

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL
REPORTS FOR THE FISCAL ASSESSMENT
OF ALL REGULATED ENTITIES FOR
CALENDAR YEAR 2015.

CASE NO. 16-01-AU-RPT

FINDING AND ORDER

Entered in the Journal on October 12, 2016

I. SUMMARY

{¶ 1} The Commission rescinds the operating authority of those regulated entities who failed to file a 2015 annual report for fiscal assessment by August 29, 2016, and directs that any forfeiture amounts be certified to the Attorney General for collection 31 days after issuance of this Finding and Order.

II. DISCUSSION

{¶ 2} R.C. 4905.10 requires each railroad and public utility to pay an annual assessment based upon their intrastate gross earnings for the purpose of maintaining the operations of this Commission and the Ohio Consumers' Counsel (OCC).¹ In order to calculate such assessment, R.C. 4905.14 requires each public utility to file an annual report with the Commission. R.C. 4905.10(A) sets a minimum assessment of \$100 per company, regardless of their intrastate gross revenues in the reporting year.

{¶ 3} R.C. 4905.54 empowers the Commission to assess a forfeiture of not more than \$10,000 per day for each violation or failure of a public utility or railroad, or an officer of a public utility or railroad, to comply with an order, direction, or requirement of the Commission made under authority of R.C. Chapter 4905.

¹ R.C. 4905.03(A) defines public utility companies to include telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas distribution companies, pipeline companies, and water-works and sewage disposal system companies. Railroad, bridge, and water transportation companies are included in the annual reporting requirement under R.C. 4907.02 and 4907.20. All certified retail electric and natural gas suppliers and aggregators are also subject to this reporting requirement under R.C. 4928.06 and 4929.23; while R.C. 4905.10(D) provides that, for the purpose of annual assessment, "public utility" includes electric and gas suppliers and aggregators subject to certification under R.C. 4928.08 and 4929.20, respectively.

{¶ 4} On January 20, 2016, the Commission issued an Entry directing each reporting company subject to fiscal assessment for the 2015 calendar year to submit its annual report using the Commission's on-line system by May 2, 2016, or contact the Commission's Docketing Division for special accommodations. All reporting companies were reminded that a \$1,000 civil forfeiture might be assessed, pursuant to R.C. 4905.54, against any company failing to comply, absent good cause shown.

{¶ 5} On August 17, 2016, the Commission issued an Entry directing those companies listed on the attachment to the Entry to submit a 2015 annual report for the corresponding certificate or operating authority shown on the attachment. Each listed company was directed to submit a 2015 annual report for the listed certificate or operating authority, or file a response in this docket showing cause why the listed certificate or operating authority should not be rescinded and/or a civil forfeiture assessed against the listed company, by August 29, 2016.

{¶ 6} The Commission's records reflect that the companies listed on the attachment to this Finding and Order have failed to submit a 2015 annual report for the corresponding certificates. As each of the companies listed on the attachment have failed to submit a 2015 annual report or file a response to the August 17, 2016 Entry, these certificates should now be rescinded and a civil forfeiture of \$1,000 should be assessed pursuant to R.C. 4905.54. Each listed company must now immediately cease providing regulated service in the state of Ohio under the listed certificate, and immediately notify any Ohio jurisdictional customers still being served thereunder that the company is no longer permitted to operate under such authority. Any company that continues to provide regulated service under a cancelled certificate may be subject to a forfeiture up to \$10,000 per day under R.C. 4905.54. The Docketing Division is directed to notify each listed company of the rescission of its certificate via certified mail in addition to any other means of service, cancel all applicable tariffs, and remove each listed certificate from the Commission's regulated company list. Further, the Fiscal Division is directed to certify

any forfeiture amounts owed to the Commission by the listed company to the Attorney General for collection.

{¶ 7} The effective date of this Finding and Order shall be delayed 30 days to afford the companies listed on the attachment an opportunity to file an application for rehearing pursuant to R.C. 4903.10.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That each certificate listed in the attachment to this Finding and Order be rescinded. It is, further,

{¶ 10} ORDERED, That each company listed in the attachment to this Finding and Order immediately cease providing regulated service in the state of Ohio under the rescinded certificate, and immediately notify any Ohio jurisdictional customers still being served thereunder that the company is no longer permitted to operate under such authority. It is, further,

{¶ 11} ORDERED, That the Docketing Division cancel all applicable tariffs, and remove each certificate listed in the attachment from the Commission's regulated company list. It is, further,

