-08	Oct-08	Sep-08	Aug-08	Jul-08	Jun-08
BKWH	24,440	24,320	27,080	25,360	32,080	37,280	49,480	55,880	51,640	45,320
BKW	101.7	101.7	101.7	101.7	101.7	101.7	119.6	111.6	119.2	115.2
ACTUAL BILL	\$2,203.48	\$2,167.61	\$2,486.30	\$2,468.12	\$2,694.49	\$3,048.44	\$3,850.31	\$3,851.83	\$3,644.84	\$3,182.20
AVG PER KWH	\$0.0902	\$0.0891	\$0.0918	\$0.0973	\$0.0840	\$0.0818	\$0.0778	\$0.0689	\$0.0706	\$0.0702
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE	\$671.62	\$671.62	\$671.62	\$671.62	\$671.62	\$671.62	\$810.65	\$748.65	\$807.55	\$776.55
ENERGY CHARGE	\$1,359.86	\$1,354.11	\$1,486.32	\$1,403.93	\$1,725.82	\$1,967.81	\$2,490.32	\$2,717.02	\$2,573.09	\$2,316.83
FAC	\$116.46	\$120.70	\$306.49	\$371.14	\$357.69	\$481.92	\$651.01	\$423.63	\$297.70	\$116.38
PSM	\$11.66	-\$22.57	-\$25.13	-\$23.53	-\$113.56	-\$131.97	-\$175.16	-\$118.52	-\$109.53	-\$96.12
DSM	\$34.34	\$34.17	\$38.05	\$36.63	\$45.07	\$52.38	\$69.52	\$78.51	\$72.55	\$63.67
MSE	-\$5.45	-\$5.42	-\$6.04	-\$6.66	-\$7.15	-\$8.31	-\$11.03	-\$12.46	-\$11.52	-\$10.11
CALC TOTAL BILL	\$2,203.47	\$2,167.60	\$2,486.30	\$2,468.13	\$2,694.48	\$3,048.44	\$3,850.30	\$3,851.82	\$3,644.86	\$3,182.20
DIFFERENCE	-\$0.01	-\$0.01	\$0.00	\$0.01	-\$0.01	\$0.00	-\$0.01	-\$0.01	\$0.02	\$0.00
RATES:										
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE:										
FIRST 16 KW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ADDITIONAL KW	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75
ENERGY CHARGE										
FIRST 6000 KWH	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427
NEXT 300 KWH/KW	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901
ADDITIONAL KWH	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825
FAC PER KWH	\$0.004765	\$0.004963	\$0.011318	\$0.014635	\$0.011150	\$0.012927	\$0.013157	\$0.007581	\$0.005765	\$0.002568
PSM PER KWH	\$0.000477	-\$0.000928	-\$0.000928	-\$0.000928	-\$0.003540	-\$0.003540	-\$0.003540	-\$0.002121	-\$0.002121	-\$0.002121
DSM PER KWH	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405	\$0.001405
MSE PER KWH	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223

DUKE ENERGY
 ACCOUNT 1 (WI)
 RATE DS
 BDE-DR-01-008 Attachm

	May-08	Apr-08	Mar-08	Feb-08	Jan-08
BKWH	37,240	37,600	27,040	29,360	29,040
BRV	101.2	103.2	70.4	76.0	66.8
ACTUAL BILL	\$2,665.30	\$2,636.88	\$1,953.36	\$2,106.67	\$2,013.07
AVG PER KWH	\$0.0716	\$0.0701	\$0.0722	\$0.0718	\$0.0693
CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE	\$668.05	\$683.55	\$429.35	\$472.75	\$401.45
ENERGY CHARGE	\$1,965.00	\$1,984.42	\$1,484.40	\$1,590.45	\$1,552.97
FAC	-\$44.58	-\$108.51	-\$20.28	-\$26.25	-\$10.48
PSM	\$24.06	\$24.29	\$17.47	\$24.96	\$24.68
DSM	\$46.07	\$46.51	\$33.45	\$36.32	\$35.92
MSE	-\$8.30	-\$8.38	-\$6.03	-\$6.55	-\$6.48
CALC TOTAL BILL	\$2,665.29	\$2,636.88	\$1,953.36	\$2,106.68	\$2,013.07
DIFFERENCE	-\$0.01	\$0.00	\$0.00	\$0.01	\$0.00

