

FILE

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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO 2006 OCT 10 PM 2:21

PUCO

Renite Company, )  
)  
Complainant, )  
)  
v. )  
) Case No. 06-1147-EL-CSS  
American Electric Power Company, )  
)  
Respondent. )  
)

**COLUMBUS SOUTHERN POWER COMPANY'S ANSWER**

On September 21, 2006 Renite Company (Renite) filed a complaint naming American Electric Power Company as the respondent. Columbus Southern Power Company (CSP) which conducts business as AEP-Ohio is the company that provides service to Renite and owns the facilities in question. Therefore, CSP files this answer to the complaint.

The complainant wants the Commission to direct CSP to relocate certain facilities at CSP's cost. It is alleged that the facilities located "on Renite Company property at the N.W. corner of 807 (Rear) No. Drexel Ave was (originally) and remains an obstruction to (what was once and still is) an alley right-of-way (extension of E. 7<sup>th</sup> Ave) to No. Drexel Ave."

CSP responds that its facilities are located in what originally was a public right-of-way that subsequently was vacated by the City of Columbus, Ohio. § 723.041 Ohio Rev. Code, provides that:

When any street, alley, or public highway, or a portion thereof, is vacated or narrowed by a municipality pursuant to the provisions of any section of Chapter 723, of the Revised Code, and the relocation of any conduits, cables, wires, towers, poles, sewer lines, stream lines, pipelines, gas and water lines, tracks, or other equipment or appliances of any railroad or public utility, whether owned privately or by any governmental authority,

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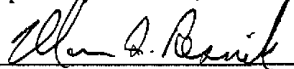
located on, over, or under the portion of the street, alley, or highway affected by such vacation or narrowing, is not required for purposes of the municipality, including urban renewal, any affected railroad or public utility shall be deemed to have a permanent easement in such vacated portion or excess portion of such street, alley, or highway for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.

Consequently, from the time when Columbus vacated the alley and the relocation of CSP's facilities was not required, CSP "shall be deemed to have a permanent easement" in the vacated alley. Therefore, the facilities in question are properly placed within CSP's permanent easement. Consequently, pursuant to Paragraph 17 of CSP's Commission-approved Terms and Conditions of Service, CSP is permitted to charge the customer for the cost associated with the special construction request to relocate the facilities.

In light of Paragraph 17 of the Terms and Conditions of Service and in light of § 723.041, Ohio Rev. Code, the complaint fails to state reasonable grounds for complaint. Further, the complaint fails to state any grounds upon which any relief can be granted.

The complaint should be dismissed.

Respectfully submitted,



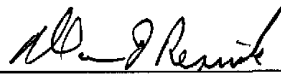
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Attorney for Columbus Southern  
Power Company

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Columbus Southern Power Company's Answer was served by First-Class United States Mail, postage prepaid, this 11th day of October, 2006, upon Renite Company at the address shown below.



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Marvin I. Resnik

Renite Company  
2500 E 5<sup>th</sup> Ave.  
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