

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

George Clos)	
)	
Complainant,)	
)	Case No. 21-0869-EL-CSS
v.)	
)	
The Cleveland Electric Illuminating)	
Company)	
)	
Respondent.)	

ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

The Cleveland Electric Illuminating Company (“CEI”) 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. The Complaint of George Clos (“Complainant”) consists of various assertions and allegations of unfair billing practices and transparency issues presented across one cover page with two unnumbered handwritten paragraphs, one typed page with 5 unnumbered paragraphs following Complainant’s contact and account information, and one attachment that appears to be a copy of Complainant’s billing statement for electric services from June and July 2021. 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, CEI, for its Answer to the Complaint states:

1. In response to the top half of the cover page of the Complaint, CEI admits that Complainant is its customer and that he receives electric service at the service address listed and pursuant to the account number provided. To the extent any further allegations are intended on the top half of the cover page, CEI is without knowledge or

information sufficient to form a belief as to the truth of the allegation(s) and therefore denies them.

2. In response to the first handwritten paragraph on the bottom half of the cover page of the Complaint, CEI denies that “the billing practices of the Illuminating Company are not transparent to Ohio customers.” CEI further denies that CEI does not provide details on how distribution and cost recovery charge components of customer’s bills are calculated. Answering further, CEI’s Commission-approved tariff and riders detail the breakdown of such components, including an explanation of what the charges are for and what the calculations are comprised of. Answering further, CEI states that CEI’s tariff for residential service customers explicitly states that distribution charges include “applicable riders as designated on the Summary Rider, Tariff Sheet 80 shall be added to the Rates and charges set forth above.” Responding further, CEI states that information provided on customer bills complies with the electric utility customer billing requirements in section 4901:1-10-22 of the Ohio Administrative Code.
3. In response to the second handwritten paragraph on the bottom half of the cover page of the Complaint, CEI states that the paragraph only contains legal conclusions, mental impressions, and/or requests for relief, to which no response is required. To the extent that a response may be deemed necessary, CEI denies any allegations contained in the paragraph.
4. In response to the top/heading portion of the typed, second page of the Complaint, CEI states that the lines contain no allegations and thus no response is necessary.
5. In response to the first full paragraph typed on the second page of the Complaint, CEI admits that Complainant called CEI on July 14, 2021 to discuss cost recovery charges.

Responding further, CEI states that after Complainant was given guidance as to the charges and Complainant wanted further detail, Complainant was given the contact information for the PUCO. In response to the allegation that the distribution related component and the cost recovery charges “make up the majority of the billing amount” for Complainant’s June-July 2021 bill, CEI admits. CEI is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations and therefore denies.

6. In response to the second full paragraph typed on the second page of the Complaint, CEI admits that Complainant’s bill for the June-July 2021 billing period amounted to \$186.76. CEI further admits that Complainant’s charges from the supplier for that billing period totaled \$63.92. In response to the remaining allegations contained in the second full paragraph, CEI is without knowledge or information sufficient to form a belief as to Complainant’s thoughts, mental impressions, or knowledge and therefore denies.
7. In response to the third full paragraph typed on the second page of the Complaint, CEI admits that charges falling under the distribution and cost recovery components of Complainant’s bill have been approved by the PUCO. Responding to the allegation that “the detail or support is lacking” for those charges, CEI denies. In response to the questions Complainant sets forth in the paragraph, CEI states that these contain no allegations and therefore no response is required. In response to the remaining allegations contained in the third full paragraph, CEI is without knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore denies them.

8. In response to the fourth full paragraph typed on the second page of the Complaint, CEI states that the paragraph does not contain any allegations, only requests for relief, and therefore, no response is required. To the extent a response is deemed necessary, CEI denies.
9. In response to the fifth full paragraph typed on the second page of the Complaint, CEI is without knowledge or information sufficient to form a belief as to the conversations between Complainant and the PUCO, and therefore denies. CEI is without knowledge or information sufficient to form a belief as to the truth of the allegations regarding Complainant's thoughts, beliefs, and mental impressions and therefore denies. In response to the remaining questions Complainant poses in the paragraph, CEI states that these do not contain allegations and therefore no response is necessary. CEI denies any remaining allegations contained on the second page of the Complaint.
10. In response to the attachment on the third page of the Complaint, CEI states that the attachments speak for themselves, but answering further, CEI denies any allegations purportedly contained therein.

FIRST DEFENSE

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

SECOND DEFENSE

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

THIRD DEFENSE

3. The Complaint is an improper, collateral attack on the CEI tariff and riders concerning residential service customers that the Commission has authorized and approved.¹

FOURTH DEFENSE

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

FIFTH DEFENSE

5. The Commission lacks jurisdiction to award the relief Complainant seeks.

SIXTH DEFENSE

6. The Commission lacks personal jurisdiction over improperly named Respondent "The Illuminating Company".

SEVENTH DEFENSE

7. The Complaint seeks for the Commission to act in violation of the filed rate doctrine.²

EIGHTH DEFENSE

8. At all times, CEI complied with the Ohio Revised Code Title 49; the applicable rules, regulations, and orders of the PUCO, and its Tariff, PUCO No. 13, on file with the PUCO. These statutes, rules, regulations, orders and tariff provisions bar Complainant's claims.

¹ The Commission-approved Riders that account for the DRC and CRC billing matters that Complainant describes are addressed in PUCO Case Numbers: 09-1820-EL-ATA; 14-1297-EL-SSO; 08-935- EL-SSO; 07-551-EL-AIR; 09-581-EL-EEC; 18-1656-EL-ATA; 08-935-EL-SSO; 07-551-EL-AIR; 18-976-EL-USF.

² See *Keco Industries, Inc. v. Cincinnati & Suburban Bell Tel. Co.*, 166 Ohio St. 254, 257. 141 N.E.2d 465 (1957); See also R.C. 4905.32, 4903.16.

NINTH DEFENSE

9. CEI reserves the right to raise other defenses as warranted by discovery in this matter.

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

Respectfully submitted,

/s/ Kristen M. Fling
Kristen M. Fling (0099678)
Counsel of Record
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
(330) 606-8087
kfling@firstenergycorp.com

*Attorney for The Cleveland Electric
Illuminating Company*

CERTIFICATE OF SERVICE

On September 7, 2021, the foregoing document 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 to the Complainant at the following address:

George Clos
1750 Parkview Lane
Broadview Heights, Ohio 44147

/s/ Kristen M. Fling
Kristen M. Fling
*Attorney for The Cleveland Electric
Illuminating Company*

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

9/7/2021 8:22:15 AM

in

Case No(s). 21-0869-EL-CSS

Summary: Answer Answer of The Cleveland Electric Illuminating Company electronically filed by Ms. Kristen M. Fling on behalf of The Cleveland Electric Illuminating Company