

PUBLIC UTILITIES COMMISSION OF OHIO

Donald E. Schaller,

Complainant,

v.

The Toledo Edison Company,

Respondent.

) Case No. 12-0437-EL-CSS

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)

) **ANSWER AND AFFIRMATIVE**
) **RESPONSES OF RESPONDENT,**

) **THE TOLEDO EDISON COMPANY**

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) *Counsel for The Toledo Edison Company*

Respondent, The Toledo Edison Company ("Toledo Edison"), for its answer to the Complaint of Donald E. Schaller states as follows:

1. The Answering Respondent denies for want of knowledge that Donald E. Schaller is the owner of real property located at 26370 Tracy Road, Perrysburg, Ohio and improvements thereon.

2. The Answering Respondent denies for want of knowledge that Lime City Mutual Insurance Association is a property insurer authorized to write policies of property insurance in the state of Ohio.

3. The Answering Respondent denies for want of knowledge that a loss was incurred on December 18, 2009, resulting in damage to appliances and other electrical equipment.

4. The Answering Respondent denies that voltage was out of phase and that The Toledo Edison Company failed to provide consistent voltage to the premises causing damage to Schaller's home and personal property. It admits that The Toledo Edison Company responded to a request for service at the property, but denies for want of knowledge that Complainant, Donald Schaller replaced the service cable, meter base and entry conductors to the home.

5. The Answering Respondent denies for want of knowledge that Lime City Mutual Insurance Association made payment to Schaller in the amount of \$5,525.28 including a \$250 deductible to Schaller or that \$410.06 in expenses from an electrical contractor were incurred.

6. The Answering Respondent denies the allegation that the damage to Schaller's residence was proximately caused by the failure to provide consistent voltage to Schaller's premises.

7. The Answering Respondent denies generally any allegation not specifically admitted or denied herein pursuant to Rule 4901-9-01(D) Ohio Administrative Code.

FIRST DEFENSE

8. The Complaint fails to state reasonable grounds for the Complaint.

SECOND DEFENSE

9. Toledo Edison at all times acted in accordance with its Tariff, PUCO No. 11, 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.

THIRD DEFENSE

10. The Complaint fails to set forth reasonable grounds for a complaint, as Complainant has not alleged that Ohio Edison has violated any statute, rule, or tariff provision.

FOURTH DEFENSE

11. Complainant failed to mitigate his damages.

FIFTH DEFENSE

12. 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 of the necessary and proper relief.

Respectfully submitted,

/s/ Denise M. Hasbrook

Denise M. Hasbrook (0004798)

Emily Ciecka Wilcheck (0077895)

Carrie M. Dunn (0076952)

Counsel for The Toledo Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer and Affirmative Responses of Respondent, The Toledo Edison Company was sent by ordinary U.S. Mail and electronically, this 14th day of February, 2012, to the following:

Andrew J. Ayers, Esq.
Robert J. Bahret, Esq.
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Counsel for Donald E. Schaller

Respectfully submitted,

/s Denise M. Hasbrook

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Counsel for The Toledo Edison Company

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Summary: Answer Answer and Affirmative Responses of Respondent, The Toledo Edison Company electronically filed by Mrs. Denise M. Hasbrook on behalf of The Toledo Edison Company