

FAX
FILE**FirstEnergy**76 South Main Street
Akron, Ohio 44308Carrie M. Dunn
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January 21, 2011

*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

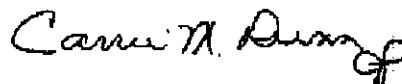
Dear Ms. Jenkins:

**Re: *Answer of Ohio Edison Company and
Response to Request Contained in December 20, 2010 Order
Case No. 08-0949-TP-CSS***

Enclosed for filing, please find the original and twelve (12) copies of the *Answer of Ohio Edison Company and Response to Request Contained in December 20, 2010 Order* regarding the above-referenced case. Please file the enclosed *Answer and Response*, 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,



Carrie M. Dunn

CMD/jhp
Enclosurescc: Parties of Record
Kerry Sheets, Attorney Examiner

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

Frank Klanac

Complainant,

vs.

CenturyTel of Ohio, Inc.

Respondent.

Case No. 08-949-TP-CSS

**ANSWER OF
OHIO EDISON COMPANY AND RESPONSE TO REQUEST CONTAINED IN
DECEMBER 20, 2010 ORDER**

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 a one paragraph, Ohio Edison will attempt to specifically answer the different allegations within the Complaint.
3. Ohio Edison is without sufficient knowledge or information to form a belief as to the truth of the allegation that "Centurytel anchor from their two down guys that are attached is drilled through [complainant's] drain tile" and therefore denies same.
4. Ohio Edison is without sufficient knowledge or information to form a belief as to the truth of the allegation that "it has been more than 2 years" and therefore denies same.
5. Ohio Edison admits that it owns the pole to which the "two down guys" referenced in the complaint are attached.

6. Ohio Edison states that the allegation "Any digging involved must be verified by Ohio Edison because Centurytel is liable for all of damages, that have already occurred and anymore that may occur if the anchor is dug" is a legal conclusion to which no response is necessary and therefore denies same.

7. Ohio Edison denies the allegation that it committed any negligence.

8. Ohio Edison denies that it is liable for any alleged damages to Complainant's property.

9. Ohio Edison denies that it owns the anchor referenced in the Complaint.

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

FOR ITS AFFIRMATIVE DEFENSES, OHIO EDISON AVERS:

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

12. 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.

13. 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.

14. Ohio Edison is not liable for any alleged damages to Complainant's property pursuant to its Tariff, PUCO No. 11, Section X(B).

15. The PUCO lacks subject matter jurisdiction over the Complaint.

16. The allegations in the Complaint pertain to third parties over which Ohio Edison has no control.

17. Ohio Edison reserves the right to assert other defenses as they become known.

RESPONSE TO REQUEST CONTAINED IN DECEMBER 20, 2010 ORDER

18. In the December 20, 2010 Order, the Attorney Examiner requested that Ohio Edison provide the Commission with the names of all entities with attachments on Ohio Edison's power pole in the backyard of Complainant's residence.

19. Upon information and belief, the pole in the backyard of the Complainant Frank Klanac's residence is Ohio Edison pole number 41DE1C-7 ("Pole"), which was placed into service in 1977. Based on a review of photographs of the Pole taken in 2006, attached hereto and incorporated herein, there is one downguy wire that belongs to Ohio Edison ("Ohio Edison Downguy"). The Ohio Edison Downguy is attached to an anchor identified in the photographs. ("Ohio Edison Anchor").

20. Also attached to the Pole are two or three other downguys. Those downguys are identified in the photographs as "Foreign Company" attachments ("Foreign Company Attachments"). Those downguys are attached to an anchor identified in the photographs as "Foreign Company" anchor ("Foreign Company Anchor"). Based on the testimony given at the August 19, 2009 hearing, as well as the allegations in the Complaint, the Ohio Edison Anchor is not the cause of the alleged damages in this case. Rather, Complainant Frank Klanac identified the Foreign Company Anchor as the problem anchor in this case.

21. Based on a diligent search of Ohio Edison records, Ohio Edison does not know the identity of the owners of the Foreign Company Attachments or Foreign Company Anchors. Although Ohio Edison no longer has the copies of the attachment proposals for the

Pole, Ohio Edison has identified two attachment proposal numbers and the entity that made those proposals. The attachment proposal numbers are: Century Tel (COH) Prop # LT81-303TC and Continental (CVE) Prop #TC81-39.

