

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CYNTHIA WINGO,**

COMPLAINANT,

V.

CASE NO. 17-2002-EL-CSS

**NATIONWIDE ENERGY PARTNERS, LLC,
ET AL.,**

RESPONDENTS.

ENTRY ON REHEARING

Entered in the Journal on December 19, 2018

I. SUMMARY

{¶ 1} The Commission grants the Complainant's motion for leave to file a corrected application for rehearing of the Commission's October 24, 2018 Finding and Order, and grants such application for further consideration of the matters specified therein.

II. APPLICABLE LAW

{¶ 2} Pursuant to R.C. 4905.06, the Commission has general supervisory authority over all public utilities within its jurisdiction and may examine such public utilities and keep informed as to their general condition, to their properties, to the adequacy of their service, to the safety and security of the public and their employees, and to their compliance with all laws, orders of the Commission, franchises, and charter requirements. Under R.C. 4905.26, the Commission has authority to consider a written complaint against a public utility by any person or corporation regarding any rate, service, regulation, or practice affecting or relating to any service furnished by that public utility that is unreasonable, unjust, insufficient, or unjustly discriminatory or preferential.

{¶ 3} On October 24, 2018, the Commission issued a Finding and Order granting the motions of Nationwide Energy Partners, LLC (NEP), Crawford Hoying, Ltd. and Crawford Communities, LLC, to dismiss the complaint, and dismissing the complaint against Knox

Energy Cooperative Association, Inc. (Knox) sua sponte (Oct. 24, 2018 Order), finding that the Complainant had failed to meet her burden in alleging reasonable grounds for hearing as required by R.C. 4905.26. The complaint, filed on September 19, 2017 on behalf of Cynthia Wingo (Complainant or Ms. Wingo), generally alleges that the Respondents provide illegal submetered electric, water, sewer, and natural gas services to the Complainant's residence at the Creekside at Taylor Square apartments (Creekside) in Reynoldsburg, Ohio.

{¶ 4} On November 23, 2018, the Complainant filed an application for rehearing of the Oct. 24, 2018 Order. On November 26, 2018, the Complainant filed a motion for leave to file a corrected application for rehearing, with a request for an expedited ruling thereon.

{¶ 5} Memoranda contra the Complainant's application for rehearing were filed by NEP and Knox on December 3, 2018, and by Crawford Hoying on December 6, 2018.

III. DISCUSSION

{¶ 6} R.C. 4903.10 and Ohio Adm.Code 4901-1-35 provide that any party who has entered an appearance in a Commission proceeding may apply for rehearing of a Commission order with respect to any matters determined therein by filing an application for rehearing within 30 days after the entry of the order upon the Commission's journal.

{¶ 7} The Complainant's application for rehearing of the Oct. 24, 2018 Order, was timely filed on November 23, 2018, in accordance with R.C. 4903.10 and Ohio Adm.Code 4901-1-35. It lists two assignments of error: (1) The Commission applied the "modified" *Shroyer* Test to prematurely adjudicate the claims and defenses raised in this proceeding on the merits, in violation of R.C. 4903.082, 4905.26 and 4928.08; and (2) The Commission's findings of facts and conclusions of law are unsupported by the record and contrary to law, in violation of R.C. 4903.09; and are unreasonable and unlawful under R.C. 4903.13.

{¶ 8} On November 26, 2018, the Complainant filed a motion for leave to file a corrected application for rehearing with a request for an expedited ruling thereon. The

Complainant seeks to correct grammatical mistakes and clerical errors on its application for rehearing and on pages i, 2-3, 9, 11-20 of its memorandum in support of the application.

{¶ 9} We note that the correction to the heading for the second argument of the second ground for rehearing (labelled as section B2 on page 16 of both the original and amended versions), reverses the meaning with the addition of the word “not” in the section heading. However, it is clear from the subsequent text, that the Complainant is requesting reversal of the Oct. 24, 2018 Order on the grounds that the Commission has failed to affirmatively identify the grounds for dismissal. As the identified mistakes and errors appear to be clerical in nature, and will not adversely or unfairly disadvantage any other party to this proceeding, the motion will be granted and the Complainant’s application for rehearing will be considered as set forth in Exhibit B attached to the Complainant’s Nov. 26, 2018 motion.

{¶ 10} Further, the Commission finds that Complainant’s corrected application for rehearing of the Oct. 24, 2018 Order should be granted to allow further consideration of the matters specified therein.

IV. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Complainant’s motion for leave to file a corrected application for rehearing of the Oct. 24, 2018 Order be granted; and that such corrected application for rehearing be granted for further consideration of the matters specified therein. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



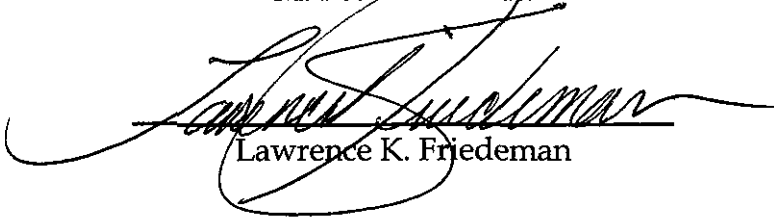
Asim Z. Haque, Chairman



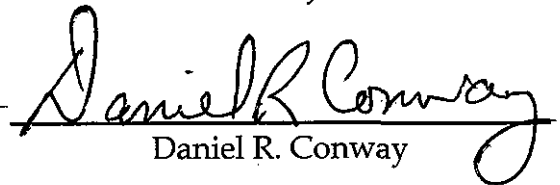
M. Beth Trombold



Thomas W. Johnson



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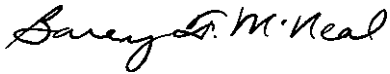


Daniel R. Conway

RMB/mef

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DEC 19 2018



Barcy F. McNeal
Secretary