

## FILE



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September 5, 2008

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From:

Kathy J. Kolich

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Subject:

PUCO Case No. 07-525-EL-CSS

Brian A. and Christy G. Malott v. Ohio Edison Company

Supplemental Answer of Ohio Edison Company

Comments: Attached is the Supplemental Answer of Ohio Edison Company regarding the above case. The original and required number of copies will be sent via overnight mail for delivery on Monday, September 8, 2008. Please call me at 330 384-4580 if you have questions. Thank you.

Karty & Koliel

NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES MENTIONED ABOVE, PLEASE CALL CONFIRMATION NO. 330-384-5861 or 330-384-5308.

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76 South Main Street Akron, Ohio 44308

Kathy J. Kolleh Senior Attorney 330-384-4580 Fax: 330-384-9875

September 5, 2008

#### VIA OVERNIGHT MAIL

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

RE: PUCO Case No. 07-525-EL-CSS

Brian A. and Christy G. Malott v. Ohio Edison Company

Supplemental Answer of Ohio Edison Company

Dear Ms. Jenkins:

Enclosed for filing please find the original and twelve (12) copies of Supplemental Answer of Ohio Edison Company regarding the above-referenced case which was fax-filed today. Please file the attached. File-stamp the two extra copies and return 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,

Karty & Kalil Kathy J. Kolich

KJK:ls Enclosures 12

# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Brian A. and Christy G. Malott,	)	
Complainant,	)	
Vs.	CASE NO. 07-525-EL-C	SS
Ohio Edison Company	)	
Respondent.	)	

### SUPPLEMENTAL ANSWER OF OHIO EDISON COMPANY

Respondent, Ohio Edison Company submits its Supplemental Answer to the Supplemental Complaint filed in the instant action on August 18, 2008, and says that:

- It incorporates all averments set forth in its original answer that was filed with this Commission on or about May 21, 2007.
- With regard to the first unnumbered paragraph of the Supplemental Complaint, it simply corrects the date on which the original complaint was filed by Complainants, with said corrected date being May 1, 2007, rather than May 25, 2007.
- With regard to Paragraph 1 of the Supplemental Complaint, it admits that Complainant has been an e-Bill customer of Ohio Edison since September 9, 2005.
- 4. With regard to Paragraph 1 of the Supplemental Complaint, it admits that a bidirectional meter was installed at Complainant's premises on April 11, 2007. It further avers that such installation was necessary because unbeknownst to the

Company at the time, Complainants were operating a windmill, thus causing the meter to run backwards and registering less energy than was actually being consumed. Because Complainants had failed to follow proper interconnection procedures, they did not qualify for the net metering rate, thus requiring the Company to determine total, rather than net, usage through a bi-directional meter.

- 5. With regard to Paragraph 1, the Company admits that the hard copy paper bills were addressed to "Brian A. Malott, Windpower Not Energy, 1010 County Road 308, Bellevue, OH 44811." It further avers that the reference to "windpower net energy" was done to indicate Complainants' alternative power source and unique metering, but notes that Complainants were not being (and, absent a Commission Order to do so, will not be) billed under the net energy metering rate until Complainants can comply with the terms and conditions set forth in said rate as well as any applicable rules and regulations set forth in the Ohio Administrative Code.
- 6. With regard to Paragraph 2 of the Supplemental Complaint, it admits that Complainants were blocked from accessing their account via e-Bill and further avers that such a blocking is an internal control designed to trigger when there are multiple attempts by someone to access an internet account through the use of either an incorrect password or user name. Such was the cause of Complainants being blocked from accessing their account. Further, Company records indicate that e-bills have been sent to Complainant at the email address on record. The Company is currently in the process of trying to correct this situation with Complainant.

- 7. With regard to Paragraph 3 of the Supplemental Complaint, it denies for lack of information or belief as to the truth of statements made regarding Duke Energy and AEP's customer practices and further avers that Ohio Edison treats all similarly situated customers the same and considers all of its customers important.
- 8. With regard to Paragraph 4 of the Supplemental Complaint, it denies the implication that Ohio Edison is charging customers a price other than that authorized by the Commission in the Company's Tariff, P.U.C.O. No. 11. It further avers that Complainants cannot be considered a green energy producer until Complainants comply with the application procedures required by the Company's tariffs and State laws and regulations.
- 9. With regard to the last paragraph which is unnumbered, it admits that the original complaint filed in this proceeding was filed approximately 15 months ago and that there have been no hearings, negotiations or conclusions reached. It denies that the Company is stalling and further avers that the Company has complied with all procedural requirements set forth by this Commission.
- 10. It denies for lack of information or belief as to the truth of any and all other allegations made in the Supplemental Complaint that were not specifically addressed above.

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

Respectfully submitted,

Kathy J. Kolich

(Attorney No. 0038855)

Senior Attorney

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Akron, Ohio 44308

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Fax: 330-384-3875

kjkolich@firstenergycorp.com

On behalf of Ohio Edison Company

### CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Supplemental 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 5th day of September, 2008.

Karty & Kolinel Kathy J. Kolich