

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of	)	Case No. 20-1349-EL-CSS
Alesci's Imported Foods,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	
Hudson Energy Services, LLC,	)	
	)	
Respondent.	)	
	)	

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Hudson Energy Services, LLC's Motion to Dismiss Complaint

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Hudson Energy Service, LLC ("Hudson"), pursuant to Ohio Adm.Code 4901-9-01(F), respectfully moves for dismissal of this matter on the grounds that the matter has been resolved and is moot. The only dispute at issue in this matter was whether an early termination fee charged by Hudson to Alesci's Imported Foods ("Alesci's") was proper. Hudson has decided to waive that fee, thus fully satisfying the complaint, and this matter is therefore moot.

Alesci's has twenty days from the date of service of this motion to file a response agreeing or disagreeing that the complaint has been satisfied. If no response is filed, the Commission may presume that satisfaction has occurred and dismiss the complaint.

The grounds for this motion are more fully explained in the accompanying memorandum in support.

December 4, 2020

Respectfully submitted,

/s/ David F. Proaño

David F. Proaño (0078838)

Counsel of Record

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*Counsel for Hudson Energy Services, LLC*

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Hudson Energy Services, LLC,	)	
	)	
Respondent.	)	
	)	

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Hudson Energy Services, LLC's  
Memorandum in Support of Its Motion to Dismiss

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Hudson Energy Services, LLC ("Hudson") moves to dismiss this case as resolved and moot. Alesci's Imported Foods ("Alesci's") was enrolled on a new contract with Hudson, but that enrollment was cancelled prior to Alesci's getting on-flow under that new contract. Consequently, the only matter at issue in this case was the approximately six-thousand dollar (\$6,000) early termination fee which Hudson sought to collect under its contract and which Alesci's refused to pay.

Subsequent to the filing of this complaint, Hudson decided to waive the early termination fee as a customer service gesture. Thus, Hudson is no longer seeking to collect that early termination fee and has ceased any collection efforts. Therefore, the only matter at issue in Alesci's complaint to the Commission has been resolved in the customer's favor and satisfied, and the matter is moot. Undersigned counsel appeared at the November 20, 2020 settlement conference scheduled in this matter with the goal of conveying this resolution to Alesci's representative, but no one

appeared at the conference on Alesci's behalf. Further, Hudson has attempted to contact the owner of Alesci's multiple times to convey that Hudson is no longer seeking an early termination fee, but Hudson has been unable to reach the owner.

Ohio Adm.Code 4901-9-01(F) provides:

If the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response within twenty days after the service of the answer or motion, indicating whether the complainant agrees or disagrees with the utility's assertions, and whether he or she wishes to pursue the complaint. If no response is filed within the prescribed period of time, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint. Any filing by a utility that asserts that a complaint has been satisfied or that the case has been settled shall include a statement or be accompanied by another document that states that, pursuant to a commission rule, the complainant has twenty days to file a written response agreeing or disagreeing with the utility's assertions and that, if no response is filed, the commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

Therefore, Alesci's has twenty days from the date of this motion to file a written response, and if no response is filed, the Commission may presume that satisfaction has occurred and dismiss the complaint.

December 4, 2020

Respectfully submitted,

/s/ David F. Proaño

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*Counsel for Hudson Energy Services, LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served via regular U.S. mail on Alesci's Imported Foods this 4th day of December, 2020, at the following address:

Alesci's Imported Foods,  
29730 Lakeshore Blvd.  
Willowick, Ohio 44095

Respectfully submitted,

/s/ David F. Proaño

David F. Proaño (0078838)

*One of the Attorneys for Hudson Energy  
Services, LLC*

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 20-1349-EL-CSS**

Summary: Motion to Dismiss Complaint Pursuant to Adm.Code 4901-9-01(F) electronically filed by Mr. David F. Proano on behalf of Hudson Energy Services, LLC