

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Lakewood Senior Health Campus,)	
)	
Complainant,)	
)	
v.)	Case No. 14-1413-EL-CSS
)	
FirstEnergy Solutions Corp.,)	
)	
Respondent.)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), the Respondent, FirstEnergy Solutions Corp. (FES or the Company), for its answer to the complaint of Lakewood Senior Health Campus, states:

FIRST DEFENSE

1. FES admits that Complainant is its customer with account ending in 0188¹ for service consumed at 13900 Detroit Avenue, Lakewood, Ohio 44017.

2. FES is without sufficient knowledge or information to either admit or deny the allegations in the first paragraph of the complaint. FES avers that on July 10, 2014, it sent an RTO Expense Surcharge Invoice in the amount of \$377.89 to the Complainant in accordance with its pricing agreement with the Company.

3. FES avers that on April 26, 2012, the parties executed a Customer Supply Agreement, and on May 10, 2013, the parties executed a Fixed Price Pricing Attachment, which was effective from June 2013 to June 2014, a purported copy of which is attached to the complaint.

¹ For privacy and ease of reference, only the last four numbers of the account is provided.

4. FES denies that any charges assessed to Complainant were “above and beyond the price . . . agreed to pay for [Complainant’s] electricity supply.”

5. FES denies that “these charges” are “contrary to [the parties’] agreement, and contrary to the common notion of ‘fixed price’ contracts.”

6. FES avers that the documents attached to the complaint speak for themselves and are not allegations susceptible of admission or denial. FES neither attests to nor concedes the authenticity of these documents.

7. The Company is without sufficient knowledge or information to admit or deny the remaining allegations of the Complaint and generally denies any allegation not specifically admitted or denied in this Answer in accordance with Ohio Adm. Code 4901-9-01(D).

AFFIRMATIVE DEFENSES

SECOND DEFENSE

8. The complaint does not comply with the Commission’s rules requiring “a statement which clearly explains the facts.” Ohio Adm. Code 4901-9-01(B). Many of the allegations and statements in the complaint are compound; and many of the allegations are incomplete and omit numerous details necessary to answer them. The Company has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its Answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

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

FOURTH DEFENSE

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

FIFTH DEFENSE

11. The Company at all times complied with Ohio Revised Code Title 49; and the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio. These statutes, rules, regulations, and orders bar the Complainant's claims.

SIXTH DEFENSE

12. The complaint is filed in violation of Ohio law, which does not permit non-attorneys to represent corporations or other separate legal entities. Ohio Adm. Code 4901-1-08(A).

SEVENTH DEFENSE

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

Dated: September 4, 2014

Respectfully submitted,

/s/ Mark A. Hayden

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(All counsel willing to accept service by email.)

ATTORNEYS FOR FIRSTENERGY
SOLUTIONS CORP.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by U.S. mail this 4th day of September 2014 to the following:

Lakewood Senior Health Campus
c/o Jason R. Jacobs
38642 Center Ridge Rd.
N. Ridgeville, Ohio 44039

/s/ Gregory L. Williams
One of the Attorneys for FirstEnergy Solutions
Corp.

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in

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Summary: Answer electronically filed by Mr. Gregory L. Williams on behalf of FirstEnergy Solutions Corp.