

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINT OF  
ED BROWNING,

COMPLAINANT,

v.

CASE NO. 20-1002-EL-CSS

OHIO POWER COMPANY D/B/A AEP  
OHIO,

RESPONDENT.

## ENTRY

Entered in the Journal on August 25, 2021

{¶ 1} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 2} Ohio Power Company d/b/a AEP Ohio (AEP Ohio or Respondent) is a public utility as defined in R.C. 4905.02. As such, AEP Ohio is subject to the Commission's jurisdiction.

{¶ 3} On May 7, 2020, Ed Browning (Mr. Browning or Complainant) filed a complaint against AEP Ohio. On May 27, 2020, Respondent filed an answer to Mr. Browning's complaint. By Entry dated May 18, 2021, the attorney examiner scheduled a prehearing conference for August 10, 2021, and an evidentiary hearing for August 24, 2021.

{¶ 4} Subsequently, on June 23, 2021, Respondent filed a letter to the docket suggesting that Complainant's case is moot. On July 7, 2021, Mr. Browning filed correspondence in response to AEP Ohio's letter disagreeing with Respondent's assertions.

{¶ 5} By Entry dated July 9, 2021, the attorney examiner found that Mr. Browning's July 7, 2021 letter should be construed as an amended complaint and instructed Respondent

to respond to the same in accordance with Ohio Adm.Code 4901-9-01(B) and/or Ohio Adm.Code 4901-1-12. The July 9, 2021 Entry also vacated the August 10, 2021 event and converted the August 24, 2021 hearing date to a prehearing conference.

{¶ 6} On July 23, 2021, Respondent filed both an answer to the construed amended complaint and a separate motion to dismiss. On August 3, 2021, Complainant filed his response to the motion to dismiss, to which Respondent filed a reply on August 10, 2021.

{¶ 7} August 24, 2021, the attorney examiner conducted the prehearing conference as scheduled. During that conference, the attorney examiner and the parties discussed the status of the case and potential dates for hearing on any claims that remain pending after a decision is issued regarding the pending motion to dismiss.

{¶ 8} Pursuant to discussions with the parties, the attorney examiner finds that a hearing on any still-pending claims in this matter will be held on December 7, 2021, at 10:00 a.m., in Hearing Room 11-D at the offices of the Commission, 180 East Broad Street, 11th Floor, Columbus, Ohio 43215-3793. Consistent with Ohio Adm.Code 4901-1-29, and in order to allow sufficient time for review and depositions prior to hearing, expert testimony shall be filed no later than November 23, 2021.

{¶ 9} To participate in the evidentiary hearing, parties should register at the lobby desk and then proceed to the 11th floor. Consistent with Center for Disease Control and Prevention guidelines, individuals who are not fully vaccinated should continue to wear a face covering and practice social distancing; individuals who are fully vaccinated should wear a mask in public indoor settings in areas of substantial or high transmission. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing by contacting the Commission's legal department at 614-466-6843. As pandemic restrictions continue to evolve, instructions regarding further safety requirements or accommodations for the hearing room be will either be posted on the Commission website or communicated to the parties.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That an evidentiary hearing be conducted, if necessary, on December 7, 2021, at 10:00 a.m. It is, further,

{¶ 12} ORDERED, That expert testimony be filed no later than November 23, 2021. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo  
Attorney Examiner

MJA/hac

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

**Commission of Ohio Docketing Information System on**

**8/25/2021 9:57:26 AM**

**in**

**Case No(s). 20-1002-EL-CSS**

Summary: Attorney Examiner Entry ordering that an evidentiary hearing be conducted, if necessary, on December 7, 2021, at 10:00 a.m. and that expert testimony be filed no later than November 23, 2021 electronically filed by Heather A. Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission