

PUBLIC UTILITIES COMMISSION OF OHIO

DALE BALLOK

Complainant,

v.

THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY,

Respondent.

) Case No. 12-2383-EL-CSS

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**ANSWER AND AFFIRMATIVE  
RESPONSES OF RESPONDENT,  
THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY**

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*Counsel for The Cleveland Electric  
Illuminating Company*

Respondent, The Cleveland Electric Illuminating Company (hereinafter "CEI"), for its  
answer to the Complaint of Dale Ballok states as follows:

1. In response to the first Paragraph of the Complaint, Respondent admits that it received a letter dated February 28, 2012 from Complainant and states that the letter speaks for itself. Respondent further admits that Complainant contacted Respondent to report momentary outages on August 10, 2012 and August 13, 2012. Respondent denies all other allegations in the first Paragraph of the Complaint.

2. In response to the second Paragraph of the Complaint, Respondent denies that it has failed to provide Complainant with adequate service and denies that it is discriminating against Complainant. Respondent is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the second Paragraph of the Complaint and, therefore, denies the same.

3. In response to the third Paragraph of the Complaint, Respondent admits that there were momentary outages at Complainant's address. Respondent denies any remaining allegations in the third paragraph of the Complaint.

4. In response to the fourth Paragraph of the Complaint, Respondent admits that Advanced Claims Representative Todd Leslie investigated Complainant's February 28, 2012 claim for damage to his microwave. Respondent admits that it denied the February 28, 2012 claim for damage to the microwave on or about March 19, 2012 because the loss was not related to any action or inaction of Respondent. Respondent further admits that Company records revealed no record of an outage on or near the date of loss to the microwave oven. Respondent denies any remaining allegations in the fourth Paragraph of the Complaint.

5. In response to the fifth Paragraph of the Complaint, Respondent admits that there have been outages at Complainant's address. Respondent further states that it is without knowledge or information sufficient to form a belief as to the cause of the damage to the

microwave or as to Complainant's reasons for consulting an appliance repair technician and, therefore, denies the same. Respondent denies any remaining allegations in the fifth Paragraph of the Complaint.

6. In response to the sixth Paragraph of the Complaint, Respondent is without information or belief as to what Complainant has been told regarding interruptions or the unidentified source of such information and, therefore, denies the same. Respondent denies the remaining allegations in the sixth Paragraph of the Complaint.

7. Respondent denies the seventh Paragraph of the Complaint to the extent this paragraph contains an allegation against it.

8. Respondent denies the allegations against it in the eighth Paragraph of the Complaint.

9. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegation in the ninth Paragraph of the Complaint and, therefore, denies the same.

10. To the extent that the tenth Paragraph of the Complaint contains an allegation against Respondent, Respondent denies the same.

11. Respondent denies generally any allegations not specifically admitted or denied herein pursuant to Rule 4901-9-01(d) Ohio Administrative Code.

#### **FIRST DEFENSE**

12. The Complaint fails to state reasonable grounds for the cause of the action.

#### **SECOND DEFENSE**

13. CEI at all times acted in accordance with its Tariffs, 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**

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

**FOURTH DEFENSE**

15. Complainant failed to mitigate its damages.

**FIFTH DEFENSE**

16. Complainant is not the real party and interest.

**SIXTH DEFENSE**

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

WHEREFORE, The Cleveland Electric Illuminating Company respectfully requests an Order dismissing the Complaint and granting it all of the necessary and proper relief to which it is entitled.

Respectfully submitted,

/s/ Denise M. Hasbrook  
Denise M. Hasbrook (0004798)  
Emily Ciecka Wilcheck (0077895)  
Carrie M. Dunn (0076952)  
*Counsel for The Cleveland Electric  
Illuminating Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer and Affirmative Responses of Respondent, The Cleveland Electric Illuminating Company was sent by ordinary U.S. Mail and electronically, this 8th\_ day of October, 2012, to the following:

Dale Ballok  
14534 Century Oak Drive  
Strongsville, OH 44136

Respectfully submitted,

/s/ Denise M. Hasbrook  
Denise M. Hasbrook (0004798)  
Emily Ciecka Wilcheck (0077895)  
Carrie M. Dunn (0076952)  
*Counsel for The Cleveland Electric  
Illuminating Company*

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 12-2383-EL-CSS**

Summary: Answer and Affirmative Responses of Respondent The Cleveland Electric Illuminating Company electronically filed by Mrs. Emily C. Wilcheck on behalf of The Cleveland Electric Illuminating Company