

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

DONNA KALNICKI,)	
)	
Complainant,)	
)	
v.)	Case No. 17-0215-GE-CSS
)	
DIRECT ENERGY SERVICES, LLC)	
)	
Respondent.)	
)	

ANSWER

In accordance with Ohio Adm. Code 4901-9-01(D), Respondent Direct Energy Services, LLC, named in the complaint as “Direct Energy,” for its answer to the complaint of Donna Kalnicki:

FIRST DEFENSE

1. Admits that a solicitor contacted complainant on December 23, 2016.
2. Denies that the solicitor was authorized to represent Direct Energy Services LLC (Direct Energy) in Parma, Ohio.
3. Denies for lack of knowledge the specifics of any conversation between the solicitor and complainant.
4. Admits that during a third-party verification call, the operator confirmed that complainant did not wish to enroll with Direct Energy.
5. Admits that complainant was not enrolled with Direct Energy.
6. Denies for lack of knowledge the specifics of any conversations between complainant and representatives of the city of Parma.

7. Direct Energy is without sufficient knowledge or information to admit or deny the remaining allegations in the complaint, and generally denies any allegations not specifically admitted in this Answer in accordance with Ohio Adm. Code 4901-9-01(D).

SECOND DEFENSE

8. The complaint does not comply with the Commission's rules requiring "a statement which clearly explains the facts." Ohio Adm. 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. Direct Energy, has attempted, to the best of its ability, to answer the allegations, but reserves the right to amend its answer in the event it has incorrectly understood the allegations.

THIRD DEFENSE

9. Direct Energy was not afforded the opportunity to resolve this dispute informally before it was elevated to a formal complaint, as outlined in Ohio Adm. Code 4901-19-01(A).

FOURTH DEFENSE

10. The complaint does not set forth a claim for which relief may be granted.

FIFTH DEFENSE

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

SIXTH DEFENSE

12. Direct Energy at all times complied with the Ohio Revised Code Title 49 and the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio. These statutes, rules, regulations, and orders bar complainants' claims.

SEVENTH DEFENSE

13. Complainant lacks standing to assert claims on behalf of third parties or to otherwise sue in a representative capacity.

EIGHT DEFENSE

14. Direct Energy reserves the right to raise other defenses as warranted by discovery in this matter.

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

Dated: February 13, 2017

Respectfully submitted,

/s/ Rebekah J. Glover

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(All counsel are willing to accept service by email)

ATTORNEYS FOR DIRECT ENERGY
SERVICES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served by mail to the following person this 13th day of February, 2017:

Donna Kalnicki
3839 Clearwater Dr.
Parma, Ohio 44134

/s/ Mark A. Whitt
One of the Attorneys for Direct Energy
Services, LLC

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in

Case No(s). 17-0215-GE-CSS

Summary: Answer electronically filed by MARK A WHITT on behalf of Direct Energy Services LLC