

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

|  |   |                        |
|--|---|------------------------|
| In the Matter of the Complaint of Double | ) |                        |
| K Kirby Farms,                           | ) |                        |
|  | ) |                        |
| Complainant                              | ) | Case No. 18-691-EL-CSS |
|  | ) |                        |
| v.                                       | ) |                        |
|  | ) |                        |
| Ohio Edison Company                      | ) |                        |
|  | ) |                        |
| Respondent                               | ) |                        |

**ANSWER OF OHIO EDISON COMPANY TO AMENDED COMPLAINT**

Respondent Ohio Edison Company (“Ohio Edison”) is a public utility company, as defined by R.C. §4905.03(C) and is duly organized and existing under the laws of the State of Ohio. In accordance with Rule 4901-9-01(D) of the Ohio Administrative Code, Ohio Edison, for its Answer to the Amended Complaint, states as follows:

**FIRST DEFENSE**

**ANSWER TO PARTIES AND VENUE**

1. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 1 of the Amended Complaint, and therefore denies the same.
2. Ohio Edison admits that it is a public utility company as defined by R.C. §4905.03(C).

**ANSWER TO RELEVANT FACTS**

3. In response to paragraph 3 of the Amended Complaint, Ohio Edison incorporates its responses to all forgoing paragraphs as if fully set forth herein.
4. Ohio Edison admits the allegations in paragraph 4 of the Amended Complaint.

5. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 5 of the Amended Complaint, and therefore denies the same.

6. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 6 of the Amended Complaint, and therefore denies the same.

7. In response to paragraph 7 of the Amended Complaint, Ohio Edison states that it tested for elevated Neutral to Earth Voltage (“NEV”) at Complainant’s premises in the fall of 2017. Responding further, Ohio Edison lacks sufficient knowledge or information to respond to any remaining allegations contained in paragraph 7 of the Amended Complaint, and therefore denies the same.

8. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 8 of the Amended Complaint, and therefore denies the same. Responding further, Ohio Edison admits that Exhibit A is attached to the Amended Complaint but denies any allegations contained therein.

9. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 9 of the Amended Complaint, and therefore denies the same.

10. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 10 of the Amended Complaint, and therefore denies the same.

11. Ohio Edison denies that it caused stray electric voltage. Responding further, Ohio Edison lacks sufficient knowledge or information to respond to the remaining allegations contained in paragraph 11 of the Amended Complaint, and therefore denies the same. Responding further, Ohio Edison admits that Exhibit B is attached to the Amended Complaint but denies any allegations contained therein.

12. To the extent that paragraph 12 of the Amended Complaint alleges that Ohio Edison caused stray electric voltage, Ohio Edison denies the allegation. Responding further, Ohio Edison lacks sufficient knowledge or information to respond to the remaining allegations contained in paragraph 12 of the Amended Complaint, and therefore denies the same.

13. To the extent that paragraph 13 of the Amended Complaint alleges that Ohio Edison caused stray electric voltage, Ohio Edison denies the allegation. Responding further, Ohio Edison lacks sufficient knowledge or information to respond to the remaining allegations contained in paragraph 13 of the Amended Complaint, and therefore denies the same.

14. To the extent that paragraph 14 of the Amended Complaint alleges that Ohio Edison caused stray electric voltage, Ohio Edison denies the allegation. Responding further, Ohio Edison lacks sufficient knowledge or information regarding the allegation that Complainant used its own generator as a power source to enable milking, and therefore denies the same. Responding further, Ohio Edison admits that Complainant contacted it regarding NEV, and Ohio Edison states that it tested for elevated NEV in October 2017 and did not find elevated NEV. Ohio Edison states that it tested for elevated NEV in November 2017 and upon finding indication of elevated NEV at that time, Ohio Edison did install a neutral isolator. Ohio Edison denies any remaining allegations in paragraph 14 of the Amended Complaint.

15. Ohio Edison lacks sufficient knowledge or information to respond to the allegations contained in paragraph 15 of the Amended Complaint, and therefore denies the same.

16. Paragraph 16 of the Amended Complaint contains legal conclusions to which no response is required. To the extent a response may be deemed necessary, Ohio Edison denies that it failed to comply with any applicable statutes, rules, orders, and/or tariff provisions.

17. Paragraph 17 of the Amended Complaint contains legal conclusions to which no response is required. To the extent a response may be deemed necessary, Ohio Edison denies that it failed to comply with any applicable statutes, rules, orders, and/or tariff provisions and denies that Complainant is entitled to any relief requested.

#### **SECOND DEFENSE**

18. The Amended Complaint fails to set forth reasonable grounds for Complaint as required by RC. § 4905.26.

#### **THIRD DEFENSE**

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

#### **FOURTH DEFENSE**

20. At all times, Ohio Edison 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**

21. Ohio Edison denies all allegations of the Amended Complaint that are not otherwise admitted herein.

#### **SIXTH DEFENSE**

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

WHEREFORE, Ohio Edison Company respectfully requests an Order dismissing the Complaint and granting Ohio Edison Company all other and further relief deemed necessary and proper.

Respectfully submitted,

/s/Christine E. Watchorn

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*Attorneys for Ohio Edison Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing Answer of Ohio Edison Company to Amended Complaint was served upon the following by e-mail on this 9<sup>th</sup> day of September 2020:

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/s/Christine E. Watchorn  
Christine E. Watchorn  
*One of the Attorneys for Ohio Edison Company*

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

**Commission of Ohio Docketing Information System on**

**9/9/2020 10:44:23 AM**

**in**

**Case No(s). 18-0691-EL-CSS**

Summary: Answer to Amended Complaint electronically filed by Ms. Christine E. Watchorn on behalf of Ohio Edison Company