

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

David Schultz,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 12-1967-EL-CSS
American Electric Power Co.,)	
)	
Respondent.)	

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

American Electric Power aka Ohio Power Company (“AEP” or “Respondent”) responds to the Complaint filed in this proceeding by David Schultz (“Mr. Schultz” or “Complainant”) on July 2, 2012, through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. AEP denies that it negligently maintained the equipment used by AEP to supply power to Complainant’s residence.
2. AEP denies that negligence in the maintenance of the equipment used by AEP to supply power to Complainant’s residence proximately caused property damage as claimed by Complainant.
3. AEP asserts that Terms and Conditions contained within its Commission-approved tariff speak for themselves.
4. AEP denies that it breached any service obligations to Customer.

5. AEP is without sufficient knowledge or information to form a belief as to the truth of the allegation that disturbances of electrical power caused damage to personal property on or about May 3, 2012.
6. AEP denies the statements made by Complainant that interpret and attempt to re-characterize AEP's actions and statements.
7. AEP denies any allegations not specifically addressed in this Answer.

AFFIRMATIVE DEFENSES

1. AEP asserts as an affirmative defense that under R.C. 4905.26 and O.A.C. 4901-9-01(C)(3), Complainant has failed to set forth reasonable grounds for a Complaint.
2. AEP asserts as an affirmative defense that at all times 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 there under, and in accordance with all of Ohio Power Company's filed tariffs.
3. AEP complied with the applicable tariff and followed its standard business practice. Pursuant to the tariff, AEP is not liable to the customer for damages in cases when supply should be "interrupted or fail by reason of an act of God" or "breakdowns or injury to the machinery, transmission lines, distribution lines or other facilities of the Company."
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.

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. Schultz for failure to set forth reasonable grounds for the Complaint, and to deny Complainant's request for relief.

Respectfully submitted,

/s// Sophia L. Chang
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Counsel for Ohio Power Company

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer and Motion to Dismiss of American Electric Power Company was served by regular U.S. mail, postage prepaid, upon Complainant David Schultz at the address listed below on this 20th day of July 2012.

//s/ Sophia L. Chang
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/20/2012 10:06:31 AM

in

Case No(s). 12-1967-EL-CSS

Summary: Answer and Motion to Dismiss electronically filed by Miss Sophia L Chang on behalf of American Electric Power Company, Inc.