09-800-EL-CSS

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PUCO

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September 11, 2009

Public Utilities Commission of Ohio Docketing Division 180 East Broad Street Columbus, Ohio 43215-3793

> RE: Forest Hill Supermarket, Inc., dba Konnis Family Foods v. The Cleveland Electric Illuminating Company Our File Number: 9322-17-65758-09

To Whom It May Concern:

Enclosed herein please find the following to be filed with the Public Utilities Commission of Ohio regarding the above-captioned matter:

1. Complaint on Service.

I have enclosed 11 copies for your reference. Kindly return the additional copy, time-stamped, in the self-addressed stamped envelope enclosed for your convenience.

Regards.

Very truly yours,

REMINGER CO., L.P.A.

Fred S. Papalardo

FSP/smbs Enclosure

> 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 \_\_\_\_\_\_ Date Processed SFP 1 4 2009



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09.800-EL-CSS

## IN FRONT OF PUBLIC UTILITIES COMMISSION OF OHIO

FOREST HILLS SUPERMARKET, INC., dba Konnis Family Foods

Plaintiff

-VS-

CLEVELAND ELECTRIC ILLUMINATING CO.

Defendant.

CASE NO.

JUDGE

COMPLAINT ON SERVICE

) (Jury Demand Endorsed Hereon)

Now comes Plaintiff, Forest Hills Supermarket, Inc., dba Konnis Family Foods, ("Forest Hills") by and through undersigned counsel and states the following for its Complaint against Cleveland Electric Illuminating Company:

1. Forest Hills is a corporation licensed to conduct business in the State of Ohio.

2. Forest Hills operates a supermarket business located at 13598 Euclid Avenue, Cleveland

Ohio 44112.

3. Cleveland Electric Illuminating Company is a duly licensed public utility company in the State of Ohio as defined by Ohio Revised Code §4905.02 and §4905.03.

4. Forest Hills is filing a Complaint on Service against Cleveland Electric Illuminating Company pursuant to Ohio Revised Code §4905.22 and §4905.26 under the jurisdiction of the Public Utilities Commission of Ohio ("PUCO").

5. On or about September 14, 2008, neighboring properties around Forest Hills lost power due to a storm or other unknown cause.

6. On or about September 14, 2008 Forest Hills power was unaffected by the storm or other unknown cause and Forest Hills continued to operate its business as usual.

7. On or about September 15, 2008 Cleveland Electric Illuminating Company shut off power to Forest Hills without any notice or warning to Forest Hills.

8. Cleveland Electric Illuminating Company did not restore power to Forest Hills until sometime in the evening of September 16, 2008.

9. As a direct and proximate result of Cleveland Electric Illuminating Company shutting power off to Forest Hills, Forest Hills suffered a loss to its inventory of frozen foods, produce, meats and other perishable goods in the amount of \$103,520.96.

10. Forest Hills attempted to resolve this issue with Cleveland Electric Illuminating Company by filing a claim with its claims department on or about October, 2008.

11. Upon information and belief Cleveland Electric Illuminating Company did settle claims with other utility customers resulting from the September 14, 2008 power outage, but refused to settle Forest Hills' claim.

12. Forest Hills seeks relief under the jurisdiction of the Public Utilities Commission of Ohio for its loss pursuant to Ohio Revised Code §4905.22 and §4905.26.

13. Forest Hills seeks treble damages under the jurisdiction of the Public Utilities Commission of Ohio for its loss pursuant to Ohio Revised Code §4905.61.

WHEREFORE, Forest Hills respectfully requests that the Public Utilities Commission of Ohio enter judgment against Cleveland Electric Illuminating Company in the amount of \$103,520.96 and treble damages as allowed by law.

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**Respectfully Submitted,** 

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FRED S. PAPALARDO (0083189) **REMINGER CO., L.P.A.** 1400 Midland Building 101 Prospect Avenue, West Cleveland, Ohio 44115-1093 Telephone: (216) 687-1311 Facsimile: (216) 687-1841 E-mail: <u>fpapalardo@reminger.com</u> Attorney for Forest Hills Supermarket, Inc., dba Konnis Family Foods

## JURY DEMAND

Plaintiff respectfully requests a trial by jury.

Respectfully Submitted,

FRED S. PAPALARDO (0083189) **REMINGER CO., L.P.A.** 1400 Midland Building 101 Prospect Avenue, West Cleveland, Ohio 44115-1093 Telephone: (216) 687-1311 Facsimile: (216) 687-1841 E-mail: <u>fpapalardo@reminger.com</u> Attorney for Forest Hills Supermarket, Inc., dba Konnis Family Foods

## INSTRUCTIONS FOR SERVICE

Please serve all necessary parties in accordance with the Public Utilities Commission of Ohio's standard service processes and procedures. Complaint has been filed with Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793 in accordance with Ohio Administrative Code §4901-1-02.

Respectfully Submitted,

(A)z

FRED S. PAPALARDO (0083189) **REMINGER CO., L.P.A.** 1400 Midland Building 101 Prospect Avenue, West Cleveland, Ohio 44115-1093 Telephone: (216) 687-1311 Facsimile: (216) 687-1841 E-mail: <u>fpapalardo@reminger.com</u> Attorney for Forest Hills Supermarket, Inc., dba Konnis Family Foods