

# THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 16-01-AU-RPT

## SECOND FINDING AND ORDER

Entered in the Journal on March 8, 2017

### I. SUMMARY

{¶ 1} The Commission directs that each of the twenty-five listed companies pay the listed fiscal annual assessment for Fall 2016 by April 7, 2017; and directs that a civil forfeiture of \$1,000 be assessed against any company with an unpaid assessment after that date; and that any unpaid assessments and forfeiture amounts be certified to the Attorney General for collection 31 days after issuance of this Second Finding and Order.

### II. APPLICABLE LAW

{¶ 2} R.C. 4905.10 requires each railroad and public utility to pay an annual assessment based upon its intrastate gross earnings for maintaining the operations of this Commission, and R.C. 4911.18 requires each public utility to pay an annual assessment toward the operating fund of the Ohio Consumers' Counsel (OCC).<sup>1</sup> 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

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<sup>1</sup> 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. R.C. 4911.01(A)(4) excludes railroads from the OCC's assessment base.

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.

### III. PROCEDURAL HISTORY

{¶ 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 for fiscal assessment 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 October 12, 2016, the Commission issued the First Finding and Order in this proceeding rescinding the operating authority of seven companies that failed to file a 2015 annual report for fiscal assessment and assessing \$1,000 civil forfeiture effective 31 days after issuance of the order.

{¶ 6} Based on the 2015 annual report filings, Staff calculated the 2016 fall fiscal assessments and sent invoices to the applicable companies on September 30, 2016, with payment due by November 1, 2016, pursuant to R.C. 4905.10(B). The OCC also calculated their fiscal assessments and sent invoices to the applicable companies on September 30, 2016, with payment due by October 31, 2016.

### IV. DISCUSSION

{¶ 7} The Commission's records reflect that the twenty-five companies listed on the attachment to this Second Finding and Order have failed to pay the fall fiscal assessment due the Commission on November 1, 2016, pursuant to R.C. 4905.10(B). As each of the companies listed on the attachment have failed to pay the indicated 2016 fall fiscal assessment(s), each listed company must pay the unpaid assessment amount by April 7, 2017, or a civil forfeiture of \$1,000 will be assessed pursuant to R.C. 4905.54.

Further, each company is hereby notified that the listed certificate or operating authority may be rescinded for failure to comply with this Second Finding and Order, and that failure to pay any fiscal assessment or civil forfeiture due the Commission or OCC may constitute grounds for denying an application for certification in the future.

{¶ 8} The Docketing Division is directed to serve notice of this Second Finding and Order upon each listed company via regular and certified mail in addition to any other means of service. Further, the Fiscal Division is directed to certify to the Attorney General for collection any listed assessments which are not paid by April 7, 2017, in addition to a civil forfeiture of \$1,000.00 against each listed company, no earlier than 31 days after issuance of this Second Finding and Order.

#### V. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That each company listed in the attachment to this Second Finding and Order pay the indicated unpaid Fall 2016 fiscal assessment by April 7, 2017. It is, further,

{¶ 11} ORDERED, That a civil forfeiture of \$1,000.00 be assessed against each listed company with a Fall 2016 fiscal assessment not paid by April 7, 2017. It is, further,

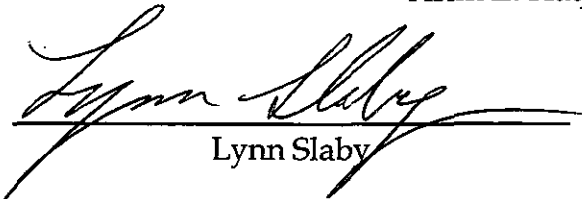
{¶ 12} ORDERED, That the Commission's Fiscal Division assign to the Attorney General for collection any unpaid Fall 2016 fiscal assessments and civil forfeitures no earlier than 31 days after issuance of this Second Finding and Order. It is, further,

{¶ 13} ORDERED, That notice of this Second Finding and Order be served upon each company listed on the attachment, by both regular and certified mail, in addition to any other means of service, and via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves, and upon all parties of record.

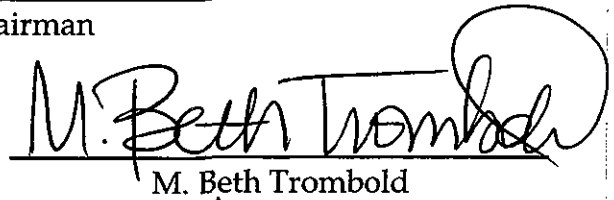
## THE PUBLIC UTILITIES COMMISSION OF OHIO



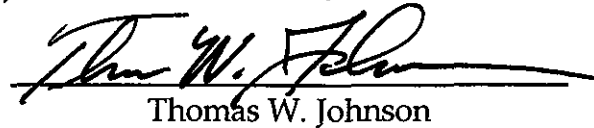
Asim Z. Haque, Chairman



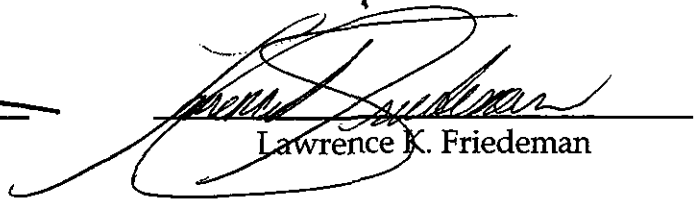
Lynn Slaby



M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

RMB/dah

Entered in the Journal

MAR 08 2017

Barcy F. McNeal  
Secretary

Attachment to the March 8, 2017 Second Finding and Order in Case No. 16-01-AU-RPT.

The following fiscal assessments owed to the Commission for the certificate or operating authority listed below have not been paid:

	Company	Certificate	PUCO ID	Amount due PUCO
1.	ARA Consulting Group, LLC	15-1012E	378672	100.00
2.	Bid On Energy LLC	15-972E/15-434G	374674	100.00
3.	Business Discount Plan Inc.	90-6136	300303	100.00
4.	Dynamic Energy LLC	14-791E	341402	100.00
5.	Encompass Communications LLC	90-5970	300404	1,100.00
6.	Global Communications Network Inc.	90-9350	302040	100.00
7.	Innowatts, LLC	15-468G/15-993E	376521	100.00
8.	Iron Energy LLC	12-574E/12-270G	350475	41,438.43
9.	Legend Energy Advisors, LLC	14-370G/14-846E	366456	100.00
10.	Long Distance Savings Solutions LLC	90-6224	301697	100.00
11.	NECC Telecom Inc.	90-5455	300153	100.00
12.	Net One International Inc.	90-6206	301135	100.00
13.	Nextility Inc.	14-843E/14-374G	366426	100.00
14.	Nova Ohio LLC	14-907E/15-446G	371548	100.00
15.	OneLink Communications Inc.	90-6049	300847	100.00
16.	Orion Power Holdings, LLC	14-861E	367541	100.00
17.	Primus Telecommunications Inc.	90-5637	300626	100.00
18.	Republic N & T Railroad Inc.	RR-NTRI	300560	12,085.62
19.	Rosenthal Energy Advisors Inc.	15-467G	352712	1,000.00
20.	Teledias Communications Inc.	90-6091	300164	100.00
21.	TeleUno Inc.	90-6048	300851	100.00
22.	Vitcom, LLC	90-9423	375279	100.00
23.	West Virginia PCS Alliance LC	90-5447	300180	3,286.91
24.	Youngstown Thermal Cooling LLC	89-6017	301282	171.75
25.	Youngstown Thermal LLC	89-6012	301283	2,783.28