

FILE

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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

2010 NOV 22 PM 4:39

GREG W. TURCO,

Complainant,

v.

THE TOLEDO EDISON COMPANY,

Respondent.

PUCO

Case No. 10-2464-EL-CSS

ANSWER OF RESPONDENT
THE TOLEDO EDISON COMPANY

Respondent The Toledo Edison Company ("Toledo Edison") for its Answer to the Complaint of Greg W. Turco ("Complainant"):¹

In response to the first unnumbered paragraph, Toledo Edison responds as follows:

1. Admits that Toledo Edison is a public utility, as defined by R.C. 4905.03(A)(4), and is duly organized and existing under the laws of the State of Ohio.
2. Admits that Complainant is the customer of record for residential service at 29289 Belmont Farm Road in Perrysburg, Ohio 43551 (account number 110020574114).
3. Admits that Complainant's bill for the July 21 through August 18, 2010 billing period ("August 2010 bill" or "August 2010 billing period") was \$160.56, which reflected 1,258 kilowatt hours ("kWh") of usage during that time period.

¹ Although Complainant did not present his allegations in individually-numbered paragraphs, Toledo Edison hereby responds to those allegations in paragraph form. As noted in ¶ 27, and pursuant to Rule 4901-9-01(D), O.A.C., Toledo Edison hereby denies generally any allegation not specifically admitted or denied herein.

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4. Denies that Complainant did not use the 1,258 kWh on which the August 2010 bill is based. Toledo Edison avers that Complainant's usage was measured through a meter that subsequently proved 100.47% accurate, well within the +/- 2% accuracy standard adopted by the Commission in Rule 4901:1-10-05(B). Toledo Edison further avers that the August 2010 bill is based on an actual read of such meter and that the August 2010 bill thus is just and reasonable. Further, because Toledo Edison utilized an estimated read for the July 2010 bill, Complainant's August 2010 bill likely included unbilled usage from the prior July period.

5. Admits that Complainant's August 2010 bill reflected a monthly average usage figure of 448 kWh.

6. Admits that the August 2010 monthly usage figure is higher than those for previous periods but avers that the August 2010 bill reflects Complainant's actual usage and that the charges reflected in that bill are proper.

7. Denies any remaining allegations contained in the first unnumbered paragraph.

In response to the second unnumbered paragraph, Toledo Edison responds as follows:

8. Admits that on or about August 23, 2010, Complainant contacted Toledo Edison regarding his dispute of the August 2010 bill and that during this phone call, Toledo Edison conducted a billing analysis based on information supplied by Complainant regarding the appliances in his residence.

9. Denies that a Toledo Edison representative "agreed with me on this [sic] was an unnormally high bill and was possibly [a] misread meter."

10. States that it is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the second unnumbered paragraph and therefore denies such allegations on that basis.

In response to the third unnumbered paragraph, Toledo Edison responds as follows:

11. Admits that on or about August 23, 2010, Complainant called in a meter read of 83062, which was consistent with expected usage relative to the preceding actual read taken on August 18, 2010 (82962) and a subsequent actual read taken on August 27, 2010 (83105).

12. Admits that on August 27, 2010, Toledo Edison exchanged Complainant's former meter for a new meter so that the former meter could be tested. Toledo Edison avers that on September 1, 2010, Complainant's former meter proved 100.47% accurate, well within the +/- 2% accuracy standard adopted by the Commission in Rule 4901:1-10-05(B).

13. Admits that Complainant's meter was not misread. Toledo Edison avers that Complainant's daily average usage between the August 18, 2010 actual read and an actual read taken on August 27, 2010 was 15.7 kWh, indicating that Complainant's usage as measured through the former meter had returned to levels consistent with his historical usage before such meter was exchanged.

14. Denies any remaining allegations contained in the third unnumbered paragraph.

In response to the fourth unnumbered paragraph, Toledo Edison responds as follows:

15. Admits that the letter dated September 1, 2010, which is attached to the Complaint, speaks for itself. Toledo Edison denies any allegations that are inconsistent with the text of such letter.

16. Denies that Complainant's former meter was "faulty" or "inaccurate."
17. Denies any remaining allegations contained in the fourth unnumbered paragraph.
In response to the fifth unnumbered paragraph, Toledo Edison responds as follows:
18. Admits that Complainant's monthly usage was 412 kWh for the September 2010 billing period (August 19 through September 17, 2010) and 362 kWh for the October 2010 billing period (September 18 through October 18, 2010).
19. Denies any remaining allegations contained in the fifth unnumbered paragraph.
In response to the sixth unnumbered paragraph, Toledo Edison responds as follows:
20. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding Complainant's contacts with the Commission and therefore denies such allegations on that basis.
21. Admits that average temperatures in July and August 2010 were higher than normal and avers that this fact may explain Complainant's elevated usage during those time periods.
22. Admits that because Toledo Edison utilized an estimated read of 452 kWh for the July 2010 bill, Complainant's August 2010 bill likely included unbilled usage from the prior July period.
23. Admits that the 452 kWh estimate utilized by Toledo Edison for July 2010 was consistent with Complainant's historical monthly usage but avers that this estimate did not account for Complainant's above average usage in July 2010.
24. Denies any remaining allegations contained in the sixth unnumbered paragraph.

In response to the seventh unnumbered paragraph, Toledo Edison responds as follows:

25. Denies that Complainant is entitled to the relief he requests.

26. Avers that although the meter formerly in use at Complainant's residence was working properly, that meter will not be reinstalled at Complainant's residence.

27. Denies generally any allegation not specifically admitted or denied herein, pursuant to Rule 4901-9-01(D), Ohio Administrative Code.

FIRST DEFENSE

28. The Complaint fails to set forth reasonable grounds for complaint.

SECOND DEFENSE

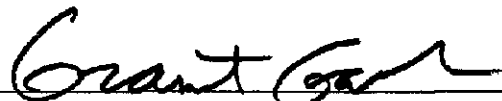
29. Toledo Edison at all times has complied with Title 49, Ohio Revised Code; the rules, regulations, and orders of the Commission; and Toledo Edison's tariff.

30. Toledo Edison reserves the right to raise additional defenses as warranted by discovery in this matter.

WHEREFORE, Toledo Edison respectfully requests an Order dismissing the Complaint and granting Toledo Edison all other necessary and proper relief.

DATED: November 22, 2010

Respectfully submitted,



Grant W. Garber (0079541)

(Counsel of Record)

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ATTORNEYS FOR RESPONDENT
THE TOLEDO EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by first class U.S. mail, postage prepaid, to the following person this 22nd day of November, 2010:

Greg W. Turco
29289 Belmont Farm Road
Perrysburg, Ohio 43551


An Attorney for Respondent