

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

MICHAEL S. ROOTE,

Complainant,

v.

**THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY,**

Respondent.

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Case No. 21-0011-EL-CSS

**EXHIBIT AY RESPONDENT'S ANSWERS TO COMPLAINANT'S REQUEST FOR
ADMISSIONS**

Pursuant to Sections 4901-1-02 (D) of the Ohio Administrative Code, and Section 1.07 of the PUCO Docketing Information System Electronic Filing Manual and Technical Requirements Michael S Roote respectfully requests the following EXHIBIT AY Respondent's Answer to Complainant's Request for Admissions be added to the DIS record.

Brief Description of Exhibit(s).

Respondent's Answers to Complainant's First Set of Request for Admissions.

Respectfully,

/s/Michael S Roote pro se
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**THE CLEVELAND ELECTRIC ILLUMINATING COMPANY’S OBJECTIONS AND
ANSWERS TO MICHAEL S ROOTE’S FIRST SET OF REQUESTS FOR ADMISSION**

Respondent The Cleveland Electric Illuminating Company (“CEI”), by and through counsel, for its responses to Complainant Michael S. Roote’s First Set of Requests for Admission, responds as follows:

GENERAL OBJECTIONS

CEI objects generally to the Requests for Admission on the following grounds. All responses set forth herein are subject to and without waiver of any of these General Objections:

1. CEI objects to the Requests for Admission to the extent they seek information that is neither relevant nor material to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.
2. CEI objects to the Requests for Admission to the extent they purport to impose obligations greater than those required by the Ohio Administrative Code. In responding to the Requests for Admission, CEI will comply with the requirements set forth by the Ohio Administrative Code.

3. CEI objects to the Requests for Admission to the extent they are overly broad in scope and/or unduly burdensome.

4. CEI objects to the Requests for Admission to the extent that they call for disclosure of confidential or privileged information.

5. CEI objects to the Requests for Admission to the extent they are vague, indefinite, unintelligible or otherwise unanswerable due to ambiguity.

6. CEI objects to the Requests for Admission to the extent they call for the disclosure of information that is protected by the attorney-client privilege, the attorney work product doctrine, or is otherwise privileged or immune from discovery. This objection includes, but is not limited to, information that Complainant seeks regarding communications between CEI and its attorneys made during or in anticipation of litigation. Inadvertent disclosure of information governed by such privileges is not a waiver of those privileges either as to the information produced or as to any other information.

7. In providing these responses to the Requests for Admission, CEI does not in any way waive or intend to waive, but rather intends to preserve:

- a. All objections as to the competency, relevancy, materiality, and admissibility of any of the Requests for Admission, the responses, and their subject matter;
- b. All objections as to the vagueness, ambiguity, or other infirmity in the form of any of the Requests for Admission and any objections based on the undue burden imposed thereby;

- c. All rights to object on any ground to the use of any of the responses or their subject matter in any subsequent proceedings including the trial of this or any other action;
- d. All rights to object on any ground to any other Requests for Admission involving or related to the subject matter of the Requests for Admission;
- e. The right to supplement responses to the Requests for Admission prior to hearing; and
- f. Any and all privileges and/or rights under the Ohio Administrative Code, the applicable Ohio Rules of Civil Procedure, other statutes, or common law.

8. To the extent that CEI provides information or documents in response to these Requests for Admission, which production shall not constitute a waiver of any objection to the relevancy of such information, all such objections being expressly reserved, CEI also expressly reserves the right to object to further discovery to the subject matter of the Requests for Admission, and to the introduction of any response to the Requests for Admission or any portion thereof, or any document produced as a result of the Requests for Admission into evidence in this or any other action.

9. CEI answers the following Requests for Admission after performing a good faith, reasonable investigation of the information in its possession, custody, or control. It reserves the right to supplement its answer and responses as additional information becomes available.

10. CEI objects to Complainant's attempt to provide definitions and instructions that are broader than, or inconsistent with, the rules of the Ohio Administrative Code. CEI will respond in accordance with its obligations under those rules.

11. CEI does not adopt or ratify the definitions provided by Complainant, even if CEI uses the terms for convenience.

12. CEI does not ratify or adopt any of the alleged admissions asserted by Complainant in his background. CEI's answer speaks for itself and CEI denies any mischaracterization of its responses.

13. These General Objections are incorporated by this reference into each and every answer to the Requests for Admission herein.

REQUESTS FOR ADMISSION

Request for Admission No. 1

Admit CEI restored power to the Complainant's Premises and numerous others in the vicinity on December 3, 2020.

Answer: Admit.

Request for Admission No. 2

Admit CEI has no record that a CEI person ever came to Complainant's premises between December 1 and December 7, 2020.

Answer: CEI objects to Request for Admission No. 2 because the phrase "came to" is vague, ambiguous, undefined, and subject to multiple possible meanings. Without waiving its objections, to the extent that this request asks if CEI has a record showing that its employees and/or contractors were on Complainant's Premises in a way that brought them at or near Complainant's home during the referenced time, admitted; otherwise, denied. By way of further answer, CEI's employees and/or contractors were at Complainant's service address location on several occasions on December 2 and 3, 2020.

Request for Admission No. 3

Admit Complainant, during his second call made to CEI on or about December 1, 2020, reported damage to his service entry conduit.

Answer: CEI objects to Request for Admission No. 3 because "his second call made to CEI" is vague, ambiguous, and undefined. Without waiving its objections, denied. By way of further answer, in the recording of Complainant's second call dated December 1, 2020, at 16:12,

Complainant only reported a downed wire, and did not report damage to his service entry conduit.

