

FILE

**FirstEnergy**

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Akron, Ohio 44308

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Senior Attorney

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PUCO

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

June 18, 2008

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

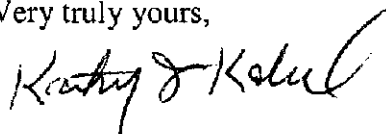
Dear Ms. Jenkins:

**Re: Answer of The Cleveland Electric Illuminating Company, Motion to Dismiss, and Memorandum in Support of Motion to Dismiss  
Case No. 08-662-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of the Cleveland Electric Illuminating Company, Motion to Dismiss, and Memorandum in Support of Motion to Dismiss* regarding the above-referenced case. Please file the enclosed, 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,



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 SM Date Processed 6/19/08

BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

Marcus A. Fields	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 08-662-EL-CSS
	)	
The Cleveland Electric	)	
Illuminating Company	)	
	)	
Respondent.	)	

**ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

Respondent, The Cleveland Electric Illuminating Company ("CEI" 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. It 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.
3. It denies for lack of information or belief as to the truth of the allegations (regarding Complainant's contact information) set forth in the first unnumbered paragraph on page 1 of the Complaint.

4. As for the allegations set forth in unnumbered paragraph 2 on page 1 of the Complaint, it admits that the service address on record for Account No. 110023516021 and Account No. 110023636944 is 10660 Carnegie Avenue, Cleveland, Ohio 44106, and further avers that the customer of record is Cleveland JCC/ATSI as indicated on the attachments to the Complaint.
5. With regards to the allegations set forth in unnumbered paragraph 3 on page 1 of the Complaint, it admits that Complainant, Marcus A. Fields, is a customer of the Illuminating Company and further avers that the address at which he is a customer is not 10660 Carnegie Avenue. It denies that the billing statement that Complainant references in the Complaint provides evidence as to the fact that he is a customer of the Company as Complainant's name appears nowhere on any of the attachments, and further avers that the customers of record included on said attachments are Cleveland JCC/ATSI and MRN Ltd. It denies that the other active accounts also attached to the Complaint are active accounts of the Complainant, Mr. Marcus A. Fields, and further avers that as of the date of this filing according to Company records, these are accounts of MRN Limited and that at least two of these accounts have arrearages totaling over \$9,600; seven of these accounts have late payment charges applied for at least one month in the past year; two accounts were given disconnect notices for non-payment within the last year; and one account is currently under a disconnect notice unless a payment of more than \$2,000 is received by July 3, 2008.
6. With regard to the allegations set forth in unnumbered paragraph 4 on page 1 of the Complaint, it admits that a security deposit of approximately \$13,000

was originally requested based on a standard Company formula and that said amount was subsequently reduced to approximately \$9,000 based on lower usage in more current months that reduced the overall average for purposes of the formula, but denies for lack of information or belief as to the truth of the other allegations set forth in said paragraph.

7. It denies that the amount of the deposit is unreasonable and denies for lack of information or belief as to the truth of all other allegations set forth in unnumbered paragraph 5 on page 1 of the Complaint.
8. With regard to unnumbered paragraph 6 on the bottom of unnumbered page 1 and carrying over to unnumbered page 2 of the Complaint, the attached billing statements speak for themselves and accordingly no response is necessary.
9. It denies any other allegations of the Complaint not otherwise addressed.

#### **FIRST DEFENSE**

10. 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.

#### **SECOND DEFENSE**

11. As an employee of the customer being asked to pay the deposit at issue in this matter, Mr. Fields lacks the necessary standing to maintain this action as the Complainant on behalf of his employer.

### THIRD DEFENSE

12. Mr. Fields is representing his employer, an Ohio limited partnership, which is a separate legal entity. Therefore, Mr. Fields is not appearing *in propria persona* as required by Rule 4901-1-08 of the Ohio Administrative Code.

### FOURTH DEFENSE

13. As a non-attorney attempting to represent a third party, Mr. Fields is engaging in the unauthorized practice of law.

WHEREFORE having fully answered the Complaint and for the reasons more fully discussed in the Motion to Dismiss that is being filed in this docket concurrent with this Answer, Respondent, The Cleveland Electric Illuminating Company, respectfully requests that this matter be dismissed.

Respectfully submitted,

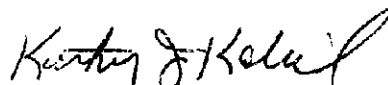


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On behalf of The Cleveland Electric  
Illuminating Company

**CERTIFICATE OF SERVICE**

**THIS IS TO CERTIFY** that a copy of the foregoing Answer was served upon Mr. Marcus A. Fields, P.O. Box 14100, Cleveland OH 44114, by regular U.S. Mail, postage prepaid, and by electronic mail at mfields@mmltd.com this 18<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Kathy J. Kolich, Esq.