

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL
REPORTS FOR CALENDAR YEAR 2017 FOR
THE FISCAL ASSESSMENT OF ALL
REGULATED ENTITIES.

CASE NO. 18-01-AU-RPT

SUPPLEMENTAL FINDING AND ORDER

Entered in the Journal on November 28, 2018

I. SUMMARY

{¶ 1} The Commission rescinds the operating authority of those regulated entities who failed to file a 2017 annual report for fiscal assessment by July 6, 2018, and directs that any forfeiture amounts be certified to the Attorney General for collection 31 days after issuance of this Supplemental 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

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.

public utility or railroad, to comply with an order, direction, or requirement of the Commission made under authority of R.C. Chapter 4905.

{¶ 4} By Entry issued March 14, 2018, the Commission directed all regulated entities to register for access to the Commission's new, web-based filing system known as the PUCO Community and to file a 2017 annual report for fiscal assessment through the PUCO Community by May 31, 2018. The Commission further noted that those entities that failed to file a timely 2017 annual report may be subject to a forfeiture. R.C. 4905.54.

{¶ 5} Concurrent with the filing of the March 14, 2018 Entry, Staff was directed to post on the Commission's website, and file in this docket, a list of all companies subject to fiscal assessment for the 2017 calendar year, based on Commission records. Each company listed thereon was directed to submit its annual report using the Commission's web-based filing system by May 31, 2018.

{¶ 6} On June 6, 2018, the Commission issued a Finding and Order, noting that regulated entities listed in the attachment to that Finding and Order had failed to file an annual report by the May 31, 2018 deadline. Because it was the first year in which regulated entities were required to register for access and file an annual report using the new, web-based PUCO Community, the Commission extended the deadline for filing the annual report to July 6, 2018. The Commission noted that regulated entities that did not file by the July 6, 2018 deadline would be in noncompliance of a Commission directive and be assessed a forfeiture pursuant to R.C. 4905.54. Such forfeitures would be in addition to any amounts owed to this Commission.

{¶ 7} A review of the Commission's records reveal that those regulated entities listed in the attachment to this Supplemental Finding and Order have failed to file an annual report for the corresponding certificates by the extended July 6, 2018 deadline. As each of the companies listed on the attachment have failed to submit a 2017 annual report or file a response to the June 6, 2018 Finding and Order, 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.

{¶ 8} The effective date of this Supplemental 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

{¶ 9} It is, therefore,

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

{¶ 11} ORDERED, That each company listed in the attachment to this Supplemental 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,

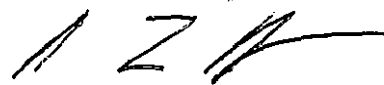
{¶ 12} ORDERED, That the Docketing Division cancel all applicable tariffs, and remove each certificate listed in the attachment from the Commission's regulated company list. It is, further,

{¶ 13} 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,

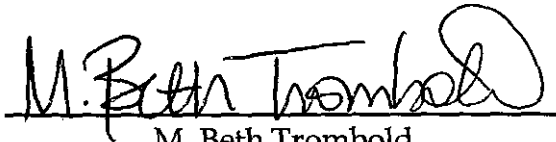
{¶ 14} ORDERED, That the effective date of this Supplemental Finding and Order be delayed 30 days in accordance with paragraph 8. It is, further,

{¶ 15} ORDERED, That notice of this Supplemental Finding and Order be served via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves, and a copy of this Supplemental Finding and Order be served upon each company listed on the attachment, by both regular and certified mail, and upon all parties of record.

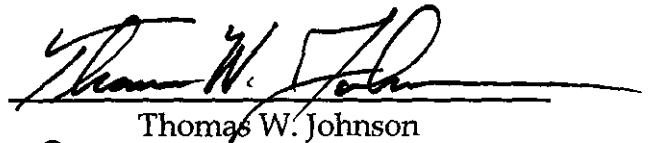
THE PUBLIC UTILITIES COMMISSION OF OHIO



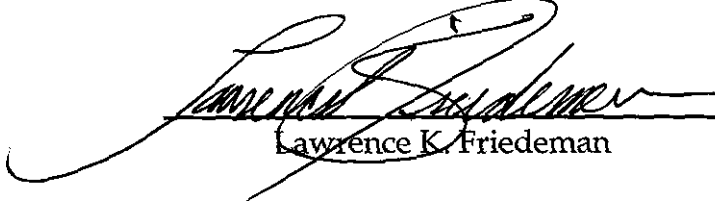
Asim Z. Haque, Chairman



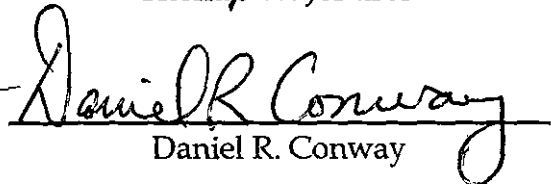
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

AS/mef

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Barcy F. McNeal
Secretary

2017 Annual Report List

November 28, 2018

	Account Name	Certificate ID	PUCO ID	Billing Address	State/Province	Zip
1	Neon Phone Services, Inc	90-6420	416791	3810 Murrell Rd	Florida	32955
2	Axiom Retail Energy, LLC	17-1181E	371459	4203 Montrose Blvd, Ste 650	Texas	77006
3	NECC Telecom Inc	90-6078	300153	4969 US Hwy 42, Ste 2700	Kentucky	40222
4	Globalinx Enterprises Inc	90-6185	300087	One Clinton Avenue South	New York	14604
5	Zinger Strategies LLC	17-613G	423610	3434 Harley Road	Ohio	43606
6	Solo Energy Solutions Corporation	17-1239E	422828	40 East 9th Street	Illinois	60605
7	Venture Intuit	17-609G	422599	6457 Glenway Avenue	Ohio	45211
8	Venture Intuit	17-1233E	422599	6457 Glenway Avenue	Ohio	45211
9	Dynamic Energy LLC	16-1122E	341402	251 W Central Ave, Ste 292	Ohio	45066
10	Standard Commodities LLC	16-1139E	416898	15555 N Park Blvd	Ohio	44118
11	Current Option, LLC	16-1112E	414626	2700 W Cypress Creek Rd	Florida	33309
12	Miracle Communications, Inc.	90-6367	301960	725 Lakefield Rd, Ste G	California	91361
13	Pulse Telecom LLC	90-6368	301961	4969 US Hwy 42, Ste 2700	Kentucky	40222