



## **AFFIRMATIVE DEFENSES**

1. AEP Energy avers that, since the date of the Complaint, AEP Energy and the Complainant have settled the dispute that is the subject of the Complaint.

2. AEP Energy 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 AEP Energy respectfully requests that the Commission dismiss with prejudice Complainant Peggy Dillow's Complaint against it.

## **MOTION TO DISMISS**

Pursuant to Ohio Adm. Code 4901-1-12, AEP Energy 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 Peggy Dillow and AEP Energy, Inc. 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 Energy's assertions. If no response is filed, the Commission may presume that satisfaction or settlement has occurred and dismiss Ms. Dillow's Complaint.

For the reasons set forth above, Respondent AEP Energy, Inc. respectfully requests that the Commission dismiss the Complaint against it as settled.

Respectfully submitted,

*/s/Marsha D. Makel*

Marsha D. Makel (0080747)

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**Counsel for Respondent**

**AEP Energy, Inc.**

(willing to accept electronic service)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Answer and Motion to Dismiss of Respondent AEP Energy, Inc.* was served by regular mail upon Complainant Peggy Dillow at the address listed below on this 31st day of January, 2022.

Peggy Dillow  
6077 Newbury Ct.  
Columbus, OH 43229

**Complainant**

*/s/Marsha D. Makel*  
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Marsha D. Makel (0080747)

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**Case No(s). 22-0028-EL-CSS**

Summary: Answer Answer and Motion to Dismiss of Respondent AEP Energy Inc  
electronically filed by Kristina L. Woods on behalf of AEP Energy, Inc.