

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|--------------------------|---|-------------------------|
| Stuart Raby, |) | |
| Complainant, |) | |
| |) | |
| v. |) | |
| |) | Case No. 11-5527-EL-CSS |
| American Electric Power, |) | |
| |) | |
| Respondent. |) | |

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ANSWER TO COMPLAINANT’S COMPLAINT AND
MOTION TO DISMISS OF AMERICAN ELECTRIC POWER

American Electric Power aka Columbus Southern Power Company (“AEP” or “Respondent”) responds to the Complaint filed in this proceeding by Stuart Raby (“Mr. Raby” or “Complainant”) on October 21, 2011, through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. AEP denies that its billed charges to Mr. Raby’s account at 866 Werner Way, Worthington Ohio 43085 are incorrect and further denies that the usage recorded for Mr. Raby’s account is “a physical impossibility” as alleged in the Complaint.

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 complied with all applicable regulations and policies, has kept

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accurate records, and 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 it fully cooperated with the Commission's informal complaint process as required by Rule 4901-9-01, which has not yet concluded.
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

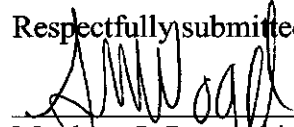
1. AEP breached no legal duty owed to Complainant, and Complainant failed to state reasonable grounds upon which relief may be granted.
2. Complainant has not identified any Commission rule or regulation that AEP has violated.
3. AEP operates under the jurisdiction of the Commission and has complied with those rules and regulations related to the reading of meters and billing for usage recorded thereon.
4. Accordingly, dismissal is appropriate grounds that Complainant fails to state a claim against AEP.

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

CONCLUSION

Having fully answered, AEP respectfully moves this Commission to dismiss the Complaint of Mr. Raby for failure to set forth reasonable grounds for the Complaint, and to deny Complainant's request for relief.

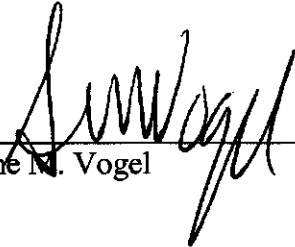
Respectfully submitted,



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Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer and Motion to Dismiss of Ohio Power Company was served by regular mail upon Stuart Raby at the address listed below, on this 9th day of November, 2011.



Anne M. Vogel

Stuart Raby
866 Werner Way
Worthington, OH 43085