

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
Wayne D. Howard,)	
)	
Complainant,)	
)	Case No. 06-701-EL-CSS
v.)	
)	
Columbus Southern Power Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On May 12, 2006, Wayne D. Howard filed a complaint against AEP alleging that an AEP employee was routinely taking excessive lunch breaks near his residence.
- (2) On May 31, 2006, Columbus Southern Power Company (CSP) filed an answer to the complaint. In the answer, CSP stated that it is the electric service provider for the complainant rather than AEP, and CSP denied the allegations in the complaint. In addition, CSP moved to dismiss the complaint, stating that the Complainant has not stated reasonable grounds for complaint.
- (3) On June 2, 2006, the Complainant filed a response to the motion to dismiss, and the Complainant moved to amend the complaint to name Columbus Southern Power Company as the Respondent. The Commission finds that the motion to amend the complaint should be granted.
- (4) In its motion to dismiss, CSP argues that the activities of a single employee, which do not affect the quality of service to the Complainant or the rates paid by the Complainant, do not give rise to a matter that is justiciable by the Commission. Moreover, CSP states that no further relief need be granted because it has already addressed the issues raised in the complaint with the employee in question.

- (5) The Commission finds that the complaint does not meet the requirements of Section 4905.26, Revised Code. Section 4905.26, Revised Code, provides the Commission with jurisdiction over complaints against public utilities which allege that:

any rate, fare, charge, toll, rental, schedule, classification, or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is in any respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law, or that any regulation, measurement, or practice affecting or relating to any service furnished by the public utility, or in connection with such service, is, or will be, in any respect unreasonable, unjust, insufficient, unjustly discriminatory, or unjustly preferential, or that any service is, or will be, inadequate or cannot be obtained,

The Complainant has not alleged that any practice in connection with his electric service is unreasonable, unjust, insufficient, unjustly discriminatory, or unjustly preferential or that his electric service is inadequate or cannot be obtained. Further, the specific issue raised in the complaint, which involved only one employee, does not rise to a level which would impact the rates paid by the Complainant, and AEP states that it has addressed the issue raised by the complaint. Therefore, we find that the motion to dismiss should be granted.

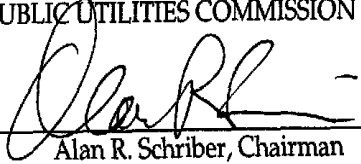
It is, therefore,


ORDERED, That the Complainant's motion to amend the complaint be granted. It is, further,

ORDERED, That the motion to dismiss filed by Columbus Southern Power Company be granted and that this complaint be dismissed and closed of record. It is, further,

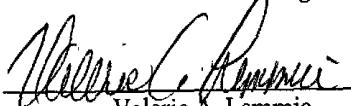
ORDERED, That a copy of this entry be served upon all parties of record.

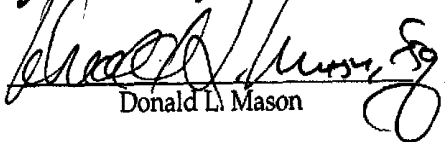
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus


Judith A. Jones

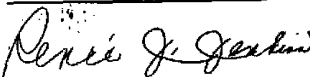

Valerie A. Lemmie


Donald L. Mason

GAP:ct

Entered in the Journal

AUG 23 2006



Renee J. Jenkins
Secretary