

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>GARY W. STEWART,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	<b>Case No. 18-0394-EL-CSS</b>
<b>v.</b>	)	
	)	
<b>OHIO EDISON COMPANY,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**ANSWER OF OHIO EDISON COMPANY**

Ohio Edison Company (“Ohio Edison” or “Company”) is a public utility company as defined by §4905.03(C) of the Ohio Revised Code, and is duly organized and existing under the laws of the State of Ohio. The Complaint of Gary W. Stewart (“Complainant”) consists of two unnumbered pages, each containing unnumbered paragraphs, and several attachments. Ohio Edison will attempt to answer each allegation. For ease of reference, Ohio Edison has attempted to provide each of Complainant’s specific allegations in *italics* prior to providing the Company’s response. To the extent Ohio Edison does not respond to a specific allegation, Ohio Edison denies any such allegation.

Therefore, in accordance with Rule 4901-9-01(D) of the Ohio Administrative Code, Respondent Ohio Edison for its answer to the Complaint states:

**FIRST DEFENSE**

1.     *My name is Gary W. Stewart*  
  
          *My address is 2821 Greenville Ln.*  
              *Fairlawn, Oh 44333*  
  
          *My phone is 330-966-4800*  
  
          *Account Number is 110 129 025 513*

*Service Address is 115 W. Main St. Apt. #2  
Alliance, Ohio 44601*

*Note; I am a customer of Ohio Edison with many accounts.*

*Ohio Edison is the utility company that I have a complaint with.*

Ohio Edison admits that Complainant is an Ohio Edison customer with Account Number 110129025513, which is associated with 115 W. Main St. Apt. #2, Alliance, Ohio 44601 (the "Property"). Ohio Edison further admits that Complainant has other accounts with the Company. Ohio Edison lacks knowledge or information sufficient to form a belief as to the remainder of this allegation and therefore denies same.

2. *Note: I am the Landlord/Owner of this building.*

Ohio Edison lacks knowledge or information sufficient to form a belief as to the truth of this allegation and therefore denies same.

3. *On January 26, 20118, I called Ohio Edison Company to have electric service turned on at 115 W. Main St, Apt 2, Alliance, OH 44601.*

Ohio Edison denies this allegation. By way of further response, Ohio Edison avers that Complainant contacted Ohio Edison on January 24, 2018, to have service connected at the Property.

4. *I was told I could not have the electric service in Apt #2 until I paid a balance owed. What balance? I was told from January 6, 2018 to January 26, 20018. I stated that I never had service in this unit. I was told that there was a lot of usage and that I had to pay it before the electric service could be turned on.*

Ohio Edison admits Complainant was informed that he would be responsible for the registered usage on a vacant account at the Property. By way of further response, Ohio Edison avers that Complainant was aware that the electric baseboard heaters remained on at the Property

from January 6 to January 22, despite the previous tenant terminating service after being evicted by Complainant.

5. *The last tenant was told by an Ohio Edison representative (he told me this) to turn the breakers off. They did not. Ohio Edison took 3 weeks to turn the electric service off. Other properties that I own, the electric is turned off within 2-3 days after the tenant moves out.*

Ohio Edison admits that the previous tenant at the Property closed his account on January 5, 2018, and that the Company disconnected electric service to the Property on January 22, 2018. By way of further response, Ohio Edison avers that Complainant had the service reconnected on January 25, 2018, and continued to receive service in his name until February 4, 2018. Ohio Edison lacks knowledge or information sufficient to form a belief as to the truth of the remainder of this allegation and therefore denies same.

6. *Now, because the last tenant did not turn the breaker off as requested and Ohio Edison did not turn the electric off for 3 weeks, that I am to pay the \$420.24 bill because everyone made mistakes.*

Ohio Edison admits that Complainant was initially billed for electric service from January 6, 2018, through February 4, 2018, in the amount of \$420.24. By way of further response, Ohio Edison avers that Complainant's bill was adjusted to \$373.28 after the Company was subsequently able to obtain a reading of the meter at the Property. Ohio Edison denies that it made a "mistake" by leaving service on at the Property from January 6 through January 22. Ohio Edison lacks knowledge or information sufficient to form a belief as to the remainder of this allegation and therefore denies same.

7. *The service was not in my name during this time and I shouldn't be charged for electric service.*

Ohio Edison admits that service was not in Complainant's name from January 5 through January 22 and further avers that service was in no individual's name at the Property during that time-period. Ohio Edison avers that the remainder of the referenced portion of the Complaint contains no factual allegations to which a response is required. To the extent a response is required, Ohio Edison denies any allegations.

8. *Finally, I called the Ohio Public Utilities Commission office and explained the situation. The electric was finally turned on at that time in my name, but, I was still billed for the \$420.24.*

Ohio Edison admits electric was turned on in Complainant's name at the Property on January 25, 2018. Ohio Edison further admits that Complainant was initially billed \$420.24 for electric service at the Property from January 6, 2018, through February 4, 2018 – which was subsequently adjusted to \$373.28. Ohio Edison lacks knowledge or information sufficient to form a belief as to the truth of the remainder of this allegation and therefore denies same.

9. *I would like the Commission to remove any and all charges for electric service from January 6 – 26, 2018 from me.*

Ohio Edison avers that the referenced portion of the Complaint is a request for relief to which no response is required. To the extent a response is required, Ohio Edison denies Complainant is entitled to any such relief.

10. Ohio Edison avers that the attachments to the Complaint speak for themselves and therefore no response is required.

11. Ohio Edison denies any remaining allegations in the Complaint.

**AFFIRMATIVE DEFENSES**

In addition to the above, Ohio Edison offers the following affirmative defenses in response to the Complaint:

**SECOND DEFENSE**

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

**THIRD DEFENSE**

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

**FOURTH DEFENSE**

14. Ohio Edison at all times complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and Tariff PUCO No. 11, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

**FIFTH DEFENSE**

15. Ohio Edison reserves the right to supplement its answer with other defenses, including affirmative defenses, as discovery progresses in this matter.

WHEREFORE, Ohio Edison respectfully requests an order dismissing the Complaint and granting Ohio Edison any other relief deemed necessary and proper.

Respectfully submitted,

/s/ Joshua R. Eckert

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*Attorneys for Ohio Edison Company*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer of Ohio Edison Company was served upon the following by U.S. mail on this 26th day of March 2018.

Gary W. Stewart  
2821 Greenville Lane  
Fairlawn, Ohio 44333

/s/ Joshua R. Eckert  
An Attorney for Ohio Edison  
Company

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

**Commission of Ohio Docketing Information System on**

**3/26/2018 3:18:44 PM**

**in**

**Case No(s). 18-0394-EL-CSS**

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