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February 2, 2024

VIA ELECTRONIC FILING

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

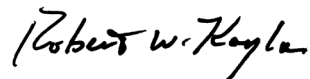
**RE: Duke Energy Progress, LLC's Answer and Motion to Dismiss
Docket No. E-2, Sub 1338**

Dear Ms. Dunston:

Enclosed for filing in the above-referenced docket is Duke Energy Progress, LLC's Answer and Motion to Dismiss. The information contained in the exhibits reflects confidential customer information and is therefore being filed under seal.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,



Robert W. Kaylor, P.A.

Enclosure

cc: Parties of Record

OFFICIAL COPY

Feb 02 2024

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1338

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
)	
Marleen Asbury)	
3117 Brushy Mountain St.)	DUKE ENERGY PROGRESS, LLC'S
Cary, North Carolina 27519)	ANSWER AND
)	MOTION TO DISMISS
v.)	
Duke Energy Progress, LLC)	
Complainant)	
)	
Respondent)	

NOW COMES Duke Energy Progress, LLC ("DEP", "Respondent" or the "Company") pursuant to Rule R1-9 of the North Carolina Utilities Commission ("NCUC" or "Commission") Rules and Regulations, and answers the Complaint filed by Marleen Asbury ("Complainant") and moves the Commission to dismiss the Complaint for failure to state a claim upon which relief can be granted. The Company has reviewed the Complaint and replies to the allegations as set forth below. Any allegation not specifically admitted shall be deemed denied.

FOR A FIRST DEFENSE

1. With respect to the allegations contained in Paragraph 1 of the Complaint, the Company has made numerous attempts to explain the Complainant's corrected billing, answer any questions she may have, and resolve her complaint all while treating her with respect and professional courtesy.

2. With respect to the allegations contained in Paragraph 2 of the Complaint, the Company denies that the Complainant's corrected billing was "prorated" or "based on theory" or that actual usage was not used. This complaint and corrected billing stems from a crossed meter situation between the Complainant's premise at 3117 Brushy Mountain St. and another customer premise at 3112 Brushy Mountain St. in the same apartment building. Corrected invoices and billing for the Complainant's account are based on actual historical metered usage from her premise at 3117 Brushy Mountain St. that was erroneously applied to the other customer's account at 3112 Brushy Mountain St.

3. With respect to the allegations contained in Paragraph 3 and 5 of the Complaint, the Company denies that the Complainant's corrected billing was "prorated." The Company used actual meter usage to correct the Complainant's account, and the following is a summary of what the Company did once the crossed meter situation was discovered:

- a. The crossed meter situation and resulting undercharge of the Complainant was discovered by the Company on August 25, 2023. This stemmed from a high bill complaint from the customer in 3112 Brushy Mountain St. who was later found to be overcharged.
- b. On August 29, 2023, the Company created and completed an investigation service order to confirm the crossed meter situation in the field. On the date of this service order, the Complainant's meter number on her account was 328530411. This meter number is indicated on Complainant's bill dated August 28, 2023. This is included as confidential Exhibit A. Also, on the date of this

service order, the meter number on the account serving the customer in 3112 Brushy Mountain St. was 328530413.

- c. The completed service order noted and confirmed the following:
 - i. Meter 328530411 was installed on the electrical service to 3112 Brushy Mountain St. This was confirmed in the field by powering the meter down and back up. When this was performed by the Company, electrical service was interrupted to the apartment at 3112 Brushy Mountain St.
 - ii. Meter 328530413 was confirmed in the field as installed on the electrical service to 3117 Brushy Mountain St. (the Complainant's premise & service address).
- d. Once the crossed meter situation was confirmed in the field by the Company, the Company initiated the bill correction process for the two accounts in question by switching meter numbers on the accounts in the billing system. The Company did not physically switch the meters in the field.
- e. The Company was able to determine that the crossed meter situation and undercharges dated back to October 22, 2021. This date is 672 days prior to the date of discovery of the undercharge.
- f. Upon discovery of the undercharge, the Complainant's account was rebilled the difference between the correct meter usage and the incorrect meter usage for the entire 672 day period. The rebill difference was then credited for all additional usage, except the last 150 days allowed for back billing by Commission Rule R8-44(4)a. To be clear, the Complainant was not and has not

been back billed for the 672 day period, only the 150 days allowed by Commission rule.

