

FILE

FAX

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June 8, 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

Dear Ms. Jenkins:

**Re: *Answer of The Cleveland Electric Illuminating Company
Manny and Judi Naft v. The Cleveland Electric Illuminating Company
Case No. 09-418-EL-CSS***

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of The Cleveland Electric Illuminating Company* regarding the above-referenced case. Please file the enclosed *Answer*, 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. Miller

ELM/jhp

Enclosures

cc: Parties of Record

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BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

MANNY AND JUDINAFI)

COMPLAINANT,)

vs.)

CASE NO. 09-418-EL-CSS

THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY)

RESPONDENT.)

ANSWER OF
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

Comes now Respondent, The Cleveland Electric Illuminating Company, by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. The Cleveland Electric Illuminating Company ("CEI") 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 a three page summary letter to the Commission and two photographs, the Complainant's claim alleges that CEI provided inadequate maintenance service by charging Complainant for services performed on certain customer-owned equipment.
3. With respect to Paragraph 1, CEI admits to performing maintenance on customer-owned property located at 2632 SOM Center Road, Pepper Pike Ohio 44124 ("Property"); and charging Complainant for the costs incurred of providing such service.
4. With respect to Paragraph 2, CEI lacks knowledge or information sufficient to form a belief as to the truth of Complainant's account of alleged conversations with CEI representative, Darlene Johnson-Cargill, CEI "repair teams", CEI "repair crews", and the "dispatcher".

5. CEI admits that it made repair to a customer-owned underground service lateral which is located above ground and runs along the pole. This customer-owned underground service lateral is necessitated by, and part of, providing underground service.

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

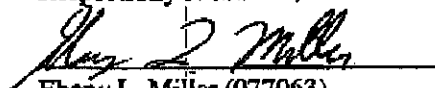
For its affirmative defenses, CEI further avers that:

7. CEI breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted. While the Commission is empowered to hear electric service complaints, it is without jurisdiction or authority to hear claims sounding in tort or claims for money or civil damages, and therefore does not have the authority to grant the relief sought by Complainant.

8. CEI has at all times acted in accordance with its Tariff, PUCO No. 13, 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.

WHEREFORE, having fully answered the Complaint, Respondent, The Cleveland Electric Illuminating 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 L. Miller (077063)

Attorney

FirstEnergy Service Corp.

76 South Main Street

Akron, Ohio 44308

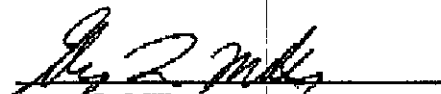
Phone: 330-384-5969

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On behalf of The Cleveland Electric Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of The Cleveland Electric Illuminating Company was served by regular U.S. Mail, postage prepaid, to Manny and Judi Naft at 2632 SOM Center Road, Pepper Pike Ohio 44124, this 8th day of June, 2008.


Ebony L. Miller
Attorney