

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

DANIEL ODOEMENE,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 21-0958-EL-CSS
	)	
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY,	)	
	)	
Respondent.	)	

**ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

Respondent The Cleveland Electric Illuminating Company (“CEI”) is a public utility company as defined by Section 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) of the Ohio Administrative Code, CEI for its answer to the Complaint of Daniel Odoemene (“Complainant”) states as follows:

1. CEI admits that on August 5, 2021, Complainant received a bill from CEI in the amount of \$220.45. CEI denies that the bill was from FirstEnergy.
2. CEI denies that the bill was wrongly calculated.
3. CEI admits that Complainant attempts to explain his reasons below but denies that Complainant is entirely accurate in his calculations.
4. CEI admits that it estimated Complainant’s monthly bill between March 2020 and August 2021 because COVID-19 safety precautions prevented readers from entering Complainant’s premise to read electric meters.<sup>1</sup>
5. CEI admits that Complainant timely paid his monthly bills.

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<sup>1</sup> *In the Matter of The Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters*, PUCO Dkt. No. 20-0591-AU-UNC.

6. CEI admits that it charged Complainant for his actual consumption when it was able to obtain an actual read on his meter in August 2021. CEI admits that the last actual reading was performed in March 2020. CEI admits that it subtracted the July 2021 estimated reading from the August 2021 actual reading which encompassed the amount of consumption in July 2021 and potentially the unaccounted consumption for the preceding months.

7. CEI admits that the August 2021 bill was calculated based on the tariff in effect in August 2021. CEI denies that the rate of inflation is relevant to the calculation of its bills.

8. CEI admits that the estimated reading on July 8, 2021 was 7,738 kWh and that the actual reading on August 4, 2021 was 9,373 kWh. CEI admits that the consumption for July 2021 was calculated to be 1,635 kWh.

9. CEI lacks knowledge whether Complainant's actual consumption between March 2020 and August 2021 exceeded his estimated consumption, and therefore denies the same.

10. CEI admits that Complainant is contesting the calculation of the Bypassable Generation and Transmission Related Component and claims that the charge in August 2021 was \$0.0624 per kWh and that he claims that the lowest charge per kWh was only \$0.0473 per kWh. CEI admits that the Bypassable Generation and Transmission Component equaled \$102 on his August 2021 bill. CEI denies that Component should have been \$77.3355. CEI further denies that Complainant is entitled to a rate of \$0.0473 per kWh for his July 2021 usage.

11. No statements of fact were included in Complainant's inquiry regarding why a lower kWh rate than \$0.0624 was used to calculate the July 2021 consumption. Accordingly, no responses are required.

12. CEI lacks knowledge whether Complainant would have paid less had actual reads been taken every month, and therefore denies the same.

13. CEI denies that it is punishing Complainant for its inability to take actual reads during the COVID-19 pandemic. CEI denies that it charged more than what Complainant owes. CEI denies that it is doing anything illegal or improper.

14. Regarding the documents attached to the Complaint, CEI admits that they appear to be copies of documents provided to Complainant, with some handwritten alterations to them.

To the extent CEI does not respond to a specific allegation, CEI denies any such allegation. CEI reserves the right to supplement or amend this Answer.

### **AFFIRMATIVE DEFENSES**

- 1. The Complaint fails to set forth reasonable grounds for its Complaint, as required by Section 4905.26, Revised Code.**
- 2. The Complaint fails to state a claim upon which relief may be granted.**
- 3. CEI 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 its Tariff, PUCO No. 13, on file with the PUCO. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.**
- 4. The relief sought in the Complaint would violate CEI's Commission-approved tariff.**
- 5. 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 relief deemed necessary and proper.

Respectfully submitted,

/s/ Christopher A. Rogers

Christopher A. Rogers (Practice Pending  
Admission No. 100781)

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*PPA Supervising Attorney*

## CERTIFICATE OF SERVICE

On October 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 on this 7<sup>th</sup> day of October, 2021 to the Complainant at the following address:

Daniel Odoemene  
2091 Lennox Road, Apt. 1  
Cleveland Heights, OH 44106

/s/ Christopher A. Rogers  
*Attorney for The Cleveland Illuminating  
Company*

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

**Commission of Ohio Docketing Information System on**

**10/7/2021 11:52:17 AM**

**in**

**Case No(s). 21-0958-EL-CSS**

Summary: Answer ANSWER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY  
electronically filed by Mr. Christopher Rogers on behalf of THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY