

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RUTH INSCO	)	
JOHN INSCO	)	
	)	
Complainants,	)	Case No. 13-706-EL-CSS
	)	
v.	)	
	)	
THE TOLEDO EDISON COMPANY	)	
	)	
Respondent.	)	

**ANSWER**

In accordance with Rule 4901-9-01(D), Ohio Administrative Code, the Respondent, The Toledo Edison Company (“Toledo Edison” or (“Company”), for its answer to the complaint of Ruth and John Insco (“Complainants”) states:

**FIRST DEFENSE**

1. Toledo Edison is a public utility, as defined by Section 4905.03(A)(4) Revised Code and is duly organized and existing under the laws of the State of Ohio.
2. Toledo Edison states that the first two paragraphs of Complainants’ Complaint contain legal conclusions to which no response is necessary and therefore Toledo Edison denies same.
3. Toledo Edison lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first numbered paragraph of the Complaint and therefore denies same.
4. Toledo Edison admits that its contractor received the rebate application on or about December 17, 2012 and a fax from the customer’s contractor a copy of the customer workorder/invoice on December 18, 2012. Toledo Edison lacks knowledge or information

sufficient to form a belief as to the truth of the remaining allegations contained in the second numbered paragraph of the Complaint and therefore denies same.

5. A true and accurate copy a sample HVAC Equipment Rebate Application form is attached as Exhibit A. The terms and conditions for the rebate clearly state:

FirstEnergy ad/or its designees including program administrators and evaluation contractors reserve the right to review installations to verify completion and measure energy savings to ensure compliance with all program requirements. Such reviews will be made at a time convenient to the application. Misrepresentation of installation location or measure eligibility **may result in forfeiture of the rebate.**” (Term and Condition Paragraph 8.)

Moreover, the terms and conditions state that “program procedures, requirements and rebate levels are subject to change or cancellation without notice and are subject to available program funds.” (Term and Condition Paragraph 9.) Toledo Edison denies the allegations contain in the third numbered paragraph of the Complaint.

6. Toledo Edison lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the fourth numbered paragraph of the Complaint and therefore denies same.

7. Toledo Edison lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the fifth numbered paragraph of the Complaint and therefore denies same. Toledo Edison states that its contractor received a call from Complainants’ HVAC contractor to inquire as to whether the quality assurance inspection visit was legitimate. The contractor’s representative advised Complainants’ HVAC contractor that it was and referred to the terms and conditions referenced above.

8. Toledo Edison admits that its contractor’s field personnel performed an on-site inspection of the Complainants’ HVAC system on February 19, 2013. Toledo Edison lacks

knowledge or information sufficient to form a belief as to the truth of the allegations contained in the sixth numbered paragraph of the Complaint and therefore denies same.

9. Toledo Edison denies that Mr. Vincent DeTillio is its employee. Toledo Edison lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the seventh numbered paragraph of the Complaint and therefore denies same.

10. Toledo Edison admits that Complainants filed an informal Complaint with the PUCO. Toledo states that it discussed this informal Complaint with Commission Staff. Toledo Edison denies for lack of knowledge or information sufficient to form a belief as to the truth of the allegations related to the conversations between the PUCO and Complainants. Toledo Edison admits that Complainants received their rebate check on March 5, which was cashed on March 12. The check arrived within 90 days which is indicated in paragraph 11 of the terms and conditions attached hereto as Exhibit A. Toledo Edison denies for lack of knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the eighth numbered paragraph and therefore denies same.

11. Toledo Edison denies the allegations contained in the next unnumbered Complaint. As indicated in the terms and conditions attached as Exhibit A, paragraph 8, inspections may be required and were in this case.