RATES:

CUSTOMER CHARGE	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
DEMAND CHARGE:					
FIRST 15 KW	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ADDITIONAL KW	\$7.75	\$7.75	\$7.75	\$7.75	\$7.75
ENERGY CHARGE					
FIRST 6000 KWH	\$0.079427	\$0.079427	\$0.079427	\$0.079427	\$0.079427
NEXT 300 KWH/KW	\$0.047901	\$0.047901	\$0.047901	\$0.047901	\$0.047901
ADDITIONAL KWH	\$0.038825	\$0.038825	\$0.038825	\$0.038825	\$0.038825
FAC PER KWH	-\$0.001197	-\$0.002886	-\$0.000750	-\$0.000894	-\$0.000361
PSM PER KWH	\$0.000646	\$0.000646	\$0.000646	\$0.000850	\$0.000850
DSM PER KWH	\$0.001237	\$0.001237	\$0.001237	\$0.001237	\$0.001237
MSE PER KWH	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223	-\$0.000223

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-009

REQUEST:

Please list any rate hikes that occurred during the time the Complainant received gas and electric services from you and identify how much these rate hikes typically increased, percentage-wise, a customer's monthly bill.

RESPONSE:

Duke Energy Kentucky had no electric base rate increases during 2008 through 2010.

Rider FAC (Fuel Adjustment Clause) changes monthly and is reset every two years with a corresponding adjustment to the base fuel rate following a Commission review and proceeding. The last changes went into effect July 1, 2011 and July 1, 2009. Riders PSM (Profit Sharing Mechanism) and DSMR (DSM Cost Recovery) change periodically.

The impacts of these periodic changes on the Complainant's bills can be seen in the detailed billing analysis provided in BDE-DR-01-008 Attachment.

Duke Energy Kentucky had a gas base rate increase that was approved in Case No. 2009-00202. As a result of this case, general service (non-residential) gas rates increased by 5.24% on average beginning in January 2010.

PERSON RESPONSIBLE: James E. Ziolkowski

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-010

REQUEST:

State whether you regularly inspect the meters at 2015 Declaration Drive and, if not, state the name and address of the person and/or entity that inspects the meters.

RESPONSE:

Duke Energy Kentucky regularly inspects the meters at 2015 Declaration Drive.

PERSON RESPONSIBLE: Charlie Ploeger

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-011

REQUEST:

Please state the date of the last inspection, prior to 4/21/10, of electric meter 108007257 at Complainant's property and also state:

- i. The name, address, and title of the person and/or entity who conducted this inspection; and
- ii. The results of such inspection; and
- iii. The manner how this inspection was conducted.

RESPONSE:

The meter was manufactured and initially tested at the Itron meter factory (Itron, Inc., 313-B N. Hwy. 11, West Union, South Carolina 29696) on December 22, 2008 and passed. The shipment of meters was sample tested by the Duke Energy Meter Lab.

The meter was inspected by Patrick Brady, Senior Meter Tester, 1262 Cox Road, Erlanger, Kentucky 41018 June 4, 2009. He found the meter had been removed from the meter socket and the actual customer load was not being measured. Duke Energy technician installed a new meter and the service and operation of the new meter was verified. The technician installed locking devices in an attempt to prevent further unauthorized removal of the meter.

PERSON RESPONSIBLE: Charlie Ploeger

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-012

REQUEST:

Please produce any documents related to the results of the inspection described in Interrogatory 11, *supra*.

