

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

JAMES PINTER)	
)	
Complainant,)	
)	Case No. 14-2046-EL-CSS
v.)	
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY)	
)	
Respondent.)	

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 James Pinter (“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 three 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. As to the second paragraph on the first unnumbered page, CEI denies that it has charged Complainant unreasonably for electric service. CEI further denies that its meter readings for Complainant’s power usage were inaccurate. CEI denies the remaining allegations in the second paragraph on the first unnumbered page.
4. As to the third paragraph on the first unnumbered page, CEI states that it will follow Commission rules and orders as it relates to termination of service during the pendency of a

Complaint. CEI admits that Complainant continues to make payments on his account but denies the characterization of such payments contained in the third paragraph of the first unnumbered page.

5. As to the bullet point paragraphs on the first, second and third unnumbered page, CEI states that on March 14, 2014, Complainant contacted CEI regarding his bill from January 30, 2014 to March 3, 2014 based on an actual reading of 3,581 kWh. Complainant was advised that the bill is based on an actual usage but because the prior month was an estimate, it was making up for unbilled usage from the previous month. On March 25, 2014, in response to a further contact from Complainant, CEI reversed the bill based on the customer's concern that it was a misread and rebilled the account using the average daily usage of 17 kWh. However, when the next actual read was taken on April 1, 2014, it became apparent that the March 3, 2014 bill was correct and should not have been re-billed, causing the April 2, 2014 bill to reflect a higher bill than it would have had the March 3, 2014 bill not been reversed.

6. On May 16, 2014, the meter was removed and tested, registering at the average accuracy of 100.18% which is within the limits established by the Public Utilities Commission of Ohio. The meter was not re-installed and a new meter was installed as is CEI's practice.

7. CEI denies that the March 3, 2014 and April 2, 2014 bills were incorrect. CEI further 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
Fax: 330-384-3875

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 8th day of December 2014.

James Pinter
2697 Country Club Blvd.
Rocky River, Ohio 44116

/s/ Carrie M. Dunn
Attorney for The Cleveland Electric
Illuminating Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/8/2014 4:17:02 PM

in

Case No(s). 14-2046-EL-CSS

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