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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

DAVID D. DAVISON,

Complainant,

v.

THE TOLEDO EDISON COMPANY,

Respondent.

Case No. 11-2683-EL-CSS

ANSWER OF RESPONDENT  
THE TOLEDO EDISON COMPANY

Respondent The Toledo Edison Company ("Toledo Edison") for its Answer to the Complaint of David D. Davison ("Complainant"):<sup>1</sup>

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 account number 110019247508, 1533 Highland Green Drive in Toledo, Ohio 43614 ("Property").

3. Admits that Toledo Edison personnel responded to a call regarding service at the Property on or about February 12, 2011 but denies that this call was prompted by a reported "power surge."

<sup>1</sup> Although Complainant did not present his allegations in individually-numbered paragraphs, Toledo Edison hereby responds to those allegations in paragraph form. As noted in ¶ 23, 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. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding the activities and observations of Buckeye Cablesystem personnel and therefore denies those allegations on that basis.

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

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

6. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding statements made by Buckeye Cablevision personnel to Complainant and therefore denies those allegations on that basis.

7. Admits that on or about February 12, 2011, Toledo Edison personnel discovered that the neutral wire in the house line serving the Property had separated and "opened." Toledo Edison avers that this separation likely occurred because of the improper use of a wedge clamp that had been placed on the house line. Toledo Edison avers that its personnel did not place the wedge clamp on that line and that Toledo Edison is not responsible for any alleged damages arising from the improper use of that equipment. Toledo Edison further avers that during the February 12, 2011 service call at the Property, its personnel removed the wedge clamp and replaced the affected section of the wire.

8. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations that electric current "enter[e]d the Buckeye wires" or "enter[e]d" the Property and therefore denies those allegations on that basis.

9. Denies that Toledo Edison personnel told Complainant that he was "lucky" that his home was brick, that otherwise "there could have been a fire" or that the "situation was dangerous." Toledo Edison further denies any purported characterization by Complainant of statements allegedly made by Toledo Edison personnel.

10. Denies any remaining allegations contained in the second unnumbered paragraph.

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

11. Admits that Toledo Edison personnel replaced the affected section of the house line serving the Property.

12. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding the activities of Buckeye Cablesystem personnel at the Property and therefore denies those allegations on that basis.

13. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding alleged damage to Complainant's telephone and computer and therefore denies those allegations on that basis.

14. Denies that Toledo Edison's conduct was in any way "willful" or "wanton misconduct."

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

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

16. Admits that Toledo Edison is obligated to comply with the reliability and safety requirements applicable to electric utilities that are contained in the Ohio Revised Code and the Commission's rules.

17. Denies any remaining allegations contained in the fourth unnumbered paragraph.

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

18. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding alleged communications between Commission personnel and Complainant and therefore denies such allegations on that basis.

19. Admits its personnel discovered that a wedge clamp had been placed on the house line serving the Property and that this equipment likely resulted in the neutral separation at issue in this case.

20. Admits that Complainant established residential service at the Property in 1978.

21. States that it is without knowledge or information sufficient to form a belief as to the truth of allegations regarding Complainant's presence near or observations regarding the house line serving the Property and therefore denies such allegations on that basis.

22. Denies any remaining allegations contained in the fifth unnumbered paragraph.

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

#### **FIRST DEFENSE**

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

#### **SECOND DEFENSE**

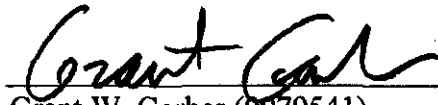
25. Toledo Edison at all times has complied with Title 49, Ohio Revised Code; the rules, regulations, and orders of the Commission; and Toledo Edison's tariff.

26. 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: May 16, 2011

Respectfully submitted,



Grant W. Garber (0079541)

Counsel of Record

JONES DAY

Mailing Address:

P.O. Box 165017

Columbus, OH 43216-5017

Street Address:

325 John H. McConnell Boulevard, Suite 600

Columbus, OH 43215-2673

E-mail: [gwarber@jonesday.com](mailto:gwarber@jonesday.com)

Telephone: (614) 469-3939

Facsimile: (614) 461-4198

David A. Kutik (0006418)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114

E-mail: [dakutik@jonesday.com](mailto:dakutik@jonesday.com)

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Carrie M. Dunn (0076952)

FirstEnergy Service Company

76 S. Main Street

Akron, OH 44308

E-mail: [cdunn@firstenergycorp.com](mailto:cdunn@firstenergycorp.com)

Telephone: (330) 761-2352

Facsimile: (330) 384-3875

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 16th day of May, 2011:

David D. Davison  
1533 Highland Green Drive  
Toledo, Ohio 43614

  
An Attorney for Respondent