

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Raymond A. Collins)	
)	
Complainant)	Case No. 21-0473-EL-CSS
)	
v.)	
)	
The Toledo Edison Company)	
)	
Respondent)	
)	

ANSWER OF THE TOLEDO EDISON COMPANY

The Toledo Edison Company (“Toledo Edison” or the “Company”) 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. The Complaint of Raymond A. Collins (“Complainant”) consists of a cover page containing two handwritten, unnumbered paragraphs of various allegations and assertions, and multiple pages of attachments. The pages of attachments contain what appears to be billing statements with handwritten notes placed throughout, however, the handwriting is faint and is difficult to read or cannot be read. 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 any such allegation.

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

FIRST DEFENSE

1. In response to the cover page of the Complaint, Toledo Edison admits that Complainant is its customer and that he receives electric service at the service address and pursuant to the account number shown on the cover page.

2. In response to the first handwritten paragraph on the cover page, Toledo Edison admits that a new digital smart meter was installed at the South Reynolds Rd. property on February 4, 2021. In response to Complainant's assertion regarding his usage history, Toledo Edison denies Complainant's characterization of his "normal" usage, but, responding further, states that its records regarding Complainant's usage are accurate and speak for themselves. Answering further, Toledo Edison states that the smart meter installed at Complainant's property was tested prior to installation and tested at 100% accurate and Complainant has been billed correctly. In response to Complainant's questions, the questions appear to be hypothetical, and therefore do not require a response. To the extent any further allegations are intended in the first handwritten paragraph, Toledo Edison is without knowledge or information sufficient to form a belief as to the truth of the allegation(s), or Complainant's knowledge, thoughts, or alleged intentions and therefore denies them.

3. In response to the second handwritten paragraph on the cover page of the Complaint, Toledo Edison is without knowledge or information sufficient to form a belief as to the truth of any allegations regarding Complainant's knowledge, thoughts, mental impressions, habits, or alleged intentions and therefore denies them. Answering further, Toledo Edison states that both Complainant's previous meter and his current smart meter allow for Complainant to visually confirm that the meter is recording the flow of electricity. The rest of the second handwritten paragraph is not relevant and/or contains only legal conclusions to which no response is required. To the extent a response may be deemed necessary, Toledo Edison denies any allegations contained in the second paragraph of the cover page of the Complaint.

4. In response to the multiple pages of attachments, Toledo Edison states that they appear to be Complainant's billing statements and such documents speak for themselves. Toledo Edison denies any and all allegations contained in the handwritten notes on the documents.

SECOND DEFENSE

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

THIRD DEFENSE

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

FOURTH DEFENSE

7. The Commission may lack jurisdiction to award the relief Complainant seeks.

FIFTH DEFENSE

8. Complainant's claims are or may be barred by the doctrines of release, waiver, and/or estoppel.

SIXTH DEFENSE

9. The Commission lacks jurisdiction over improperly named Respondent "Ohio Edison Toledo Edison And Or First Energy Energy Harbor, LLC."

SEVENTH DEFENSE

10. At all times, Toledo Edison complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the Public Utilities Commission of Ohio; and its 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.

EIGHTH DEFENSE

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

NINTH DEFENSE

12. Toledo Edison is not affiliated with Energy Harbor LLC.

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

Respectfully submitted,

/s/Kristen M. Fling

Kristen M. Fling (0099678)

(Counsel of Record)

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Willing to accept service by email

Attorney for Respondent

The Toledo Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing Answer of Respondent The Toledo Edison Company was filed on the Public Utilities Commission of Ohio's Docketing Information System. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties of record in this proceeding. A service copy has been sent by U.S. Mail on this 3rd day of May 2021 to the Complainant at the following address:

Raymond A. Collins
207 S Reynolds Rd. #40
Toledo, Ohio 43615

/s/Kristen M. Fling
Kristen M. Fling
Attorney for Respondent
The Toledo Edison Company

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/3/2021 8:54:58 AM

in

Case No(s). 21-0473-EL-CSS

Summary: Answer Answer of The Toledo Edison Company electronically filed by Ms. Kristen M Fling on behalf of The Toledo Edison Company