RESPONSE:

Please see the following attachments:

Attachment BDE-DR-01-012(A): Itron Factory Meter Test Result

Attachment BDE-DR-01-012(B) Field Meter Installation Record

PERSON RESPONSIBLE: Charlie Ploeger

Meter Test - [] X

AFWA Test

Meter	108007257T		
Create Date	1/6/2009		
Test Type	WH		
Reason Code			
Pass	<input checked="" type="checkbox"/>		
Total Passed	1		
Total Failed	0		
Sample Group			
Creep Direction	None		
Creep Rate	:		
Duration			
Company Code	ULH&P		
Environment Code	V		

Results		Comments	
As Found			
SF	100.040	SL	100.030
AF	100.020	AL	100.020
BF	100.070	BL	100.050
CF	100.020	CL	100.020
WA	100.040	SP	100.000
		AP	99.990
		BP	100.050
		CP	99.970
		Date	12/22/2008
		By	MFG
		Board	
As Left			
SF	100.040	SL	100.030
AF	100.020	AL	100.020
BF	100.070	BL	100.050
CF	100.020	CL	100.020
WA	100.040	SP	100.000
		AP	99.990
		BP	100.050
		CP	99.970
		Date	12/22/2008
		By	MFG
		Board	

Meter test record for meter 108007257 when purchased from Itron, Inc.

```
ELECTRIC METER READ INFORMATION      10:03 A 07/08/11  M35A200
ACCT: 04102208 02 CS: DNP COMPLETE  STATUS/DATE: PAST DUE FIN 12/17/10
DIV : 90   CYC: 14   ZIP: 41051  METER SIC : SIC CODE NOT IN TBLE
NAME: WILLIE'S OF INDEPENDENCE  PENDING : ANIN SPCD
ADDR: 2015 DECLARATION DR  APT:  FL:  SUBURB: INDEPNONCE
MTR : 106038091  STATUS: CLL  RATE: DIST SERV  REV CL: 02
KWH MULT: 40  KW MULT: 40  MPU : NORM  PH: 3

READ      : 00000  READ BY : 25745

DEMAND READ: 00.00  WHY NO READ : *** SEE COMMENTS ***
CUMUL DEM :
READ SOURCE: MRD  COMMENTS : NO DISPLAY METER PULLED AWAY FROM BOX
READ DATE : 05/20/09
READ TIME : 13.10.47
BILL PERIOD: 05/01/09  POSTED DATE : 05/21/09
VER ?  POSTED TIME : 05.20.15
TO BILL : N  POSTING DEPT:
REMOTE READ  POSTED BY :
SERV REQ NO : NONE

NEXT TRAN CODE: _____
EF: 20-RIGHT
```

Meter Reading tamper report 5/20/2009.

```
SRIN          SERV REQ BASIC INFO          03:12 P 07/07/11 M35SRIN
ACCT: 04102208 02 CS: DNP COMPLETE  STATUS/DATE: PAST DUE FIN 12/17/10 PG: 1
DIV : 90  CYC: 14  ZIP: 41051  CUST SIC : EATING PLACES
NAME: WILLIE'S OF INDEPENDENCE  PENDING : ANIN SPCD
ADDR: 2015 DECLARATION DR  APT:  FL:  SUBURB: INDEPNDCR

METER CHANGE SERV REQ NO: 9160 01870  CLOSED 06/09/09 PICKUP

ELEC OLD MTR: 106038091 PH: 3  READ: 014883  DEM RD: 02.39
ELEC NEW MTR: 108007257 PH: 3  READ: 000000
COMPLETED  ON 06/04/09 AT 01:40 P  BY PATRICK BRADY
ARRIVED AT 12:30 P
POSTED ON: 06/09/09 AT: 02:02 P
ISSUED  ON 06/09/09 AT 02:01 P  DTN 06/17/09  DEST 09
POSTED ON: 06/09/09 AT: 02:01 P

NEXT TRAN CODE: _____  SRCI SFRS SRSI SRMI SRBI
```

