

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL
REPORTS FOR CALENDAR YEAR 2018 FOR
THE FISCAL ASSESSMENT OF ALL
REGULATED ENTITIES.

CASE NO. 19-01-AU-RPT

ENTRY

Entered in the Journal on August 26, 2019

{¶ 1} 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.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. Every company that conducted jurisdictional operations during calendar year 2018 is required to file a report.

{¶ 2} The Village of Grafton (Grafton) is authorized to provide competitive retail natural gas aggregator/broker services in Ohio pursuant to Certificate No. 03-069G, which the Commission renewed on December 8, 2017.

{¶ 3} The City of Wapakoneta (Wapakoneta) is authorized to provide competitive retail natural gas aggregator/broker services in Ohio pursuant to Certificate No. 04-090G, which the Commission renewed on September 7, 2018.

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} The City of Bexley (Bexley) is authorized to provide competitive retail natural gas aggregator/broker services in Ohio pursuant to Certificate No. 13-318G, which the Commission renewed on August 29, 2017.

{¶ 5} Northeast Ohio Public Energy Council (NOPEC) is authorized to provide competitive retail electric services in Ohio pursuant to Certificate No. 07-139E, which was renewed by the Commission on May 31, 2018.

{¶ 6} By Entry issued February 6, 2019, the Commission directed all regulated entities to file a 2018 annual report for fiscal assessment through the Commission's web-based filing system known as the PUCO Community by May 31, 2019. Those entities that failed to file a timely 2018 annual report were cautioned that they may be subject to a forfeiture pursuant to R.C. 4905.54.

{¶ 7} By Entry issued May 29, 2019, the Commission identified 23 entities that were not provided notice of the May 31, 2019 filing deadline. In order to provide these 23 entities with sufficient notice and time to file, the Commission extended the due date for the submission of the 2018 annual report for all regulated entities until July 1, 2019. Concurrent with the filing of the above Entry, Staff was directed to post on the Commission's website, and file in this docket, a list of the 23 companies that were not given adequate notice.

{¶ 8} On August 22, 2019, Grafton filed a motion for leave to late file its 2018 annual report. In the motion, Grafton states that it inadvertently missed the deadline to timely file its 2018 annual report. Grafton requests leave from the Commission to file its annual report.

{¶ 9} On August 22, 2019, Wapakoneta filed a motion for leave to late file its 2018 annual report. In the motion, Wapakoneta states that it missed the deadline to timely file its 2018 annual report due to inadvertent error. Wapakoneta also states that it has implemented a new calendaring system to make sure this error does not occur again. As such, Wapakoneta requests leave from the Commission to file its annual report.

{¶ 10} On August 26, 2019, Bexley filed a motion for leave to late file its 2018 annual report. In the motion, Bexley states that due to numerous other deadlines and overall workload, it was unable to timely file its report. Bexley requests leave from the Commission to file its annual report.

{¶ 11} Finally, on August 26, 2019, NOPEC filed a motion for leave to late file the City of Cleveland, Ohio's (Cleveland) 2018 annual report. In the motion, NOPEC states that Cleveland was previously authorized by the Commission to provide competitive electric retail services via Certificate No. 07-138E. In the summer of 2017, Cleveland entered into an agreement to join NOPEC's opt-out electric aggregation program. After joining NOPEC, Cleveland did not renew its certificate in 2019 and consequently, the Commission cancelled Certificate No. 07-138E on July 3, 2019. NOPEC further explains that because Cleveland is now a NOPEC member, it inadvertently missed the deadline to file the 2018 annual report for its cancelled certificate. Consequently, Cleveland requests that the Commission grant this motion for leave so it can late file the annual report and incur no monetary penalties.

{¶ 12} Upon review of the motions filed by Grafton, Wapakoneta, Bexley, and NOPEC, on behalf of Cleveland, the attorney examiner determines that the motions for leave to late file the annual reports should be granted for good cause shown.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the motions of Grafton, Wapakoneta, Bexley, and Cleveland be granted in accordance with Paragraph 12. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon NOPEC, Grafton, Wapakoneta, Bexley, and Cleveland.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

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Summary: Attorney Examiner Entry granting the motions for leave to late file by the Village of Grafton and the Cities of Wapakoneta, Bexley and Cleveland electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission