

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

ROBERT FERGUSON

Complainant,

v.

THE CLEVELAND ELECTRIC  
ILLUMINATING CO.

Respondent.

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Case No. 12-2883-EL-CSS

**ANSWER**

In accordance with Ohio Admin. Code 4901-9-01(D), the Respondent, The Cleveland Electric Illuminating Company (“CEI” or the “Company”), for its answer to the complaint of Robert Ferguson (“Complainant”) states:

**FIRST DEFENSE**

1. 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 one unnumbered page, CEI will attempt to specifically answer the different allegations within the Complaint.
3. CEI admits that Complainant requested service in his name at the premises located at 1330 West Blvd. Apt. 105, Cleveland, Ohio 44102 on November 15, 2007. CEI established service in Complainant’s name on or around that same time. On or around October 15, 2008, CEI disconnected Complainant’s service for non-payment. CEI denies the remaining allegations in paragraph one of the Complaint.
4. CEI denies the allegations in paragraph two of the Complaint.

5. CEI admits that Complainant was advised that tampering was discovered on the meter that serves the premises and that Complainant would be responsible for any unbilled usage at the premises. CEI denies the remaining allegations contained in paragraph three of the Complaint.

6. CEI denies the allegations contained in paragraph four of the Complaint. Further answering, CEI states that Complainant is responsible for any unbilled usage at the premises.

7. CEI denies the remaining allegations contained in Complainant's Complaint including those allegations that CEI lacks knowledge or information sufficient to form as to the truth of those allegations and therefore denies same.

8. CEI denies generally any allegations not specifically admitted or denied in this Answer, in accordance with Ohio Admin. Code 4901-9-01(D).

### **AFFIRMATIVE DEFENSES**

#### **SECOND DEFENSE**

9. The Complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Admin. Code 4901-9-01(B). The allegations are not in numbered-paragraph, but narrative, form; many of the allegations and statements in the complaint are compound; and many of the allegations omit numerous details necessary to answer them, such as dates and specifications of which account or service address the allegation pertains to. CEI has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answers in the event it has incorrectly understood the allegations.

#### **THIRD DEFENSE**

10. The Complaint fails to set forth reasonable grounds for complaint, as required by R.C. 4905.26.

#### **FOURTH DEFENSE**

11. The Complaint fails to state a claim upon which relief can be granted.

#### **FIFTH DEFENSE**

12. CEI at all times complied with Ohio Revised Code Title 49; the applicable rules, regulations, and order of the Public Utilities Commission of Ohio; and Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

#### **SIXTH DEFENSE**

13. CEI reserves the right to raise other defenses as warranted by discovery in this matter.

WHEREFORE, CEI respectfully requests an Order dismissing the complaint and granting CEI all other necessary and proper relief.

Respectfully submitted,

/s/ Carrie M. Dunn  
Carrie M. Dunn (#0076952)  
Counsel of Record  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
Phone: 330-761-2352  
Fax: 330-384-3875

On behalf of The Cleveland Electric  
Illuminating Company

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer was served by U.S. mail to the following person on this 20th day of November, 2012:

Robert Ferguson  
1330 West Blvd. #105  
Cleveland, Ohio 44102

/s/ Carrie M. Dunn  
Attorney for The Cleveland Electric  
Illuminating Company

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 12-2883-EL-CSS**

Summary: Answer electronically filed by Ms. Carrie M Dunn on behalf of The Cleveland Electric Illuminating Company