

FILE

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March 26, 2009

**Via Federal Express
and Facsimile (614-466-0313)**Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 Broad Street
Columbus, OH 43215-3793

PUCO

2009 MAR 26 PM 4:45

RECEIVED - DOCKETING DIV

Dear Ms. Jenkins:

**Re: Answer of the Ohio Edison Company
Joe E. Snell v. The Ohio Edison Company
Case No. 09-187-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the *Answer and Motion to Dismiss of the Ohio Edison Company* regarding the above-referenced case. Please file the enclosed *Answer and Motion to Dismiss*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,


Ebony L. MillerELM/jhp
Enclosures

cc: Parties of Record

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SM Date Processed MAR 26 2009

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Joe E. Snell)	
Complainant,)	
)	
vs.)	Case No. 09-187-EL-CSS
)	
Ohio Edison Company)	
Respondent.)	

**ANSWER AND MOTION TO DISMISS OF
OHIO EDISON COMPANY**

Comes now Respondent, Ohio Edison Company, by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. The Ohio Edison Company ("Ohio Edison") is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.
2. While the Complaint consists of two typed paragraphs, Ohio Edison will attempt to specifically answer the different allegations within the Complaint.
3. With respect to Paragraph 1, Ohio Edison lacks knowledge or information sufficient to form a belief as to the truth of the claims of personal circumstance that Complainant alleges in his Complaint. Ohio Edison admits that Complainant was the customer of record at 719 Victoria Avenue (the "Premise") for a period which included 1995 through 2006.
4. With respect to Paragraph 2, Ohio Edison lacks knowledge or information sufficient to form a belief as to the truth of the claims of personal circumstance that Complainant alleges in his Complaint. Ohio Edison denies the allegation that it has a policy which enables a homeowner to order electric in someone else's name while not even knowing whether the person

lived there or not. Ohio Edison further denies the allegation that its company policy is the cause for Complainant's outstanding balance and that it allowed an individual to order electric in Complainant's name.

5. Further with respect to Paragraph 2, Ohio Edison admits that Complainant later alleged that he did not live at the Premise during the period at issue and forwarded documentation in an attempt to substantiate his claim. Ohio Edison admits that it received a letter dated May 19, 2008 on letterhead bearing the name "Portage Path Behavioral Health". However, aside from an approximate four month period, the letter attached hereto as Exhibit A, confirms that Complainant resided at the Premise during the period at issue.

6. Ohio Edison generally denies all allegations set forth in the Complaint that were not otherwise specifically addressed hereinabove.

For its affirmative defenses, the Ohio Edison further avers that:

7. Ohio Edison breached no duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted.

8. Ohio Edison has at all times acted in accordance with its Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio, as well as 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.

For its Motion to Dismiss, Ohio Edison states:

9. Ohio Edison breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which relief may be granted.

10. Complainant has not identified any Commission rule or regulation that it believes Ohio Edison has violated.

WHEREFORE, having fully answered the Complaint, Respondent, Ohio Edison Company, respectfully requests that the instant action be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,



Ebony Miller (0077063)

Attorney

FirstEnergy Service Company

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Akron, Ohio 44308

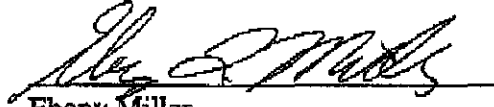
Phone: 330-384-5969

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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer and Motion to Dismiss of Ohio Edison Company was served by U.S. mail, upon Joseph E. Snell, 2561 Romig Road, Apt. 14, Akron, Ohio 44320, this 27th day of March, 2009.


Ebony Miller
Attorney