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PUCO

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Senior Attorney

FILE

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

April 9, 2008

Ms. Rence 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: *Answer of Ohio Edison Company  
Thomas E. Merchant v. Ohio Edison Company  
Case No. 08-428-EL-CSS*

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

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

Very truly yours,

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.  
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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Thomas E. Merchant,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 08-428-EL-CSS
	)	
Ohio Edison Company,	)	
	)	
Respondent.	)	

ANSWER OF OHIO EDISON COMPANY

Respondent, Ohio Edison Company ("Ohio Edison" or "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. The allegations set forth in Paragraph 1(a) of the Complaint call for a legal conclusion thus requiring neither an admission nor any other response. Ohio Edison further avers that Ohio Edison 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. It admits the allegation in Paragraphs 1 and 2 of the Complaint that the Company does not offer a three-phase "residential" rate. It further avers that such three

phase service qualifies for service under Ohio Edison's General Service Rate Schedules 21 and 23.

4. The allegations of discrimination set forth in Paragraph 3 call for a legal conclusion thus requiring neither an admission nor any other response.
5. It denies the allegation in Paragraph 3(a) that Ohio Edison has routinely cut Complainant's service and further avers that the Company has never disconnected Complainant's service since Complainant became a customer in June 2007 -- during which period up through the date of this filing, Complainant has accrued an arrearage of \$9,231.35.
6. It denies for lack of information or belief as to the truth of the allegations set forth in numbered Paragraph 3(b) of the Complaint.
7. Numbered Paragraph 3(c) calls for a legal conclusion, thus requiring neither an admission nor any other response.
8. It denies for lack of information or belief as to the truth of the allegations (regarding levels of usage) set forth in the last unnumbered paragraph on page 1 of the Complaint.
9. With regard to the allegations set forth in unnumbered paragraph 1 on page 2 of the Complaint, the Company denies that it provides inadequate service to Complainant, it admits that it has informed Complainant that Complainant does not qualify for the residential rate schedules offered by the Company because Complainant does not have single phase service as required by said rate schedules, and denies the remainder of the allegations set forth in said paragraph for lack of information or belief as to the truth of the same.

10. It admits that as of the filing of the Complaint, spring had officially arrived as alleged in unnumbered paragraph 2 on page 2 of the Complaint, but denies for lack of information or belief as to the truth of the allegations set forth in the remainder of said paragraph.
11. It admits with regard to unnumbered paragraph 3 on page 2 of the Complaint that Complainant was charged for electricity consumed for the operation of a flood light that was attached to his property located at 808 Brookfield Avenue and wired through Complainant's meter and further avers that such light was not installed by Ohio Edison, nor owned by Ohio Edison through its private outdoor lighting program. With regard to the allegations related to a vacant building at 8236 Ulp Street, Ohio Edison admits that the private lights for the Ulp Street account were not disconnected until June, 2007 and denies that Complainant was billed for the electric usage to power said lights. The Company further avers that the Ulp Street private lights were registered to the account holder of said vacant building under Ohio Edison's private outdoor lighting program and because said program offers *unmetered* lighting service, the usage for said lights could not have been registered through Complainant's meter, thus negating any financial harm to Complainant. The Company denies for lack of information or belief as to the truth of the any other allegations set forth in the third paragraph on page 2 of the Complaint.
12. With regard to the last paragraph on page 2 of the Complaint, Ohio Edison admits that Complainant received two shut off notices on or about February 14, 2008 and November, 2007 and further avers that the parties made arrangements to avoid

shut off both times. It also admits that a field representative set up an appointment to inspect the property and upon such inspection found that there was a bedroom and kitchen on the premises. It denies that the field representative told Complainant that Complainant would be billed as a residential customer and further avers that the field representative informed Complainant that she would report her findings to her supervisor and if Complainant qualified as a residential customer Complainant's bill would be recalculated as of the date that Complainant first inquired about residential service. It denies for lack of information or belief as to the truth of all remaining allegations set forth in the last paragraph on page 2, carrying over to the top of page 3 of the Complaint.

13. With regard to the allegations set forth in the first full paragraph on page 3 of the Complaint, Ohio Edison admits that it did not credit Complainant's account for usage billed to Complainant. With regard to allegations previously stated in the Complaint, Ohio Edison incorporates its responses set forth above. As to all remaining allegations in said paragraph, they are denied for lack of information or belief as to the truth of the same.
14. With regard to the allegations set forth in the last paragraph on page 3 of the Complaint, carrying over to the top of page 4, Ohio Edison admits that Company records indicate that Complainant called into the Company's call center on February 14, 2008 and that Complainant's call was lost twice for unknown reasons. It denies all other allegations set forth in said paragraph for lack of information or belief as to the truth of the same.

15. It denies all allegations set forth in the middle paragraph on page 4 of the Complaint for lack of information or belief as to the truth of the same.
16. It denies for lack of information or belief as to the truth of the allegations set forth in the last paragraph on page 4, carrying over to the top of page 5 of the Complaint.
17. It denies for lack of information or belief as to the truth of the allegations set forth in the middle paragraph on page 5 of the Complaint.
18. With regard to the allegations set forth in the last paragraph on page 5 of the Complaint, carrying over to the top of page 6, Ohio Edison incorporates its responses to all allegations set forth therein that have already previously been made. With regard to any new allegations set forth in said paragraph, Ohio Edison denies them for lack of information or belief as to the truth of the same.
19. It denies any allegations of the Complaint not otherwise addressed.


#### **FIRST DEFENSE**

20. Ohio Edison 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**

21. With regard to Complainant's failure to qualify for Ohio Edison's residential service, Complainant fails to state reasonable grounds upon which to sustain the Complaint.

Respectfully submitted,



Kathy J. Kolich (Reg. No. 0038855)

Senior Attorney

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308


Phone: 330-384-4580

Fax: 330-384-3875

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 Thomas E. Merchant, 808 Brookfield Ave. SE, Masury, Ohio 44438, by regular U.S. Mail, postage prepaid, this 9<sup>th</sup> day of April, 2008.

  
Kathy J. Kolich, Esquire