

“electric utility,” and/or “electric supplier” under R.C. 4928.01(A).

4. The Public Utilities Commission of Ohio (Commission) has personal jurisdiction of the parties and subject matter jurisdiction of this action by virtue of, among other statutes, R.C. 4905.04, R.C. 4905.05, R.C. 4905.06, 4905.26, R.C. 4928.06, R.C. 4928.08, R.C. 4928.09 and R.C. 4928.16.

FACTS COMMON TO ALL CLAIMS

5. Complainant incorporates by reference the allegations of paragraphs 1 through 4 of this Complaint.

6. Complainant purchased Unit 507 at North Bank in November 2014. At closing, Complainant was informed that NEP is the exclusive provider of utility service to North Bank. In order to receive electric, water, and sewer service, Complainant was required to execute a service agreement with NEP. Complainant has been a customer of NEP from November 2014 to the present.

7. On information and belief, NEP provides electric, water, and sewer service to all units within North Bank, as well as common areas of the building.

8. Complainant, the sole occupant of Unit 507, uses electricity for heating, refrigeration, cooking and other household uses; water for drinking and bathing; and sewage disposal services for sanitation.

9. NEP issues bills to Complainant on a monthly basis. Each bill contains charges for electric, water, and sewer service. Copies of the first bill and most recent bill received by Complainant, with due dates of December 15, 2014 and April 3, 2015, respectively, are attached as Exhibit A (with the account number partially redacted).

10. As shown in Exhibit A, the electric charges billed by NEP separately list the generation, transmission, and distribution components of retail electric service. NEP also assesses a customer charge.

11. With respect to electric generation service and in reference to Exhibit A, dividing

the monthly kWh usage by the amount of the generation charge yields generation rates of \$0.1145 and \$0.1270, respectively, for the applicable billing periods. These generation rates are nearly *double* the rates available to shopping customers in AEP Ohio's service territory, and are illustrative of the rates charged to Complainant since moving into North Bank.

12. As also shown in Exhibit A, charges billed by NEP separately list water, sewer, and stormwater charges. NEP also assesses a common area water charge and a charge for a "clean river fund."

13. None of the rates charged by NEP for any of the services it provides are disclosed in the monthly bills rendered to Complainant. Nor does NEP publish rate information on its website (nationwideenergypartners.com) or by other means.

14. None of the rates charged by NEP for any of the services it provides have been reviewed or approved by the Commission as required by, among other statutes, R.C. 4905.22, R.C. 4905.30, 4905.32, and R.C. 4909.18.

15. NEP does not possess a certificate of public convenience and necessity to provide water service, as required by R.C. 4933.25.

16. NEP does not possess a certificate of public convenience and necessity to provide sewer service, as required by R.C. 4933.25.

17. NEP does not have a certified territory authorizing or requiring it to provide electric service, as required by R.C. 4933.83(A).

18. NEP is not certified as a supplier of competitive retail electric service, as required by R.C. 4928.08(B).

19. NEP is not otherwise listed on the rolls of the Commission as a public utility; has not applied to the Commission for an exemption from regulation as a public utility; and does not

otherwise comply with any applicable provision of Title 49, Ohio Revised Code.

20. On information and belief, the service and billing arrangement between NEP and Complainant, described herein, also applies to all other residents of North Bank.

21. On information and belief, the rates and charges billed by NEP exceed the rates and charges of utility service providers and suppliers of competitive retail electric service that would serve North Bank, but for NEP's unlawful provision of such services.

22. NEP provides and bills for the services described herein "knowingly," as defined in R.C. 4928.01(A)(14).

**COUNT I: UNLAWFUL PROVISION OF
NONCOMPETITIVE RETAIL ELECTRIC SERVICE**

23. Complainant incorporates by reference the allegations of paragraphs 1 through 22 of this Complaint.

24. NEP bills include a line item for "distribution service" and "transmission service." NEP also supplies or arranges for the supply of metering service, billing and collection service, and ancillary services. Each of the foregoing are "noncompetitive" components of retail electric service under R.C. 4928.01(A)(21) and (B).

25. By "supplying or arranging for the supply of electricity to ultimate consumers in this state, from the point of generation to the point of consumption," NEP provides "retail electric service" as defined in 4928.01(A)(27), and is engaged in the business of an "electric light company" as defined in R.C. 4905.03(C), and an "electric distribution utility" and "electric utility" under R.C. 4928.01(A)(6) and (11). As such, NEP is a "public utility" as defined in R.C. 4905.02(A).

26. With respect to the services of a public utility, R.C. 4905.22 requires, in relevant part: "All charges made or demanded for any service rendered, or to be rendered, shall be just,

reasonable, and not more than the charges allowed by law or by order of the public utilities commission, and no unjust or unreasonable charge shall be made or demanded for, or in connection with, any service, or in excess of that allowed by law or by order of the commission.”

27. Under R.C. 4909.18, “Any public utility desiring to establish any rate, joint rate, toll, classification, charge, or rental, or to modify, amend, change, increase, or reduce any existing rate, joint rate, toll, classification, charge, or rental, or any regulation or practice affecting the same, shall file a written application with the public utilities commission.”

28. The rates charged for noncompetitive retail electric service provided by NEP have not been submitted to, or approved by, the Commission, as required by R.C. 4909.18.

29. By supplying or arranging for the supply of noncompetitive components of retail electric service at unapproved and unregulated rates, NEP is engaged in a knowing, continuing violation of R.C. 4905.22 and R.C. 4909.18.

COUNT II: UNLAWFUL PROVISION OF COMPETITIVE RETAIL ELECTRIC SERVICE

30. Complainant incorporates by reference the allegations of paragraphs 1 through 29 of this Complaint.

31. NEP bills include a line item for “generation service.” Generation service is a competitive component of retail electric service under R.C. 4928.03.

32. R.C. 4928.08(B) prohibits the provision of a competitive component of retail electric service without first obtaining certification from the Commission to provide such service.

33. NEP has neither applied for, nor has the Commission approved, an application or certification for NEP to supply a competitive component of retail electric service.

34. By supplying or arranging for the supply of a competitive retail electric service

without the required certification, NEP is engaged in a knowing, continuing violation of R.C. 4928.08(B).

COUNT III: VIOLATION OF CERTIFIED TERRITORY ACT

35. Complainant incorporates by reference the allegations of paragraphs 1 through 34 of this Complaint.

36. AEP Ohio (AEP) is an “electric supplier” as defined in R.C. 4933.81(A). AEP has the exclusive right and obligation to furnish “electric service” to all “electric load centers” within its “certified territory,” pursuant to R.C. 4933.81 *et seq.*

37. North Bank is an electric load center located within the geographic boundaries of AEP’s certified territory.

38. By supplying or arranging for the supply of retail electric service to North Bank, NEP is an “electric supplier” as defined in R.C. 4933.81(F).

39. As an “electric supplier” providing “electric service” to an “electric load center” within the “certified territory” of AEP, NEP is engaged in a knowing, continuing violation of R.C. 4933.83(A).

COUNT IV: UNLAWFUL PROVISION OF WATER SERVICE

40. Complainant incorporates by reference the allegations of paragraphs 1 through 39 of this Complaint.

41. NEP bills include a line item for water service. NEP is therefore “engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state,” and is a “water-works company” as defined in R.C. 4905.03(G) and a public utility under R.C. 4905.02(A).

42. R.C. 4933.25 prohibits a water works company from operating water distribution facilities until it has been issued a certificate of public convenience and necessity (CPCN) by the Commission.

43. By supplying or arranging for the supply of water service without a CPCN, NEP is engaged in a knowing, continuing violation of R.C. 4933.25.

44. By supplying or arranging for the supply of water service at unapproved and unregulated rates, NEP is engaged in a knowing, continuing violation of R.C. 4905.22 and R.C. 4909.18.

COUNT V: UNLAWFUL PROVISION OF SEWAGE DISPOSAL SERVICE

45. Complainant incorporates by reference the allegations of paragraphs 1 through 44 of this Complaint.

46. NEP bills include line items for storm sewer and sanitary sewer services. NEP is therefore “engaged in the business of sewage disposal services through pipes or tubing, and treatment works, or in a similar manner,” and is a “sewage disposal company” as defined in R.C. 4905.03(M) and a public utility under R.C. 4905.02.

47. R.C. 4933.25 prohibits a sewage disposal company from providing sewage disposal services unless it has been issued a CPCN by the Commission.

48. By supplying or arranging for the supply of sewage disposal service without a CPCN, NEP is engaged in a knowing, continuing violation of R.C. 4933.25.

49. By supplying or arranging for the supply of sewage disposal service at unapproved and unregulated rates, NEP is engaged in a knowing, continuing violation of R.C. 4905.22 and 4909.18.

PRAYER FOR RELIEF

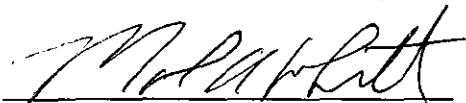
Complainant respectfully requests that the Commission issue an Order finding and directing that:

- a. The Complaint states reasonable grounds and should be scheduled for hearing, as required by R.C. 4905.26 and R.C. 4909.18;
- b. NEP is knowingly engaged in the business of a public utility, and conducting such business in a manner contrary to law;
- c. NEP is knowingly engaged in the business of supplying a competitive retail electric service, and conducting such business in a manner contrary to law;
- d. The rates, charges, and other sums exacted by NEP are unjust, unreasonable, unfair, discriminatory, and in violation of law;
- e. The services rendered by NEP are unjust, unreasonable, unfair, discriminatory, and in violation of law;
- f. The books and records of NEP should be examined and audited to determine the profits derived from its unlawful provision of service;
- g. Complainant is entitled to refunds for the difference between the rates charged by NEP and a lawful rate, as determined by the Commission; and subject to trebling under R.C. 4905.61;
- h. NEP is subject to penalties and forfeitures, in amounts determined and assessed in accordance with Title 49, Ohio Revised Code;
- i. Complainant is entitled to an award of damages, as authorized by R.C. 4928.16(B), and subject to trebling under R.C. 4905.61;

- j. The Attorney General is authorized and directed to commence such civil actions as are necessary to effectuate the relief requested herein, including, without limitation, an action directing NEP to show cause why it should not be permanently enjoined from the further provision of services subject to Commission supervision and regulation; and
- k. Such other and further relief as authorized by law.

Dated: April 10, 2015

Respectfully submitted,



Mark A. Whitt (0067996)
WHITT STURTEVANT LLP
The KeyBank Building
88 East Broad Street, Suite 1590
Columbus, Ohio 43215
(614) 224-3911
(614) 224-3960 (fax)
whitt@whitt-sturtevant.com

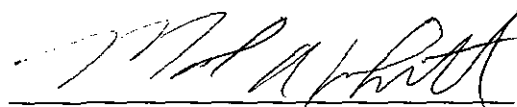
(Complainant is willing to accept
service by email)

INSTRUCTIONS FOR SERVICE

TO THE DOCKETING DIVISION:

Please serve the Complaint to the following:

Nationwide Energy Partners, LLC
c/o West Street Statutory Agent Corporation
230 West Street, Suite 375
Columbus, Ohio 43215

A handwritten signature in black ink, appearing to read 'Mark A. Whitt', is written over a horizontal line.

Mark A. Whitt



Questions? Please call our support team at (877) 818-2637 or visit us online at NationwideEnergyPartners.com

Account	Due Date	Amount Due
196	Dec 15, 2014	\$73.45

Your Profile

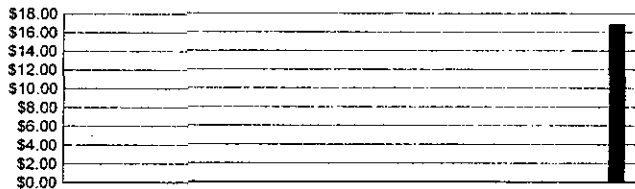
Service Address: 300 W SPRING ST #507

Billing Period: 11/20/2014 - 11/24/2014

Utility	Meter Number	Prev. Read	Curr. Read
Electric	1950680	24164	24556
Water	1659009	535	583

Your next meter reading is scheduled on or around December 22, 2014

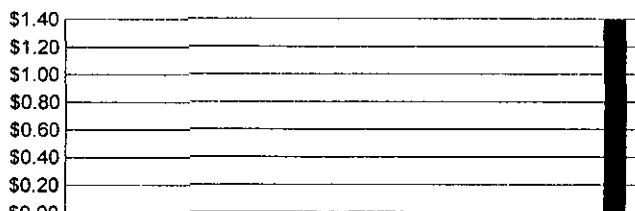
Daily Electric Charge History



Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Cur

	Average Daily Electric Cost	
	Start Date	End Date
	2014-11-20	2014-11-24
	Usage	Daily Usage
	392 kWh	98 kWh
Avg. Temp. 42°	Your Community's Avg Electric Use is 1122 kWh	

Daily Water Charge History



Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Cur

	Average Daily Water Cost	
	Start Date	End Date
	2014-11-20	2014-11-24
	Usage	Daily Usage
	48 cf	12 cf
	Your Community's Avg Water Use is 283 cf	

Billing Summary

Previous Balance	\$0.00
Payments	\$0.00
Late Fees	\$0.00
Deposit	\$0.00
Other	\$0.00
Balance Forward	\$0.00

Electric	\$67.64
Customer Charge	\$0.60
Generation Charge	\$34.22
Transmission Charge	\$7.37
Distribution Charge	\$25.45
Utility Winter Disc	\$0.00

Water	\$5.54
Clean River Fund	\$0.42
Water Charges	\$2.22
Sewer Charges	\$2.31
Stormwater Charges	\$0.59

Community Charges	\$0.27
Common Area Water	\$0.27

Total Amount Due \$73.45

Message Center

Thank you for your patronage. Prompt payment is greatly appreciated.



