

FirstEnergy

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Akron, Ohio 44308

SEP 17 2001

PUCO

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JWB
James W. Burk
Attorney

September 17, 2001

VIA OVERNIGHT MAIL

Ms. Daisy Crockron
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43266-5073

Re: Edmund A. Zollar v. The Cleveland Electric Illuminating Company
Case No. 01-2207-EL-CSS

Dear Ms. Crockron:

Enclosed for filing, please find the original and 12 copies of the *Answer and Motion to Dismiss* that was fax filed on Monday, September 17, 2001 regarding the above-referenced case. Please file-stamp the enclosed document as having been filed on September 17, 2001. Please file-stamp the two extra documents and return 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,

James W. Burk/fd

JWB:fd
Enclosures
[49779]

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RECEIVED-DOCKETING DIV

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

SEP 17 2001
PUCO

Edmund A. Zaller.)	
)	
COMPLAINANT,)	
)	
vs.)	CASE NO. 01-2207-EL-CSS
)	
THE CLEVELAND ELECTRIC)	
ILLUMINATING COMPANY)	
)	
RESPONDENT.)	

**ANSWER AND MOTION TO DISMISS
OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

Comes now Respondent, The Cleveland Electric Illuminating Company, by counsel, and for its Answer to the Complaint filed in the instant action says that:

1. The Cleveland Electric Illuminating Company 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. CEI admits that it currently has an electric service account in the name of Edmund A. Zaller and a service address of 5687 Cliff Court, Willoughby, Ohio.
3. CEI admits that Complainant requested CEI to perform services on his property, specifically the disconnection and reconnection of electric service.
4. CEI admits that it charged Complainant for the requested services in accordance with its Commission-approved tariffs, rules and regulations, and that Complainant was charged the same amount for the services as similarly situated customers.

5. CEI denies that it charges customers to locate CEI's electrical lines in an underground development, and further denies that Complainant was charged any such amount.

6. CEI denies that any amount of money is owed to or should be refunded to Complainant by CEI.

7. CEI generally denies all allegations set forth in the Complaint which were not otherwise specifically addressed hereinabove.

For its affirmative defenses, the Company further avers that:

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

9. CEI has at all times acted in accordance with its Tariff 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, and accepted standards and practices in the electric utility industry, and CEI denies that its rates, charges, or services are unjust or unreasonable.

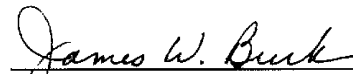
For its Motion to Dismiss, CEI states the following:

10. Complainant seeks to not be charged for a service that CEI is expressly permitted to charge pursuant to its Tariff, and that is charged on a non-discriminatory basis to all similarly situated customers. CEI is under an obligation to treat all similarly situated customers in a similar fashion, and granting the Complainant's request would cause CEI to violate this obligation.

11. Given the complaints made and relief sought in the Complaint, it does not appear at this point that any reasonable grounds for the Complaint exist. CEI would request that this matter be dismissed.

WHEREFORE, having fully answered the Complaint, Respondent, The Cleveland Electric Illuminating 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,



James W. Burk (0043808)

Attorney

FirstEnergy Corp.

76 South Main Street

Akron, Ohio 44308

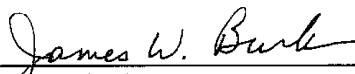
Phone: 330-384-5861

Fax: 330-384-3875

On behalf of The Cleveland Electric
Illuminating Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing Answer and Motion to Dismiss of The Cleveland Electric Illuminating Company was served by regular U.S. Mail, postage prepaid, upon Mr. Edmund A. Zaller., 5687 Cliff Court, Willoughby, Ohio 44094, this 17th day of September, 2001.



James W. Burk
Attorney

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