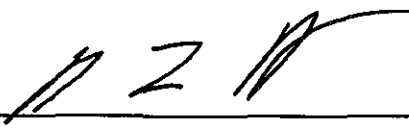
{¶ 12} ORDERED, That the Commission's Fiscal Division assign to the Attorney General for collection any forfeiture amounts owed to the Commission by any company listed in the attachment. It is, further,

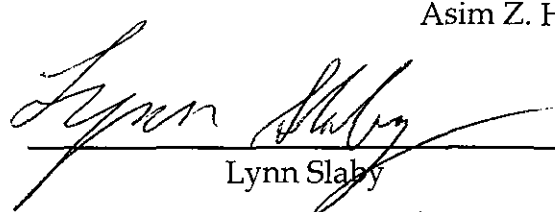
{¶ 13} ORDERED, That the effective date of this Finding and Order be delayed 30 days in accordance with paragraph 7. It is, further,

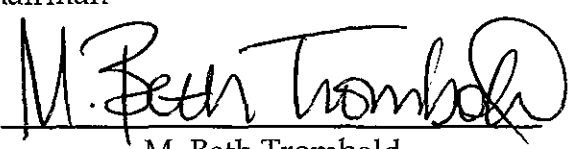
{¶ 14} ORDERED, That notice of this Finding and Order be served via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves, and a copy of

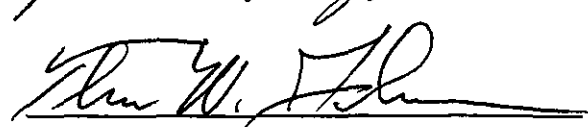
this Finding and Order be served upon each company listed on the attachment, by both regular and certified mail, and upon all parties of record.

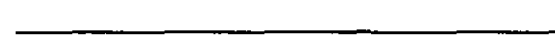
THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


Lynn Slaby

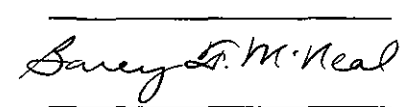

M. Beth Trombold


Thomas W. Johnson


M. Howard Petricoff

JRJ/vrm

Entered in the Journal
OCT 12 2016


Barcy F. McNeal
Secretary

1. All Things Energy LLC 9011 Mountain Ridge Drive Suite 220 Austin, TX 78759 Docketing Contact: Ziegler, Brent Docketing Email: brent@fciam.com	PUCO ID: 354322 Cert: 13-654E Fiscal Contact: Ziegler, Brent Fiscal Email:
2. Best Power LLC 330 W. Bears Ave., Ste. A Tampa, FL 33613 Docketing Contact: O'Hara, Jennifer Docketing Email: admin@bestpowerchoice.com	PUCO ID: 351082 Cert: 12-583E Fiscal Contact: O'Hara, Jennifer Fiscal Email:
3. Delaware Valley Energy Solutions PO Box 788 Downingtown, PA 19335 Docketing Contact: Stutzman, Kerry Docketing Email: operations@uselectricrates.com	PUCO ID: 369555 Cert: 14-873E Fiscal Contact: Stutzman, Kerry Fiscal Email:
4. Encompass Communications, LLC 119 W. Tyler St, Suite 286 Longview, TX 75601 Docketing Contact: Shackelford, Maurice Docketing Email: mshackel@ecllc.com	PUCO ID: 300404 Cert: 90-5970 Fiscal Contact: Shackelford, Maurice Fiscal Email:
5. General Energy, LLC 16781 Chagrin Blvd Ste 213 Shaker, OH 44120 Docketing Contact: Norton, Courtney Docketing Email: courtneynorotn576@yahoo.com	PUCO ID: 363449 Cert: 14-787E Fiscal Contact: Norton, Courtney Fiscal Email:
6. Patriot Energy Consultants, LLC 1444 Alphada Ave #A13 Akron, OH 44310 Docketing Contact: Jason Lemmon Docketing Email: jason@patriotenergyconsultants.com	PUCO ID: 379691 Cert: 15-1022E Fiscal Contact: Jason Lemmon Fiscal Email: jason@patriotenergyconsultants.com
7. Rosenthal Energy Advisors Inc 1412 Main St, Ste 2100 Dallas, TX 75202 Docketing Contact: James Rosenthal Docketing Email: jim@rosenthalenergy.com	PUCO ID: 352712 Cert: 15-467G Fiscal Contact: James Rosenthal Fiscal Email: jim@rosenthalenergy.com