

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Jerry Jerome Dobish,)	Case No.: 13-1457-EL-CSS
)	
Complainant,)	
)	
vs.)	<u>ANSWER OF THE CLEVELAND</u>
)	<u>ELECTRIC ILLUMINATING</u>
The Cleveland Electric Illuminating Company,)	<u>COMPANY</u>
)	
Respondent.)	
)	Denise M. Hasbrook (0004798)
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)	and
)	
)	Carrie M. Dunn (0076952)
)	Counsel of Record
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)	Akron, Ohio 44308
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)	
)	<i>Attorneys for Respondent,</i>
)	<i>The Cleveland Electric Illuminating</i>
)	<i>Company</i>

Respondent, The Cleveland Electric Illuminating Company (incorrectly referred to as “The Illuminating Company” in the Complaint), for its Answer to the Complaint of Jerry Jerome Dobish states as follows:

1. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence indicating that Plaintiff left his home on May 24, 2013 to go to a doctor's appointment at 1:30 p.m. and, therefore, denies the same. The Respondent admits that a trouble crew was dispatched to this location on May 24, 2013 at 5:24 p.m. due to a reported power outage and that there was no power to the home at approximately 5:15 p.m. on May 24, 2013 as alleged.

2. Respondent admits that Complainant called the Respondent and was told that there was a power outage as alleged in the second sentence of the Complaint.

3. Respondent denies for want of knowledge the allegations in the third sentence of the Complaint that various damage occurred to Complainant's property.

4. Respondent denies for want of knowledge the allegations contained in fourth sentence of the Complaint that there was various damage to property owned by Complainant's roommate.

5. Respondent denies the allegations in the fifth sentence of the Complaint for want of knowledge as to what Complainant was told. Respondent admits that an equipment failure was identified.

6. Respondent denies for want of knowledge the allegations in the sixth sentence of the Complaint as to what Complainant was told.

7. Respondent generally denies any allegation not specifically admitted or denied herein pursuant to 4901-9-01(D) of the Ohio Administrative Code.

FIRST DEFENSE

8. Complainant fails to state reasonable grounds for the Complaint.

SECOND DEFENSE

9. Complainant is not the real party in interest for damages claimed to property that is leased or that is owned by Complainant's roommate.

THIRD DEFENSE

10. Complainant's damages, if any, were proximately caused by the negligent act of other third parties who are beyond the jurisdiction of this forum and who are not parties to this litigation.

FOURTH DEFENSE

11. Respondent at all times acted in accordance with its tariffs 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 electric utility industry.

FIFTH DEFENSE

12. Complainant fails to state reasonable grounds for a complaint as he has not alleged that Respondent has violated any statute, rule, or tariff provision.

SIXTH DEFENSE

13. Complainant failed to mitigate his damages.

SEVENTH DEFENSE

14. That matter is not within the subject matter jurisdiction of the Public Utilities Commission of Ohio.

EIGHTH DEFENSE

15. Respondent reserves the right to raise additional defenses as warranted by discovery in this matter.

WHEREFORE, Respondent, The Cleveland Electric Illuminating Company respectfully requests an order dismissing the Complaint and granting it all necessary and proper relief.

Respectfully submitted,

/s/ Emily Ciecka Wilcheck

Denise M. Hasbrook (0004798)

Emily Ciecka Wilcheck (0077895)

Carrie M. Dunn (0076952)

Attorneys for Respondent,

*The Cleveland Electric Illuminating
Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ordinary U.S. Mail this 11th day of July, 2013, to the following:

Jerry Jerome Dobish
772 East 154th Street
Cleveland, OH 44110

Respectfully submitted,

/s/ Emily Ciecka Wilcheck
Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (0076952)

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Case No(s). 13-1457-EL-CSS

Summary: Answer of THe Cleveland Electrict Illuminating Company electronically filed by Mrs. Emily C. Wilcheck on behalf of The Cleveland Electric Illuminating Company