

FILE

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

CHRISTOPHER LEMKE and
TOBY EICHMAN,

Complainants,

v.

THE TOLEDO EDISON COMPANY,

Respondent.

Case No. 10-198-EL-CSS

ANSWER

The Toledo Edison Company ("TE"), pursuant to Rule 4901-9-01(B), Ohio
Administrative Code, responds as follows to the Complaint in this action:

FIRST DEFENSE

1. With regard to the first unnumbered paragraph of the Complaint, TE admits that Complainants are customers of TE; that Complainants installed Jacobs wind generators on their respective properties; that Complainants have submitted applications to enter into interconnection agreements with TE; and that TE informed Complainants that their wind generator units require relay protection because such units are not IEEE 1547 compliant. TE denies for lack of knowledge the remaining allegations contained in the first unnumbered paragraph of the Complaint. Without admitting the relevance or admissibility of same, TE avers that the records in the Commission dockets in Case Nos. 07-514-EL-CSS, 07-498-EL-CSS and 07-525-EL-CSS speak for themselves.

2. With regard to the second unnumbered paragraph of the Complaint, TE admits that Complainants installed relay protection on their wind generators and that Complainants were informed that testing of the relay equipment was required. TE denies Complainants' characterization of IEEE requirements and denies that relay timing "is the only thing that Toledo

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 Date Processed AUG 18 2010

5
RECEIVED-DOCKETING
AUG 18 PM 2:57
PUCO

Edison needs to be concerned about." TE denies for lack of knowledge to the remaining allegations contained in the second unnumbered paragraph of the Complaint.

3. With regard to the third unnumbered paragraph of the Complaint, TE admits that it arranged for functional testing of Complainants' relay equipment at a cost of \$1,350 each. TE denies that this cost is "ridiculous," as it is \$450 less than the "best price" Complainants allege elsewhere in the Complaint that they were able to find when Complainants made their own inquiries of independent contractors to perform this testing. TE denies that this testing is unnecessary.

4. With regard to the fourth unnumbered paragraph of the Complaint, TE admits that it is necessary to change Complainants' existing meters at a cost of \$295 per customer. TE denies that the existing meters at Complainants' residences measure the flow of electricity in both directions, and denies that the cost for replacement meters should be borne by TE. TE avers that its Interconnection Tariff, Net Metering rider and applicable Commission regulations speak for themselves, and denies Complainants' characterizations of any applicable "interconnect rules."

5. With regard to the fifth unnumbered paragraph of the Complaint, TE denies that Complainants have complied with the requests of TE, or that Complainants have otherwise satisfied the requirements to enter into interconnection or net metering agreement with TE.

6. TE denies generally any allegations not expressly admitted in this Answer, pursuant to Rule 4901-9-01(D), O.A.C.

SECOND DEFENSE

7. The Complaint fails to state reasonable grounds for complaint, as required by R.C. § 4905.26.

THIRD DEFENSE

13. TE at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations and orders of the Public Utilities Commission of Ohio; and TE's tariffs. These statutes, rules, regulations, orders and tariff provisions bar Complainants' claims.

FOURTH DEFENSE

14. The Complaint does not comply with the Commission's minimum standards for acceptable complaints. Specifically, the Complaint does not contain "a statement of relief sought," as required by Rule 4901-19-01(B), O.A.C.

FIFTH DEFENSE

15. TE reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, TE respectfully requests an Order dismissing the Complaint with prejudice, and granting TE all other necessary and proper relief.

Respectfully submitted,



Kathy J. Kolich
FIRSTENERGY SERVICE COMPANY
76 South Main Street
Akron, Ohio 44308
(330) 384-4580
kjkolich@firstenergycorp.com

Mark A. Whitt (Counsel of Record)
Christopher T. Kennedy
CARPENTER LIPPS & LELAND LLP
280 Plaza, Suite 1300
280 North High Street
Columbus, Ohio 43215
(614) 365-4100
whitt@carpenterlipps.com
kennedy@carpenterlipps.com

ATTORNEYS FOR RESPONDENT
THE TOLEDO EDISON COMPANY

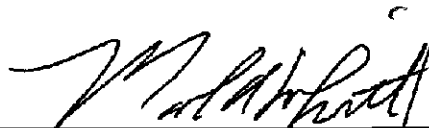
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by ordinary U.S. mail, postage prepaid, to the following persons on this 18th day of August, 2010:

Christopher Lemke
11250 W. Genzman Road
Oak Harbor, Ohio 43449

Toby J. Eichman
781 N. Graytown Road
Graytown, OH 43432

Christopher J. Allwein
Richard C. Reese
Jeffrey L. Small
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, Ohio 43215-3485



One of the Attorneys for Respondent
The Toledo Edison Company

858-007: 257799