

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Marti L. Larkin,)	
)	
Complainant,)	
)	
v.)	Case No: 15-0408-EL-CSS
)	
Ohio Power Company)	
)	
Respondent.)	

ANSWER AND MOTION TO DISMISS OF OHIO POWER COMPANY

Ohio Power Company d/b/a AEP Ohio (“OPCo” or the “Company”) hereby responds to the complaint filed in this proceeding by Marti L. Larkin (“Complainant”) on February 25, 2015 (“Complaint”) through this Answer and Motion to Dismiss.

ANSWER TO ALLEGATIONS

1. OPCo denies any and all allegations of the Complaint.

AFFIRMATIVE DEFENSES

1. OPCo asserts as an affirmative defense that under Ohio Revised Code §4905.26 and Ohio Administrative Code Rule §4901-9-01(C)(3), Complainant has failed to set forth reasonable grounds for a complaint.
2. 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

It is axiomatic that the burden of proof in complaint proceedings is on the complainant. *Grossman v. Pub. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966). Under R.C. 4905.26,

the Commission may hold a hearing on a complaint only “if it appears that reasonable grounds for complaint are stated.” Here, Complainant has failed to carry that burden. OPCo breached no legal duty owed to Complainant, and Complainant has failed to state reasonable grounds upon which relief may be granted. Complainant has not identified any Commission rule or regulation that OPCo has violated. Accordingly, dismissal is appropriate on grounds that Complainant failed to state reasonable grounds upon which relief may be granted.

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

CONCLUSION

Having fully answered, OPCo respectfully moves this Commission to dismiss the Complaint with prejudice for failure to set forth reasonable grounds for the Complaint.

Respectfully submitted,

/s/Ajay K. Kumar

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Counsel for Ohio Power 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 Marti L. Larkin at the address listed below, on this 16th day of March, 2015.

/s/Ajay K. Kumar
Ajay K. Kumar

Marti L. Larkin
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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/16/2015 1:06:13 PM

in

Case No(s). 15-0408-EL-CSS

Summary: Answer and Motion to Dismiss of Ohio Power Company electronically filed by Mr. Ajay K Kumar on behalf of Ohio Power Company