

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Filing of Annual)
Reports for Calendar Year 2013 by all) Case No. 14-01-AU-RPT
Regulated Entities.)

ENTRY

The attorney examiner finds:

- (1) R.C. 4905.10 provides an annual assessment based upon the intrastate gross earnings of each railroad and public utility for the purpose of maintaining the operations of this Commission. In order to calculate such assessment, R.C. 4905.14 requires every public utility to file an annual report at the time and in the form prescribed by the Commission. R.C. 4905.03(A) defines public utility companies to include telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas distribution companies, pipeline companies, and water-works and sewage disposal system companies. Railroad, bridge and water transportation companies are included in the annual reporting requirement under R.C. 4907.02 and 4907.20. All certified retail electric and natural gas suppliers and aggregators are also subject to this reporting requirement under R.C. 4928.06 and 4929.23; while R.C. 4905.10(D) provides that, for the purpose of annual assessment, “public utility” includes electric and gas suppliers and aggregators subject to certification under R.C. 4928.08 and 4929.20, respectively. R.C. 4905.10(A) sets a minimum assessment of \$100 per company, regardless of intrastate gross revenues.
- (2) On December 10, 2014, the Commission issued a Finding and Order in this docket, Finding 8 of which revoked the certificates of 12 companies for failure to file their 2013 annual reports for fiscal assessment. *See* December 10, 2014 Order, at 3 and Attachment.
- (3) On December 17, 2014, Alpha Gas & Electric, LLC (Alpha or Company) filed an application for rehearing, pursuant to R.C. 4903.10, requesting a stay of the revocation of Certificate No. 13-620E, and reconsideration of the December 10, 2014 Order. In support of its request, the Company states that Alpha is a

new competitive electric and gas (under Certificate No. 13-308G) supplier based in Pomona, New York. The Company states that it did not provide jurisdictional service to customers in the 2013 reporting period, and did not begin marketing its services in Ohio until 2014. Alpha asserts that it was unaware of the Commission's requirement of filing separate reports for both its gas and electric certificates, but has now filed reports for both certificates, and has paid the statutory minimum \$100 assessment. The Company submits that it is unreasonable to revoke its electric certification where the failure to file its annual report was an administrative oversight, and that such revocation would result in irreparable harm to Alpha, and in the disruption of service to its customers.

- (4) In order to prevent disruption of service to jurisdictional customers, Alpha's request for stay of the Commission's December 10, 2014 Order should be granted. Accordingly, certification of Alpha under Certificate No. 13-620E to serve jurisdictional customers should be extended until such time as the Commission acts upon the Company's application for rehearing.

It is, therefore,

ORDERED, That Alpha's request for stay of revocation be granted. It is, further,

ORDERED, That Alpha's certification to serve electric jurisdictional customers under Certificate No. 13-620E be extended until otherwise ordered by the Commission. It is, further,

ORDERED, That notice or a copy of this Entry be served upon Alpha, each party of record, and via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Richard M. Bulgrin

By: Richard M. Bulgrin
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-0001-AU-RPT

Summary: Attorney Examiner Entry ordering that Alpha's request for stay of revocation be granted; that Alpha's certification to serve electric jurisdictional customers under Certificate No. 13-620E be extended until otherwise ordered by the Commission; electronically filed by Vesta R Miller on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio