

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of J. Topy &)	
Sons, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 13-2042-EL-CSS
)	
Ohio Power Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On October 4, 2013, J. Topy & Sons, Inc. (Topy or Complainant) filed a complaint against Ohio Power Company d/b/a AEP Ohio (AEP-Ohio) alleging that AEP-Ohio overcharged Topy for electric service.
- (2) On October 23, 2013, AEP-Ohio filed an answer and a motion to dismiss the complaint.
- (3) By Entry issued November 12, 2013, the attorney examiner scheduled a settlement conference for December 17, 2013.
- (4) On May 9, 2014, the attorney examiner issued an Entry scheduling this matter for a July 10, 2014 hearing, which was later continued to September 10, 2014, by an Entry issued on July 10, 2014.
- (5) On September 5, 2014, counsel for the Complainant moved to continue the hearing until further notice to allow the parties an opportunity to discuss the issues raised in the complaint. The attorney examiner granted the motion by Entry issued September 9, 2014.
- (6) On February 3, 2015, the attorney examiner issued an Entry ordering the Complainant to report the status of negotiations or hearing preparation. The attorney examiner warned that

failure to respond by February 13, 2015, would result in a recommendation that the complaint be dismissed.

- (7) To date, the Complainant has not responded to the attorney examiner's Entry. The Commission shall, therefore, presume that the Complainant no longer wishes to proceed. Accordingly, the complaint is hereby dismissed.

It is, therefore,

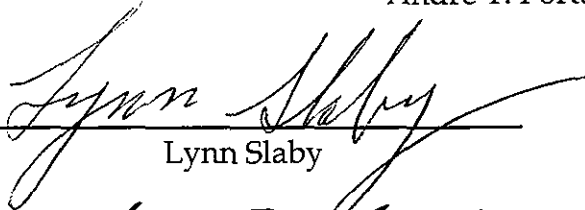
ORDERED, That, for failure to respond to the attorney examiner's Entry or otherwise prosecute this action, the complaint is hereby dismissed. It is, further,

ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Andre T. Porter, Chairman



Lynn Slaby



M. Beth Trombold



Asim Z. Haque



Thomas W. Johnson

LDJ/vrm

Entered in the Journal

APR 22 2015



Barcy F. McNeal
Secretary