

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

BILLY JONES,)	
)	
Complainant,)	
)	
v.)	Case No. 13-0099-EL-CSS
)	
THE TOLEDO EDISON COMPANY,)	
)	
Respondent.)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, The Toledo Edison Company (“TE” or “the Company”), for its Answer to the complaint of Billy Jones states:

FIRST DEFENSE

1. TE admits that Mr. Jones is one of its customers and that his account number ends 8004.
2. TE denies that it has discriminated against Mr. Jones in its provision of service or in its application of any law, rule, regulation, Commission Order, tariff provision, or other authority.
3. TE admits that “[a]pplicants are required to establish creditworthiness . . . as a condition to furnishing or continuing to furnish service” in accordance with its Commission-approved tariff. *See* “Electric Service Regulations,” Sheet No. 4, Item III.A., “Creditworthiness and Deposits.”
4. TE avers that Mr. Jones agreed to be placed on its One-Ninth Payment Plan (“the Payment Plan”) on October 31, 2011. TE avers that the Payment Plan was established on November 7, 2011.

5. TE avers that the Payment Plan was for \$118 per month plus a budget amount that was subject to change quarterly based on Mr. Jones's usage.

6. TE avers that the Payment Plan was explained to Mr. Jones on at least three occasions (October 4, 2011; October 27, 2011; and October 31, 2011), and that Mr. Jones verified that he understood the plan. TE further avers that the terms of the Payment Plan was printed on Mr. Jones's November 30, 2011 bill.

7. TE denies that it "over charger [sic]" Mr. Jones.

8. TE avers that Mr. Jones did not make the payment required on his bill dated March 28, 2012, which was due on April 11, 2012.

9. TE admits that each of Mr. Jones's bills dated April 2012 through December 2012 includes a disconnection notice in accordance with Ohio Adm. Code 4901:1-18-06. TE avers that Mr. Jones's account became delinquent in April 2012 and remained delinquent through December 2012. TE avers that Mr. Jones was charged a late fee on each of his bills from April 2012 through December 2012 in accordance with TE's Commission-approved tariff. *See* "Electric Service Regulations," Sheet No. 4, Item VI.C., "Late Payment Charges."

10. TE denies that Mr. Jones was "charge [sic] a late fee just for [TE] to make sure that [it] Bal the Budget [sic]."

11. TE avers that Mr. Jones was given the option to amend the Payment Plan on May 8, 2012, which would have reduced his Payment Plan amount, but Mr. Jones declined.

12. TE admits that Mr. Jones was charged \$12 on both August 14, 2012, and October 18, 2012, in accordance with its Commission-approved tariff. *See* "Miscellaneous Charges," Sheet 75, Item 2, "Field Collection Charge." TE avers that Mr. Jones was delinquent on his account by \$230.22 as of his July 30, 2012 bill, and by \$283.97 as of his September 28, 2012

bill, and that the Company made field collection visits on August 14, 2012, and October 18, 2012, to attempt to collect the delinquent amounts in accordance with its tariff. *See* “Electric Service Regulations,” Sheet No. 4, Item XI.B., “Field Collection.”

13. TE denies that Mr. Jones’s electric service was disconnected on October 12, 2012. TE is without sufficient knowledge or information to either admit or deny that Mr. Jones’s “Bill were \$190.00 [sic] not \$950.00 Dollars [sic].” TE avers that Mr. Jones’s October 29, 2012 bill was for \$98.69, of which \$63.08 was past due.

14. TE denies that it charged Mr. Jones a “\$1500 late fee for \$190.00 bill.”

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

AFFIRMATIVE DEFENSES

SECOND DEFENSE

16. The Company has at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and TE’s tariffs. These statutes, rules, regulations, orders, and tariff provisions bar Mr. Jones’s claims.

THIRD DEFENSE

17. 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 complaint is not in paragraph form and includes many statements and notations scattered throughout the documents attached to Mr. Jones’s complaint. Additionally, many of the statements in the complaint are difficult to understand and require the Company to speculate about their meaning. The Company 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 them.

FOURTH DEFENSE

18. The complaint does not contain “a statement of relief sought,” as required by Ohio Adm. Code 4901-9-01(B).

FIFTH DEFENSE

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

SIXTH DEFENSE

20. The complaint fails to state a claim upon which relief can be granted.

SEVENTH DEFENSE

21. The Company reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, the Company respectfully requests an Order dismissing the Complaint and granting it all other necessary and proper relief.

Dated: January 24, 2013

Respectfully submitted,

/s/ Gregory L. Williams

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ATTORNEYS FOR
THE TOLEDO EDISON 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 24th day of January, 2013:

Billy Jones
982 West Delaware Avenue
Toledo, Ohio 43610

/s/ Gregory L. Williams
One of the Attorneys for
The Toledo Edison Company

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Summary: Answer of the Company to the Complaint of Mr. Billy Jones electronically filed by Mr. Gregory L. Williams on behalf of The Toledo Edison Company