- g. On September 22, 2023, a corrected bill was issued to the Complainant that brought the account balance to \$728.64 which included the outstanding balance of \$86.89 at that time plus the Commission allowable back billing charges and associated taxes through August 24, 2023. This corrected bill is included as confidential Exhibit B.
- h. On September 26, 2023, a bill was issued (with the correct meter) for \$237.29 for service rendered from August 25, 2023 to September 22, 2023 bringing the account balance to \$965.93.
- i. Upon receiving a letter dated October 3, 2023 from the Complainant's attorney, the Company reviewed the Complainant's account during the crossed meter period and found an additional credit of \$106.71 for adjustments in energy usage for the periods of September 22, 2022 to October 24, 2022 and March 24, 2023 to April 24, 2023. This credit was applied to the Complainant's account and shown as a separate line item on Complainant's bill dated October 26, 2023. The Complainant also made a payment of \$100.00 on October 4, 2023. With this customer payment and the additional credit, the balance on Complainant's account was \$759.22 as of October 18, 2023.
- j. The Company offered the Complainant an installment plan in accordance with NCUC Rule R8-44(4)d. for the back billing amount. The Complainant denied the Company's offer.

- k. The Company informed the Complainant that her future bills will be higher than the past two years as she was being underbilled with the incorrect meter during that time.
- l. The Company responded to Complainant's attorney in a letter dated October 18, 2023. A copy of that letter is included here as confidential Exhibit C. The Company's response to the Complainant's attorney recounts the same crossed meter situation and same bill correction steps addressed above.

FOR A SECOND DEFENSE

With respect to the Complainant's comments that meter 328530413 was not historically her correct meter, that the Company's confirmation of cross meters is incorrect, and that her energy usage is incorrect.

1. On September 6, 2023, the Complainant contacted the Company disputing her bill and claiming meter 328530413 on her account was incorrect. The Company created a service order on September 6, 2023 to investigate and reconfirm the meter number.
2. On September 11, 2023, the Company completed the service order. The following is a summary of events and findings from that service order investigation:
 - a. To reconfirm that meter 328530413 was correct, the Company service technician attempted to disconnect the power from the meter and see if power was off in the Complainant's apartment. The meter disconnected power from the Complainant's apartment at 2:53 p.m. but would not reconnect. Given the failed reconnection, the Company service technician elected to replace meter 328530413 with meter 325396214. Upon physically removing meter

328530413 and installing meter 325396214, power was restored to the Complainant's apartment at 3:01 p.m. This activity confirms that the meter 328530413 was indeed correct and was installed in the meter base serving the Complainant's apartment.

- b. The Complainant confirmed this incident in her own words in Paragraph 5 of her complaint and in her comments to Public Staff (Ms. Neysa Guerrero). Paragraph 5 reads as follows – “ *They came back out on 11 September 2023 after many calls and checked the meter to see if it would shut off and on and the meter never did (witnessed by the apartment maintenance person) and then he proceeded to get another meter from the truck and replaced the said meter. Once replaced, it shuts off and on at this time.*” Comments to Neysa Guerrero at Public Staff reads as follows – “.... *he went to the truck and got a meter and installed the meter and asked him (the apartment maintenance man) to tell him when the power shut on and off and it did and that was on 9/11/23.*”

3. Complainant continued to claim that her energy use with new and current meter 325396214 was incorrect and requested a meter test on November 9, 2023.

4. The Company tested meter 325396214 on November 13, 2023 per Commission Rule R8-14. The meter tested accurate and within the accuracy requirements of Commission Rule R8-12. Test results are as follows:

Meter Test Date	Accuracy Heavy Load (HL)	Accuracy Light Load (LL)	Accuracy Weighted Avg (WA)
November 13, 2023	100.17	100.12	100.16

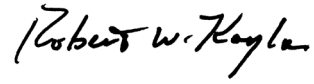
5. The Company would also like to provide a comparison of energy usage data supporting the fact that both meters, 328530413 (previous meter, confirmed in the field and used for back billing) and 325396214 (new and current meter) are correct and accurate. The Company pulled energy usage data for the month of January 2023 for meter 328530413 and January 2024 for meter 325396214. Below is a comparison of that data:

Meter No.	Month	Period	Days in the Period	Energy Usage (kWh)	kWh/Day
328530413	January 2023	1/1/23 - 1/29/23	29	1400	48.3
325396214	January 2024	1/1/24 - 1/29/24	29	1491	51.4

In closing, the Company maintains that the back billing amount and current account balance for Complainant's account, DEP Acct. No. 9100 5569 2028, is correct and in accordance with applicable Commission rules.

WHEREFORE, Respondent, having fully responded to the allegations contained in the Complaint, moves the Commission to dismiss the Complaint with prejudice, and requests such other relief as the Commission deems just, equitable, and proper.

Respectfully submitted, this the 2nd day of February, 2024



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*Attorney for Respondent
Duke Energy Progress, LLC*

**DUKE ENERGY PROGRESS, LLC
CONFIDENTIAL EXHIBITS A-C**

FILED UNDER SEAL

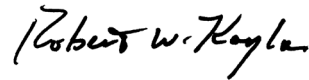
DOCKET NO. E-2, SUB 1338

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Progress, LLC's Answer and Motion to Dismiss, in Docket No. E-2, Sub 1338, has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1st Class Postage Prepaid, to the following party:

Marleen Asbury
3117 Brushy Mountain St.
Cary, NC 27519

This, the 2nd day of February 2024.



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