

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

**In the Matter of the Complaint  
of Donna Herring,**

**Complainant,**

**v.**

**Ohio Power Company,**

**Respondent.**

**Case No. 18-1247-EL-CSS**

**ANSWER AND MOTION TO DISMISS  
OF RESPONDENT OHIO POWER COMPANY**

Pursuant to Rule 4901-9-01, Ohio Adm.Code, now comes Respondent Ohio Power Company (“AEP Ohio”) and files its Answer and Motion to Dismiss the July 31, 2018 Complaint filed in this proceeding:

**ANSWER TO ALLEGATIONS**

1. AEP Ohio admits that Complainant has an account with AEP Ohio, Complainant was enrolled in the Percentage of Income Payment Plan (PIPP) at her former address, Complainant moved to a new address, and Complainant’s account was subject to disconnection for non-payment as of the date of the Complaint.

2. AEP Ohio is without sufficient knowledge to either admit or deny the remaining statements in the Complaint.

3. AEP Ohio denies any and all allegations not specifically admitted herein.

### **AFFIRMATIVE DEFENSES**

1. AEP Ohio avers that, since the date of the Complaint, AEP Ohio and the Complainant have settled the dispute that is the subject of the Complaint.
2. AEP Ohio avers that the Complaint does not comply with the Public Utilities Commission of Ohio's ("Commission") rules requiring a "statement which clearly explains the facts which constitute the basis of the complaint, and a statement of the relief sought." Ohio Adm.Code 4901-9-01(B). The Complaint is not in numbered paragraph form and does not appear to contain any specific allegations against AEP Ohio.
3. AEP Ohio avers that Complainant has failed to state reasonable grounds for complaint under R.C. 4905.26.
4. AEP Ohio avers that it has complied with all applicable Ohio statutes; the Commission's rules, regulations, and orders; and AEP Ohio's tariff.
5. AEP Ohio reserves the right to assert additional affirmative defenses or to withdraw any of the foregoing affirmative defenses as warranted by discovery in this matter.

WHEREFORE, Respondent Ohio Power Company respectfully requests that the Commission dismiss with prejudice Complainant Donna Herring's Complaint against it.

## **MOTION TO DISMISS**

Pursuant to Ohio Adm.Code 4901-1-12, AEP Ohio hereby moves to dismiss the Complaint as settled pursuant to Ohio Adm.Code 4901-9-01(C)(4) and 4901-9-01(F). The grounds for this motion are set forth more fully in the accompanying Memorandum in Support.

## **MEMORANDUM IN SUPPORT**

Since the filing of the Complaint, Complainant Donna Herring and AEP Ohio have resolved all of the issues raised in the Complaint. As nothing further remains to be done to resolve the Complaint, and no further proceedings are necessary, the case should be dismissed as settled pursuant to Ohio Adm.Code 4901-9-01(C)(4) and 4901-9-01(F).

Pursuant to Ohio Adm.Code 4901-9-01(F), the Complainant has twenty days to file a written response to this Motion to Dismiss agreeing or disagreeing with AEP Ohio's assertions. If no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss Ms. Herring's Complaint.

For the reasons set forth above, Respondent Ohio Power Company respectfully requests that the Commission dismiss the Complaint against it as settled.

Respectfully submitted,

/s/ Christen M. Blend

Christen M. Blend (0086881)

Senior Counsel

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**Counsel for Respondent  
Ohio Power Company**

(willing to accept electronic service)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Answer and Motion to Dismiss of Respondent Ohio Power Company* was served by regular mail upon Complainant Donna Herring at the address listed below on this 20th day of August, 2018.

Donna Herring  
997 Atlantic Avenue  
Columbus, Ohio 43229

**Complainant**

/s/ Christen M. Blend

Christen M. Blend (0086881)

**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). 18-1247-EL-CSS**

Summary: Answer and Motion to Dismiss electronically filed by Ms. Christen M. Blend on behalf of Ohio Power Company