New meter installed 6/4/2009.

```
SRFR          SERV REQ FIELD REPORT INFO          03:18 P 07/07/11 M355RPA
ACCT: 04102208 02 CS: DNP COMPLETE  STATUS/DATE: PAST DUE FIN 12/17/10 PG: 1
DIV : 90  CYC: 14  ZIP: 41051  CUST SIC  EATING PLACES
NAME: WILLIE'S OF INDEPENDENCE  PENDING  ANIN SPCD
ADDR: 2015 DECLARATION DR  APT:  FL:  SUBURB: INDEPNONCE

METER CHANGE SERV REQ NO: 9160 01870  CLOSED 06/09/09 PICKUP

ELEC COMP OLD MTR NO: 106038091  DEST: ELEC
NEW MTR NO: 108007257

06/04 COMP  RMKS: FOUND METER OUT OF BASE-SERVICE NOT METERED-CHANGED TO NEW M
ETER-OPEN COILS ON CTS-NEED CHANGED-UNMETERED FROM ? TO 6/4/
09
POSTED ON: 06/09/09 RT: 02:02 P

NEXT TRAN CODE:  SRIN SACT SRSI SRMI SRBI
```

Tamper investigation found meter removed from socket.

BDE-DR-01-013

REQUEST:

With respect to the meter inspections conducted 8/9/2010 at the request of the Complainant, please state:

- i. The name, address, and title of the person and/or entity who conducted this last inspection;
- ii. The manner in which this inspection was conducted; and
- iii. The results of this inspection.

RESPONSE:

- i. Jack Ball, 1262 Cox Road, Erlanger, KY 41018; Title: Senior Meter Tester
- ii. Jack Ball tested the meter using portable field test equipment on August 9, 2010. The test results were logged in the Duke Energy database. An Energy Audit was performed by Duke Energy Account Executive, Nick Beck, on August 20, 2010. An Energy Audit is a feature that can be turned on for commercial meters which records the usage and load peaks. Jack Ball visited the site again on August 31, 2010 to activate an energy audit on the meter. On both visits, the energy audits found the meter at Complainant's service address consuming significant power consistent with the usage reported by the meter.
- iii. Passed inspection

PERSON RESPONSIBLE: Charlie Ploeger

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-014

REQUEST:

Please produce any documents related to the results of the inspections described in Interrogatory 13, *supra*.

RESPONSE:

Please see:

Attachment BDE-DR-01-14(a) Duke Energy Database Test Record

Attachment BDE-DR-01-14(b) Field Test Report

Attachment BDE-DR-01-14(c) Meter Mass Memory Activation Report

Attachment BDE-DR-01-14(d) Meter Tester Comments about Power Consumption

PERSON RESPONSIBLE: Charlie Ploeger

Meter Test
APWA Test

Meter: 1106195956SL

Create Date: 8/9/20 10 5:34:39 PM

Test Type: WH

Reason Code: CUST

Pass:

Total Passed: 1

Total Failed: 0

Sample Group:

Creep Direction: None

Creep Rate: :

Duration:

Company Code: ULH&P

Environment Code: F

Results		Comments					
As Found							
SF	99.970	SL	99.960	SP	99.960	Date	8/9/2010 10:26:29 AM
AF	100.100	AL		AP		By	T03645
BF	100.200	BL		BP		Board	STD 2926
CF	99.900	CL		CP			
WA	99.970						

As Left							
SF	99.970	SL	99.960	SP	99.960	Date	8/9/2010 10:26:29 AM
AF	100.100	AL		AP		By	T03645
BF	100.200	BL		BP		Board	STD 2926
CF	99.900	CL		CP			
WA	99.970						

Field meter test performed 8/9/2010. Test results as recorded in the Duke Energy database.

