BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Jasper Ross,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	**Case No: 12-3342-EL-CSS**
AEP Ohio,	)	
	)	
Respondent.	)	

ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY

AEP Ohio aka Ohio Power Company ("OPCo" or "Respondent") responds to the Complaint filed in this proceeding by Jasper Ross ("Mr. Ross" or "Complainant") on January 2, 2013, through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. OPCo admits that Mr. Ross had an account for electric service at 1126 South Central Avenue, Lima, Ohio 45804.
2. OPCo admits that Mr. Ross had incurred a bill of $537.43, an amount which has gone unpaid, for use of electric service from the period of June 2004 to April 2005.
3. OPCo denies any conversation with Mr. Ross in which any employee agreed to resolve his bills by removing the outstanding payments required for Mr. Ross' use of electricity.
4. OPCo denies that OPCo has conflicting records.
5. OPCo denies all other allegations of the Complaint not specifically admitted herein.

AFFIRMATIVE DEFENSES

1. OPCo asserts as an affirmative defense that under Ohio Revised Code § 4905.26 and Ohio Administrative Code § 4901-9-01(C)(3), Complainant has failed to set forth reasonable grounds for a complaint.
2. OPCo asserts as an affirmative defense that at all relevant times to Complainant's claims, OPCo has complied with all applicable regulations and policies, has kept accurate records, and has 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 OPCo's filed tariffs.
3. OPCo asserts as an affirmative defense that it fully cooperated with the Commission's informal complaint process as required by Rule 4901-9-01.
4. OPCo 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

This Complaint seeks to place electric service at 716 ½ South Elizabeth Street, Lima, Ohio 45804, which is the residence of Complainant Mr. Ross. Mr. Ross also seeks to remove an outstanding charge of $537.43 from his account for use of electricity at 1126 South Central, Avenue, Lima, Ohio 45804. OPCo requests that this matter be dismissed because the Complainant has failed to state reasonable grounds upon which relief may be granted, Complainant has not identified any Commission rule or regulation that OPCo has violated, and OPCo has complied with all of the applicable rules and regulations related to billing for usage.

The nature of OPCo's relationship with any customer is that OPCo provides electric service to the customer, and in return, the customer is required to pay for the electric service used in any given billing period. As stated in OPCo's "Terms and Conditions of Service," a "customer will be held responsible for all charges for electric energy delivered at the customer's premises" (Terms and Conditions of Service, Original Sheet No. 103-19, Paragraph 22 "Billing and Bills Payable"). Moreover, "[i]f the customer fails to pay in full any final bill for service rendered and said customer receives like service at another location, the company may transfer the unpaid balance of the final bill…." *Id*. Mr. Ross attempts to circumvent the terms of this relationship by not paying the charges that he admittedly accrued while living at his South Central Avenue address. Complainant asserts that a conference call took place in May 2011 which led to the removal of the outstanding balance on his account. However, OPCo has no record of this conversation taking place nor does it have a record of a Helen from Direct Collections, the person with whom Mr. Ross claims to have spoken. Accordingly, Mr. Ross is still responsible for the payment due to OPCo for the electricity used at the South Central Avenue address.

WHEREFORE, Respondent OPCo respectfully requests that this Complaint be dismissed because OPCo has complied with all of the rules and regulations related to billing for usage and has correctly charged Mr. Ross for his use of electric service. Moreover, Complainant has failed to state a claim or reasonable grounds upon which relief may be granted and Complainant has not identified any Commission rule or regulation that OPCo has violated.

CONCLUSION

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

Respectfully Submitted,

/s/ Yazen Alami

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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 Jasper Ross at the address listed below, on this 22nd day of January, 2013.

/s/ Yazen Alami
Yazen Alami

Jasper Ross
716 ½ South Elizabeth St.
Lima, Ohio 45804

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Summary: Answer and Motion to Dismiss of Ohio Power Company electronically filed by Mr. Yazen Alami on behalf of Ohio Power Company