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## BRUCE M. BROYLES, CO.

A LEGAL PROFESSIONAL ASSOCIATION

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August 3, 2010

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV  
2010 AUG -9 PM 1:50  
PUCO

In Re: Public Utilities Commission of Ohio  
Case No.: 10-340-EL-CSS  
C. Richard Smith vs. Ohio Edison Company

Dear Docketing Division:

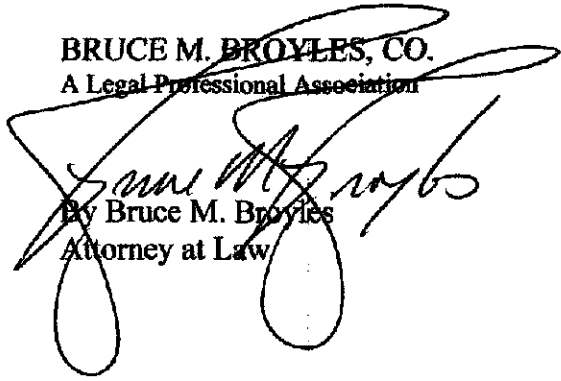
I enclose an original and twelve (12) copies of amended complaint and notice of discovery to be filed with the Commission in the above referenced matter.

Please cause the originals and ten (10) copies to be filed with the Commission, stamp the remaining copies with the filing date and return the date stamped copies to my office in the self addressed stamped envelope.

Thank you for your time and attention.

Very truly yours,

BRUCE M. BROYLES, CO.  
A Legal Professional Association

  
By Bruce M. Broyles  
Attorney at Law

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Technician PR Date Processed 8-7-2010

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

C. RICHARD SMITH	)	
	)	
COMPLAINANT,	)	CASE NO.: 10-340-EL-CSS
VS.	)	
	)	
OHIO EDISON COMPANY,	)	AMENDED COMPLAINT
	)	
RESPONDENT	)	

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Now comes Complainant C. Richard Smith, by and through counsel, with leave of the Commission previously granted, and for his Amended Complaint against Ohio Edison Company, says as follows:

1. On or about August 8, 2008, Complainant C. Richard Smith purchased at Sheriff's Sale the real property located at 1930 Mahoning Avenue NE in Warren, Ohio.
2. On or about September 8, 2008, Complainant C. Richard Smith paid the balance due and owing of the purchase price to the Trumbull County Sheriff and took possession of the real property located at 1930 Mahoning Avenue NE in Warren, Ohio.
3. On or about September 8, 2008, Complainant inspected the premises located at 1930 Mahoning Avenue NE in Warren, Ohio and found the electrical service was still on to the residence at the breaker box.
4. On or about September 10, 2008, Complainant contacted Ohio Edison Company and advised Ohio Edison Company that the electrical service was on at the residence of 1930 Mahoning Avenue NE, in Warren, Ohio.
5. On or about September 10, 2008, Complainant was advised by a representative of Ohio Edison that power should have been turned off to the premises as it was vacant, that the Ohio Edison representative would request a service order to have electrical service disconnected,

and that Complainant would have to have the electrical service for the premises of 1930 Mahoning Avenue NE in Warren, Ohio inspected before electrical service could be reconnected.

6. On or about September 12, 2008, Complainant paid for and received permit number 208001239 for an electrical inspection of the premises located at 1930 Mahoning Avenue NE in Warren, Ohio by the City of Warren.

7. The City of Warren inspected the premises located at 1930 Mahoning Avenue NE in Warren, Ohio; the City of Warren informed Complainant of needed repairs, and advised Complainant to contact the City of Warren for an inspection once the repairs were completed.

8. Complainant made the necessary repairs and on or about September 26, 2008 City of Warren inspector Tim Gallagher sent an inspection release form to Ohio Edison advising that the electrical service to 1930 Mahoning Avenue NE in Warren, Ohio could be reconnected.

9. Sometime in the month of October, Complainant contacted Ohio Edison using a 1-800 telephone number and asked that the billing address be changed for the electrical service to 1930 Mahoning Avenue NE in Warren, Ohio.

10. During this telephone call in October of 2008, Complainant informed Ohio Edison that the inspector had approved the service, that Complainant had been using the electrical service, and that he had not received a bill for the electrical service.

11. During this telephone call in October of 2008, Complainant informed Ohio Edison that it was his intent to renovate the residence and then put it up for sale, and that no one would be living at 1930 Mahoning Avenue NE in Warren, Ohio.

