

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

GWENDOLYN TANDY,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. 14-1241-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY'S  
MOTION TO DISMISS AND MEMORANDUM IN SUPPORT**

In accordance with Ohio Adm. Code 4901-1-12, The Cleveland Electric Illuminating Company (CEI or the Company) respectfully requests that the Commission dismiss the complaint in this case with prejudice. The complaint's allegations do not state reasonable grounds for a complaint against CEI but pertain solely to other entities. A memorandum in support is attached.

Dated: August 4, 2014

Respectfully submitted,

/s/ Andrew J. Campbell  
Mark A. Whitt (0067996)  
*Counsel of Record*  
Andrew J. Campbell (0081485)  
Gregory L. Williams (0088758)  
WHITT STURTEVANT LLP  
The KeyBank Building, Suite 1590  
88 East Broad Street  
Columbus, Ohio 43215  
Telephone: (614) 224-3911  
Facsimile: (614) 224-3960  
whitt@whitt-sturtevant.com  
campbell@whitt-sturtevant.com  
williams@whitt-sturtevant.com

Carrie M. Dunn (0076952)  
FirstEnergy Service Company  
76 South Main Street  
Akron, Ohio 44308  
Telephone: (330) 761-2352  
Facsimile: (330) 384-3875  
cdunn@firstenergycorp.com

(All counsel willing to accept service by email.)

ATTORNEYS FOR THE CLEVELAND  
ELECTRIC ILLUMINATING COMPANY

## MEMORANDUM IN SUPPORT

Over the last several years, Gwendolyn Tandy has filed a number of documents purporting to be complaints against CEI. *See, e.g.*, Case Nos. 14-0686-EL-CSS & 12-2102-EL-CSS. Like all the others filed so far, this complaint wholly lacks merit.

The problem with this complaint is that it pertains solely to the actions of entities other than the respondent, CEI. Her complaint alleges two issues: first, that “[i]t took nine months for FirstEnergy Solution[s] Corp. to cancel” her participation in the Euclid governmental aggregation program; and second, that this governmental aggregation program “wasn’t a benefit for me.” (Complaint at 1.) Whatever else may be said about these allegations, they do not pertain to any action of CEI’s. CEI is not the entity that received or processed any cancellation request, and CEI is not the entity that created or administers the Euclid governmental aggregation program. None of the allegations addresses CEI’s role in providing her service in any way.

The Commission properly dismisses complaints that fail to allege unreasonable conduct by the respondent, but that attempt to hold the respondent responsible for the conduct of other entities. For example, in *Buckeye Energy Brokers v. Cleveland Elec. Illum. Co.*, an energy broker filed a complaint alleging that CEI and Ohio Edison were providing power at discounted rates. Case No. 06-836-EL-CSS, 2007 Ohio PUCO LEXIS 117 (Feb. 7, 2007). The EDUs moved to dismiss, explaining that “FES, a competitive retail electric service . . . provider, is providing the discount alleged in [the] complaint.” *Id.* at \*3. The Commission agreed. The challenged “discount is provided by FES, a CRES provider”—not the respondent utilities—and thus the complainant “failed to state a claim upon which relief may be granted.” *Id.* at \*6. *See also Cincinnati Gas & Elec. Co. v. Licking Rural Electrification, Inc.*, Case No. 01-17-GA-CSS, 2002 Ohio PUC LEXIS 35, at \*2–3 & \*6 (Jan. 10, 2002) (dismissing complaint where “one of

[respondent's] subsidiaries” was the entity providing service and thus respondent was not “the entity that actually provided [the challenged] services during the time in question”).

The same outcome should hold here. The complaint solely concerns the activities of non-respondent entities, and does not even purport to allege unreasonable service on the part of CEI. It fails to state reasonable grounds and therefore must be dismissed.

Dated: August 4, 2014

Respectfully submitted,

/s/ Andrew J. Campbell

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Telephone: (330) 761-2352

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ELECTRIC ILLUMINATING COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss was served by U.S. mail  
this 4th day of August 2014 to the following:

Gwendolyn Tandy  
1439 Sulzer Ave.  
Euclid, Ohio 44132

/s/ Gregory L. Williams  
One of the Attorneys for The Cleveland  
Electric Illuminating Company

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

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Summary: Motion to Dismiss and Memorandum in Support electronically filed by Mr. Gregory L. Williams on behalf of The Cleveland Electric Illuminating Co.