

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DENNIS C. MURPHY)	
)	
Complainant,)	
)	Case No. 12-2873-EL-CSS
v.)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING CO.)	
)	
Respondent.)	

ANSWER

In accordance with Ohio Admin. Code 4901-9-01(D), the Respondent, The Cleveland Electric Illuminating Company (“CEI” or the “Company”), for its answer to the complaint of Dennis C. Murphy (“Complainant”) states:

FIRST DEFENSE

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 five unnumbered page, CEI will attempt to specifically answer the different allegations within the Complaint.
3. CEI admits that Complainant contacted CEI to supply power to a new home that Complainant was building in Madison, Ohio. CEI denies the allegation that “nobody would meet me out there so we could talk over the situation and most of all save a ton of time. Nobody obliged.”
4. CEI denies the allegations regarding the conversations between CEI’s representatives and Complainant contained on the second and third unnumbered pages of the Complaint.

5. CEI states that its representatives presented several options to Complainant in order to provide new service to his property. Some of those options, per Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio, required that Complainant share the cost with CEI on establishing new service. Complainant refused those options.

6. CEI states that the last two unnumbered pages of the Complaint speak for themselves and therefore, no response is necessary.

7. CEI 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.

8. CEI denies generally any allegations not specifically admitted or denied in this Answer, in accordance with Ohio Admin. Code 4901-9-01(D).

AFFIRMATIVE DEFENSES

SECOND DEFENSE

9. The Complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Admin. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them, such as dates and specifications of which account or service address the allegation pertains to. CEI has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answers in the event it has incorrectly understood the allegations.

THIRD DEFENSE

10. The Complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

FOURTH DEFENSE

11. The Complaint fails to state a claim upon which relief can be granted.

FIFTH DEFENSE

12. CEI at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and order of the Public Utilities Commission of Ohio; and Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

SIXTH DEFENSE

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

WHEREFORE, CEI respectfully requests an Order dismissing the complaint and granting CEI all other necessary and proper relief.

Respectfully submitted,

/s/ Carrie M. Dunn
Carrie M. Dunn (#0076952)
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Akron, Ohio 44308
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On behalf of The Cleveland Electric
Illuminating Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by U.S. mail to the following person on this 19th day of November, 2012:

Dennis C. Murphy
816 Hardwood Court
Gates Mills, Ohio 44124

/s/ Carrie M. Dunn
Attorney for The Cleveland Electric
Illuminating Company

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in

Case No(s). 12-2873-EL-CSS

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