

FILE

**FirstEnergy**

Ebony L. Miller  
Attorney

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76 South Main Street  
Akron, Ohio 44308  
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330-384-5969  
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October 27, 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 Toledo Edison Company  
      Charles F. Carr, v. The Toledo Edison Company  
      Case No. 09-0864-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of The Toledo Edison 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

CHARLES F. CARR	)	
	)	
	)	
COMPLAINANT,	)	
	)	
vs.	)	CASE NO. 09-864-EL-CSS
	)	
	)	
THE TOLEDO EDISON COMPANY	)	
	)	
	)	
RESPONDENT.	)	

**ANSWER OF**  
**THE TOLEDO EDISON COMPANY**

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

1. The Toledo Edison Company ("TE" or "Company") 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. On or about September 25, 2009, Complainant filed a Formal Complaint which was docketed as Case No. 09-864-EL-CSS (the "Complaint").
3. Through an administrative error on the part of TE this Complaint comes to the Company's attention on October 27, 2009. TE hereby requests that the filing of its Answer and Motion to Dismiss on October 27, 2009 be deemed timely filed.
4. The Complaint which consist of three paragraphs and two attachments requests that TE establish a new billing category specifically designed for "agricultural usage". The

Complaint also requests that the name “Harley Miller” which currently appears on Complainant’s invoice be removed.

5. With respect to Paragraph 1, TE admits that it has a residential and a non-residential rate class. TE lacks knowledge or information sufficient to form a belief as to the truth of the number of pumps Complainant has.

6. With respect to Paragraph 2, TE lacks knowledge or information sufficient to form a belief as to the truth of whether Complainant’s rate is the same as for all “factories and commercial uses”.

7. With respect to Paragraph 3, TE lacks knowledge or information sufficient to form a belief as to the truth that Harley Miller is deceased.

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

**For its affirmative defenses, TE further avers that:**

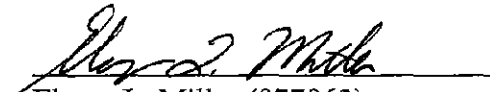
9. TE breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted.

10. TE has at all times acted in accordance with its Tariff, PUCO No. 8, 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.

11. TE will remove the name of Harley Miller from Complainant’s invoice.

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

Respectfully submitted,



A handwritten signature in cursive script, appearing to read "Ebony L. Miller", is written over a horizontal line.

Ebony L. Miller (077063)

Attorney

FirstEnergy Service Corp.

76 South Main Street

Akron, Ohio 44308

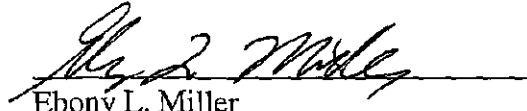
Phone: 330-384-5969

Fax: 330-384-3875

On behalf of The Toledo Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of The Toledo Edison Company was served by regular U.S. Mail, postage prepaid upon Charles F. Carr at 1388 W. Fremont Road, Port Clinton, Ohio 43452, on this 27<sup>th</sup> day of October 2009.

  
Ebony L. Miller  
Attorney