

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARC ROBINSON,

COMPLAINANT,

v.

CASE NO. 16-135-EL-CSS

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on June 8, 2016

I. SUMMARY

{¶ 1} For reasons set forth below, the Commission dismisses this complaint for failure to prosecute the matter.

II. DISCUSSION

*A. Applicable Law*

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility or an electric services company by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} Ohio Power Company d/b/a AEP Ohio (AEP Ohio) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

*B. Procedural History*

{¶ 4} On January 22, 2016, Marc Robinson (Complainant) filed a complaint against AEP Ohio, stating that although he had paid his November 2015 and December 2015 bills

in full, AEP Ohio assessed a reconnection charge, as well as requiring another deposit. He requested a refund for the cost of the reconnection charge and the deposit.

{¶ 5} AEP Ohio filed its answer, and a motion to dismiss, on February 8, 2016. AEP Ohio contended that Complainant was disconnected for nonpayment and that it was necessary to reestablish his creditworthiness. AEP Ohio added that, pursuant to Commission rules, it may require a reconnection charge and payment of a deposit.

{¶ 6} By Entry issued February 16, 2016, a settlement conference was scheduled for March 1, 2016. The conference was held as scheduled, but Complainant did not appear for the conference.

{¶ 7} By Entry issued March 8, 2016, a settlement conference was scheduled for April 15, 2016. In the Entry, the attorney examiner indicated that failure to attend the conference, or to contact the attorney examiner no later than April 14, 2016, if Complainant could not attend, would result in dismissal of the case for failure to prosecute the matter. The conference was held as scheduled. Complainant did not appear for the conference or contact the attorney examiner by the specified deadline.

{¶ 8} AEP Ohio filed a motion to dismiss with prejudice on April 18, 2016. In the motion, AEP Ohio notes Complainant's failure to attend two settlement conferences, despite his Columbus address. AEP Ohio asserts that Complainant did not state reasonable grounds for complaint and requests dismissal of the complaint with prejudice.

{¶ 9} Pursuant to Ohio Adm.Code 4901-1-12(B)(1), a party may file a memorandum contra within 15 days after service of a motion. Complainant did not file a memorandum contra by May 3, 2016, or at any time after that date.

### *C. Commission Conclusion*

{¶ 10} The Commission finds that AEP Ohio's request to dismiss the complaint, with prejudice, is reasonable and should be granted.

### III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the motion to dismiss the complaint, with prejudice, be granted. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

**Commissioners Voting: Asim Z. Haque, Chairman; Lynn Slaby; Thomas W. Johnson.**

JML/sc