Request for Admission No. 4

Admit that the wires referred to in **CEI admission No. 4** were the wires between the last utility pole and the Complainant's structure.

Answer: CEI objects to Request for Admission No. 4 as an improper compound request for admission, and therefore CEI is unable to either admit or deny this request. The request purports to require both the admission of the veracity of the statement provided by Complainant in the "Background section" as well as the immediate Request. CEI denies that "CEI admission No. 4" in Complainant's "Background section" is an accurate transcription of CEI's Answer. In responding to the substance of the Request, CEI denies that it admitted in its answer that Complainant reported downed "wires between the last utility pole and the Complainant's structure." CEI's Answer speaks for itself. Subject to and without waiving the forgoing objections and clarifications, CEI admits that Complainant's service drop was low hanging.

Request for Admission No. 5

Admit that the act of restoring power to a structure with a damaged service entry is unsafe.

Answer: CEI objects to Request for Admission No. 5 as not relevant, not likely to lead to the discovery of admissible evidence, and outside the scope of discovery pursuant to Ohio Adm. Code 4901-1-16. Objecting further, this request is vague and ambiguous as to the "structure," "damage[]," and nature of "service entry," which terms are undefined and subject to multiple possible meanings, and it presents a hypothetical question based on limited and/or assumed information and therefore, it cannot be responded to as written. As a result, and despite reasonable inquiry, the information known or readily obtainable by CEI is insufficient to enable it to admit or deny this request.

Request for Admission No. 6

Admit that the act of restoring power to Complainant's structure with a damaged service entry put Complainant's life at risk.

Answer: CEI objects to Request for Admission No. 6 because "at risk" "service entry" and "damaged" are vague, ambiguous, undefined, and subject to multiple possible meanings; objecting further, this request assumes facts not in evidence. Without waiving its objections, denied.

Request for Admission No. 7

Admit that the act of restoring power to Complainant's structure with a damaged service entry put Complainant's Property at risk

Answer: CEI objects to Request for Admission No. 7 because “at risk” “service entry” and “damaged” are vague, ambiguous, undefined, and subject to multiple possible meanings; objecting further, this request assumes facts not in evidence. Without waiving its objections, denied.

Request for Admission No. 8

Admit that the act of restoring power to Complainant's structure with low hanging wires over the driveway put persons coming onto Complainant's property at risk.

Answer: CEI objects to Request for Admission No. 8 because “at risk” is vague, ambiguous, undefined, and subject to multiple possible meanings; objecting further, this request assumes facts not in evidence. Without waiving its objections, denied.

Request for Admission No. 9

Admit CEI was aware Property had damaged service entry when it restored power to Complainant's Property on December 3, 2020.

Answer: CEI objects to Request for Admission No. 9 because “aware” “service entry” and “damaged” are vague, ambiguous, undefined, and subject to multiple possible meanings. Without waiving its objections, CEI admits that on or about December 1, 2020, Complainant informed CEI’s call center that a branch had fallen and pulled his wires down and that he needed to repair the pipe conduit. CEI denies that Complainant reported a “damaged service entry.” Responding further, when CEI restored power to Complainant and others by making repairs to storm-damaged facilities along Rockhaven Road, Complainant’s fuse held.

Request for Admission No. 10

Admit CEI made no attempt to isolate and make safe power to Complainant's Property between December 4, 2020 and December 7, 2020.

Answer: CEI objects to Request for Admission No. 10 because “isolate ... power to Complainant’s property” and “make safe” are vague, ambiguous, undefined and subject to multiple possible meanings; objecting further this request assumes facts not in evidence, including, but not limited to, the assumption that the power provided to Complainant’s Property was unsafe. Without waiving its objections, denied.

Request for Admission No. 11

Admit Tyler Henry is an employee of CEI.

Answer: Admit.

Request for Admission No. 12

Admit Tyler Henry was the CEI employee who came to Complainant's premises on or about the morning of December 8, 2020.

Answer: Admit.

Request for Admission No. 13

Admit Tyler Henry, on or about the morning of December 8, 2020, removed the CEI Meter from the Complainant's meter enclosure.

Answer: Denied.

Request for Admission No. 14

Admit Tyler Henry can attest to the fact the neutral wire was pulled out from its incoming connection in the meter box.

Answer: Denied.

Request for Admission No. 15

Admit CEI is responsible for unsafe acts committed by its employees

Answer: CEI objects to Request for Admission No. 15 as outside the scope of discovery, not relevant and not reasonably calculated to lead to the discovery of admissible evidence, impermissibly calling for a legal conclusion and/or an admission of law unrelated to the facts of the case, and assuming facts not in evidence. Objecting further, “unsafe acts” is vague, ambiguous, undefined, and subject to multiple possible meanings. Objecting further, because this request does not call for an admission of fact or the application of law to the facts of this case and because it purports to allege or inquire into principles of tort law and/or unspecified alleged unsafe acts by CEI’s employees that are not at issue in this case or within the subject matter jurisdiction of the Commission, denied.

Respectfully submitted,

/s/ Christopher A. Rogers

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

Counsel of Record

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CERTIFICATE OF SERVICE

On November 22, 2021, the foregoing document was served via email and U.S. mail, postage prepaid, on the Complainant at the following address:

Michael S. Roote
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Chesterland, OH 44026
m_roote@yahoo.com

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

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

Case No(s). 21-0011-EL-CSS

Summary: Exhibit AY Respondent's answers to Complainant's request for
Admissions electronically filed by Mr. Michael S. Roote on behalf of Roote, Michael
S Mr.