

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE BOARD OF
COMMISSIONERS OF LUCAS COUNTY,**

COMPLAINANT,

CASE NO. 15-896-EL-CSS

V.

FIRSTENERGY SOLUTIONS CORP.,

RESPONDENT.

ENTRY

Entered in the Journal on August 26, 2016

{¶ 1} FirstEnergy Solutions Corp. (FES) is an electric services company as defined in R.C. 4928.01(A)(9), and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory. Pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 3} On May 8, 2015, pursuant to R.C. 4905 and 4928, the Board of Commissioners of Lucas County (Lucas County) filed a complaint against FES. Lucas County alleges several counts relating to specific costs that FES incurred from PJM Interconnection LLC (PJM) in January 2014 and passed through to Lucas County. Lucas County's complaint states that its competitive retail electric service (CRES) contract with FES during the time in question was for fixed-price power and contained a provision designating ancillary services as FES's sole responsibility. Consequently, Lucas County alleges that FES is required to cover the charges in question and that the increased charges do not qualify as a

regulatory pass-through event. Lucas County further contends that FES's actions constitute unfair, misleading, deceptive, or unconscionable acts in violation of R.C. 4928.08 and Ohio Adm.Code Chapter 4901:1-21.

{¶ 4} On May 29, 2015, FES filed an answer to the complaint, denying all of the allegations made by Lucas County. Further, contemporaneously with its answer, FES filed a motion to dismiss this case.

{¶ 5} On February 3, 2016, the Commission issued an Entry denying FES's motion to dismiss for lack of subject matter jurisdiction and directing the attorney examiner to set this matter for hearing.

{¶ 6} Accordingly, the attorney examiner finds that this case should be scheduled for hearing. The hearing will commence on November 8, 2016, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. As is the case in all Commission complaint proceedings, the complainants have the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 189, 214 N.E. 2d 666 (1966).

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That this case be scheduled for hearing on November 8, 2016, at 10:00 a.m., in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

jrj/vrm

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in

Case No(s). 15-0896-EL-CSS

Summary: Attorney Examiner Entry scheduling a hearing on November 8, 2016, at 10:00 a. m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio