

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Nghiem)	
Tran LLC/ ABC Grill,)	
)	
Complainant,)	
)	
v.)	Case No. 14-556-EL-CSS
)	
Ohio Power Company)	
and)	
Champion Energy Services, LLC,)	
)	
Respondents.)	

ENTRY

The Commission finds:

- (1) On April 4, 2014, Nghiem Tran LLC/ ABC Grill (ABC Grill or Complainant) filed a complaint against Ohio Power Company (AEP-Ohio) and Champion Energy Services, LLC (Champion). ABC Grill alleges that Champion overcharged it for electricity service and blocked its attempt to secure another service provider.
- (2) ABC Grill named AEP-Ohio as a respondent because AEP-Ohio collected payments on behalf of Champion.
- (3) Champion filed an answer and a motion to dismiss on April 28, 2014. In its answer, Champion admitted that it failed to issue required contract expiration notices. In its motion to dismiss, Champion argued that the complaint is moot because Champion adjusted the Complainant's invoices and already refunded \$1,353.06, which represents the incremental difference between the variable rate and the fixed contract rate.
- (4) AEP-Ohio filed an answer and motion to dismiss on April 28, 2014. AEP-Ohio, in its answer, denied all material allegations in the complaint. In its motion to dismiss, AEP-Ohio alleged that Champion issued a credit to the Complainant and that the complaint should be regarded as moot.

- (5) By Entry issued July 21, 2014, the attorney examiner scheduled this matter for a settlement conference to occur on August 20, 2014.
- (6) On November 7, 2014, the Complainant and Champion filed a joint motion to dismiss the complaint with prejudice as to Champion only. The parties stated that they have settled the case.
- (7) The joint motion to dismiss the complaint against Champion, with prejudice, is for good cause and should be granted.
- (8) Although Champion should be dismissed, AEP-Ohio remains as a party. The pleadings, however, show that AEP-Ohio should be dismissed as well. The Complainant included AEP-Ohio in its complaint only because it collected payments on behalf of Champion. AEP-Ohio merely served as a conduit for payments from the Complainant to Champion. The complaint does not raise any independent action against AEP-Ohio. With the dismissal of Champion, there is no basis for any action against AEP-Ohio. Consequently, AEP-Ohio's motion to dismiss is well-taken and should be granted.

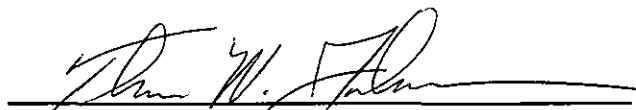
It is, therefore,

ORDERED, That the joint motion to dismiss the complaint against Champion, with prejudice, be granted. It is, further,


ORDERED, That, in accordance with finding (8), AEP-Ohio's motion to dismiss be granted. It is, further,

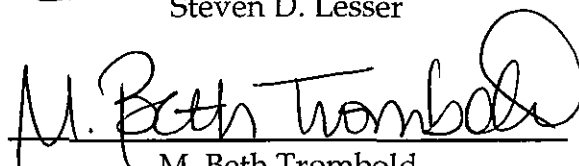
ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

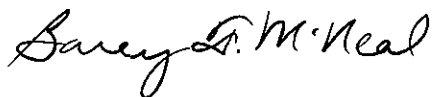

M. Beth Trombold


Asim Z. Haque

LDJ/vrm

Entered in the Journal

FEB 19 2015


Barcy F. McNeal

Barcy F. McNeal
Secretary