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Rocco O D'Ascenzo
Senior Counsel

VIA OVERNIGHT DELIVERY

January 29, 2009

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

RECEIVED

JAN 30 2009

**PUBLIC SERVICE
COMMISSION**

Re: Case No. 2009-00026

Dear Mr. Derouen:

Enclosed please find an original and twelve copies of the Answer of Duke Energy Kentucky, Inc. to the Complaint filed for the above captioned case.

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

Sincerely,



Rocco O. D'Ascenzo
Senior Counsel

cc: Chris Wiseman

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:)
)
CHRIS WISEMAN)
32 Avenel Pl.)
Fort Thomas, KY 41075)
)
Complainant)
)
v.)
)
Duke Energy Kentucky, Inc.)
P.O. Box 960)
139 East Fourth Street)
Rm 2500 AT II)
Cincinnati, OH 45201)

Case No. 2009-00026

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PUBLIC SERVICE
COMMISSION

ANSWER OF DUKE ENERGY KENTUCKY, INC.

Duke Energy Kentucky, Inc. ("Duke Energy Kentucky") for its answer to the complaint in the proceeding, respectfully states:

FIRST DEFENSE

1. In response to allegations contained in the Complaint of Chris Wiseman, Duke Energy Kentucky admits that the meter on Complainant's account had a gas leak. Duke Energy Kentucky repaired this leak on January 13, 2008. Duke Energy Kentucky is charging Complainant for actual natural gas consumption measured on Complainant's meter for the period of June 5, 2007 through July 3, 2008. The leak on Complainant's meter had little to no affect on the amount of gas registered.
2. Duke Energy Kentucky denies the allegation that the Company is charging Complainant for "lost" or un-metered natural gas. Duke Energy Kentucky is charging Complainant for actual metered natural gas consumption for the period of June 5, 2007 through July 3,

2008. The adjustment to Complainant's bill for natural gas consumption is due to Duke Energy Kentucky obtaining an actual reading on Complainant's natural gas meter on July 3, 2008, after several months of estimated readings because the Company was denied access to Complainant's meter.

3. Duke Energy Kentucky attempts to read Complainant's natural gas meter every month. However, during the consumption periods of June 2007 through June 2008 the Company was unable to access the meter resulting in Complainant receiving estimated natural gas bills for several months. According to Company records, Complainant had a burglar alarm that prevented the Company from accessing the meter.
4. Beginning with Complainant's bill for consumption through July 5, 2007, Duke Energy Kentucky included an "Urgent Message" on Complainant's utility bills informing him that the bills were estimated and requesting that he make arrangements for an actual meter reading. Complainant ignored Duke Energy Kentucky's monthly requests for access to read the meter. On or about July 3, 2008, Duke Energy Kentucky accessed the meter and obtained an actual reading. The reading indicated that the Company had been underestimating the consumption on Complainant's meter. Accordingly, Complainant's July 2008 bill included an adjustment for pro-rated consumption going back to July 5, 2007, the date of the last actual meter reading on Complainant's account. Since the July 2008 actual meter reading, the Company has installed a remote meter reading device on Complainant's meter so meter access will no longer be an issue.
5. Duke Energy Kentucky denies the remainder of the allegations contained in the Complaint.

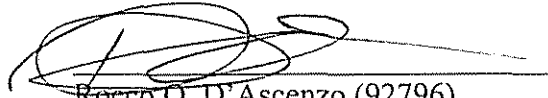
AFFIRMATIVE DEFENSES

1. The Complaint fails to state a cause of action upon which relief can be granted.
2. At all relevant times, Duke Energy Kentucky has billed Complainant in accordance with rules and regulations of the Kentucky Public Service Commission, Duke Energy Kentucky' filed tariffs, and Kentucky law, including but not limited Kentucky Revised Statutes (KRS) 278.160(2).
3. Duke Energy Kentucky has the right and authority under Kentucky law to bill Complainant for actual and metered natural gas consumption.
4. Duke Energy Kentucky respectfully reserves the right to plead any and all additional defenses that discovery may reveal.

WHEREFORE, Duke Energy Kentucky asks that the complaint be dismissed and that the Commission award Duke Energy Kentucky any and all other relief which it may appear entitled.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

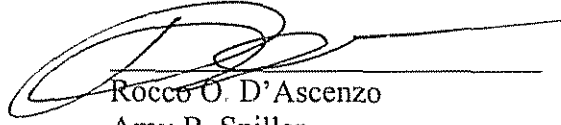


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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Answer has been served via
overnight mail to the following party on this 29th day of January 2009:

CHRIS WISEMAN
32 Avenel PL.
Fort Thomas, KY 41075



Rocco O. D'Ascenzo
Amy B. Spiller