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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**ROBERT C. TARRY, SR.,**

**Complainant,**

**v.**

**OHIO EDISON COMPANY,**

**Respondent.**

**Case No. 09-1086-EL-CSS**

**PUCO**

**2009 NOV 30 PM 3:54**

**RECEIVED - DOCKETING DIV**

**ANSWER**

1. Respondent Ohio Edison Company ("Ohio Edison"), for its Answer to the Complaint of Robert C. Tarry, Sr. ("Complainant"):<sup>1</sup>

**FIRST DEFENSE**

2. Admits that Ohio Edison is a public utility, as defined by R.C. 4905.03(A)(4), and is duly organized and existing under the laws of the State of Ohio.

3. Admits that Complainant is the customer of record for 502 Middle Avenue and 258 Fifth Street in Elyria, Ohio 44035.

4. Admits that Complainant currently takes service under Ohio Edison's General Service - Secondary tariff. Ohio Edison avers that this is the appropriate tariff for those locations. Ohio Edison further avers that the bill increase described by Complainant resulted from new tariffs put into effect on January 23, 2009, pursuant to a lawful Commission order in Case No. 07-551-EL-AIR, *et al.*

<sup>1</sup> Although Complainant did not present his allegations in individually-numbered paragraphs, Ohio Edison hereby responds to those allegations in paragraph form. As noted in ¶ 8, any allegation not specifically admitted or denied herein is denied.

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5. Admits the bill amounts and monthly usage figures alleged by Complainant.  
Ohio Edison avers that the bills are lawful and consistent with its tariff and applicable law.

6. Denies that Ohio Edison has charged Complainant for "electricity that [it has] not distributed" to Complainant.

7. With respect to allegations pertaining to tenants currently occupying the premises in question, Ohio Edison states that it is without knowledge or information sufficient to form a belief as to the truth of those allegations, and therefore denies such allegations on that basis.

8. Denies generally any allegation not specifically admitted or denied herein, pursuant to O.A.C. § 4901-9-01(D).

### **SECOND DEFENSE**

9. The Complaint fails to set forth reasonable grounds for a complaint, as Complainant has not alleged that Ohio Edison has violated any statute, rule, or tariff provision.

### **THIRD DEFENSE**

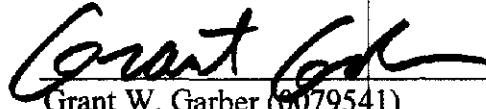
10. Ohio Edison at all times complied with Title 49, Ohio Revised Code; the rules, regulations, and orders of the Commission; and Ohio Edison's tariff.

11. Ohio Edison reserves the right to raise additional defenses as warranted by discovery in this matter.

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

DATED: November 30, 2009

Respectfully submitted,



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(Counsel of Record)

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ATTORNEYS FOR RESPONDENT  
OHIO EDISON COMPANY

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was sent by first class U.S. mail, postage prepaid, to the following person this 30th day of November, 2009:

Robert C. Tarry, Sr.  
500 Middle Avenue  
Elyria, Ohio 44035

A handwritten signature in black ink, appearing to read "Grant W. Garber", is written over a horizontal line.

Grant W. Garber  
An Attorney for Respondent