

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

JUDITH R. ZUNIGA)	
)	
Complainant,)	
)	Case No. 14-1564-EL-CSS
v.)	
)	
THE TOLEDO EDISON COMPANY)	
)	
Respondent.)	
)	

ANSWER OF THE TOLEDO EDISON COMPANY

In accordance with Rule 4901-9-01(D), Ohio Administrative Code, the Respondent The Toledo Edison Company ("Toledo Edison") and for its answer to the Complaint of Judith R. Zuniga ("Complainant") 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. Complainant's Complaint consists of several unnumbered pages. Toledo Edison will attempt to specifically answer each allegation. To the extent Toledo Edison does not respond to a specific allegation, Toledo Edison denies such allegation.
3. On July 3, 2014, Complainant was placed on 1/9th agreement for up front payment of \$12.00. Complainant had set up an auto pay for the \$12.00 up front payment. In the meantime, Complainant paid the \$12.00 payment instead with a payment agent. Complainant contacted Toledo Edison and requested that the auto payment be cancelled. The Toledo Edison representative misunderstood Complainant and the auto payment was not cancelled. A good faith credit of \$37.50 was added to the Complainant's account and Toledo Edison attempted to contact

Complainant several times to obtain wire information to pay \$37.50 to Complainant's bank account. Both contact numbers for Complainant were disconnected. Toledo Edison also reversed its \$15.00 return check charge.

4. Toledo Edison denies the remaining allegations in the Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

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

SECOND DEFENSE

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

THIRD DEFENSE

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

FOURTH DEFENSE

8. 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 its Tariff on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

FIFTH DEFENSE

9. 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)
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Akron, Ohio 44308
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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 29th day of September 2014.

Judith R. Zuniga
1422 BrookPark Apt. 2
Toledo, Ohio 43614

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

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in

Case No(s). 14-1564-EL-CSS

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