

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Matyas Z. Amedmaram,)	
)	
Complainant,)	Case No. 16-1710-EL-CSS
)	
v.)	
)	
Ohio Power Company,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY

Ohio Power Company (d/b/a/ “AEP Ohio”)¹ hereby responds to the complaint filed in this proceeding by Matyas Z. Amedmaram (“Complainant”) on August 10, 2016 (“Complaint”) through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. The Complaint consists of three unnumbered pages with a few letter-numbered paragraphs and a bill attached. AEP Ohio will attempt to specifically answer each allegation; however, due to the vagueness and illegibility of this handwritten complaint, portions of the Complaint warrant no response. To the extent AEP Ohio does not respond to a specific allegation, such allegation is denied.
2. Paragraph (a) is illegible and too vague to warrant a response. To the extent a response is warranted, AEP Ohio denies the allegations.
3. AEP Ohio denies for want of knowledge or information sufficient to form a belief the allegations made in paragraph (b).
4. AEP Ohio denies the allegations made in paragraph (c).

¹ The Complaint names AEP Ohio as the Respondent.

5. Paragraph (d) is illegible and too vague to warrant a response. To the extent a response is warranted, AEP Ohio denies the allegations. AEP Ohio avers that Complainant currently has electric service.

6. Regarding the statements made outside the letter-numbered paragraphs, much of it is illegible or too vague to warrant a response. To the extent a response is warranted, AEP Ohio denies the allegations.

7. AEP Ohio denies that it engaged in any unfair or unjust billing practices.

8. AEP Ohio denies each and every allegation not specifically admitted.

AFFIRMATIVE DEFENSES

1. Pursuant to Ohio Revised Code § 4905.26 and Ohio Administrative Code Rule § 4901-9-01(C)(3), Complainant has failed to allege reasonable grounds upon which relief may be granted.

2. Pursuant to Ohio Administrative Code Rule § 4901-9-01(B), Complainant has failed to clearly explain the facts which constitute the basis of the complaint.

3. AEP Ohio, at all times, complied with Ohio Revised Code Title 49; Commission rules, regulations and orders; and the applicable Tariff.

MOTION TO DISMISS

Ohio Administrative Code Rule § 4901-9-01(B) demands that complainants clearly explain the facts which constitute the basis of their complaint. Complainant has failed to do that here. Much of the complaint is illegible or too vague to warrant a response. For example, paragraph (a) states, “Send 4 request [illegible] every month.” And paragraph (d) says, “Most importantly, they shut down my [illegible] notes and date.” In order to understand the Complainant’s concerns, AEP Ohio has to know what those concerns are. Therefore,

Complainant should amend his Complaint, or the Commission should dismiss this Complaint for non-compliance with the aforementioned Code Rule.

Moreover, due to the vagueness of the Complaint, AEP Ohio can only assume that the Complaint was levied because of an alleged disconnection. No such disconnection occurred and Complainant is currently receiving electric service. As such, no reasonable complaint upon which relief can be granted has been made. Complainant therefore has failed to carry his burden. *See Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966); Ohio Revised Code 4905.26. AEP Ohio, at all times, complied with Ohio Revised Code Title 49; Commission rules, regulations and orders; and the applicable Tariff.

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

CONCLUSION

AEP Ohio has fully answered the Complaint. AEP Ohio also respectfully moves this Commission to dismiss the Complaint with prejudice for failure to set forth reasonable grounds upon which relief can be granted and/or for failure to clearly state the facts which constitute the complaint.

Respectfully submitted,

/s/ Michael J. Benza

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*Counsel for Respondent Ohio Power
Company*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served by regular mail upon Complainant at the address listed below on this 25th day of August, 2016.

Mateyas Z. Amedmaram
1230 Little John Drive
Columbus, Ohio 43227

/s/ Michael J. Benza
Michael J. Benza

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Case No(s). 16-1710-EL-CSS

Summary: Answer and Motion to Dismiss of Ohio Power Company electronically filed by Michael J Benza on behalf of Ohio Power Company