CUSTOMER NAME		WILLIE'S OF INDEPENDENCE										COMPLETED BY		BALL			
ADDRESS		2015 DECLARATION DR. INDEPENDENCE, KY.										DATE		8/9/2010			
METER NO.		METER MAKE		METER MODEL		METER SERIAL		METER TYPE		METER WATT-HOURS		METER TEST		METER REV		METER % ACC	
106195956		5		20015		120		3		SV4SR		SL		40		100.10	
METER COMMENTS		TESTED / COMPLAINT: DEMAND TESTED OK. 1000 WATTS / 1.2 KH X 4 INTERVALS / HR = 208.3 REVS TO 1.0 DEMAND															
METER OBSOLETE		208.3 TO .20 DEMAND = 41.67 REVS. EO1 TESTED OK @ 5 MINUTE ROLLING DEMAND INTERVALS															
NO		VERIFIED ALL FUNCTIONALITY OF METER, CHECKED OK.															
BENCH OR STANDARD NO.		2926															
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
8		8		8		8		8		8		8		8		8	
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8		8		8		8		8		8		8		8		8	
8		8		8		8		8		8		8		8		8	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6		1.6	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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METER MAKE		METER MODEL		METER SERIAL		METER TEST		METER WATT-HOURS		METER TEST		METER REV		METER % ACC		METER TEST	
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Page: 1 Document Name: untitled

SIIE SERVICE INFORMATION INQUIRY - ELECTRIC 12:26 P 08/31/10 M35SIIE
 ACCT: 02 CS: DNP NOTICE STATUS/DATE: ACTIVE 09/18/07
 DIV : 90 CYC: 14 ZIP: 41051 METER SIC : SIC CODE NOT IN TBLE
 NAME: WILLIE'S OF INDEPENDENCE PENDING : ANIN SPCD
 ADDR: 2015 DECLARATION DR APT: FL: SUBURB: INDEPNDCNCE

METER TYPE: CON CUM DMD CAPABLE METER NUMBER: 106195956 METER VOLTAGE: 120

METER PRIM USE: NORM METER SPECIAL USE:

REMOTE READ DEVICE INDICATOR: MULTIPLE OCCUPANCY: SINGLE

REM READ DEVICE STAT DT: METER LOCATION: METER OUTSIDE

CUSTOMER SIC CODE: 5812 EATING PLACES SERVICE STATUS: AVAILABLE

ADDRESS SIC CODE : SERVICE STATUS DATE: 04/30/10

METER SIC CODE : REASON OFF:
ELECTRIC - WKFL / INVESTIGATIONS / PICK-UP ORDERS

NEXT TRAN CODE: REFER TO
 PF: 20-RIGHT

REVENUE PROTECTION		CIRCLE ONE
1	TAMPER	
2	MTR DAMAGE	
3	MTR BYPASS	
4	DEFECTIVE MTR	
5	OTHER	

PLEASE CHECK ANY THAT APPLY			
<input type="checkbox"/>	VACANT	<input type="checkbox"/>	RANGE
<input checked="" type="checkbox"/>	OCCUPIED	<input type="checkbox"/>	FURNACE
<input type="checkbox"/>	RESIDENTIAL	<input type="checkbox"/>	WATER HTR
<input checked="" type="checkbox"/>	COMMERCIAL	<input type="checkbox"/>	OTHER

