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**FirstEnergy**

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June 16, 2009

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

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

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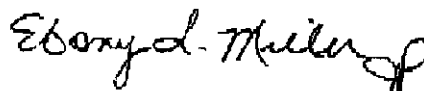
Dear Ms. Jenkins:

Re: *Answer of The Cleveland Electric Illuminating Company  
Tri-Pyramid Machining, Inc. v. The Cleveland Electric Illuminating Company  
Case No. 09-0443-EL-CSS*

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of The Cleveland Electric Illuminating Company* 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,



Ebony L. Miller

ELM/jhp  
Enclosures  
cc: Parties of Record

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BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO

TRI-PYRAMID MACHINING INC.	)	
	)	
	)	
COMPLAINANT,	)	
	)	
vs.	)	CASE NO. 09-443-EL-CSS
	)	
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY	)	
	)	
RESPONDENT.	)	

**ANSWER OF**  
**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

Comes now Respondent, The Cleveland Electric Illuminating Company, by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. The Cleveland Electric Illuminating Company ("CEI") 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. While the Complaint consists of four typed paragraphs and a number of attachments, CEI will attempt to specifically answer the different allegations within the Complaint.
3. In response to Paragraph 1 of the Complaint, CEI admits it received calls the week of May 4, 2009 pertaining to high voltage. CEI neither affirms nor denies Complainant's statement that during the week of May 4<sup>th</sup> to May 9<sup>th</sup> the 3 phase power to its building was over the 5% voltage causing machines to overheat and shut off. CEI admits that it sent a person out to troubleshoot and attempt to repair the problem. CEI denies that it "adjusted [voltage] back to satisfy other customers that had low line power complaints". CEI neither affirms nor denies the Complainant's timeline of

events in Paragraph 1, the statements related to the operability of Complainant's equipment, and/or the alleged voltage spike.

4. In response to Paragraph 2 of the Complaint, CEI admits it received a call on Friday, May 9<sup>th</sup>. Further, CEI admits that it informed Complainant that CEI was working on the problem. CEI neither affirms nor denies Complainant's statement that Complainant was told that the substation would be back on line late afternoon and/or that due to loss of work the matter would be turned over to Claims. Further, CEI neither affirms nor denies Complainant's statement that it came in on Saturday and the voltage was "still" 260, and that Complainant could not get a hold of anybody because it was a weekend. CEI admits that on Monday, May 11<sup>th</sup> power was fine.

5. In response to Paragraph 3, CEI neither affirms nor denies Complainant's statement that Complainant received a call from Claims declaring that if there was no damage to the machines there was nothing they could do. Further, CEI denies there was a lack of communication. Complainant's Complaint acknowledges a number of calls with CEI the week of May 4<sup>th</sup>.

6. In response to Paragraph 4, CEI denies that it failed to communicate with Complainant, and denies that any of its actions were negligent.

7. CEI generally denies all allegations 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

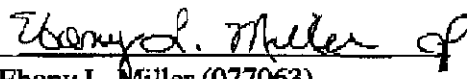
sounding in tort or claims for money or civil damages, and therefore does not have the authority to grant the relief sought by Complainant.

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).

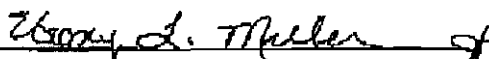
WHEREFORE, having fully answered the Complaint, Respondent, The Cleveland Electric Illuminating Company, respectfully request that the instant action be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,

  
Ebony L. Miller (077063)  
Attorney  
FirstEnergy Service Corp.  
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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 Tri-Pyramid Machining Inc., 36250 Lakeland Blvd. Unit #4, Eastlake, OH 44095, this 16th day of June, 2009.

  
Ebony L. Miller  
Attorney