

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>Michael A. Dane,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No: 15-1638-EL-CSS</b>
	)	
<b>Ohio Power Company,</b>	)	
	)	
<b>Respondent.</b>	)	

**ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY**

Ohio Power Company d/b/a AEP Ohio (“OPCo” or the “Company”)<sup>1</sup> hereby responds to the complaint filed in this proceeding by Michael A. Dane (“Complainant”) on September 17, 2015 (“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 Rule 4901-9-01(C)(3), Complainant has failed to set forth reasonable grounds for a complaint.
2. 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.

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<sup>1</sup> The complaint names American Electric Power Company, Inc. (“AEP”) as the relevant utility, but because Complainant is a customer of AEP subsidiary Ohio Power Company, this motion is filed on behalf of Ohio Power Company.

## **MOTION TO DISMISS**

It is axiomatic that the burden of proof in complaint proceedings is on the complainant. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966). Under R.C. 4905.26, the Commission may hold a hearing on a complaint only “if it appears that reasonable grounds for complaint are stated.” Here, Complainant has failed to carry that burden. OPCo breached no legal duty owed to Complainant and Complainant has failed to state reasonable grounds upon which relief may be granted. Complainant has not identified any Commission rule, regulation, or provision of the Company’s Tariff that OPCo has violated. Accordingly, dismissal is appropriate on grounds that Complainant failed to state reasonable grounds upon which relief may be granted.

WHEREFORE, Ohio Power Company respectfully requests that the Complaint be dismissed with prejudice.

## **CONCLUSION**

Having fully answered, OPCo respectfully moves this Commission to dismiss the Complaint with prejudice for failure to set forth reasonable grounds for the Complaint.

Respectfully submitted,

/s/ Yazen Alami

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*Counsel for Ohio Power Company*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Answer and Motion to Dismiss of Ohio Power Company was served by regular mail upon Complainant at the address listed below, on this 7<sup>th</sup> day of October, 2015.

/s/ Yazen Alami  
Yazen Alami

Michael A. Dane  
1268 S. High St. #9  
Columbus, Ohio 43206

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 15-1638-EL-CSS**

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