

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of C&D Wax Works, LLC,)	
d/b/a Emporium,)	
)	
Complainant,)	
)	CASE NO. 21-0632-EL-CSS
vs.)	
)	
Ohio Edison Company,)	
)	
Respondent.)	

ANSWER OF RESPONDENT OHIO EDISON COMPANY

Ohio Edison Company (“Ohio Edison”) 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. In accordance with Rule 4901-9-01(D), Ohio Administrative Code, the Respondent, Ohio Edison for its answer to the Complaint of C&D Wax Works, LLC, d/b/a Emporium (the “Complainant”) states:

Complainant’s Complaint consist of various assertions in two unnumbered paragraphs and one page of what appears to be Complainant’s usage history from Ohio Edison. To the extent Ohio Edison does not respond to a specific allegation, Ohio Edison denies any such allegation. Ohio Edison reserves the right to supplement or amend this Answer.

1. In response to the cover page of the Complaint, Ohio Edison admits that C&D Wax Works, LLC is the customer of record for the Ohio Edison account associated with service address 1475 Upper Valley Pike, Ste 870, Springfield, Ohio 45504. Responding further, Ohio Edison states that at all times the usage on the account was correctly metered and properly billed and charged as reflected on Ohio Edison’s bills.

2. In response to the unnumbered paragraph on the second page of Complainant's Complaint, Ohio Edison lacks knowledge or information regarding the operations of Complainant's business and therefore denies any allegations regarding the same. Responding further, Ohio Edison states that, at the request of Complainant, on or about May 12, 2021, Meter No. 910391165 was removed from the premises for testing and was replaced with Meter No. S335077365. Meter No. 910391165 was tested with results of 99.83% accuracy, which is within Commission-approved tolerances. Responding further, Ohio Edison denies that the meter malfunctioned, surged, or spiked.

3. In response to the second page of the Complaint, Ohio Edison states that it appears to consist of Complainant's usage history from Ohio Edison. This document speaks for itself. To the extent an answer is required, denied.

AFFIRMATIVE DEFENSES

1. The Complaint fails to set forth reasonable grounds for Complaint, as required by Section 4905.23, Revised Code.

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

3. The Commission lacks subject matter jurisdiction over some or all of Complainant's claims.

4. Ohio Edison reserves the right to raise other defenses as warranted by discovery in this matter.

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

Respectfully Submitted,

/s/ John W. Breig, Jr.

John W. Breig, Jr. (0096767)

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Counsel for Ohio Edison Company

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the forgoing Answer was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 15th day of June 2021. A copy of the foregoing Answer was served by regular U.S. mail to the following person on this 15th day of June 2021:

C&D Wax Works, LLC
d/b/a Emporium
1475 Upper Valley Pike, Ste 870
Springfield, Ohio 45504

/s/ John W. Breig, Jr.

John W. Breig, Jr. (0096767)

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

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in

Case No(s). 21-0632-EL-CSS

Summary: Answer Answer of Respondent Ohio Edison Company electronically filed by Mr. John W Breig on behalf of Ohio Edison Company