

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Leroy & Tracy Moore,	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 22-1014-EL-CSS
	)	
Ohio Edison Company and	)	
Northeast Ohio Public Energy Council,	)	
	)	
Respondents.	)	

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**ANSWER AND MOTION TO DISMISS OF  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL**

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In accordance with Ohio Administrative Code (“O.A.C.”) Rule 4901-9-01 Respondent, Northeast Ohio Public Energy Council (“NOPEC”) files its Answer to the above referenced Complaint filed on October 28, 2022, by the Complainants Leroy & Tracy Moore.

**ANSWER**

1. Upon information and belief, NOPEC states that the records of NextEra Energy Services Ohio, LLC (“NextEra”), NOPEC’s electric supplier for its electric governmental aggregation program, indicate that Complainants resided at 3906 Webb Road, Ravenna, OH 44266. Further, NOPEC admits, based on Complainants’ address, that Complainants were customers of NOPEC.

2. Upon information and belief, NOPEC admits Complainants were customers of Ohio Edison Company (“OEC”).

3. NOPEC admits Complainants reside within a NOPEC member community that participates in NOPEC’s electric opt-out governmental aggregation programs.

4. NOPEC admits that Complainants were mailed opt-out notifications regarding NOPEC's electric opt-out governmental aggregation program, and admits that the Complainants were included in NOPEC's electric governmental aggregation program because they did not opt-out of the aggregation program.

5. NOPEC denies that Complainants were not notified that they would be included in NOPEC's opt-out governmental aggregation program unless they opted out.

6. NOPEC denies that Complaints never received letters regarding NOPEC's opt-out governmental aggregation program and their opportunity to opt out of the program.

7. NOPEC denies it failed to provide Complainants written information regarding NOPEC's return of Standard Program Price customers to the standard service offer ("SSO") of their electric utility.

8. NOPEC admits that Complainants were Standard Program Price customers, and that Complainants were returned to OEC's SSO on or about September 16, 2022.

9. Upon information and belief, NOPEC admits that Complainants filed an informal complaint with the Commission.

10. NOPEC admits that the letter attached to the Complaint appears to be an accurate representation of a letter that was sent to Standard Program Price customers in NOPEC's electric aggregation program, and admits that its records indicate that Sherry Friend was a NOPEC customer.

11. As to the remaining allegations in the Complaint, NOPEC is without sufficient knowledge or information to form a belief as to the truth of those allegations and, therefore, denies the remaining allegations in the Complaint.

12. Any statement in the Complaint not expressly admitted herein is denied.

## **DEFENSES**

13. NOPEC avers that the Complainants have failed to state a claim for which relief may be granted.

14. NOPEC has at all times acted in accordance with all applicable statutes, as well as the regulations and orders of this Commission.

15. Complainants lack standing to file a complaint on the behalf of any third-party, including but not limited to Mr. Sherry Friend.

16. NOPEC avers that the Complaint has failed to set forth “reasonable grounds” for the Complaint as required by Ohio Revised Code Section (“R.C.”) 4905.26.

17. NOPEC reserves the right to amend its Answer and raise other defenses in the event that it has incorrectly understood the allegations in the Complaint.

## **MOTION TO DISMISS**

Pursuant to O.A.C. Rule 4901-9-01, NOPEC respectfully moves for the dismissal of said Complaint for the reasons set forth herein.

Complainants have failed to state a reasonable claim in its Complaint upon which relief can be granted against NOPEC. In fact, Complainants: 1) failed to establish that NOPEC has in any way failed to act in accordance with the law and/or this Commission’s rules governing opt-out governmental aggregation; and 2) do not state reasonable grounds for the Commission to conclude that NOPEC has in any way provided unreasonable, unjust, or insufficient service in violation of the law. Accordingly, NOPEC requests that the Complaint be dismissed with prejudice.

WHEREFORE, having fully responded to the allegations set forth in the Complaint, NOPEC respectfully requests that the Commission dismiss the Complaint with prejudice.

Respectfully submitted,



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*Attorneys for Northeast Ohio Public Energy Council*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Answer and Motion to Dismiss was serve by U.S. mail on the following parties of record this 21<sup>st</sup> day of November 2022.



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Devin D. Parram

Leroy and Tracy Moore  
3906 Webb Road  
Ravenna, OH 44266

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Summary: Answer and Motion to Dismiss of Northeast Ohio Public Energy Council  
electronically filed by Teresa Orahoad on behalf of Devin D. Parram