

**FACSIMILE TRANSMITTAL**

Duke Energy  
139 East Fourth Street  
P.O. Box 960  
Cincinnati, OH 45201

ORIGINAL WILL BE SENT  Yes  No

Date: August 24, 2009



To: Renee Smith

From: Dianne Kuhnell  
Senior Paralegal

Phone Number:

Phone Number: 513-419-1837

Fax Number: (502) 564-3460

Fax Number: 513-419-1846

Urgent

For Your Information

Reply ASAP

Please Comment

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AUG 24 2009

Copies To:

**PUBLIC SERVICE  
COMMISSION**

Description/Remarks:

Re: CASE NO. 2009-00333  
Answer of Duke Energy Kentucky, Inc.

**PLEASE EXPEDITE TO RECIPIENT**

Please call Lauren Paik at (513) 419-1854 if you have problems receiving this fax.

Page 1 of # pages.

**Confidentiality Note**

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139 East Fourth Street, R. 25 At II  
P.O. Box 960  
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Tel: 513-419-1837  
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[dianne.kuhnell@duke-energy.com](mailto:dianne.kuhnell@duke-energy.com)

Dianne B. Kuhnell,  
Senior Paralegal

**VIA FACSIMILE AND OVERNIGHT DELIVERY**

August 24, 2009

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

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AUG 24 2009

PUBLIC SERVICE  
COMMISSION

Re: Case No. 2009-00333

Dear Mr. Derouen:

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

**Please note that the Answer was also sent via facsimile to be file-stamped August 24, 2009.**

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

Sincerely,

Dianne B. Kuhnell  
Senior Paralegal

cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of: )  
 )  
 TERESA LYN CUNNINGHAM )  
 4590 Burlington Pike )  
 Burlington, KY 41005 )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 Duke Energy Kentucky, Inc. )  
 P.O. Box 960 )  
 139 East Fourth Street )  
 Rm 2500 AT II )  
 Cincinnati, OH 45201 )

Case No. 2009-00333

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PUBLIC SERVICE COMMISSION

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ANSWER OF DUKE ENERGY KENTUCKY, INC.

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

FIRST DEFENSE

1. Duke Energy denies the allegation contained in the Complaint of Teresa Lyn Cunningham (Complainant), "Duke Energy Kentucky kept sending estimated bills" as Duke Energy Kentucky cannot ascertain the time frame referenced in the allegation. Duke Energy Kentucky does admit that Complainant received estimated bills between November 2008 and May 2009. However, her bill for the period ending October 2008 was based upon an actual reading. Moreover, Complainant's bills since May 8, 2009 have been based upon actual consumption readings.
2. Duke Energy Kentucky denies that Complainant is entitled to a review of billing statements for the last ten years. On or about June 12, 2008, Complainant received a new

electric meter after a repair was made to a malfunctioning automated meter reading (AMR) device. Complainant's electric consumption was based upon actual monthly meter readings in July 2008, August 2008, September 2008, and October 2008.

3. Duke Energy Kentucky denies the remainder of the allegations contained in the Complaint.

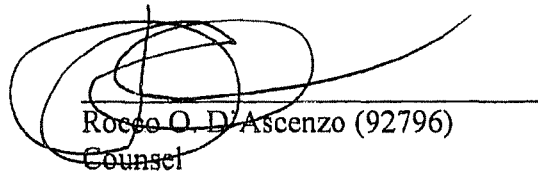
#### AFFIRMATIVE DEFENSES

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 electric service 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.



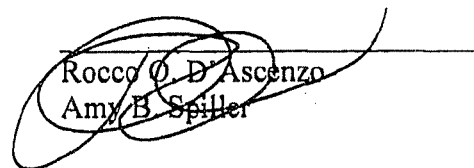
Rocco O. D'Ascenzo (92796)  
Counsel

Amy B. Spiller (85309)  
Associate General Counsel  
Duke Energy Kentucky, Inc.  
139 East Fourth Street, Rm 25 AT II  
Cincinnati, Ohio 45201-0960  
Phone: (513) 419-1852  
Fax: (513) 419-1846  
e-mail:  
rocco.d'ascenzo@duke-energy.com

**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 24th day of August 2009:

TERESA LYN CUNNINGHAM  
4590 Burlington Pike  
Burlington, KY 41005



Rocco O. D'Ascenzo  
Amy B. Spiller