

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

William Weiss,)	
)	
Complainant,)	
)	
v.)	
)	Case No: 13-1038-EL-CSS
American Electric Power Company Inc.¹,)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY

Ohio Power Company d/b/a AEP Ohio (“OPCo,” “Respondent” or “Company”) hereby responds to the complaint filed in this proceeding by William Weiss (“Complainant”) on April 26, 2013, (“Complaint”) through this Answer and Motion to Dismiss. While the Company still believes an agreement in principle to resolve the Complaint has been reached among the parties as indicated in its May 16th filing, the Company has been unable to contact Mr. Weiss in order to finalize the agreement despite trying to do so on several occasions. Given the pending deadline for the Company to respond to the allegations raised in the Complaint, the Company hereby files this Answer and Motion to dismiss.

¹ American Electric Power Company, Inc. is a public utility holding company that does not provide public utility services in Ohio and is not subject to the jurisdiction of this Commission. Ohio Power Company, a wholly-owned subsidiary of American Electric Power Company, Inc., is a public utility as defined in Section 4905.02, Revised Code, and an electric utility as defined in Section 4928.01(A)(11), Revised Code, and, as such, is the entity subject to the jurisdiction of this Commission and the appropriate Respondent in this case. Accordingly, this Answer and Motion to Dismiss, and any future pleadings in the case from Respondent, will be made on behalf of Ohio Power Company.

ANSWER TO ALLEGATIONS

1. OPCo admits that it charged Complainant reconnection fees in accordance with the Company's Tariffs on file with and approved by the Commission.
2. OPCo denies all remaining allegations of the Complaint.

AFFIRMATIVE DEFENSES

1. OPCo asserts as an affirmative defense that under Ohio Revised Code § 4905.26 and Ohio Administrative Code § 4901-9-01(C)(3), Complainant has failed to set forth reasonable grounds for a complaint.
2. OPCo asserts as an affirmative defense that at all relevant times to Complainant's claims, OPCo has complied with all applicable regulations and policies, has kept 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 OPCo's filed tariffs.
3. OPCo 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. OPCo breached no legal duty owed to Complainant, and Complainant has failed to state reasonable grounds upon which relief may be granted.
2. Complainant has not identified any Commission rule or regulation that OPCo has violated.

3. Pursuant to paragraph 24 of the Company's Terms and Conditions of Service (P.U.C.O. No. 20) the Company is permitted to charge a reconnection service charge to reconnect electric service when service has been terminated for nonpayment.
4. Complainant's electric service was terminated for nonpayment on February 26, 2013, and again on April 23, 2013. Complainant was charged a reconnection fee to reconnect his service after each disconnection.
5. OPCo operates under the jurisdiction of the Commission and has complied with the rules and regulations related to billing.
6. Accordingly, dismissal is appropriate on grounds that Complainant has failed to state a claim against OPCo.

WHEREFORE, Respondent Ohio Power Company respectfully requests that the Complaint be dismissed.

Respectfully submitted,

/s/ Yazen Alami
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by regular mail upon William Weiss at the address listed below, on this 29th day of May, 2013.

/s/ Yazen Alami
Yazen Alami

William Weiss
5847 Forest Hills Blvd.
Columbus, OH 43231

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Case No(s). 13-1038-EL-CSS

Summary: Answer and Motion to Dismiss of Ohio Power Company electronically filed by Mr. Yazen Alami on behalf of Ohio Power Company