ITEMS TO BE BILLED	
WORK CODE:	
RESP CORP	
RESP CNTR:	
FAC CODE:	
HOURS	
VEHICLE	

FLD ACTN	ELEC.MTR.NO.	READ	VER	AMP	VOLT	PHASE	WIRE	KWH	KW	MFGR	MTR TYPE																											
OLD	106195956	03354	✓	200/5	120	3	4	40	40	SL	SV4SC																											
NEW	106195956	03354		200/5	120	3	4	40	40	SL	SV4SC																											
PGM	OLD 28	DEM READ	CUM DEM READ		OLD SEAL																																	
ID	NEW 31	02.49	012.8		NEW SEAL																																	
FLD	LOCK	SEAL	CLL	COOP	REM	REMS	READ	CNCL	UNEX	OTHER UNEX/CNCL REASON																												
ACTN	UNLOCK	UNSEAL	RLL	CHOP			ONLY																															
POST OR MAIL ADDR	<table border="1"> <thead> <tr> <th colspan="2">METER TEST</th> <th colspan="4">READ AND USAGE INFO FOR METER</th> </tr> <tr> <th>AS FOUND</th> <th>AS LEFT</th> <th>DATE</th> <th>READ</th> <th>USAGE</th> <th>BLNG DEM</th> <th>ACT DEM</th> </tr> </thead> <tbody> <tr> <td>FL</td> <td>FL</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>LL</td> <td>LL</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>											METER TEST		READ AND USAGE INFO FOR METER				AS FOUND	AS LEFT	DATE	READ	USAGE	BLNG DEM	ACT DEM	FL	FL						LL	LL					
METER TEST		READ AND USAGE INFO FOR METER																																				
AS FOUND	AS LEFT	DATE	READ	USAGE	BLNG DEM	ACT DEM																																
FL	FL																																					
LL	LL																																					
REMARKS	<i>Reformatted meter / mass memory, left reads as found. CT ratios ✓</i> <i>A - 118.3, 2.92 x 40 = 116.8</i> <i>B - 166.2, 4.21 x 40 = 168.4</i> <i>C - 85.3, 2.14 x 40 = 85.6</i> <i>Primary, Secondary</i>																																					
PLACE STICKER HERE																																						
REVENUE RECVR	LAST METER	LEFT NOTICE	CUST CONT	NO CONT	REF TO SUPVR	REF TO C & M	COMPLETED BY	EMPLOYEE ID	DATE	TIME ARRIVED	TIME LEFT																											
				<input checked="" type="checkbox"/>			<i>Ball</i>	03645	8/30/10	10:30 PM	11:25 PM																											
SMART MTR READS	Date: 8/31/2010 Time: 12:26:39 PM																																					

Note sent by field technician about the amount of power being consumed by the Complainant.

From: Ball, Jack L
Sent: Monday, August 30, 2010 3:28 PM
To: Beck, Nick; Meyer, Jim; Conway, Mike
Cc: Session, Chuck; White, Ronald N
Subject: RE: 2015 DECLARATION DR (FIELD TEST).xlsx

Nick,

I'm on vacation next week so Mike Conway will download and forward to you.

I went out today, installed battery, reformatted for mass memory and left the current reads intact. While there, I did a CT ratio check between primary and secondary side of CTs. They checked fine. Customer load was even higher today than when I tested meter. For a place that's supposed to be closed, they had the ac cranking and over 200 amps of load on each phase.

Jack Ball
Duke Energy
Electric Meter Ops - Ky
(cell) 513-260-4467
(desk) 859-534-4436

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-015

REQUEST:

With respect to the meter inspections performed on 8/9/2010 at the request of the Complainant, please state whether the Meter Lab method used to perform the inspection and test the meters is the standard industry method of testing electrical meters.

RESPONSE:

The meter testing was in accordance with industry standard practice. Duke Energy Kentucky follows the testing method specified in American National Standard Institute (ANSI) Code for Electricity Metering, ANSI C-12.1. Additionally, Duke Energy Kentucky complies with Kentucky Public Service Commission requirements for meter inspections.

PERSON RESPONSIBLE: Charlie Ploeger

**Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011**

BDE-DR-01-016

REQUEST:

If the testing method described in Interrogatory 15, *supra*, is not the industry standard, please state your basis for using such test. Or, in the alternative, please produce documents demonstrating the scientific reliability of the test used.

RESPONSE:

N/A

PERSON RESPONSIBLE: Charlie Ploeger

BDE-DR-01-017

REQUEST:

State whether the results of the tests described in Interrogatory 15, supra, revealed that the meters at Complainant's property precisely calculated Complainant's electric usage. If you cannot say with one hundred percent certainty that the meters were precisely calculating Complainant's electric usage, please:

- i. Identify the percentage of error that may be present in the test results;
- ii. Identify the amount this error may cause the reading to deviate from actual usage;
- iii. Whether this deviation is within an acceptable range permitted by law.

