

FILE

**FirstEnergy**

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## FAX TRANSMISSION

TO: PUCO Docketing

FAX NO.: 614-466-0313

FROM: Ebony L. Miller

DATE: January 31, 2007

RE: Case No. 07-0032-EL-CSS

NO. OF PGS, INCLUDING COVER SHEET: 10

Attached is the motion to File a *Motion to Dismiss* regarding the above case. The originals and the required number of copies will be sent via overnight mail for delivery Thursday, February 1, 2007. Please call me if you have any questions. Thank you.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

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Jan 31, 2007 4:18PM FirstEnergy Service Company

No. 001-1-1

**FirstEnergy**

76 South Main Street  
Akron, Ohio 44308

**Ebony L. Miller**  
Attorney

330-384-5869  
Fax: 330-384-3875

**Via Federal Express  
And Facsimile (614-466-0313)**

**FAX**

January 31, 2007

Ms. Renec 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


Dear Ms. Jenkins:

**Re: Motion to Dismiss  
Jack Vasi v. Ohio Edison Company  
Case No. 07-0032-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the *Motion to Dismiss* and related memorandum in support regarding the above-referenced case. Please file the enclosed documents, 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,

  
Ebony L. Miller

mmw

cc: Parties of Record

Enclosures

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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

JACK VASI  
618 OBERLIN ROAD  
ELYRIA, OHIO 44035

COMPLAINANT,

vs.

OHIO EDISON COMPANY

RESPONDENT.

CASE NO. 07-0032-EL-CSS

**MOTION TO DISMISS**

Comes now Ohio Edison Company, by and through counsel, and respectfully moves this Commission for an order dismissing the Complaint filed by Jack Vasi on the grounds that Complainant has been provided with electric utility service, and that this Commission lacks subject matter jurisdiction over the Criminal Report entitled "Legal Notice of Criminal Report Pursuant to ORC 2921.22 By Victims and Witnesses of Criminal Activity" that Complainant attached and incorporated in his Complaint.

**This Motion is supported by the attached Memorandum in Support**

Respectfully submitted,

Harry J. Miller

**Attorney**

**FirstEnergy Corp.**

76 South Main Street

Akron, Ohio 44308

**Phone: 330-384-5969**

Fax: 330-384-3875

On behalf of Ohio Edison Company



**FILE**

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

**JACK VASI**  
618 OBERLIN ROAD  
ELYRIA, OHIO 44035

COMPLAINANT,

**VS..**

OHIO EDISON COMPANY

RESPONDENT

CASE NO. 07-0032-EL-CSS

**MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Ohio Edison Company hereby files this Memorandum in Support of its Motion to Dismiss <sup>5</sup> the above-referenced case. In support thereof, the Respondent states as follows:

1. Complainant commenced this action on or about January 12, 2007. The relief Complainant sought was two-fold, Complainant sought to have electricity service established at 618 Oberlin Road, Elyria Ohio 44035 (the "Commercial Premises"), and second to report a number of alleged criminal offenses

2 On January 18, 2007 Ohio Edison discovered that a representative for Complainant provided the wrong account number when paying the security deposit. Ohio Edison transferred the security deposit to Complainant's account and in accordance with the Commission's order entered on January 25, 2007, electric utility service was connected at the Commercial Premises in Complainant's name.

3 Ohio Edison Company will continue to provide electric utility service to  
Complaint at the Commercial Premises in accordance with its Tariff, PUCO No. 11, on file with the  
Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the

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Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.

4. Ohio Edison avers that the miscellaneous criminal offenses contained in the Criminal Report attached and incorporated in the Complaint are not only blatantly false and unsupported by the evidence, but also clearly outside of the scope of the Commission's jurisdiction. Therefore, the Criminal Report should be dismissed.

5. Given the Complainant has already received the entirety of the relief sought in the Complaint in which the Commission has jurisdiction, it does not appear that any reasonable grounds for the Complaint exist.

WHEREFORE, Ohio Edison requests that this matter be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,



Ebony L. Miller (0077063)

Attorney

FirstEnergy Corp.

76 South Main Street

Akron, Ohio 44308


Phone: 330-384-5969

Fax: 330-384-3875

On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Motion to Dismiss of Ohio Edison Company was served by regular U S. Mail, postage prepaid, Jack Vasi, 618 Oberlin Road, Elyria, Ohio 44035, this 31<sup>st</sup> day of January, 2007.

  
Ebony L. Miller  
Attorney