

FILE

**FirstEnergy**

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

May 21, 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

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2007 MAY 22 AM 9:51  
PUCO

Dear Ms. Jenkins:

**Re: Answer**  
**Brian A. and Christy G. Malott v. Ohio Edison Company**  
**Case No. 07-525-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,

*Kathy J. Kolich*

kag  
Enclosures  
cc: Parties of Record

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.  
Technician 78 Date Processed 5-22-07

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Brian A. and Christy G. Malott,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 07-525-EL-CSS
	)	
Ohio Edison Company,	)	ANSWER
	)	
Respondent.	)	

ANSWER OF  
OHIO EDISON COMPANY

Respondent, Ohio Edison Company submits its Answer to the Complaint filed in the instant action and says that:

1. It 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. It has at all times acted 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 Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.
3. With regard to the first unnumbered paragraph of the Complaint, it admits that Complainant spoke with Paul Gerber, but denies that Mr. Gerber instructed Complainant to "get back in touch" when Complainant's wind generator was "up and running." It denies for lack of information or belief as to the truth of any and all other allegations made in unnumbered paragraph 1.

4. It denies for lack of information or belief as to the truth of any and all allegations made in unnumbered paragraph 2 of the Complaint.
5. It denies for lack of information or belief as to the truth of any and all allegations made in unnumbered paragraph 3 of the Complaint.
6. With regard to unnumbered Paragraph 4 of the Complaint, it admits that Complainant spoke with Michael Armour, but denies that Mr. Armour is a net metering installer. It further avers that Mr. Armour is the manager of the meter department, which is responsible for installing bidirectional meters after a notification has been created directing the meter department to do so. Such notification is generated after a customer applies for service under Ohio Edison Company's Net Energy Metering Rider No. 17. It admits that Mr. Armour faxed Complainant a copy of the net metering application and that Mr. Armour put Complainant in contact with Richard Adelman. It denies for lack of information or belief as to the truth of any and all other allegations made in unnumbered paragraph 4 of the Complaint.
7. It denies the allegations set forth in unnumbered paragraph 5 and avers that Complainant's application for interconnection was forwarded to Mr. Bruce Remmel on or about December 15, 2006, that Mr. Remmel determined that Complainant's application did not qualify under Ohio regulations for the simplified review process, and that Mr. Remmel requested additional information so as to determine if Complainant's inverter complies with the standards established by State regulations. It further avers that Mr. Remmel researched the type of inverter installed in Complainant's wind generator finding on one internet

website that the inverter installed by Complainant did not comply with the criteria set forth in state regulations. Mr. Remmel informed the customer that he was not disallowing connection to Ohio Edison's distribution system, but explained that additional test results were necessary before it could be approved for interconnection. Mr. Remmel indicated that he would also try to obtain the necessary information from the manufacturer.

8. With regard to unnumbered paragraph 6, it denies that Ohio Edison is attempting to preclude its customers from generating wind energy, and further avers that it simply requires customers to comply with state regulations when seeking to interconnect to its distribution system. It admits that it has installed a bi-directional meter on Complainant's premises and that it asked Complainant to shut down Complainant's generator. It further avers that this request was made because Complainants did not comply with interconnection procedures. It admits that it informed the customer that Complainant's inverter does not meet IEEE electrical standards and further avers that Ohio Edison Company, although not required to do so, is trying to obtain the necessary information so as to determine if Complainant's generating unit can operate safely without jeopardizing the integrity of Ohio Edison's distribution system -- the responsibility of which, pursuant to state regulations, is that of the customer. It denies for lack of information or belief as to the truth of any and all other allegations made in unnumbered paragraph 6 of the Complaint.
9. It denies that a wind generator owned by FirstEnergy is identical to that installed on Complainant's property. It denies for lack of information or belief as to the

truth of the other allegations set forth in unnumbered paragraph 7 of the Complaint. It avers that state regulations place the burden of testing a unit on the customer and that such testing is not the responsibility of Ohio Edison Company. It further avers that Complainant's wind generator has been running and producing power without first obtaining the necessary applications and approvals from Ohio Edison and that the determination of compliance with state electrical standards is specific to the circuits to which the generator will interconnect, thus making the operation of a utility owned generating unit irrelevant to this proceeding.

10. With regard to unnumbered paragraph 8, it denies that Ohio Edison Company is engaged in discriminatory practices or that it has improperly billed Complainant. It further avers that Complainant has not yet applied for net metering and therefore, is not entitled to any credits for self generation. All other statements in unnumbered paragraph 8 are directed to the Commission and, therefore, require no response.
11. It denies for lack of information or belief as to the truth of any and all other allegations made in the Complaint for which no specific response was made.

#### **FIRST DEFENSE**

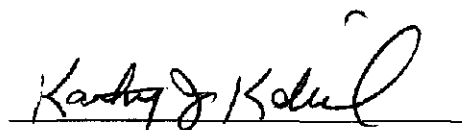
12. Ohio Edison Company has at all times acted in accordance with its Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.

## SECOND DEFENSE

13. Complainant has failed to comply with standard application for interconnection and/or net metering procedures and has failed to provide the information required by State regulations and/or Company tariffs.

WHEREFORE, having answered the Complaint, the Company respectfully requests that the Commission proceed accordingly.

Respectfully submitted,

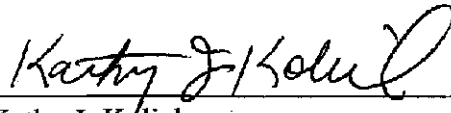


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On behalf of  
Ohio Edison Company

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a copy of the foregoing Answer of Ohio Edison Company was served upon Brian A. and Christy G. Malott, 1010 Sandusky County Road 308, Bellevue, Ohio 44811, by regular U.S. Mail, postage prepaid, on this 21<sup>st</sup> day of May, 2007.

  
Kathy J. Kolich