

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Annual Reports for)	Case No. 14-01-AU-RPT
Fiscal Assessment of all Regulated Entities)	Case No. 15-01-AU-RPT
for Calendar Years 2013 and 2014.)	

ENTRY

The attorney examiner finds:

- (1) On May 13, 2015, the Commission issued a Finding and Order in Case Nos. 14-01-AU-RPT and 15-01-AU-RPT (May 13, 2015 Order), rescinding the certificates of 22 companies for failure to pay their respective 2014 fiscal assessments, including Certificate No. 13-627E issued to U.S. Power Trade LLC, (US Power).
- (2) On July 8, 2015, US Power filed an application for rehearing and motion for special order staying the rescission of its certificate.
- (3) R.C. 4903.10 provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the issuance of the order. However, the Ohio Supreme Court has held that the Commission has no power to entertain an application for rehearing filed after the expiration of the statutory 30-day period. *Greer v. Pub. Util. Comm.* 172 Ohio St. 361, 176 N.E.2d 416 (1961); see also *Gallo Displays, Inc. et al. v. Cleveland Public Power et al.*, 84 Ohio App.3d 688 (1992).
- (4) As US Power's application for rehearing and motion were filed after the June 12, 2015 statutory deadline for rehearing of the May 13, 2015 Order, the Commission has no jurisdiction to consider such rehearing. Accordingly, US Power's application for rehearing should be dismissed for lack of jurisdiction, and its motion should be denied.

It is, therefore,

ORDERED, That US Power's application for rehearing be dismissed for lack of jurisdiction, and its motion be denied. It is, further,

ORDERED, That the record in Case 14-01-AU-RPT be closed. It is, further,

ORDERED, That a copy of this Entry be served upon US Power. It is, further,

ORDERED, That notice of this Entry be served via the Commission's 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/dah

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in

Case No(s). 14-0001-AU-RPT, 15-0001-AU-RPT

Summary: Attorney Examiner Entry that US Power's application for rehearing be dismissed for lack of jurisdiction, and its motion be denied; and that the record in Case 14-01-AU-RPT be closed; electronically filed by Debra Hight on behalf of Richard M. Bulgrin, Attorney Examiner.