

**BEFORE THE  
PUBLIC UTILITIES COMMISSION OF OHIO**

|                                 |   |                               |
|---------------------------------|---|-------------------------------|
| <b>Majorie L. Sebring,</b>      | ) |                               |
| <b>Complainant,</b>             | ) |                               |
|                                 | ) |                               |
| <b>v.</b>                       | ) |                               |
|                                 | ) | <b>Case No. 10-690-EL-CSS</b> |
| <b>American Electric Power,</b> | ) |                               |
|                                 | ) |                               |
| <b>Respondent.</b>              | ) |                               |
|                                 | ) |                               |

**ANSWER AND MOTION TO DISMISS OF  
AMERICAN ELECTRIC POWER COMPANY**

American Electric Power Company ("AEP" or "Respondent") responds to the Complaint filed in this proceeding by Ms. Majorie L. Sebring ("Ms. Sebring" or "Complainant") through its Answer and Motion to Dismiss.

**ANSWER TO ALLEGATIONS**

AEP denies that there is a safety concern in need of attention as asserted in the Complaint. In fact, to the extent there was ever a concern the root of that concern is now moot. AEP installed a new pole and transferred all AEP Ohio facilities to the new pole on May 11, 2010 over a week before the complaint was filed with docketing. At the time the old pole was cut above the other attachments on the pole until the non-electric attachments, such as phone and cable, could be transferred to the new pole. On May 28, all other attachments (phone, cable, etc.) were transferred to the new pole and the old pole was removed.

AEP has left multiple messages for Ms. Sebring but have been unable to reach her and have not received a return call. AEP does thank Ms. Majorie L. Sebring for her communication with AEP and appreciate her vigilance in seeking a safe environment in her community.

### **AFFIRMATIVE DEFENSES**

1. AEP asserts as an affirmative defense that under R.C. 4905.26 and O.A.C. 4901:1-9-01(B)(3), Complainant has failed to set forth reasonable grounds for a Complaint.
2. AEP asserts as an affirmative defense that at all time relevant to Complainant's claims, AEP has provided reasonable and adequate service to the Complainant according to all applicable provisions of Title 49 of the Ohio Revised Code and regulations promulgated thereunder, and in accordance with all of AEP's filed tariffs.
3. AEP asserts as an affirmative defense that Complainant has not stated relief which can be granted by this Commission.
4. AEP reserves the right to raise additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as may become necessary during the investigation and discovery of this matter.

### **MOTION TO DISMISS**

1. AEP has already replaced the pole and had moved electric service facilities prior to the docketing of this complaint. The existence of the concern in the complaint is no longer present. The complaint is moot.
2. AEP breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which relief may be granted.

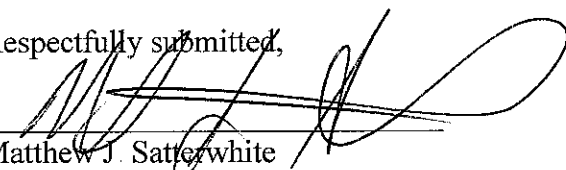
3. Complainants have not identified any Commission rule or regulation that AEP has violated because the Complaint is moot.

WHEREFORE, Respondent, AEP, respectfully requests that the instant action be dismissed.

### **CONCLUSION**

Having fully answered, AEP respectfully moves this Commission to dismiss the Complaint as moot.

Respectfully submitted,

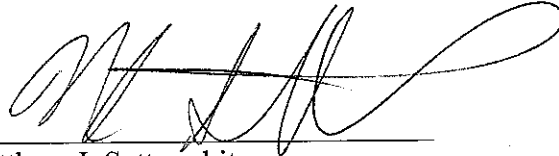


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Attorney for American Electric Power

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Answer and Motion to Dismiss of AEP Company was served by First-Class United States Mail, postage prepaid, upon Ms. Majorie L. Sebring at the address listed below on this 8th day of June, 2010.

A handwritten signature in black ink, appearing to read 'M. J. Satterwhite', written over a horizontal line.

Matthew J. Satterwhite

Majorie L. Sebring  
3679 Santiago Drive  
Westerville, Ohio 43081

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

**Commission of Ohio Docketing Information System on**

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**in**

**Case No(s). 10-0690-EL-CSS**

Summary: Answer electronically filed by Mr. Matthew J Satterwhite on behalf of American Electric Power Service Corporation