

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DONELL BARKER

Complainant,

v.

THE TOLEDO EDISON COMPANY,

Respondent.

Case No. 16-1225-EL-CSS

ANSWER OF THE TOLEDO EDISON COMPANY

In accordance with Rule 4901-09-1(D), Ohio Administrative Code, Respondent The Toledo Edison Company (“Toledo Edison”) for its answer to the Complaint of Donell Barker (“Complainant”) states:

FIRST DEFENSE

1. Toledo Edison is a public utility, as defined by Section 4905.03(A)(4) of the Revised Code, and is duly organized and existing under the laws of the State of Ohio.
2. Complainant’s complaint consists of two unnumbered pages, the first a “Formal Complaint Form” and the second a letter addressed “Dear, PUCO members”. Toledo Edison will attempt to specifically answer each allegation in the Complaint. To the extent Toledo Edison does not respond to a specific allegation, Toledo Edison denies such allegation.
3. As to the allegations contained on the first unnumbered page, Toledo Edison denies all allegations.
4. As to the allegations contained on the second unnumbered page, Toledo Edison denies that an “excessive amount” of usage was charged to Complainant’s account after a meter was replaced on the Complainant’s residence on November 10, 2015. Toledo Edison also denies

that Complainant had a “total balance” of \$800.00 at the end of 2015. Complainant’s last reported balance of the year 2015 was \$1545.37. Toledo Edison admits that the Complainant’s billed usage on December 29, 2015, and January 27, 2016, was 6885 kWh and 6627 kWh, respectively. Toledo Edison denies any “practice of targeting EEP customers with declining balances and selecting them for unwarranted meter changes.” Complainant’s meter, originally installed on February 14, 1969, was replaced pursuant to the “2016 Statistical Testing Meter Exchange” program.

5. To the extent not specifically addressed above, Toledo Edison denies the remaining allegations in the Complaint.

AFFIRMATIVE DEFENSES

In addition to the above responses, Toledo Edison further asserts the following affirmative defenses:

SECOND DEFENSE

6. The Complaint fails to set forth reasonable grounds for complaint, as required by Section 4905.26 of the Revised Code.

THIRD DEFENSE

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

FOURTH DEFENSE

8. Toledo Edison at all times complies with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and Tariff, PUCO No. 8, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant’s claims.

FIFTH DEFENSE

9. Toledo Edison reserves the right to assert further defenses as warranted by discovery in this matter.

WHEREFORE, Toledo Edison respectfully requests an Order dismissing this Complaint and granting Toledo Edison 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

cdunn@firstenergycorp.com

Phone: 330-761-2352

Fax: 330-384-3875

On behalf of The Toledo Edison
Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Answer of The Toledo Edison Company has been served by U.S. Mail on the following individual this 21st day of June, 2016.

Donell Barker
409 Melrose Avenue
Toledo, Ohio 43610

/s/ Carrie M. Dunn

Attorney for The Toledo Edison
Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/21/2016 10:33:32 AM

in

Case No(s). 16-1225-EL-CSS

Summary: Answer Answer of The Toledo Edison Company electronically filed by Mr. Joshua R. Eckert on behalf of The Toledo Edison Company