

FILE

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PUCO

December 19, 2005

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

Dear Ms. Jenkins:

**Re: Answer and Motion to Dismiss of Ohio Edison Company
Michael Kelly v. Ohio Edison Company
Case No. 05-1457-EL-CSS**

Enclosed for filing, please find the original and twelve (12) copies of the *Answer and Motion to Dismiss of Ohio Edison Company* regarding the above-referenced case. Please file the enclosed *Answer and Motion to Dismiss of Ohio Edison Company*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,

Carol L. Dacoros

kag
cc: Parties of Record

Enclosures

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician *[Signature]* Date Processed 12-20-05

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

MICHAEL KELLY)
)
COMPLAINANT,)
)
vs.) CASE NO. 05-1457-EL-CSS
)
OHIO EDISON COMPANY)
)
RESPONDENT,)

**ANSWER AND MOTION TO DISMISS OF
OHIO EDISON COMPANY**

Comes now Respondent, Ohio Edison Company ("Ohio Edison"), by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. Ohio Edison is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.
2. While the Complaint consists of one paragraph of unnumbered sentences, Ohio Edison will attempt to address each allegation within the paragraph separately.
3. With respect to the first sentence, Ohio Edison admits, pursuant to Ohio Administrative Code 4901:1-10-05(E) ("OAC") that before service to Complainant's location is energized, Ohio Edison must verify that the installation of Complainant's meter base and associated equipment has been inspected and approved by the local inspection authority.
4. With respect to the second sentence, Ohio Edison avers that the OAC requires inspection and approval by the local inspection authority, where a local inspection authority exists; Ohio Edison further avers that the local inspection authority in Portage County is the Portage County

Building Department; Ohio Edison denies the allegation that Portage County lacks jurisdiction; Ohio Edison admits it has refused to accept inspection by Complainant's electrician, since a local inspection authority exists.

5. Ohio Edison generally denies all allegations set forth in the Complaint that were not otherwise specifically addressed hereinabove.

For its affirmative defenses, Ohio Edison further avers that:

6. Ohio Edison breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted.

7. Ohio Edison has at all times acted in accordance with its Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, the Ohio Administrative Code and accepted standards and practices in the electric utility industry.

For its Motion to Dismiss, Ohio Edison states the following:

8. Ohio Edison breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which its requested relief may be granted.

WHEREFORE, having fully answered the Complaint, Respondent, Ohio Edison Company, respectfully requests that the instant action be dismissed, and that it be granted any other relief that this Commission may deem just and reasonable.

Respectfully submitted,



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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer to the Complaint of Ohio Edison Company was served by regular U.S. Mail, postage prepaid, to Michael Kelly, 957 Damon Dr., Medina, Ohio 44256, this 19th day of December, 2005.



Carol L. Dacoros
Carol L. Dacoros
Attorney