230 West St., Ste 150
Columbus, OH 43215

ACCOUNT NUMBER	DUE DATE
196	Dec 15, 2014
AMOUNT PAID	TOTAL DUE
	\$73.45

SCAN NOW



QUICK PAY

ADDRESSEE:

NEP1126A AUTO SCH 5-DIGIT 43215
7000002547 00.0008.0042 2547/1



MARK A. WHITT
300 W SPRING ST #507
COLUMBUS OH 43215-7649

[1/1]

PLEASE MAKE CHECKS PAYABLE AND REMIT TO:



NATIONWIDE ENERGY PARTNERS
PO BOX 183009
COLUMBUS, OH 43218

12151400000000000901960000000073453

EXHIBIT

A (1 of 2)



Please call our support team at (877) 313-2637 or visit us online at NationwideEnergyPartners.com

Account	Due Date	Amount Due
196	Apr 03, 2015	\$375.91

Your Profile

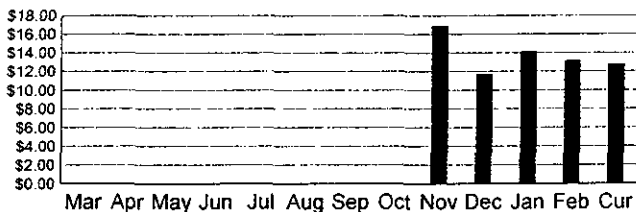
Service Address: 300 W SPRING ST #507

Billing Period: 02/15/2015 - 03/15/2015

Utility	Meter Number	Prev. Read	Curr. Read
Electric	1950680	32906	35647
Water	1659009	1301	1475

Your next meter reading is scheduled on or around April 15, 2015

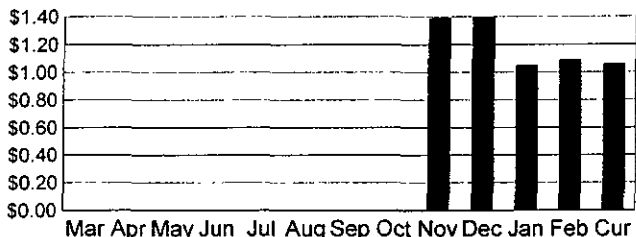
Daily Electric Charge History



Avg. Temp.
23°

Average Daily Electric Cost	
Start Date	End Date
2015-02-16	2015-03-15
Usage	Daily Usage
2741 kWh	101.5 kWh
Your Community's Avg Electric Use is 1569 kWh	

Daily Water Charge History



Average Daily Water Cost	
Start Date	End Date
2015-02-16	2015-03-15
Usage	Daily Usage
174 cf	6.4 cf
Your Community's Avg Water Use is 236 cf	

Billing Summary

Previous Balance	\$868.56
Payments	\$868.56
Late Fees	\$0.00
Deposit	\$0.00
Other	\$0.00
Balance Forward	\$0.00

Electric	\$345.35
Customer Charge	\$8.40
Generation Charge	\$215.72
Transmission Charge	\$25.22
Distribution Charge	\$137.35
Utility Winter Disc	-\$41.34

Water	\$28.56
Clean River Fund	\$2.90
Water Charges	\$11.39
Sewer Charges	\$10.22
Stormwater Charges	\$4.05

Community Charges	\$2.00
Common Area Water	\$2.00

Total Amount Due \$375.91

Message Center

Thank you for your patronage. Prompt payment is greatly appreciated.



230 West St., Ste 150
Columbus, OH 43215

ACCOUNT NUMBER	DUE DATE
196	Apr 03, 2015
AMOUNT PAID	TOTAL DUE
	\$375.91

SCAN NOW



QUICK PAY

ADDRESSEE:

NEP0317B AUTO SCH 5-DIGIT 43215
7000002802 00.0009.0051 2802/1



MARK A. WHITT
300 W SPRING ST #507
COLUMBUS OH 43215-7649



NATIONWIDE ENERGY PARTNERS
PO BOX 183009
COLUMBUS, OH 43218

04031500000000000000901960000000375916

EXHIBIT

A (2 of 2)