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**VIA ELECTRONIC FILING**

October 26, 2020

Mr. Kent Chandler  
Acting Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
Frankfort, KY 40601

RECEIVED

OCT 27 2020

PUBLIC SERVICE  
COMMISSION

Re: **Case No. 2020-00161**  
In the Matter of Judy M. Handshoe v. Duke Energy Kentucky, Inc.

Dear Vice Chairman Chandler:

Duke Energy Kentucky, Inc. hereby submits its Answer and Motion to Dismiss in the above-mentioned case. The original copy of the answer will be filed with the Commission within 30 days of the lifting of the current state of emergency. I certify that the electronic documents are true and accurate copies of the original documents.

Pease date-stamp the extra two copies of this letter and return to me in the enclosed envelope.

Respectfully submitted,

/s/ Rocco D'Ascenzo  
Rocco D'Ascenzo (92796)  
Deputy General Counsel  
Duke Energy Kentucky, Inc.  
139 East Fourth Street, 1313 Main  
Cincinnati, Ohio 45201-0960  
Phone: (513) 287-4320  
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Rocco.D'ascenzo@duke-energy.com  
Counsel for Duke Energy Kentucky, Inc.

Enclosures: As stated  
Judy M. Handshoe

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:	)	
	)	
JUDY M. HANDSHOE	)	Case No. 2020-00161
	)	
V.	)	
	)	
DUKE ENERGY KENTUCKY, INC.	)	

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**DUKE ENERGY KENTUCKY, INC.’S ANSWER  
AND MOTION TO DISMISS**

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Now comes Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by and through counsel, and pursuant to the Kentucky Public Service Commission (Commission)’s October 16, 2020 Order in this matter, does hereby respectfully tender its Answer to the Complaint and respectfully requests that the Complaint be dismissed. In response to the allegations contained in the Complaint, Duke Energy Kentucky states as follows:

1. Duke Energy Kentucky denies the claims that the Company incorrectly billed Judy Handshoe (Complainant) for electric consumption between August 2019 and July 2020.
2. Duke Energy Kentucky admits that on March 23, 2020 Complainant had an electric AMI (smart) meter installed on her property at 3046 Silverbell Way, Independence, KY 4105.
3. Duke Energy Kentucky admits that Complainant requested the Company conduct a Home Energy House Call at her property which was completed on March 7, 2019.
4. Duke Energy Kentucky admits that on or about April 28, 2020, the Company conducted accuracy testing on the electric meter located at 3046 Silverbell Way and Complainant received a letter indicating the meter tested within the Commission guidelines for accuracy.

5. Duke Energy Kentucky admits that Complainant has spoken with our Consumer Affairs group multiple times regarding the charges on her bills.

6. Duke Energy Kentucky admits that on or about March 23, 2020, at Complainant's request, the Company removed her AMI (smart) electric meter and replaced it with an analog meter. Further, the Company tested Complainant's removed AMI (smart) meter and it tested accurate.

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

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

**FIRST AFFIRMATIVE DEFENSE**

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

**SECOND AFFIRMATIVE DEFENSE**

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

**THIRD AFFIRMATIVE DEFENSE**

11. At all relevant times, Duke Energy Kentucky has appropriately billed Complainant for actual consumption used and has otherwise acted in accordance with rules and regulations of the Kentucky Public Service Commission, Duke Energy Kentucky's filed tariffs, and Kentucky law, including but not limited to 807 KAR 5:006 Section 11, and 807 KAR 5:041.

**FOURTH AFFIRMATIVE DEFENSE**

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

**MOTION TO DISMISS**

13. With regard to the Complainant's averments that the Company should refund money to her account, Duke Energy Kentucky affirmatively states that it adhered to the terms of its tariff and the Commission's regulations with respect to billing the Complainant.

14. The Complainant's meter was tested and accurately capturing usage. Therefore, the usage Complainant was billed for was accurate and billed correctly. 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,

/s/Rocco D'Ascenzo

Rocco D'Ascenzo (92796)

Deputy General Counsel

Duke Energy Kentucky, Inc.

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(513) 287-4385 (f)

Rocco.D'Ascenzo@duke-energy.com

*Counsel for Duke Energy Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via regular mail, this 26 day of October 2020:

Judy M. Handshoe  
3046 Silverbell Way  
Independence, KY 41051

/s/ Rocco O. D'Ascenzo  
Rocco O. D'Ascenzo