

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

STRUGAR JELENA,)	
)	
Complainant,)	
)	
vs.)	CASE NO. 22-0484-EL-CSS
)	
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. In accordance with Rule 4901-9-01(D) of the Ohio Administrative Code, CEI for its Answer to the Complaint of Strugar Jelena (the “Complainant”) states:

Complainant’s Complaint consists of various assertions on multiple pages, which contain multiple unnumbered paragraphs and multiple attachments. 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.

1. The first page of Complainant’s Complaint contains multiple unnumbered paragraphs. In response to allegations contained in these unnumbered paragraphs, CEI admits that Complainant is a CEI customer with account number 110 029 750 012 and service address 4404 Lester Ave., Cleveland, Ohio 44127. Responding further, CEI admits both that Complainant reported a power outage at 4404 Lester Ave, Cleveland, OH 44127, on November 1, 2019, because a tree fell onto the customers service drop. CEI further admits that a major storm occurred on

November 1, 2019. CEI lacks knowledge or information sufficient to respond to the remaining allegations on the first page, and therefore denies the same.

2. The second page of Complainant's Complaint contains multiple unnumbered paragraphs. In response to these unnumbered paragraphs, CEI states that these paragraphs appear to call for legal conclusions related to telephone companies, to which no response is required. Should a response be deemed required, CEI denies the allegations contained on the second page.

3. The third page of Complainant's Complaint (incorrectly numbered page one) contains multiple unnumbered paragraphs. In response to the allegations contained in the first unnumbered paragraph, CEI admits that it rerouted Complainant's connection on November 1, 2019, for purposes of restoring Complainant's service until other repairs could be made. CEI denies the remaining allegations contained in this paragraph.

4. In response to the allegations contained in the second unnumbered paragraph on page three (incorrectly numbered page one), CEI admits that Complainant's power connection was rerouted to Broadway St. on November 1, 2019, for purposes of restoring Complainant's service until other repairs could be made. Responding further, CEI states that CEI's document pertaining to its outage history speaks for itself. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

5. In response to the allegations contained in the third unnumbered paragraph on page three (incorrectly numbered page one), CEI admits that it rerouted Complainant's power connection for purposes of restoring Complainant's service until other repairs could be made. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

6. In response to the allegations contained in the fourth unnumbered paragraph on

page three (incorrectly numbered page one), CEI denies the allegations.

7. In response to the allegations contained in the fifth unnumbered paragraph on page three (incorrectly numbered page one), CEI denies the allegations.

8. In response to the allegations contained in the sixth unnumbered paragraph on page three (incorrectly numbered page one), CEI denies that it ignored any actual problem. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

9. In response to the allegations contained in the seventh unnumbered paragraph on page three (incorrectly numbered page one), CEI admits that Complainant's power remained connected to the Lester St. location on September 25, 2020. Responding further, CEI admits that there was a power outage on Complainant's property on September 25, 2020. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

10. In response to the allegations contained in the eighth unnumbered paragraph on page three (incorrectly numbered page one), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

11. In response to the allegations contained in the ninth unnumbered paragraph on page three (incorrectly numbered page one), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

12. In response to the allegations contained in the tenth unnumbered paragraph on page three (incorrectly numbered page one), CEI denies the allegations.

13. In response to the allegations contained in the eleventh unnumbered paragraph on page three (incorrectly numbered page one), CEI admits that Complainant's property was

connected to the Lester St. location from November 2019 until October 2020. Responding further, CEI states that CEI's documents pertaining to its outage history speaks for themselves. CEI denies the remaining allegations in this paragraph.

14. In response to the allegations contained in the twelfth unnumbered paragraph on page three (incorrectly numbered page one), CEI denies the allegations.

15. The fourth page of Complainant's Complaint (incorrectly numbered page two) contains multiple unnumbered paragraphs. In response to the allegations contained in the first unnumbered paragraph on page four, CEI denies the allegations.

16. In response to the allegations contained in the second unnumbered paragraph on page four (incorrectly numbered page two), CEI states that it contains legal conclusions to which no response is required. Should a response be deemed required, CEI denies the allegations contained in this paragraph.

17. In response to the allegations contained in the third unnumbered paragraph on page four (incorrectly numbered page two), CEI denies the allegations contained in this paragraph.

18. In response to the allegations contained in the fourth unnumbered paragraph on page four (incorrectly numbered page two), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

19. In response to the allegations contained in the fifth unnumbered paragraph on page four (incorrectly numbered page two), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

20. In response to the allegations contained in the sixth unnumbered paragraph on page four (incorrectly numbered page two), CEI denies the allegations.

21. In response to the allegations contained in the seventh unnumbered paragraph on

page four (incorrectly numbered page two), CEI states that it contains legal conclusions to which no response is required. Should a response be deemed required, CEI denies the allegations contained in this paragraph.

22. In response to the allegations contained in the eighth unnumbered paragraph on page four (incorrectly numbered page two), CEI states that it did not violate any applicable laws, codes, or regulations. Responding further, CEI denies the allegations contained in this paragraph.

23. In response to the allegations contained in the ninth unnumbered paragraph on page four (incorrectly numbered page two), CEI states that it contains legal conclusions to which no response is required. Should a response be deemed required, CEI denies the allegations contained in this paragraph.

24. In response to the allegations contained in the tenth unnumbered paragraph on page four (incorrectly numbered page two), CEI states that it contains legal conclusions to which no response is required. Should a response be deemed required, CEI denies the allegations contained in this paragraph.