RESPONSE:

The tests performed on August 9, 2010 showed that the meter was calculating the Complainant's electric usage within the acceptable range of accuracy allowed under the Kentucky Public Service Commission regulations. Kentucky Administrative Regulations title 807 KAR 5:006 require billing adjustments if a meter in service is found to be more than two percent (2%) fast or slow. The Complainant's meter tested three one hundredths of one percent (0.03%) slow.

PERSON RESPONSIBLE: Charlie Ploeger

Duke Energy Kentucky
Case No. 2010-404
BDE First Set Data Requests
Date Received: June 28, 2011

BDE-DR-01-018

REQUEST:

If you believe the electric and gas usage at Complainant's restaurant during June and July 2010 was not excessive given its vacant status, please state your explanation for the charges incurred on the property during this time.

RESPONSE:

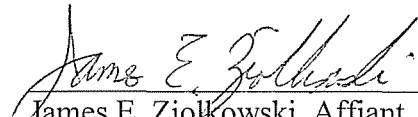
Duke Energy Kentucky records readings on meters each month. The only way to guarantee that usage recorded by the meters stops is to turn the meters off. Closing the business would not necessarily reduce the usage significantly if electric consuming devices, such as electronic equipment or refrigeration units, remain connected.

PERSON RESPONSIBLE: Pam Ball

VERIFICATION

State of Ohio)
) SS:
County of Hamilton)

The undersigned, James E. Ziolkowski, being duly sworn, deposes and says that he is the Rates Manager of Duke Energy Ohio and Duke Energy Kentucky, that he has supervised the preparation of the responses to the foregoing information requests; and that the matters set forth in the foregoing responses to information requests are true and accurate to the best of his knowledge, information and belief, after reasonable inquiry.


James E. Ziolkowski, Affiant

Subscribed and sworn to before me by JAMES E. ZIOLKOWSKI on this 12th day of July 2011.

ADELE M. DOCKERY
Notary Public, State of Ohio
My Commission Expires 01-05-2014

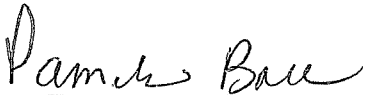

NOTARY PUBLIC

My Commission Expires: 1/5/2014

VERIFICATION


State of Indiana)
)
County of Hendricks)

The undersigned, Pamela Ball being duly sworn, deposes and says that I am employed by the Duke Energy Corporation affiliated companies as Senior Customer Relationship Specialist; that on behalf of Duke Energy Kentucky, Inc., I have supervised the preparation of the responses to the foregoing responses to information requests; and that the matters set forth in the foregoing response to information requests are true and accurate to the best of my knowledge, information and belief after reasonable inquire.



Pamela Ball, Affiant

Subscribed and sworn to before me by Pamela Ball on this 1st day of July,
2011.



NOTARY PUBLIC Paula M. Roseman

My Commission Expires: 3/17/17

Resident: Hendricks County

VERIFICATION

State of Ohio)
)
County of Hamilton) **SS:**

The undersigned, Charles T. Ploeger, being duly sworn, deposes and says that he is the Lab Supervisor, Service Delivery of Duke Energy Ohio and Duke Energy Kentucky, that he has supervised the preparation of the responses to the foregoing information requests; and that the matters set forth in the foregoing responses to information requests are true and accurate to the best of his knowledge, information and belief, after reasonable inquiry.

Charles T. Ploeger
Charles T. Ploeger, Affiant

Subscribed and sworn to before me by Charles T. Ploeger on this 5 day of July 2011.

Dorothy Kim Corbett
NOTARY PUBLIC

My Commission Expires: DOROTHY KIM CORBETT, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date.
Section 147.03