12. Toledo Edison denies the allegations contained in the next unnumbered Complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

13. The Complaint fails to allege that Toledo Edison has violated a rule or statute applicable to it.

### **SECOND DEFENSE**

14. Complainants' Complaint is moot.

### **THIRD DEFENSE**

15. The Complaint fails to set forth reasonable grounds for complaint, as required by Section 4905.26, Revised Code.

### **FOURTH DEFENSE**

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

### **FIFTH DEFENSE**

17. Toledo Edison 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 and the Commission's Order approving the Companies' Energy Efficiency and Peak Demand Reduction portfolio plan. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

### **SIXTH DEFENSE**

19. Toledo Edison reserves the right to raise other defenses as warranted by discovery in this matter.

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

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 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 8th day of April 2013.

Ruth and John Insko  
2045 Oakside Road  
Toledo, Ohio 43615

/s/ Carrie M. Dunn  
Attorney for The Toledo Edison Company



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## HVAC Equipment Rebate Application

The HVAC Program provides rebates for the installation of high-efficiency HVAC equipment to residential and small commercial (rate code GS) customers of Ohio Edison, The Illuminating Company and Toledo Edison. This equipment must be installed by a participating contractor and must meet all program requirements.

**Please complete this application and mail it to the address provided below along with:**

- 1) a sales receipt (must be dated from March 23, 2011 through December 15, 2012) from a participating contractor, and
- 2) an AHRI\* certificate illustrating model number and efficiency performance ratings

<b>Mail to: FirstEnergy OH Rebates</b> <b>Offer #H841606 • P.O. Box 130016 • El Paso, TX 88513-0016</b> (Please do not send this form with your utility bill payment)			
<b>CUSTOMER INFORMATION</b>			
Name: (Account holder on record)		Utility Provider: <input type="checkbox"/> Ohio Edison <input type="checkbox"/> The Illuminating Company <input type="checkbox"/> Toledo Edison	
		Account No.: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	
Installation Address:		City:	State: <b>OH</b>
Email Address: <small>(Your email address will be used only for transactional communications regarding energy efficiency programs.)</small>		Home Phone:	Work Phone:
Date Installed:	Participating Contractor Name:		Contractor Phone Number:
How did you hear about this program: <input type="checkbox"/> Bill Insert <input type="checkbox"/> Contractor <input type="checkbox"/> Direct Mail <input type="checkbox"/> Email <input type="checkbox"/> Event <input type="checkbox"/> FirstEnergy Employee <input type="checkbox"/> Family/Neighbor/Friend <input type="checkbox"/> Online Advertising <input type="checkbox"/> Radio <input type="checkbox"/> Print Advertising <input type="checkbox"/> www.energysaveOhio.com			
Where was the equipment installed? <input type="checkbox"/> Single Family <input type="checkbox"/> 2-4 Units <input type="checkbox"/> Commercial Building <input type="checkbox"/> Other:			
Is this system installed as part of a new home construction project? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is natural gas available at this location? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>HVAC Equipment Terms and Conditions</b>			
1. Equipment and services must be purchased from March 23, 2011 through December 15, 2012. Applications must be postmarked by December 19, 2012. 2. Please submit one rebate application form per unit. 3. Work must be completed by a participating contractor. 4. Applicant must be a residential and small commercial (rate code GS) customers of Ohio Edison, The Illuminating Company and Toledo Edison. 5. It is the responsibility of the customer to assure that all requirements for the rebate are met. Failure to provide any of the required information will prevent processing of your application. 6. Rebate payments are based on the equipment purchase date. Customers must abide by the rules and rebate levels in effect on the date of purchase. 7. Purchase must be of a qualified high-efficiency electric central air conditioner, heat pump or geothermal unit as defined in the table on the back of this rebate application form. Both the condenser and coil must be replaced and installed as a matched set as defined by AHRI. 8. FirstEnergy and/or its designees including program administrators and evaluation contractors reserve the right to review installations to verify completion and measure energy savings to ensure compliance with all program requirements. Such reviews will be made at a time convenient to the applicant. Misrepresentation of installation location or measure eligibility may result in forfeiture of the rebate. 9. Program procedures, requirements and rebate levels are subject to change or cancellation without notice and are subject to available program funds.			
10. Payment will be issued to the account holder and mailing address on record with the utility. 11. Please allow up to 90 days from the date all required information is received to process your rebate(s). 12. Installations must be completed in accordance with all laws, codes and other requirements applicable under federal, state and local authority. 13. You are urged to seek appropriate consultation concerning any tax liabilities that could be associated with the receipt of the rebate. 14. FirstEnergy, its parents, subsidiaries, affiliates, officers, employees, contractors and agents assume no responsibility for the performance of the equipment or equipment warranty, the quality of the work, labor and/or materials supplied, and/or the acts or omissions of the participating contractor. 15. The customer hereby agrees to indemnify, defend and hold harmless, FirstEnergy, its parents, subsidiaries, affiliates, officers, employees, contractors and agents from any and all liability associated with this project. 16. I understand that I may be contacted by FirstEnergy via survey or questionnaire to provide feedback on my satisfaction with the program. 17. By participating in this program, Customer agrees to allow the local utility (The Cleveland Electric Illuminating Company, Ohio Edison Company, or The Toledo Edison Company) to take ownership of the Energy Efficiency resource credits associated with the measures generated through this program. Your local utility may at its sole discretion then aggregate your credits with other similarly situated customers and bid the credits into the PJM market through an auction. Any proceeds from any such bids accepted by PJM will be used to offset the costs charged to the utility's customers for compliance with state mandated energy efficiency and/or peak demand requirements.			
By signing this application, I agree to the terms and conditions of this document. I understand FirstEnergy's utilities reserve the right to audit my rebate application and if requested, I will allow a FirstEnergy's utilities representative reasonable access to verify the installation of qualifying products.			
Customer Signature: _____		Date: _____	



