

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Emily Funston,)	Case No. 15-0690-EL-CSS
)	
Complainant,)	
)	
v.)	
)	
Ohio Edison Company,)	
)	
Respondent.)	

**OHIO EDISON COMPANY’S AND FIRSTENERGY CORP.’S
ANSWER TO THE COMPLAINT**

Now comes Respondent, Ohio Edison Company and FirstEnergy Corp. (collectively, “Company”), improperly named as “Ohio Edison” and “First Energy,”¹ by and through the undersigned counsel, and for its answer to the Complaint of Emily Funston (“Complainant”) states as follows:

Introductory Statement

Complainant’s Complaint merely references attached correspondence and does not include any factual allegations of any kind. Nevertheless, Company has attempted below to answer the Complaint.

Answer

1. To the extent there are allegations on the single-page Formal Complaint Form utilized by Complainant, they are denied.

¹ Neither “Ohio Edison” nor “First Energy” is the proper Respondent in this action, and, in fact, neither improperly named Respondent even exists as an entity. Out of an abundance of caution, and in order to avoid any default, the Complaint is being answered by Company, as, upon information and belief, Company provides electrical service to Complainant at the premises at issue. Company will consent to a substitution of parties in order to accurately identify the proper Respondent.

2. The letter dated December 13, 2014, which is an unnumbered attachment to the Complaint, speaks for itself. To the extent the Complaint sets forth allegations that are inconsistent therewith, they are denied.

3. The letter dated December 10, 2014, which is an unnumbered attachment to the Complaint, speaks for itself. To the extent the Complaint sets forth allegations that are inconsistent therewith, they are denied.

4. The letter dated December 4, 2014, which is an unnumbered attachment to the Complaint, speaks for itself. To the extent the Complaint sets forth allegations that are inconsistent therewith, they are denied.

5. The letter dated November 25, 2014, which is an unnumbered attachment to the Complaint, speaks for itself. To the extent the Complaint sets forth allegations that are inconsistent therewith, they are denied.

6. The three-page e-mail chain containing messages dated November 20, 2014 and November 25, 2014, which is an unnumbered attachment to the Complaint, speaks for itself. To the extent the Complaint sets forth allegations that are inconsistent therewith, they are denied.

7. Company denies the allegations of the Complaint inasmuch as they assert: (1) that Company bears any liability to Complainant for the damage allegedly sustained to Complainant's oven; and (b) an entitlement to damages or reimbursement from Company for the damage allegedly sustained to Complainant's oven.

8. Company denies all other allegations set forth in the Complaint which it has not specifically admitted herein to be true.

FIRST DEFENSE

9. The Complaint fails to comply with the requirements of Ohio Administrative Code 4901-9-01(B), in that it does not contain “a statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought.”

SECOND DEFENSE

10. The Complaint fails to state reasonable grounds for the cause of action.

THIRD DEFENSE

11. The Complaint fails to set forth reasonable grounds as Complainant has not alleged that Respondent has violated any statute, rules or tariff provisions.

FOURTH DEFENSE

12. Respondent at all times acted in accordance with its tariffs on file with the Public Utilities Commission of Ohio as well as with all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the state of Ohio, and accepted standards and practices in the electric utility industry.

FIFTH DEFENSE

13. Complainant has failed to mitigate her damages.

SIXTH DEFENSE

14. The Complaint is not within the subject matter jurisdiction of the Public Utilities Commission of Ohio.

SEVENTH DEFENSE

15. The Complaint is barred on the ground and to the extent that the damage allegedly sustained to Complainant’s oven directly and proximately resulted from unforeseeable,

independent, intervening, and/or superseding causes and/or acts of negligence or other wrongful conduct of third parties, including, but not limited to, non-parties.

EIGHTH DEFENSE

16. Company reserves the right to raise additional defenses as warranted by discovery and further investigation conducted in this matter.

WHEREFORE, Respondent, Ohio Edison Company and FirstEnergy Corp., respectfully requests an Order dismissing the Complaint and granting it all of the necessary and proper relief to which it is entitled.

Respectfully submitted,

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*Counsel for Ohio Edison Company and
FirstEnergy Corp.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer and Affirmative Responses of Respondent, Ohio Edison Company was sent by ordinary U.S. Mail, this 29th day of April, 2015, to the following:

Emily Funston
P.O. Box 135
20110 Lexington Road
Fredericktown, Ohio 43019

Respectfully submitted,

/s/ Jeremy S. Young
Denise M. Hasbrook (0004798)
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Case No(s). 15-0690-EL-CSS

Summary: Answer [Ohio Edison Company's and FirstEnergy Corp.'s Answer to the Complaint]
electronically filed by Jeremy S. Young on behalf of Ohio Edison Company and FirstEnergy
Corporation