

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
PAUL A. LOGSDON,**

COMPLAINANT,

v.

CASE NO. 17-2389-EL-CSS

**ENGIE RETAIL, LLC D/B/A THINK
ENERGY**

RESPONDENT.

ENTRY

Entered in the Journal on January 23, 2019

I. SUMMARY

{¶ 1} The Commission dismisses the complaint pursuant to the motion filed by Engie Retail, LLC d/b/a Think Energy.

II. DISCUSSION

{¶ 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 relating to any service 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 a retail electric supplier subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 3} Engie Retail, LLC d/b/a Think Energy (Think Energy) is a competitive electric supplier as defined in R.C. 4928.02 and, as such, is subject to certification by this Commission.

{¶ 4} On November 20, 2017, Paul A. Logsdon (Complainant) filed a complaint against Think Energy, alleging that he was improperly transferred as a customer to Think Energy for gas and electric service.

{¶ 5} On December 29, 2017, Think Energy filed an answer and a motion to dismiss the complaint. In its motion to dismiss, Think Energy alleged that it had reached a settlement with the Complainant and urged the Commission to presume settlement after 20 days and dismiss the complaint pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 6} By Entry issued January 12, 2018, the attorney examiner granted the Complainant 20 days to respond to Think Energy's assertion that the matter had been settled.

{¶ 7} On February 5, 2018, the Complainant filed a letter stating that his complaint had not been settled and that he wished to proceed with his complaint.

{¶ 8} On April 17, 2018, the attorney examiner issued an entry scheduling this matter for a settlement conference to occur on May 23, 2018.

{¶ 9} On May 16, 2018, Think Energy renewed its motion to dismiss. Think Energy asserted that it had reached a settlement with the Complainant. Think Energy urged the Commission to proceed with the dismissal of the complaint pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 10} By Entry issued May 21, 2018, the attorney examiner canceled the settlement conference and granted the Complainant until June 5, 2018, to respond to Think Energy's assertion that the complaint had been settled.

{¶ 11} Adm.Code 4901-9-01(F) provides that if a public utility files a motion asserting that the complaint has been satisfied, the complainant shall have 20 days to file a written objection. If no objection is filed within 20 days, the Commission may presume

that settlement has occurred and dismiss the complaint. The Complainant did not respond within 20 days nor within the timeframe granted by the attorney examiner. Consequently, we shall presume that the parties have settled and dismiss the complaint pursuant to Ohio Adm.Code 4901-9-01(F).

{¶ 12} However, in regard to future cases, the Commission would also encourage any respondent considering invoking Ohio Adm.Code 4901-9-01(F) more than once during the course of any one proceeding to, instead, simply file a joint motion to dismiss with both parties' signatures to alleviate any concerns with the manner in which settlement negotiations were conducted. Although Think Energy did invoke Ohio Adm.Code 4901-9-01(F) twice during the course of this proceeding, the Commission finds that Respondent nonetheless complied with our rules regarding the procedure for requesting dismissal and Complainant has had sufficient opportunity to respond to that request. Therefore, we find no reason to deviate from the presumption that the parties have indeed settled this matter.

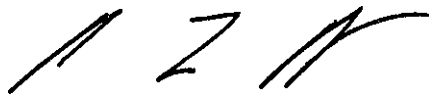
III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the Respondent's motion to dismiss the complaint pursuant to Ohio Adm.Code 4901-09-01(F) be granted and that the complaint be dismissed. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon the parties and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



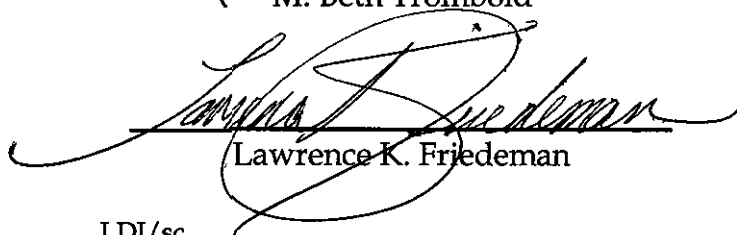
Asim Z. Haque, Chairman



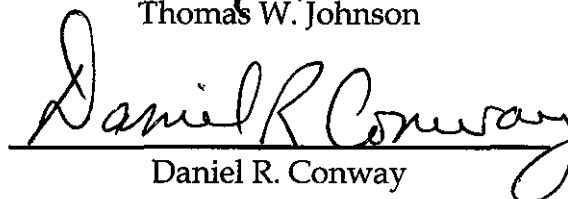
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

LDJ/sc

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JAN 23 2019

Tanowa M. Troupe
Secretary