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To: PUCO Docketing **Date:** January 2, 2007
Firm: **From:** Ebony L. Miller, Esquire
Fax #: 614/466-0313 **Pages:** 6 (including cover page)

Subject: **Re:** Case No. 06-1372-EL-CSS
Answer of The Cleveland Electric Illuminating Company

Comments: Attached is the Answer of The Cleveland Electric Illuminating Company regarding the above case. The original and the required number of copies will be sent via overnight mail for delivery Wednesday, January 3, 2007. Please call me if you have any questions. Thank you

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FirstEnergy76 South Main Street
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and Facsimile (614-466-0313)*

January 2, 2007

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

FAX

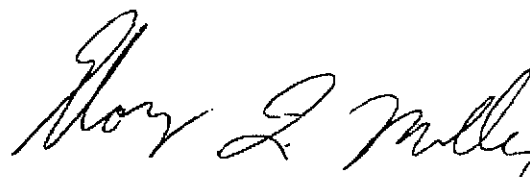
Dear Ms. Jenkins:

Re: *Answer*
Tiffany Ridge Townhouse Condominium Unit Owners'
Association, Inc. v. The Cleveland Electric Illuminating
Company
Case No. 06-1372-EL-CSS

Enclosed for filing, please find the original and twelve (12) copies of the *Answer* regarding the above-referenced case. Please file the enclosed *Answer*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,



kag
Enclosures
cc: Parties of Record

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

TIFFANY RIDGE TOWNHOUSE)	
CONDOMINIUM UNIT OWNERS')	
ASSOCIATION, INC.)	
)	
)	
COMPLAINANT,)	
)	
vs.)	CASE NO. 06-1372-EL-CSS
)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY)	
)	
RESPONDENT.)	

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

Comes now Respondent, The Cleveland Electric Illuminating Company, by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. The Cleveland Electric Illuminating Company ("CEI") is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.

2. While the Complaint consists of a two page letter containing six unnumbered paragraphs, CEI will attempt to specifically answer the different allegations within the letter

3. The Complainant uses the terms "pump station" and "lift station" interchangeably in its Complaint, and for the purposes of this Answer, CEI will reference back to the term used by the Complainant in each allegation.

4. CEI denies Complainant's allegation that the damages and costs Complainant sustained was a result of any negligence on the part of CEI.

5. CEI denies the allegation that CEI re-directed one of the power lines that served Complainant's lift station in order to serve a nearby home which sustained an underground break in its electric service. CEI further denies the allegation that CEI improperly removed electrical service to the Complainant's pump station.

6. CEI denies the allegation that CEI is responsible for any costs and expenses the Complainant incurred in connection with Complainant's pump station.

7. CEI generally denies any other allegations that may be set forth in the Complaint that were not otherwise specifically addressed hereinabove.

For its affirmative defenses, CEI further avers that:

8. CEI breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted. While the Commission is empowered to hear electric service complaints, it is without jurisdiction or authority to hear claims sounding in tort or claims for money or civil damages, and therefore does not have the authority to grant the relief sought by Complainant.

9. CEI has at all times acted in accordance with its Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.

10. CEI avers that Complainant never reported a power outage or problem with service for the November 25, 2004 through March 1, 2005 period in question ("Service Period").

CEI further avers that its Customer Outage Information Report indicates that Complainant experienced no electrical service outage during the Service Period.

11. Even if the Complainant's allegations were true, CEI also has no liability under its Commission-approved rules and regulations. Rule IV(B) states "The Company will endeavor, but does not guarantee, to furnish a continuous supply of electric energy and to maintain voltage and frequency within reasonable limits. The Company [CEI] shall not be liable for damages which the customer may sustain due to variations in service characteristics or phase reversals." P.U.C.O. No. 13, Original Sheet No. 4, Page 3 of 24, IV(B).

WHEREFORE, having fully answered the Complaint, Respondent, The Cleveland Electric Illuminating Company, respectfully request that the instant action be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,



Ebony L. Miller (077063)

Attorney

FirstEnergy Service Corp.

76 South Main Street

Akron, Ohio 44308

Phone: 330-384-5969


Fax: 330-384-3875

On behalf of The Cleveland Electric

Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of The Cleveland Electric Illuminating Company was served by regular U.S. Mail, postage prepaid, to Tiffany Ridge Townhouse Condominium Unit Owners' Association, Inc., C/O Robert E. Kmiecik, Esq. 50 Public Square, Suite 2000, Cleveland, Ohio 44113, this 2nd day of January, 2007.


Ebony L. Miller
Attorney