

Ebony L. Miller  
Attorney

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

November 15, 2007

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

RECEIVED-DOCKETING DIV  
2007 NOV 16 AM 10:55  
PUCO

Dear Ms. Jenkins:

Re: *Answer*  
*Austin's Woodfire Grille v. Cleveland Electric Illuminating Company*  
*Case No. 07-1137-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,



kli

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 SM Date Processed 11/16/07

## AUSTIN'S WOODFIRE GRILLE

VS.

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY**

RESPONDENT.

4. CEI denies that CEI representative James Frank failed to return Complainant's phone calls.

5. CEI denies that power was not restored until 4:30 pm on August 3, 2007.

6. CEI denies Complainant's allegation that any loss of business, equipment failure or any loss the Complainant sustained was a result of any negligence on the part of CEI.

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.

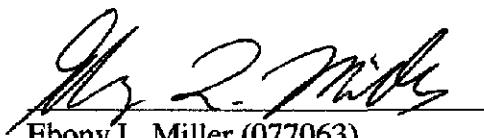
9. CEI has at all times acted in accordance with its Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices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

10. 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,

A handwritten signature in black ink, appearing to read "Ebony L. Miller", is written over a horizontal line.

Ebony L. Miller (077063)

Attorney

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

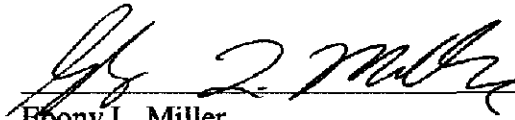
Phone: 330-384-5969

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 Austin's Woodfire Grille., 8121 Chippewa Road, Brecksville, Ohio 44141, this 15<sup>th</sup> day of November, 2007.

A handwritten signature in black ink, appearing to read "Ebony L. Miller", written over a horizontal line.

Ebony L. Miller  
Attorney