

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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|--|---|-------------------------|
| In the Matter of the Complaint of Robert A. Celli, |) | |
| |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | Case No. 06-1098-EL-CSS |
| |) | |
| FirstEnergy Corp. |) | |
| and |) | |
| The Cleveland Electric Illuminating Company, |) | |
| |) | |
| Respondents. |) | |

ENTRY

The attorney examiner finds:

- (1) On September 5, 2006, Robert A. Celli (Mr. Celli or complainant) filed a complaint against "FirstEnergy." In his complaint, Mr. Celli alleges that FirstEnergy negligently fails to maintain an adequate and reliable power grid. As an example, Mr. Celli contends that some of FirstEnergy's power poles are rotten and easily damaged. In particular, Mr. Celli claims that the company lost several poles on July 1, 2006, because they were in a deteriorated condition. Because of the negligent maintenance of its facilities, Mr. Celli reports that there have been numerous power outages. Mr. Celli claims damages to personal property in the amount of \$1,431.97.
- (2) On September 27, 2006, FirstEnergy Corp. (FirstEnergy) and The Cleveland Electric Illuminating Company (CEI) filed a joint answer to the complaint. In the answer, CEI denies that it has been negligent, that there are rotten poles, and that voltage delivery has been inconsistent at the complainant's residence. CEI, however, acknowledges that there have been approximately 11 sustained power outages at the complainant's residence within the past 36 months. CEI denies the complainant's allegations concerning damage to personal property. Overall, CEI declares that it has acted in compliance

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with its tariff and asserts that the complainant has failed to state reasonable grounds.

Attached to its answer, CEI filed a motion to dismiss. Citing the language in its tariff, CEI states that it shall endeavor but does not guarantee a continuous supply of electric energy and the maintenance of voltage and frequency within reasonable limits. The tariff further provides that CEI shall not be liable for damages arising from variations in service characteristics or phase reversals.

The motion to dismiss also seeks to remove FirstEnergy as a party to this proceeding. CEI explains that FirstEnergy is not a public utility, does not provide electric service to the complainant, and is not subject to the jurisdiction of the Commission. The respondents, therefore, move that FirstEnergy be dismissed.

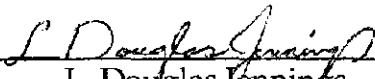
- (3) The attorney examiner has attempted to contact the complainant by telephone and letter to discuss procedural matters and to schedule a prehearing conference. To date, the complainant has not responded.
- (4) The complainant is advised to contact the attorney examiner to discuss procedural matters and the possibility of a prehearing conference. If the complainant fails to contact the attorney examiner within 15 days of the date of this Entry, the attorney examiner will recommend that this complaint be dismissed.

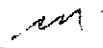
It is, therefore,

ORDERED, That the complainant contact the attorney examiner within 15 days of the date of this Entry; otherwise, the attorney examiner will recommend that the complaint be dismissed. It is, further,

ORDERED, That a copy of this Entry be served upon the parties, their counsel, and all interested persons of record.

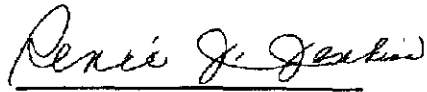
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner

/vrn 

Entered in the Journal

JAN 17 2007



Renee J. Jenkins
Secretary