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,



Carrie M. Dunn (#0076952)

Attorney

FirstEnergy Service Company

76 South Main Street

Akron, Ohio 44308

Phone: 330-761-2352

Fax: 330-384-3875

On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer of Ohio Edison Company was served by regular U.S. Mail, postage prepaid, upon Frank Klanac, 45695 North Ridge Road, Amherst Twp., Ohio 44001 and Joseph R. Stewart, counsel for Respondent CenturyTel of Ohio, Inc., 50 W. Broad St., Ste. 3600, Columbus, Ohio 43215.



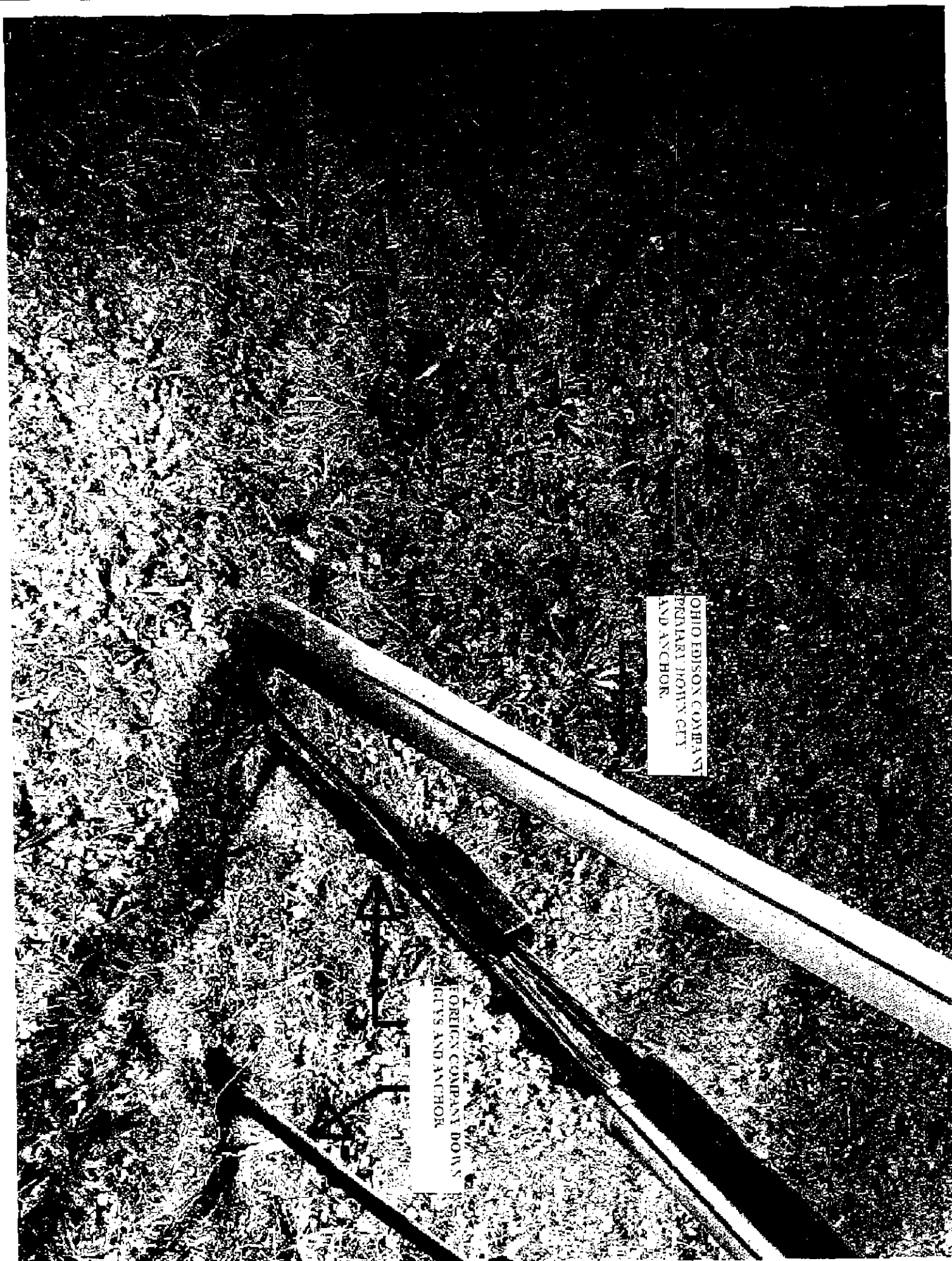
Carrie M. Dunn

Attorney

FORNIGN CO ATTACHMENTS

FORNIGN CO ATTACHMENTS





OHIO EDISON COMPANY
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AND ANCHOR

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LEYS AND ANCHOR



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