

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

Robert L. Scarfpin Sr.,)	
)	
Complainant,)	
)	
v.)	
)	Case No: 13-0150-EL-CSS
American Electric Power Company¹,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY

Ohio Power Company d/b/a AEP Ohio (“OPCo” or “Respondent”) responds to the complaint filed in this proceeding by Robert L. Scarfpin, Sr. (“Mr. Scarfpin” or “Complainant”) on January 9, 2013 (“Complaint”) through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. OPCo denies any and all allegations of the Complaint.

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

¹ American Electric Power Company, Inc. is a public utility holding company that does not provide public utility services in Ohio and is not subject to the jurisdiction of this Commission. Ohio Power Company, a wholly-owned subsidiary of American Electric Power Company, Inc., is a public utility as defined in Section 4905.02, Revised Code, and an electric utility as defined in Section 4928.01(A)(11), Revised Code, and, as such, is the entity subject to the jurisdiction of this Commission and the appropriate Respondent in this case. Accordingly, this Answer and Motion to Dismiss, and any future pleadings in the case from Respondent, will be made on behalf of Ohio Power Company.

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 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 OR IN THE ALTERNATIVE A REQUEST THAT THE COMPLAINT BE INSTEAD DOCKETED AS A PUBLIC COMMENT IN OHIO POWER COMPANY'S CURRENT ELECTRIC SECURITY PLAN CASE

1. OPCo breached no legal duty owed to Complainant, and Complainant has failed to state reasonable grounds upon which relief may be granted.
2. Complainant has not identified any Commission rule or regulation that OPCo has violated.
3. The Complaint consists only of the Complainant's general concern about "Riders" approved by the Commission as part of OPCo's current Electric Security Plan ("ESP II").
4. OPCo operates under the jurisdiction of the Commission and has complied with the rules and regulations related to billing.
5. Accordingly, dismissal is appropriate on grounds that Complainant fails to state a claim against OPCo.

WHEREFORE, Respondent Ohio Power Company respectfully requests that the Complaint be dismissed, or alternatively, that the Complaint be docketed as a public comment in the ESP II proceeding, Case No. 11-346-EL-SSO et al.

CONCLUSION

Having fully answered, OPCo respectfully moves this Commission to dismiss the Complaint of Mr. Scarfpin for failure to set forth reasonable grounds for the Complaint and to deny Complainant's request for relief. As an alternative to dismissal, and given that the Complaint consists solely of the Complainant's general concern regarding Commission-approved components of OPCo's current ESP, OPCo proposes that the Complaint be docketed as a public comment in Case No. 11-346-EL-SSO et al., instead of as a formal complaint, so that it may be included as part of the record in the ESP II proceeding.

Respectfully submitted,

/s/ Yazen Alami

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*Attorneys for Respondent Ohio Power
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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 Robert Scarfpin, Sr. at the address listed below, on this 29th day of January, 2013.

/s/ Yazen Alami

Yazen Alami

Robert L. Scarfpin, Sr.
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Case No(s). 13-0150-EL-CSS

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