

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

Cheng-Te Lin,)	
Complainant,)	
)	
v.)	
)	Case No. 10-2538-EL-CSS
American Electric Power,)	
)	
Respondent.)	
)	

**ANSWER TO COMPLAINANT'S COMPLAINT AND
MOTION TO DISMISS OF AMERICAN ELECTRIC POWER**

American Electric Power aka Ohio Power Company ("AEP" or "Respondent") responds to the Complaint filed in this proceeding by Cheng-Te Lin ("Mr. Lin" or "Complainant") through this Answer and Motion to Dismiss.

Mr. Lin filed a letter stating that a gas company working near his home damaged his private underground service cable and caused him to lose power. Mr. Lin does not allege that AEP had any involvement in causing the damage, nor does he dispute that the damaged underground service is privately owned. As AEP has explained to Mr. Lin, AEP's service ends at the pole; the underground service is not AEP owned, and cannot be maintained or repaired by AEP. Because AEP has no involvement in this case, the complaint as against AEP must be dismissed.

By way of relief, Mr. Lin seeks to have AEP to "solve" the dispute between the gas company and himself. To the extent Mr. Lin believes that AEP bears some responsibility for

failure to mark a non-AEP underground cable, Mr. Lin bears the burden to establish AEP's liability, but he has not alleged that AEP violated any such rule or regulation.

ANSWER TO ALLEGATIONS

1. AEP does not have knowledge or information sufficient to respond to Mr. Lin's allegations regarding the cause of the damage to his private underground power service.
2. AEP admits that a representative of AEP responded to a service call from Mr. Lin and informed him that AEP's control ended at the pole, that the underground service was owned by the customer, and that a private electric company would have to be called to repair the damage.
3. AEP denies that it failed to mark its facilities in the right of way, and denies any obligation to mark private underground facilities not owned by AEP.
4. AEP denies that it has any obligation to resolve a dispute between unrelated entities that damaged Mr. Lin's service facilities.

AFFIRMATIVE DEFENSES

1. AEP asserts as an affirmative defense that Complainant has failed to seek a formal complaint under R.C. 4905.26 that he must pursue and litigate with the burden of proof.
2. AEP asserts as an affirmative defense that, if the Commission determines this is an appropriate complaint, under R.C. 4905.26 and O.A.C. 4901:1-9-01(B)(3), Complainant has failed to set forth reasonable grounds for a Complaint.

3. AEP asserts as an affirmative defense that at all time relevant to Complainant's claims, AEP has complied with all applicable regulations and policies with regard to marking its facilities, and has kept accurate records and provided reasonable and adequate service to the Complainant according to all applicable provisions of Title 49 of the Ohio Revised Code and regulations promulgated thereunder and in accordance with all of AEP's filed tariffs.
4. AEP asserts as an affirmative defense that Complainant has not stated relief which can be granted by this Commission, specifically, AEP asserts that it has no obligation or ability to solve a dispute between unrelated entities, as requested by Complainant.
5. AEP reserves the right to raise additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and discovery of this matter.

MOTION TO DISMISS

1. Mr. Lin did not file a complaint under R.C. 4905.26.
2. AEP breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which relief may be granted.
3. Complainant has not identified any Commission rule or regulation that AEP has violated.
4. AEP operates under the jurisdiction of the Commission and has complied with those rules and regulations related to the marking of underground, utility-owned facilities, and Complainant has not alleged otherwise.

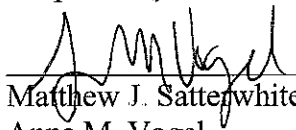
5. Even assuming the facts as presented by Complainant, dismissal is appropriate. Complainant admits that AEP does not own the damaged underground facilities, and did not cause Complainant's injury. It is not within AEP's rights or obligations to resolve a dispute between unrelated third parties. Accordingly, dismissal is appropriate grounds that Complainant fails to state a claim against AEP.

WHEREFORE, Respondent, AEP, respectfully requests that the instant action be dismissed.

CONCLUSION

Having fully answered, AEP respectfully moves this Commission to dismiss the Complaint of Mr. Lin for failure to set forth reasonable grounds for the Complaint, and to deny Complainant's request for relief.

Respectfully submitted,

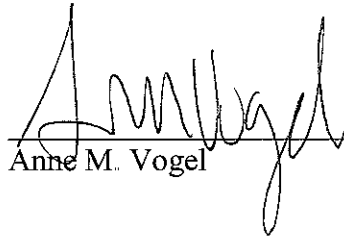


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer and Motion to Dismiss of Ohio Power Company was served by regular mail upon Cheng-Te Lin at the address listed below, on this 15th day of November, 2010.


Anne M. Vogel

Cheng-Te Lin
1617 Leist Ave.
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in

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Summary: Answer Answer to Complaint's Complaint and Motion to Dismiss of AEP
electronically filed by Anne M Vogel on behalf of American Electric Power Company, Inc.