

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

DAVID N. RANDALL,

Complainant,

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

Respondent.

Case No. 18-1851-EL-CSS

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

The Cleveland Electric Illuminating Company (“CEI” or the “Company”) is a public utility, 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 David N. Randall (“Complainant”) consists of five numbered pages containing unnumbered paragraphs. To assist with review of the Complaint and this answer, CEI has restated the various allegations in the Complaint below. CEI will attempt to answer each allegation. To the extent CEI does not respond to a specific allegation, CEI denies any such allegation.

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

FIRST DEFENSE

1. Complainant alleges that:

My complaint is the total loss and damage to my home by the power surge which took place on September the 26th 2018.

Response:

CEI admits that Complainant is a customer of the Company receiving residential electric service at 1600 East 27th Street RR, Cleveland, Ohio 44114 (the "Property"). CEI further admits that electric service to the Property was temporarily interrupted on or about September 26, 2018 due to a sudden and unexpected equipment failure. CEI lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Complainant's allegation No. 1 and, therefore, denies same.

2. Complainant alleges that:

I awoke at 6:30 AM on the morning of September 26, 2018 to find my home completely dark, no power what so ever.

Response:

CEI admits that electric service to the Property was temporarily interrupted on or about September 26, 2018 due to a sudden and unexpected equipment failure. CEI lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Complainant's allegation No. 2 and, therefore, denies same.

3. Complainant alleges that:

As I walked thru my darkened home I smelled the odor of something which was burning or had burned.

Response:

CEI lacks knowledge or information sufficient to form a belief as to the truth of Complainant's allegation No. 3 and, therefore, denies same.

4. Complainant alleges that:

Once I located a flashlight, I proceeded to my basement to check the main circuit/fuse box. The main switch had tripped to the OFF position so I switched in back on. I had only (2) bulbs which came on and they were flickering and glowing very dimly. As I went thru my home I saw that my

microwave clock was out, the clock on my VCR DVD player was out. I then proceeded to check out my other rooms thru out my home and came across my 55" flat screen in my living room, my 65" flat screen in my family room and my 36" big screen tube TV with built in DVD player and VCR tape player all smoldering. I instantly disconnected them and thru them out the front door. Upon further inspection of my home and appliances, I discovered (2) table lamps, my microwave, (3) power surge strips, my refrigerator and stove all completely destroyed and damaged.

Response:

CEI lacks knowledge or information sufficient to form a belief as to the truth of Complainant's allegation No. 4 and, therefore, denies same.

5. Complainant alleges that:

I called the emergency telephone number 1-888-544-4877 to report the outage and the damage to my appliances. I was given a number to the Claims Dept. and also a confirmation for my call that morning. The confirmation number is 748941605. I then was given the Claims Dept. telephone number and I contacted them. I was given this claim number 748939038.

Response:

CEI admits that Complainant reported an outage at the Property on or about September 26, 2018. By way of further response, CEI avers that the Company responded to Complainant's outage report that same day and made the necessary repairs to restore electric service to the Property. CEI further admits that Complainant spoke with the Company's Claims Department on or about September 26, 2018. CEI lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Complainant's allegation No. 5 and, therefore, denies same.

6. Complainant alleges that:

I would like the Cleveland Illuminating Company to replace all my damaged items to include over \$400 of food lost due to the power being out.

Response:

Complainant's allegation No. 6 is a request for relief to which no response is required. To the extent a response is required, CEI denies that Complainant is entitled to the requested relief.

7. Complainant alleges that:

I was told by the electrician who finally came out on the 18th of October at about 2:00PM, that the power surge was caused by "antiquated wiring from the unserviceable utility pole in my back yard running down to my meter. He told me that the pole and wiring was over 70 years old and should have been replaced years ago. He finally finished up at about 9:30PM that evening.

Response:

CEI admits that a Company employee visited the Property on or about October 18, 2018 in response to another report by Complainant that he was without power. CEI admits that this visit concluded at approximately 9:30 in the evening and that tree trimming and repairs were performed to restore power to the Property. CEI lacks knowledge or information sufficient to form a belief as to the truth of the remainder of Complainant's allegation No. 7 and, therefore, denies same.

8. Complainant alleges that:

I also had to replace 16 LED light bulbs which were also destroyed during the power surge.

Response:

CEI lacks knowledge or information sufficient to form a belief as to the truth of Complainant's allegation No. 8 and, therefore, denies same.

AFFIRMATIVE DEFENSES

In addition to the above responses, CEI asserts the following affirmative defenses in response to the Complaint:

SECOND DEFENSE

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

THIRD DEFENSE

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

FOURTH DEFENSE

11. CEI 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. 13, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

FIFTH DEFENSE

12. CEI reserves the right to supplement or amend its answer with other defenses, including affirmative defenses, as discovery progresses in this matter.

WHEREFORE, CEI requests an order dismissing the Complaint and granting the Company any other relief deemed necessary and proper.

Respectfully submitted,

/s/ Joshua R. Eckert

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer of Ohio Edison Company was sent by regular U.S. mail to the following on this 7th of January 2019.

David Randall
1600 E. 27th Street RR
Cleveland, Ohio 44114

/s/ Joshua R. Eckert
An Attorney for The Cleveland
Electric Illuminating Company

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Summary: Answer of The Cleveland Electric Illuminating Company electronically filed by Mr. Joshua R. Eckert on behalf of The Cleveland Electric Illuminating Company