

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>LUSTROUS DESIGN LTD.,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 16-1247-EL-CSS</b>
	)	
<b>THE CLEVELAND ELECTRIC</b>	)	
<b>ILLUMINATING COMPANY</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

In accordance with Rule 4901-9-01(D), Ohio Administrative Code, Respondent The Cleveland Electric Illuminating Company (“CEI”) for its answer to the Complaint of Lustrous Design Ltd. (“Complainant”) states the following:

**FIRST DEFENSE**

1. CEI is a public utility, as defined by Section 4905.03(A)(4) of the Revised Code, and is organized and existing under the laws of the State of Ohio.
2. Complainant’s complaint consists of two unnumbered pages with thirteen numbered paragraphs. CEI will attempt to specifically answer the allegations contained in each of the numbered paragraphs. To the extent that CEI does not respond to a specific allegation, CEI denies such allegation.
3. As to the allegations contained in paragraph 1, CEI denies that Complainant has experienced erratic billing and fluctuations in power since 2012. Complainant did contact CEI regarding an increase in energy usage due to a short that was repaired in March 2013. CEI denies the remaining allegations contained in paragraph 1 of the Complaint.

4. As to the allegations contained in paragraph 2, CEI lacks sufficient information to assess Complainant's personal belief regarding the adequacy of "the connection to the pole," and, therefore, denies the same.

5. As to the allegations contained in paragraph 3, CEI denies the allegations.

6. As to the allegations contained in paragraph 4, CEI lacks sufficient information after reasonable investigation to either confirm or deny the collapse of Complainant's shop in 2015. CEI further asserts that the meter located at the service residence in question registered usage until July 2015.

7. As to the allegations contained in paragraph 5, CEI admits that the meter at the service residence in question was replaced on January 11, 2016. CEI denies the remaining allegations contained in paragraph 5 of the Complaint.

8. As to the allegations contained in paragraph 6, CEI admits that Complainant was notified in March 2016 that he would be re-billed for the months of July 2015 through January 2016. CEI denies that no notification was given to Complainant regarding enrollment in an installment plan. Notification and enrollment was completed by CEI on March 25, 2016, in accordance with the provisions of Section 4933.28(A) of the Ohio Revised Code. CEI denies the remaining allegations contained in paragraph 6 of the Complaint.

9. As to the allegations contained in paragraph 7, CEI admits that subsequent payments submitted to CEI were applied pursuant to the installment plan Complainant was notified of on March 25, 2016. CEI denies any allegations that any subsequent billings were "doubled up." CEI denies the remaining allegations contained in paragraph 7 of the Complaint.

10. As to the allegations contained in paragraph 8, CEI denies Complainant's assertion that his "complaints to the company" have been ignored. CEI has contacted

Complainant on several occasions regarding this dispute at both its own initiative and at the direction of the Public Utilities Commission of Ohio. CEI denies the remaining allegations contained in paragraph 8 of the Complaint.

11. As to the allegations contained in paragraph 9, CEI admits that Complainant has received disconnection notices due to failure to pay an account balance. CEI denies the remaining allegations contained in paragraph 9 of the Complaint.

12. As to the allegations contained in paragraph 10, CEI denies all allegations.

13. As to the allegations contained in paragraph 11, CEI denies all allegations.

14. As to the allegations contained in paragraph 12, CEI lacks sufficient information after reasonable investigation to either confirm or deny the allegations.

15. As to the allegations contained in paragraph 13, CEI denies all allegations.

16. CEI denies the remaining allegations in the Complaint.

### **AFFIRMATIVE DEFENSES**

In addition to the above responses, CEI further asserts the following affirmative defenses:

#### **SECOND DEFENSE**

17. The Complaint fails to set forth reasonable grounds for complaint as required by Section 4905.26 of the Revised Code.

#### **THIRD DEFENSE**

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

#### **FOURTH DEFENSE**

19. CEI at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and orders 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**

20. The Complainant, Lustrous Design Ltd., is a domestic limited liability company incorporated and existing under the laws of the State of Ohio. As such, Complainant may only be represented by a licensed attorney. *See Disciplinary Counsel v. Kafele*, 843 N.E.2d 169, 173 (Ohio 2006) (“[A] limited liability company exists as a separate legal entity, R.C. 1705.01(D)(2)(e), and may be represented in court only by a licensed attorney.”)

#### **SIXTH DEFENSE**

21. CEI further reserves the right to assert any other defenses warranted by discovery in this matter.

WHEREFORE, CEI respectfully requests an Order dismissing this Complaint, ordering CEI to place Complainant's account on the appropriate nonresidential rate as it appears Complainant is primarily running a business from the premises, and granting CEI any other relief deemed necessary and proper.

Respectfully submitted,

/s/ Carrie M. Dunn  
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On behalf of The Cleveland Electric  
Illuminating Company

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer of The Cleveland Electric Illuminating Company was delivered by U.S. Mail to the following persons on this 28th day of June, 2016.

Lustrous Design Ltd.  
8472 Music St.  
Chagrin Falls, Ohio 44022

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

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 16-1247-EL-CSS**

Summary: Answer Answer of The Cleveland Electric Illuminating Company electronically filed by Mr. Joshua R. Eckert on behalf of The Cleveland Electric Illuminating Company