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BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

CCM Properties c/o Martin Management)	11-1185-EL-CSS
Services,)	
Complainant,)	
v.)	
American Electric Power)	
Respondent.)	
and,)	
Reg Martin, Court Appointed Receiver)	
for 90 North High Partners, LLC)	
Complainant,)	11-883-EL-CSS
v.)	
American Electric Power)	
Respondent.)	

JOINT PROPOSED AGREED STATEMENT OF FACTS AND ISSUES BY
COMPLAINANT AND RESPONDENT

Reg Martin (Complainant) and Ohio Power Company and Columbus Southern Power Company ("Companies" or "AEP") (the parties collectively "Parties") have reached a stipulation of facts and issues for Commission consideration in this case.

The Parties have agreed to allow the attached statement of facts serve as the hearing provided Complainant in R.C. 4905.26. The Parties agree to brief the issues based on the agreed statement of facts and issues listed below.

AGREED FACTS:

For purposes of facilitating the efficient use of evidence and resources, the Parties agree to the following facts as evidence of record in this case:

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1. Reg Martin of Martin Management Services was appointed receiver in two separate cases where property related to customers of two different AEP entities were involved in foreclosure proceedings;
 - a. Ohio Power Company's customer located at 217 Larwell Avenue, Wooster, Ohio; *The Ohio State Bank v. Icarus Investments, LLC et al.* Case No.: 10-CV-470, Wayne County Court of Common Pleas
 - b. Columbus Southern Power's customer located at 90 N. High Street, Columbus, Ohio; *CF Bank v. 90 North High Partners, LLC, et al.*, Case No.: 10 CVH-010849
2. The records contained in the civil court dockets in each of the cases referenced in item 1 may be relevant to the Commission's consideration in the present cases before the Commission and the Parties agree that the documents in those dockets are available to each party for use as evidence in the proceedings in front of the Commission.
3. In both of the complaint cases before the Commission, AEP is owed for electric use for dates prior to the appointment of a receiver in the respective foreclosures from the active customer account.
4. Reg Martin asserts that AEP is an unsecured creditor for receivership purposes; AEP Ohio asserts that this characterization is irrelevant for purposes of this proceeding.
5. For the customer account located at 217 Larwell Avenue, AEP is owed for unpaid charges, beyond the current billing period, for electric use and charges incurred after the appointment of a receiver in that foreclosure. Reg Martin was appointed Receiver on the property on August 2, 2010. CCM is the customer of record, but is a management company and not the property owner that Reg Martin is serving as Receiver for in the receivership proceeding. CCM has been the name on the AEP account since April 28, 2010. Receiver first paid on the account in December 3, 2010. There were unpaid charges for electric use after Reg Martin was appointed Receiver. Reg Martin asserts those were unpaid due to issues he experienced dealing with the CCM management group.
6. AEP did not transfer this account into the receiver's name as a new account and the account, both pre and post receivership, remains in the name of CCM Properties care of Reg Martin, Martin Management as court appointed receiver.
7. For the customer located at 90 North High Street, AEP is not owed for electric use, beyond the current billing period, for post receivership debt incurred after the appointment of a receiver.

8. Reg Martin of Martin Management Services has been appointed a receiver by the civil courts in numerous foreclosures for a large number of properties.
9. In the foreclosure of the customer located at 217 Larwell Avenue, the original Order appointing Martin Management receiver was filed on August 3, 2010.
 - a. That Order forbade public utilities from disconnecting the properties that were the subject of the foreclosure, and also forbade public utilities from charging a deposit.
 - b. AEP intervened in that foreclosure, moved that the Order be set aside as the Court did not have subject matter jurisdiction to enjoin AEP from following its Tariff regarding disconnect and deposit issues.
 - c. The Order was amended to delete the references to regulated utilities on January 31, 2011.
 - d. AEP scheduled a disconnect of the property for non-payment and disconnected the property on March 3, 2011.
 - e. As receiver, Reg Martin filed a Complaint on March 4, stating that as of March 2011, all current electric charges were paid in full through that date, and stated that there was a tenant currently in occupation at that address.
 - f. Based upon these statements, the attorney examiner issued an Entry the same day the Complaint was filed, ordering that the service to the residence be reconnected and placed in the name of Reg Martin, Receiver, as long as Mr. Martin continues to make full payment of all post-receivership bills.
 - g. AEP reconnected the property and noted in its system that Reg Martin's/Martin Management's name was the entity to deal with on the account and to whom to direct the bill.
 - h. Complainant requested a mailing change of address on September 3, 2010 and that request was honored.
10. For the property located at 90 North High Street.
 - a. Reg Martin of Martin Management was first appointed receiver by the Court on July 30, 2010.
 - b. There were subsequent amendments to that Order.
 - c. AEP billed the property a deposit, due to unpaid bills--and late charges on those bills-- from prior to the appointment of the receiver.

- d. Reg Martin as receiver disputed having to pay a deposit when the unpaid bills were incurred prior to July 30, 2010.
 - e. AEP did not put the account into Reg Martin's name as a new customer as Receiver.
- 11. Under the civil court's terms of the appointment as receiver (as indicated in 2 above), neither Reg Martin nor Martin Management is personally liable for the bills incurred by or on behalf of either of the properties that are in receiverships.
 - 12. The Ohio Revised Code section on Receivership is R.C. 2735.01-2735.06.
 - 13. Federal bankruptcy law is not the same as Ohio Receivership law governed by R.C. 2735.01- 2735.06 and applicable case law.
 - 14. Reg Martin, has served as a receiver in past situations involving other AEP Ohio customers and received copies of bills to pay, in his role as receiver, without a demand for payment of pre-receivership debt. AEP changed its practices around a year and half ago to address this practice.

ISSUES FOR COMMISSION CONSIDERATION:


The Parties have identified the following issues to be submitted for determination by the Commission after a briefing of the issues in this proceeding.


1. Whether Ohio Receivership law preempts the Commission's jurisdiction and orders under Title 49 of the Ohio Revised Code.
2. Whether the Commission's rules and regulations preclude AEP from treating a receiver as a new customer on an account once he is appointed as receiver.
3. Whether a receiver is merely an extension of an existing AEP customer or whether a receiver is a new customer who is entitled to have service transferred into his name upon his appointment and treated as a new customer.

The Parties will work out a recommended briefing schedule and file with the Commission in the near future as we explore further settlement discussion. The foregoing facts and issues are agreed upon by the Parties as identifying the scope of these dockets.

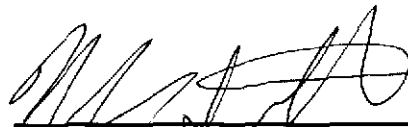
Respectfully Submitted,

DATED: July 28, 2011


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