

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Ed Browning,

Complainant,

v.

Ohio Power Company,

Respondent.

Case No. 20-1002-EL-CSS

**OHIO POWER COMPANY’S MOTION TO CONTINUE
EVIDENTIARY HEARING PENDING RULING ON
MOTION TO DISMISS**

Pursuant to Ohio Admn.Code 4901-1-13(A), Respondent Ohio Power Company (“AEP Ohio”) respectfully requests an order continuing the December 7, 2021 evidentiary hearing pending the Commission’s ruling on AEP Ohio’s Motion to Dismiss (the “Motion”). A memorandum in support of this motion is attached.

Respectfully submitted,

/s/ Spencer C. Meador

Steven T. Nourse (0046705), Counsel of Record
American Electric Power Service Corporation
1 Riverside Plaza, 29th Floor
Columbus, Ohio 43215
Telephone: (614) 716-1915
Email: stnourse@aep.com

Eric B. Gallon (0071465)
Spencer C. Meador (00999990)
Porter, Wright, Morris & Arthur LLP
41 South High Street, 30th Floor
Columbus, Ohio 43215
Telephone: (614) 227-2190
(614) 227-2209
Email: egallon@porterwright.com
smeador@porterwright.com

(willing to accept service by e-mail)

Counsel for Ohio Power Company

MEMORANDUM IN SUPPORT

On July 23, 2021, AEP Ohio filed a Motion to Dismiss Complainant Ed Browning's Amended Complaint. In that Motion, AEP Ohio noted that Mr. Browning's claims are stale, outside the Commission's jurisdiction, and seek a form of relief the Commission cannot grant. Specifically, the claims raised in the Amended Complaint relate to a power line that has since been moved, next to a house Mr. Browning no longer owns.

Because the Commission has yet to rule on these threshold issues, the evidentiary hearing should be continued until a decision is rendered. AEP Ohio brings this motion for good cause, pursuant to Ohio Adm.Code 4901-1-13(A). AEP Ohio is not filing this motion simply to delay the hearing; rather, a continuance would prevent both parties from expending time and resources preparing for an evidentiary hearing regarding issues that may yet be dismissed in full or in part.

For the foregoing reasons, AEP Ohio respectfully requests that the Commission continue the evidentiary hearing until a decision on its Motion to Dismiss has been rendered.

Respectfully submitted,

/s/ Spencer C. Meador

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Email: egallon@porterwright.com
smeador@porterwright.com

(willing to accept service by e-mail)

Counsel for Ohio Power Company

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the foregoing was served upon Complainant at the address listed below by regular U.S. mail, postage prepaid, on this 5th day of November, 2021.

Ed Browning
1292 Berlin Station Rd.
Delaware, Ohio 43015

/s/ Spencer C. Meador
Spencer C. Meador

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Summary: Motion to Continue Evidentiary Hearing Pending Ruling on Motion to Dismiss electronically filed by Ms. Spencer C. Meador on behalf of Ohio Power Company