

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RH DEVELOPMENT, LLC)	
)	
Complainant,)	
)	
v.)	Case No. 12-1641-EL-CSS
)	
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY,)	
)	
Respondent.)	

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

The Cleveland Electric Illuminating Company (collectively “CEI”), by counsel, for its Answer to the Complaint states as follows:

1. CEI is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.
2. While the Complaint consists of one unnumbered page, CEI will attempt to specifically answer the different allegations within the Complaint. Also, because Complainant has only listed one account number on its Complaint, CEI is only responding to the facts alleged for that account number.
3. CEI denies that the Commission allowed CEI “to no longer be required to fulfill their contract to be required to fulfill their contract (since the 70’s) to offer a reduced rate for electric heat.” CEI states that, through various Commission Orders, discounts for electric heating for certain customers were phased out while other discounts for electric heating were grandfathered or maintained. Complainant’s account, 110065274133 (“Account”), did not fall

into the class of customers for which discounts for electric heating were grandfathered or maintained.

4. For the Account, CEI admits that there are two meters servicing the account.

5. CEI denies that “FirstEnergy has a \$7 monthly meter charge, plus a \$30 minimum service charge for each meter.” For the Account, CEI admits that, per its Tariff, PUCO No. 13, General Service – Secondary (“Rate GS”) on file with the Commission, the Account is charged a \$7.00 service charge per meter and \$13.68 for up to 5kW of billing demand, plus any applicable riders.

6. CEI denies for lack of knowledge the allegation that “[t]o rewire each of my 10 units to 1 meter would be prohibitively costly, and in my vacant spaces the heat/ac is rarely turned on.”

7. CEI generally denies the remaining allegations contained in Complainant’s Complaint including those allegations that CEI lacks knowledge or information sufficient to form as to the truth of those allegations and therefore denies same.

For its affirmative defenses, CEI further avers that:

8. The Complaint fails to state reasonable grounds upon which its requested relief may be granted.

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

10. CEI at all times acted in accordance with its Tariff, PUCO No. 13, 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.

11. Complainant lacks standing to bring some of the claims in its Complaint.

12. Complainant is not permitted to bring this Complaint *pro se*.

13. CEI reserves the right to raise additional defenses as warranted by discovery or otherwise in this matter.

WHEREFORE, having fully answered the Complaint, CEI respectfully requests that the instant action be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,

/s/ Carrie M. Dunn
Carrie M. Dunn (#0076952)
Counsel of Record
FirstEnergy Service Company
76 South Main Street
Akron, Ohio 44308
Phone: 330-761-2352
Fax: 330-384-3875

On behalf of The Cleveland Electric
Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of The Cleveland Electric Illuminating Company was served by regular U.S. Mail, postage prepaid, upon RH Development, LLC, PO Box 391029, Solon, Ohio 44139.

/s/ Carrie M. Dunn
Carrie M. Dunn
Attorney

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in

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Summary: Answer electronically filed by Ms. Carrie M Dunn on behalf of The Cleveland Electric Illuminating Company