12. During this telephone call in October of 2008, Complainant was advised by Ohio Edison that Complainant would be granted a "contractor's courtesy", and that complainant would be billed for the electrical service once the new owner took possession of the premises.

13. Based upon the representations during the October 2008 telephone call, Complainant continued to renovate the premises.

14. On or about January 25, 2009, Complainant received a telephone call from Howland Alarm Company advising Complainant that the alarm system to 1930 Mahoning Avenue NE in Warren, Ohio was not working.

15. On or about January 25, 2009, Complainant found that Ohio Edison had removed the meter from the premises located at 1930 Mahoning Avenue NE in Warren, Ohio and left a sticker on the residence warning not to use the electrical meter.

16. On or about January 25, 2009, Complainant contacted Ohio Edison by a 1-800 number and inquired as to why electrical service had been disconnected to 1930 Mahoning Avenue NE in Warren, Ohio.

17. During the January 25, 2009 telephone call with Ohio Edison, Complainant was advised that electrical service was terminated because Complainant was stealing electricity.

18. During the January 25, 2009 telephone call with Ohio Edison, Complainant requested to speak to a supervisor and no supervisor ever contacted Complainant.

19. Approximately one week later during February of 2009, Complainant again contacted Ohio Edison by a 1-800 telephone number, and was again told that he had stolen electricity and that he would be required to pay penalties and fraud charges.

20. As instructed by Ohio Edison, Complainant sent his concerns to Ohio Edison via facsimile transmission on February 12, 2009 to (330) 315-9277, and Ohio Edison did not respond to his concerns or make any contact with Complainant.

21. Upon information and belief, Complainant has a good faith belief that a power outage occurred in the neighborhood surrounding 1930 Mahoning Avenue NE in Warren, Ohio on or about January 25, 2009.

22. Upon information and belief, Ohio Edison upon investigating the cause for the electrical outage decided to cut the electrical service to 1930 Mahoning Avenue NE in Warren, Ohio.

23. Since the time of this dispute, Complainant has found a tree limb that had grown around an electrical service line and damaged the electrical service line, which could have been the cause of the power outage on or about January 25, 2009.

24. Residential electrical service was established to 1930 Mahoning Avenue NE in Warren, Ohio through Complainant's repeated contacts with Ohio Edison prior to January 25, 2009.

25. Residential electrical service to 1930 Mahoning Avenue NE in Warren, Ohio was terminated by Ohio Edison without warning or proper notification to Complainant.

26. Ohio Edison has failed and refused to properly document and record Complainant's contacts with Ohio Edison.

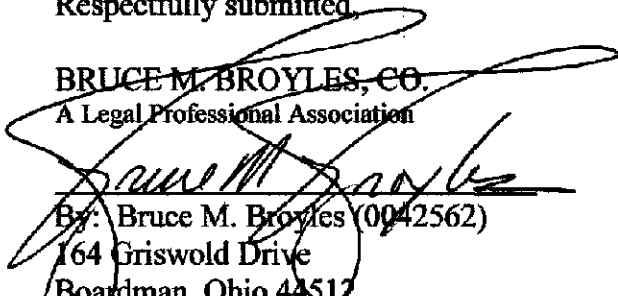
27. Ohio Edison's conduct has violated the Ohio Administrative Code relating to disconnection of residential electrical service and properly recording and documenting contacts between Ohio Edison and the public.

28. Complainant has been injured and damaged as a result of Ohio Edison's conduct. WHEREORE, Complainant C. Richard Smith prays for an adjudication of his complaint against Ohio Edison in his favor, for an award of compensatory damages, plus interest and attorney fees to the extent that this Commission is empowered to make such an award, for an award of or

imposition of fines and penalties against Ohio Edison, and for any other award that this Commission deems appropriate.

Respectfully submitted,

BRUCE M. BROYLES, CO.  
A Legal Professional Association

By:   
Bruce M. Broyles (0042562)  
164 Griswold Drive  
Boardman, Ohio 44512  
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Facsimile (330) 965-0526

#### CERTIFICATE OF SERVICE

A copy of the foregoing Amended Complaint was served upon Grant Garber, Attorney for Respondent, of Jones Day, at P.O. 165017, Columbus, Ohio 43216-5017 by regular U.S. mail, and by electronic mail transmission to [gwwgarber@jonesday.com](mailto:gwwgarber@jonesday.com) on this 4th day of August, 2010.

  
Bruce M. Broyles