25. In response to the allegations contained in the eleventh unnumbered paragraph on page four (incorrectly numbered page two), CEI denies the allegations.

26. The fifth page of Complainant's Complaint (incorrectly numbered page three) contains multiple unnumbered paragraphs. In response to the allegations contained in the first unnumbered paragraph on page five, CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

27. In response to the allegations contained in the second unnumbered paragraph on page five (incorrectly numbered page three), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

28. In response to the allegations contained in the third unnumbered paragraph on page five (incorrectly numbered page three), CEI admits that it removed a meter from Complainant's property on October 15, 2020. Responding further, CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

29. In response to the allegations contained in the fourth unnumbered paragraph on page five (incorrectly numbered page three), CEI denies the allegations.

30. In response to the allegations contained in the fifth unnumbered paragraph on page five (incorrectly numbered page three), CEI admits that it reconnected Complainant's power connection to the Broadway St. location on October 15, 2020. Responding further, CEI admits that Complainant did lose power on November 15, 2020, as a result of a line failure. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

31. In response to the allegations contained in the sixth unnumbered paragraph on page five (incorrectly numbered page three), CEI admits that Complainant lost power on November 15, 2020, and power was not restored until November 18, 2020. CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

32. In response to the allegations contained in seventh unnumbered paragraph on page five (incorrectly numbered page three), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

33. In response to the allegations contained in the eighth unnumbered paragraph on page five (incorrectly numbered page three), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

34. In response to the allegations contained in the ninth unnumbered paragraph on page

five (incorrectly numbered page three), CEI states that the statement is in the form of a question and does not call for a response. To the extent a response is required, CEI denies any allegations.

35. In response to the allegations contained in the tenth unnumbered paragraph on page five (incorrectly numbered page three), CEI denies the allegations.

36. In response to the allegations contained in the eleventh unnumbered paragraph on page five (incorrectly numbered page three), CEI lacks knowledge or information sufficient to respond to the allegations in this paragraph, and therefore denies the same.

37. In response to the allegations contained in the twelfth unnumbered paragraph on page five (incorrectly numbered page three), CEI denies that it made any deceptive statements or fabricated any facts. Responding further, CEI lacks knowledge or information sufficient to respond to the remaining allegations in this paragraph, and therefore denies the same.

38. In response to the allegations contained in the thirteenth unnumbered paragraph on page five (incorrectly numbered page three), CEI admits that there was a power outage on Complainant's property on November 15, 2020, and it was caused by a line failure. Responding further, CEI states that CEI's document pertaining to its outage history speaks for itself. CEI denies the remaining allegations.

39. In response to the allegations contained in the fourteenth unnumbered paragraph on page five (incorrectly numbered page three), CEI denies the allegations.

40. The sixth page of Complainant's Complaint (incorrectly numbered page four) contains multiple unnumbered paragraphs. In response to the allegations contained in the first unnumbered paragraph on page six, CEI denies the allegations.

41. In response to the allegations contained in the second unnumbered paragraph on page six (incorrectly numbered page four), CEI denies the allegations.

42. In response to the allegations contained in the third unnumbered paragraph on page six (incorrectly numbered page four), CEI denies the allegations.

43. In response to the allegations contained in the fourth unnumbered paragraph on page six (incorrectly numbered page four), CEI denies the allegations.

44. In response to the allegations contained in the fifth unnumbered paragraph on page six (incorrectly numbered page four), CEI denies the allegations.

45. In response to the allegations contained in the sixth unnumbered paragraph on page six (incorrectly numbered page four), CEI denies the allegations set forth and denies that Complainant is entitled to the requested relief sought.

46. The seventh page of Complainant's Complaint lists fourteen attached documents. CEI states that it does not admit to the accuracy of the information contained within the documents. Responding further, CEI states that the documents speak for themselves. CEI lacks knowledge or information sufficient to respond to the remaining allegations within the attachments, and therefore denies the same.

AFFIRMATIVE DEFENSES

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

2. The Complaint fails to state a claim upon which relief can 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 Tariff, PUCO No. 13, on file with the Public Utilities Commission of Ohio. These statutes, rules, regulations, orders, and tariff provisions bar Complainant's claims.

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

matter.

WHEREFORE, The Cleveland Electric Illuminating Company respectfully requests an Order dismissing the Complaint and granting The Cleveland Electric Illuminating Company all other necessary and proper relief.

Respectfully Submitted,

/s/ John W. Breig, Jr.

John W. Breig, Jr. (0096767)

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

200 Public Square, Suite 2300

Cleveland, Ohio 44114-2378

Telephone: 216.363.4500

Facsimile: 216.363.4588

jbreig@beneschlaw.com

And

Kristen M. Fling (0099678)

(Counsel of Record)

FIRSTENERGY SERVICE COMPANY

76 South Main Street Akron, Ohio 44308

Telephone: 330.606.8087

Facsimile: 330.384.3875

kfling@firstenergycorp.com

*Attorneys for The Cleveland Electric Illuminating
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 25th day of May 2022. A service copy has been mailed by Regular U.S. Mail this same date to:

Strugar Jelena
4404 Lester Ave
Cleveland, Ohio 44127
Complainant

/s/ John W. Breig, Jr.
John W. Breig, Jr. (0096767)
*One of the Attorneys for The Cleveland Electric
Illuminating Company*

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

5/25/2022 3:41:08 PM

in

Case No(s). 22-0484-EL-CSS

Summary: Answer Answer of The Cleveland Electric Illuminating Company
electronically filed by Mr. John W. Breig on behalf of The Cleveland Electric
Illuminating Company