

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

MICHAEL P. HARVEY,)	
)	
Complainant,)	
)	
vs.)	CASE NO. 21-735-EL-CSS
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY,)	
)	
Respondent.)	
)	

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

In accordance with Rule 4901-9-01(D), Ohio Administrative Code, Respondent The Cleveland Electric Illuminating Company (“CEI” or “the Company”) for its Answer to the Complaint of Michael P. Harvey (“Complainant”) states:

1. The 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.
2. Complainant’s Complaint consists of three pages: the first a two-page letter dated June 9, 2021 to the Public Utilities Commission of Ohio, and the second a one-page letter dated April 16, 2021 sent to the Company. The Company will attempt to specifically answer each allegation in the Complaint. To the extent the Company does not respond to a specific allegation, the Company denies such allegation.
3. As to the allegations contained in the June 9, 2021 letter, the Company admits that houses across the street from Complainant may not lose power at the same time that Complainant experiences outages, as those houses are on a different circuit than Complainant. The Company is without sufficient information and belief to form a belief as to the truth of the

allegations as to whether and when the Complainant must “reset his televisions, computers, printers, microwave, coffee pot, etc.” or his actions, thoughts, and intentions and therefore denies them. The Company denies each and every remaining allegation against it, including but not limited to the number and duration of alleged outages and the Company’s alleged responses to previous complaints regarding the content of Complainant’s Complaint. Specifically, the Company denies Complainant’s allegations that the Company “has not bothered to explain what is going on nor what they are doing or what somebody else is doing around here that is causing this nor have they seemed to solve the problem.” The Company further denies the allegation that when Complainant contacts the Company, he is met with “some platitude about how it is different.”

4. As to the allegations contained in the April 16, 2021 letter, The Company denies receiving this letter from Complainant. Answering further, the Company states that the address included within the letter that Complainant appears to have sent belongs to a CEI service center. The Company admits that Complainant resides at 311 Northcliff Drive Rocky River, Ohio 44116. The Company further admits that the Complainant experienced outages on both April 13 and 15 but denies the alleged duration of those outages. The Company is without sufficient knowledge or information to form a belief as to the weather on both occasions and therefore denies. The Company is without sufficient knowledge or information to form a belief as to the length of time Complainant has lived at the aforementioned residence, and therefore denies. As previously stated, the Company admits that houses across the street from Complainant may not lose power at the same time as when Complainant’s residence experiences outages, as such houses are on a different circuit. The Company denies each and every remaining allegation against it, including but not limited to the number and duration of additional alleged outages.

5. To the extent not specifically addressed above, the Company denies the remaining allegations in the Complaint.

AFFIRMATIVE DEFENSES

In addition to the above responses, the Company further asserts the following affirmative defenses:

6. The Complainant failed to contact the Public Utilities Commission of Ohio's call center prior to the filing of a formal complaint so that the Commission's legal department could refer the complaint for resolution before formally proceeding with the complaint as set forth in Rule 4901-9-01(A).

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

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

9. The Company 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 any applicable tariffs on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claim(s).

10. The Public Utilities Commission of Ohio lacks subject matter jurisdiction over some or all of Complainant's claims.

11. The Company reserves the right to assert further defenses as warranted by discovery in this matter.

WHEREFORE, the Company respectfully requests that the Complaint be dismissed, and that the Company be granted any other relief that this Commission may deem just and reasonable.

Respectfully Submitted,

s/ Sarah G. Siewe

Michael L. Snyder (0040990)

Sarah G. Siewe (0100690)

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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 12th day of July 2021. A copy of the foregoing Answer was served by regular U.S. mail to the following person on this 12th day of July 2021:

Michael P. Harvey, Esq.
311 Northcliff Drive
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(440) 356-9108

s/ Sarah G. Siewe

Sarah G. Siewe (0100690)

Attorney for The Company

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Case No(s). 21-0735-EL-CSS

Summary: Answer Answer of The Cleveland Electric Illuminating Company electronically filed by Sarah Siewe on behalf of The Cleveland Electric Illuminating Company