

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
ALESCI'S IMPORTED FOODS,**

COMPLAINANT,

CASE NO. 20-1349-EL-CSS

v.

HUDSON ENERGY SERVICES LLC,

RESPONDENT.

ENTRY

Entered in the Journal on March 8, 2021

{¶ 1} 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. Additionally, pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 2} Hudson Energy Services, LLC, dba Hudson Energy (Respondent), is an electric services company as defined in R.C. 4928.01 and is certified to provide competitive retail electric service under R.C. 4928.08. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On August 4, 2020, Alesci's Imported Foods (Complainant) initiated a complaint related to fines charged by Respondent.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to Respondent on August 5, 2020, directing Respondent to file its answer and any other responsive pleading within 20 days after August 5, 2020.

{¶ 5} By Entry filed September 22, 2020, the Commission ordered Respondent to file its answer within 20 days of September 22, 2020.

{¶ 6} On October 9, 2020, Respondent filed a motion for a one-week extension of time to respond to the complaint, along with a memorandum in support of the motion.

{¶ 7} By Entry filed October 14, 2020, the Commission granted Respondent's motion for a one-week extension of time to respond to the complaint.

{¶ 8} On October 15, 2020, Respondent filed its answer, in which it generally denies the allegations in the complaint and reserves the right to amend its answer to assert affirmative defenses as becomes necessary.

{¶ 9} On October 21, 2020, the attorney examiner scheduled a settlement conference to be held telephonically on November 20, 2020, at 10:00 a.m. The settlement conference occurred on November 20, 2020.

{¶ 10} On December 4, 2020, the Respondent filed a motion to dismiss the case, along with its memorandum in support, noting that the issues raised in the complaint had been resolved.

{¶ 11} Pursuant to Ohio Adm. Code 4901-9-01(F), if the public utility complained against files an answer or motion which asserts that the complaint has been satisfied or settled, the complainant shall file, within 20 days, a response indicating whether the complainant agrees or disagrees with this assertion.

{¶ 12} At this time, the 20-day period set forth in Ohio Adm.Code 4901-9-01(F) has elapsed; however, the attorney examiner finds it appropriate to provide Complainant an additional opportunity to file a response to the Respondent's motion within 20 days of the date of this Entry. If no such response is filed, the attorney examiner may recommend dismissal of this proceeding to the Commission.

{¶ 13} As is the case in all Commission complaint cases, the complainant has the burden of proving the allegations of the complaint. *Grossman v, Pub Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That Complainant file its response to Respondent's motion to dismiss, if any, within 20 days of the filing of this Entry, as stated in Paragraph 12. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

JRJ/kck

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in

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

Summary: Attorney Examiner Entry ordering that Complainant file its response to Respondent's motion to dismiss, if any, within 20 days of the filing of this Entry, as stated in Paragraph 12. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio