

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

CAROL A ALLEN	)	
	)	
Complainants,	)	
	)	Case No. 14-830-EL-CSS
v.	)	
	)	
THE TOLEDO EDISON COMPANY	)	
	)	
Respondent.	)	
	)	

**MOTION TO DISMISS OF THE TOLEDO EDISON COMPANY**

Pursuant to Rule 4901-9-01, Ohio Administrative Code (“O.A.C”), The Toledo Edison Company (“Toledo Edison” or “Company”) hereby moves to dismiss Complainant Carol A. Allen’s (“Complainant”) Complaint. Complainant’s Complaint does not meet the requirements of Rule 4901-9-01(B) and it does not allege reasonable grounds for her complaint. For all of those reasons, the Commission should dismiss this Complaint with prejudice.

**I. FACTS**

On May 5, 2014, Complainant filed a Complaint with the Commission. The Complaint consist of the Formal Complaint Form and six pages that are copies of Complainant’s bill. On the fourth page, there is some indiscernible handwriting on the bill. Otherwise, the only information Complainant gives is her name, address, account number and phone number. The Complaint does not allege any facts, does not allege any violation of rule or statute and does not request any relief.

## II. ARGUMENT

Rule 4901-9-01(B) requires:

All complaints filed under section [4905.26](#) of the Revised Code, except complaints filed by a public utility concerning a matter affecting its own product or service, shall be in writing and shall contain the name of the public utility complained against, a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought.

Under Section 4905.26, Revised Code a complaint that fails to set forth reasonable grounds must be dismissed. The mere act of filing a complaint does not automatically trigger a hearing before the Commission. Rather, “[r]easonable grounds for the complaint must exist before the Public Utilities Commission, either upon its own initiative or upon the complaint of another party, can order a hearing, pursuant to R.C. 4905.26 . . .” *Ohio Util. v. Pub. Util. Com’n* (1979), 58 Ohio St.2d, 153, paragraph 2 of the syllabus.

Reasonable grounds” under this standard necessarily requires that the complaint contain sufficient allegations of facts which could support a finding of inadequate service. *In the Matter of Petition of J. Earl McCormick, et al. v. The Ohio Bell Tel. Co., et al.* (Sept. 27, 1990), PUCO Case No. 90-1256-TP-PEX, Entry ¶3; *In the Matter of Complaint of Ohio CARES v. FirstEnergy Corp.* (May 19, 1999), PUCO Case No. 98-1616-EL-CSS, Entry ¶7. A complaint that does not allege specific incidents of inadequate service must be dismissed. *Id.* Additionally, a complaint that fails to allege a violation of any statute, Commission rule, or order fails to state reasonable grounds and should be dismissed. *In the Matter of Complaint of Ohio CARES v. FirstEnergy Corp.* (May 19, 1999), PUCO Case No. 98-1616-EL-CSS, Entry ¶¶6-7. The Commission routinely dismisses such cases. *See, e.g., Ohio Consumer Alliance for Responsible Elec.*

*Sys. v. FirstEnergy Corp., et al.*, No. 98-1616-EL-CSS, Entry dated May 19, 1999, ¶¶ 6-7; *Lentz v. The East Ohio Gas Co.*, No. 96-25-GA-CSS, Entry dated Apr. 18, 1996, ¶ 7; *Allison v. Columbia Gas of Ohio, Inc.*, No. 92-37-GA-CSS, Entry dated Apr. 9, 1992, ¶ 4.

The Commission should dismiss this Complaint because Complainant's Complaint fails to contain a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought. Therefore, the Complaint also fails to state reasonable grounds for a relief, and fails to allege any specific incident or violation of rule or statute. Indeed, Toledo Edison cannot discern whatsoever what Complainant's complaint even is. For those reasons, the Commission should dismiss the Complaint.

### **III. CONCLUSION**

For all of the foregoing reasons, this Complaint should be dismissed with prejudice.

Respectfully submitted,

/s/ Carrie M. Dunn  
Carrie M. Dunn (#0076952)  
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On behalf of The Toledo Edison  
Company

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss was served by  
U.S. mail to the following person on this 23rd day of May 2014.

Carol A. Allen  
800 Division St. #113  
Toledo, Ohio 43604

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

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