

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Renite Company,)	
)	
)	
Complainant,)	
)	
v.)	Case No. 06-1147-EL-CSS
)	
American Electric Power Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On September 21, 2006, Renite Company (Renite) filed a complaint alleging that it owns property on which certain American Electric Power Company (AEP) facilities are located. Renite also alleges that these facilities obstruct Renite's planned installation of gates on its property and need to be relocated. As a result, Renite claims that AEP has no property right to maintain its facilities in their present location, that AEP should relocate its facilities, and that the costs for such relocation should be borne by AEP.
- (2) On October 10, 2006, AEP filed its answer. AEP claims that the facilities at issue are located on property within AEP's permanent easement and, therefore, there is no requirement that these facilities be relocated. As a result, AEP claims that, pursuant to its tariff, it is permitted to charge Renite for the costs associated with a special construction request to relocate these facilities, if such facilities are to be relocated. AEP also contends that the complaint fails to state reasonable grounds and should be dismissed.
- (3) On October 24, 2006, Renite filed a letter in response to AEP's answer. Renite contends that it is the owner of the land at the location in question and that the subject utility pole is badly rotted and in need of replacement. Renite therefore requests that the pole be replaced, that a replacement pole be situated 15 feet southward "in our property," and that the present pole be removed at AEP's cost.

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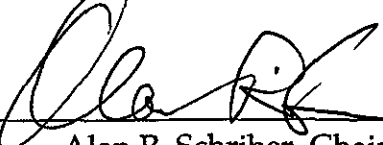
- (4) Upon review, the Commission finds that the allegations set forth in the complaint involve the existence of easement and other associated property rights that may or may not be retained by Renite and AEP, how such property rights relate to the relocation of AEP's facilities, and whether AEP or Renite are responsible for the relocation costs. The central issues of this complaint concern the property rights of the parties and are matters and determinations not within the jurisdiction of the Commission. In addition, we note that there is no allegation in the complaint regarding the reasonableness of the charges set forth in AEP's tariff that are associated with a special construction request to relocate facilities, which is a matter within the jurisdiction of the Commission. Accordingly, the complaint in this matter should be dismissed without prejudice.

It is, therefore,

ORDERED, That the complaint be dismissed without prejudice and this case be closed of record. It is, further,

ORDERED, That the Commission serve a copy of this entry on all parties of record.

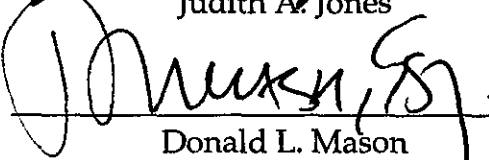
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones



Valerie A. Lemmie


Donald L. Mason

SEF:ct

Entered in the Journal

NOV 08 2006


Renee J. Jenkins
Secretary