



DUKE ENERGY CORPORATION

139 East Fourth Street
1202 Main
Cincinnati, OH 45201-0960
Telephone: (513)287-4315
Facsimile: (513)287-4385

Kristen Cocanougher
Sr. Paralegal
E-mail: Kristen.cocanougher@duke-energy.com

VIA OVERNIGHT DELIVERY

June 3, 2011

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

RECEIVED

JUN 06 2011

PUBLIC SERVICE
COMMISSION

Re: 2011 -
Case No. ~~2010~~-00176
Michael T. Moore vs Duke Energy Kentucky, Inc.

Dear Mr. Derouen:

Enclosed please find an original and twelve copies of the *Answer of Duke Energy Kentucky Inc.* to be filed in the above captioned case.

Please date-stamp the extra two copies of the filing and return to me in the enclosed envelope.

Sincerely,

Kristen Cocanougher

cc: Larry Cook (w/enclosures)

meter base and to contact a state electrical inspector to ensure the work was done properly. In January 2011, the Complainant contacted Duke Energy Kentucky and advised the repairs had been made; however, an electrical inspection had not been performed. On or about March 1, 2011, Duke Energy Kentucky received a copy of the electrical inspection verifying the necessary repairs had been made at the premises.

2. The meter base and lug are the customer's responsibility pursuant to 807 KAR 5:041 and Duke Energy Kentucky's Electric Tariff.¹ As such, the cost to replace and or repair the meter base and the lug belong to the customer and not Duke Energy Kentucky.

3. In response to all of the averments set forth in the Complaint, Duke Energy Kentucky states that it follows the requirements of its tariff and Kentucky law in providing electric service to its customers.

4. All averments in the Complaint not expressly and affirmatively admitted herein are hereby expressly denied.

FIRST AFFIRMATIVE DEFENSE

5. The Complaint fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

6. The Complainant fails to set forth a *prima facie* case that Duke has violated its tariff or any statute or Commission regulation, and the Complaint should be dismissed for that reason.

THIRD AFFIRMATIVE DEFENSE

7. At all relevant times, Duke Energy Kentucky has billed Complainant and has otherwise acted in accordance with rules and regulations of the Kentucky Public Service

¹ See *e.g.*, Exhibit A, K.Y.P.S.C. Electric No 2, First Revised Sheet No. 21. Section II Paragraph 6; and Section III, Paragraph 1.

Commission, Duke Energy Kentucky's filed tariffs, and Kentucky law, including but not limited Kentucky Revised Statutes 807 KAR 5:041.

FOURTH AFFIRMATIVE DEFENSE

8. Duke Energy Kentucky respectfully reserves the right to plead any and all additional defenses that discovery may reveal.

MOTION TO DISMISS

9. With regard to the Complainant's averments that the Company should be responsible for the meter base repairs Duke Energy Kentucky affirmatively states that it adhered to the terms of its tariff and the Commission's regulations in replacing the Complainant's meter. Duke Energy Kentucky informed the Complainant on or about July 6, 2010 of the needed repairs and that it was the Complainant's responsibility to make the repairs.

10. The attached Exhibit A demonstrates that it was Complainant's responsibility to make the necessary repairs to the meter base at the premises. Accordingly, Complainant has failed to state a claim for which relief may be granted and the Complaint should be dismissed with prejudice.

WHEREFORE, Duke Energy Kentucky prays that: the Complaint be dismissed with prejudice; this case be stricken from the Commission's docket; and Duke Energy Kentucky be granted any and all other relief to which it may be entitled.

Respectfully submitted,

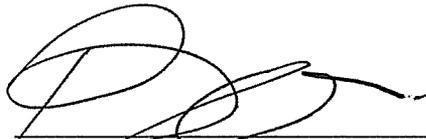


Rocco O. D'Ascenzo (92796)
Associate General Counsel
Amy B. Spiller (85309)
Deputy General Counsel
Duke Energy Business Services, LLC
139 East Fourth Street, 1303 Main
Cincinnati, Ohio 45201-0960
Phone: (513) 287-4320
Fax: (513) 287-4385
e-mail: rocco.d'ascenzo@duke-energy.com
Counsel for Duke Energy-Kentucky, 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 pre-paid, on this 3rd day of June, 2011, addressed to the following:

Michael T. Moore
330 Center Street, Apartment 3D
Bellevue, Kentucky 41073



Rocco O. D'Ascenzo