**FirstEnergy**

## HVAC Equipment Rebate Application

Participating contractor should complete this side of the application

The following list of energy-saving measures has been evaluated and meets the program's minimum qualifying standards. Please ensure that the product meets the standards in the Energy Efficiency HVAC Systems table below. If you have any questions, please call 1-888-243-6808 or visit [www.energysaveOhio.com](http://www.energysaveOhio.com).

### Required documentation shall include:

- 1) a sales receipt (must be dated from March 23, 2011 through December 15, 2012) from a participating contractor, and
- 2) an AHRI\* certificate illustrating model number and efficiency performance ratings.

*Incomplete information will delay or disqualify your rebate.*

### Energy Efficiency HVAC Systems

Measure	Rebate Amount	Minimum Efficiency Requirement	Manufacturer	Condenser Model No. Outside Unit	Condenser Serial No. Outside Unit	Coil Model No. Inside Unit	AHRI Certificate No.
Central Air Conditioning	\$150	SEER $\geq$ 15 EER $\geq$ 12 ENERGY STAR® qualified**					
Air-to-Air Heat Pump	\$400	SEER $\geq$ 15 EER $\geq$ 12 HSPF $\geq$ 8.5 ENERGY STAR® qualified**					

*Please note that ductless mini-split systems are not eligible for an HVAC rebate.*

Measure	Rebate Amount	Minimum Efficiency Requirement	Manufacturer	Model No.	Serial No.	SEER – Seasonal Energy Efficiency Ratio EER – Energy Efficiency Ratio HSPF – Heating Season Performance Factor
Geothermal Heat Pump	\$600	ENERGY STAR® qualified**				

\*\*As found on [www.energystar.gov](http://www.energystar.gov)

**Total Rebate**

\$

\*The Air-Conditioning, Heating and Refrigeration Institute (AHRI) maintains a directory of certified product performance for HVAC equipment. To obtain a copy of the AHRI certificate, certificate number or products that meet the program's minimum efficiency requirements, please visit <http://www.ahridirectory.org/ahridirectory/pages/home.aspx>



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

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Summary: Answer electronically filed by Ms. Carrie M Dunn on behalf of The Toledo Edison Company