

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

PAUL BROWN

Complainant,

v.

OHIO EDISON COMPANY

Respondent.

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Case No. 13-1004-EL-CSS

**ANSWER**

In accordance with Ohio Admin. Code 4901-9-01(D), Respondent, Ohio Edison Company (“Ohio Edison” or the “Company”), for its Answer to the Complaint of Paul Brown (“Complainant”) states:

**FIRST DEFENSE**

1. Ohio Edison is a public utility, as defined by R.C. § 4905.03(C), and is duly organized and existing under the laws of the State of Ohio.

2. Ohio Edison admits that, prior to 2008, Complainant had established service at an address other than the one at issue in the within action, the account was subject to a continuance of service agreement, and there was a delinquent balance of \$132.44 on the account, which Ohio Edison had turned over for collection. Ohio Edison admits that, in 2011, Complainant contacted Ohio Edison and disputed the balance. Ohio Edison admits that, to resolve the complaint, it credited the balance to Complainant’s account, ceased collection efforts, and took steps to notify the credit bureaus. Ohio Edison denies that Complainant “ow[ed] nothing.”

3. Ohio Edison admits that Complainant filed a complaint against Ohio Edison, Case No. 12-2582-EL-CSS (the “2012 Complaint”) alleging that he had been overbilled for service in

June 2012, and that the complaint was resolved via a settlement agreement between the parties. Ohio Edison denies that the complaint was “resolved in [Complainant’s] favor.”

4. Ohio Edison admits that the 2012 Complaint was resolved via a settlement agreement entered into in December 2012 by Complainant and Ohio Edison. Ohio Edison denies that “[a]ny, and all arrears bills [sic] were paid” in connection with the December 2012 and notes that the terms of the settlement agreement are confidential.

5. Ohio Edison is without knowledge or information sufficient to either admit or deny that Complainant’s “December 2012, and January 2013 bills were abnormally high.” Ohio Edison denies that the “kilowatt hours were the highest [Complainant has] ever had” and denies that the usages were “5000, and approx. 4200” for December 2012 and January 2013, respectively. Ohio Edison admits that Complainant’s December 2012 and February 2013 bills were based on estimated usage, but denies that Complainant’s January 2013 bill was based on an estimated usage.

6. Ohio Edison denies that “year to date, ten of twelve months were estimated.” Rather, Ohio Edison avers that: (a) in conformance with Ohio Admin. Code 4901:1-10-05(I)(1), Ohio Edison has made reasonable attempts to obtain actual readings of Complainant’s meter, and an actual reading of Complainant’s meter has been made at least once each calendar year; and (b) since Complainant’s meter was replaced in September 2012, his bills have been based on estimated readings in three out of the past seven months – with actual readings occurring in November 2012, January 2013, March 2013, and April 2013. Ohio Edison is without knowledge or information sufficient to either admit or deny whether Complainant has “no confidence in the First Energy estimation process” or whether Complainant has been or is concerned when he opens an electric bill.

7. Ohio Edison admits that it has been named as a respondent in this Complaint and that Complainant's account number is 110015080069.

8. Ohio Edison 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 fails to set forth reasonable grounds for complaint, as required by R.C. § 4905.26.

#### **THIRD DEFENSE**

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

#### **FOURTH DEFENSE**

11. Ohio Edison at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

#### **FIFTH DEFENSE**

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

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

Respectfully submitted,

/s/ Christine E. Watchorn

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On behalf of Ohio 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 13th day of May, 2013:

Paul Brown  
2211 5<sup>th</sup> Avenue  
Youngstown, OH 44504

/s/ Christine E. Watchorn  
One of the Attorneys for  
Ohio Edison Company

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Summary: Answer electronically filed by Ms. Christine E. Watchorn on behalf of Ohio Edison Company