

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**GP ENTERPRISES, INC., D/B/A  
STORAGE-ON-SITE,**

**Complainant,**

**v.**

**THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY,**

**Respondent.**

**Case No. 17-1707-EL-CSS**

**ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

The Cleveland Electric Illuminating Company (“CEI” or “Company”) is a public utility company, as defined by §4905.03(C) of the Ohio Revised Code, and is duly organized and existing under the laws of the State of Ohio. The Complaint of GP Enterprises, Inc., d/b/a Storage-On-Site (“Complainant”) consists of one (1) cover page and one (1) unnumbered page, containing unnumbered paragraphs. CEI will attempt to specifically answer each allegation in the Complaint. To the extent CEI does not respond to a specific allegation, CEI denies any such allegation.

Therefore, in accordance with Rule 4901-9-01(D) of the Ohio Administrative Code, Respondent CEI for its answer to the Complaint states:

**FIRST DEFENSE**

1. CEI states that the cover page of the Complaint contains no factual allegations to which a response is required. To the extent a response is required, CEI denies any allegations.

2. As to the allegations contained in the first unnumbered paragraph on the second unnumbered page of the Complaint, CEI admits that Complainant is a CEI customer and that CEI provided service to Complainant at 33205 Curtis Boulevard, Eastlake, Ohio 44095 (“33205

Curtis”). CEI lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the first unnumbered paragraph on the second unnumbered page of the Complaint and, therefore, denies same.

3. As to the allegations contained in the second unnumbered paragraph on the second unnumbered page of the Complaint, CEI lacks knowledge or information sufficient to form a belief as to the truth of Complainant’s allegation that it sold the building at 33205 Curtis Boulevard and, therefore, denies same. CEI admits the remaining allegations contained in the second unnumbered paragraph on the second unnumbered page of the Complaint.

4. As to the allegations contained in the third unnumbered paragraph on the second unnumbered page of the Complaint, CEI states as follows:

- a. CEI admits that Complainant began receiving electric service from CEI at 33205 Curtis on November 21, 2014. Further answering, CEI avers that, due to an error, Complainant was listed as receiving service at 33175 Curtis.
- b. CEI admits that Complainant was regularly billed by CEI for electric service. Further answering, CEI avers that, as a result of the above-referenced error, Complainant was billed for electric service based upon readings from the meter associated with 33175 Curtis.
- c. CEI admits that electric service was disconnected briefly at 33205 Curtis in or about December 2016. Further answering, CEI states that service was disconnected at 33205 Curtis because there was no contract for service at that premises, resulting in a determination that there was service on a vacant account.

- d. CEI denies that notice was not given for the above-referenced disconnection. Further answering, CEI avers that a notice was left at 33205 Curtis on or about August 26, 2016.
- e. CEI admits that, due to the above-referenced error listing Complainant's service address as 33175 Curtis, Complainant was incorrectly billed, resulting in Complainant being undercharged for electric service. Further answering, CEI avers that, upon learning of the undercharge, CEI issued a corrected bill to Complainant in accordance with Rule 4901:1-10-23, Ohio Administrative Code.
- f. CEI lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in the third unnumbered paragraph on the second unnumbered page of the Complaint and, therefore, denies same.

5. As to the allegations contained in the fourth unnumbered paragraph on the second unnumbered page of the Complaint, CEI admits that Complainant is currently paying, in monthly installments, the outstanding balance resulting from the corrected bill. Further answering, CEI states that the remainder of this paragraph contains a prayer for relief to which no response is required. To the extent a response is required, CEI denies any allegations.

6. CEI denies any remaining allegations in the Complaint.

### **SECOND DEFENSE**

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

### **THIRD DEFENSE**

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

### **FOURTH DEFENSE**

9. CEI at all times complied with the 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**

10. Complainant is a domestic corporation, organized and existing under the laws of the State of Ohio. As such, Complainant must be represented by a licensed attorney in proceedings before the Public Utilities Commission of Ohio.

### **SIXTH DEFENSE**

11. CEI reserves the right to supplement its answer with other defenses, including affirmative defenses, as discovery progresses in this matter.

WHEREFORE, CEI respectfully requests an Order dismissing the Complaint and granting CEI all other relief deemed necessary and proper.

Respectfully submitted,

/s/ Joshua R. Eckert

Joshua R. Eckert (#0095715)

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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 served upon the following by U.S. mail on this 21<sup>st</sup> day of August, 2017.

Michael Palmer  
GP Enterprises, Inc., d/b/a  
Storage-On-Site  
34799 Curtis Blvd., Unit A  
Eastlake, Ohio 44095

/s/ Joshua R. Eckert  
An Attorney for The Cleveland  
Electric Illuminating Company

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

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