

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

STANLEY F. KRYSIK

Complainant,

v.

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY

Respondent.

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Case No. 14-0091-EL-CSS

**ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

In accordance with Rule 4901-9-01(D), Ohio Administrative Code, the Respondent The Cleveland Electric Illuminating Company (“CEI”) and for its answer to the Complaint of Stanley F. Krysiak (“Complainant”) states:

**FIRST DEFENSE**

1. CEI 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. Complainant’s Complaint consists of two unnumbered pages. CEI will attempt to specifically answer each allegation. To the extent CEI does not respond to a specific allegation, CEI denies such allegation.

3. CEI admits that Complainant has an account with CEI for the premises located at 4865 Hyde Road, Rome, Ohio 44085 (“Account”).

4. CEI denies that the rate on the Account was changed from residential to commercial service in June 2009. CEI denies that Complainant was overcharged.

5. CEI admits that it changed the rate to residential effective August 2013 and the Account was updated.

6. CEI denies the remaining allegations in the Complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST DEFENSE**

7. The Complaint fails to allege that CEI has violated a rule or statute applicable to it.

#### **SECOND DEFENSE**

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

#### **THIRD DEFENSE**

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

#### **FOURTH DEFENSE**

10. 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.

#### **FIFTH DEFENSE**

11. 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)

Counsel of Record

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

Phone: 330-761-2352

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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 3<sup>rd</sup> day of February 2014.

Stanley F. Krysiak  
311 East 273 St.  
Euclid, Ohio 44132

/s/ Carrie M. Dunn

Attorney for The Cleveland Electric  
Illuminating Company

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