

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

The Office of the Ohio Consumers' Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	
	)	Case No. 16-0782-EL-CSS
Ohio Power Company,	)	
	)	
Respondent.	)	
	)	

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**COMPLAINT AND REQUEST FOR RELIEF FOR CONSUMERS  
BY  
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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For far too long, middlemen known as “submeterers” have resold utility services, at higher prices, to Ohioans living in some apartments and condominiums. That must end. And those same submeterers have left Ohioans without certain service protections that are a right for consumers of public utilities. That too must end. Part of the problem is that submetered consumers lack the protections of both the competitive market and regulation. That must change.

Just like customers who have direct relationships with public utilities, customers under reselling and submetering arrangements rely on electricity as an essential service. But submetered customers are left with almost no recourse to rectify conduct that, if carried out by a public utility, would likely warrant steep penalties and a public outcry.

The PUCO should protect residential customers from middlemen and others who charge more and provide less service<sup>1</sup> to consumers than do public utilities. The PUCO should direct Ohio Power Company (“AEP Ohio”) to amend and/or enforce its tariffs. The tariff changes should explicitly prohibit the resale and redistribution of electric services to residential customers by submetering entities or third-party agents (other than landlords) that are operating as public utilities.

### **PARTIES AND JURISDICTION**

1. The Office of the Ohio Consumers’ Counsel (“OCC”) is a state agency with offices located at 10 West Broad Street, Suite 1800, Columbus, Ohio 43215.
2. OCC is the statutory representative of AEP Ohio’s residential electricity consumers. OCC is authorized to represent the interests of Ohio’s residential utility consumers in proceedings before the PUCO. OCC has statutory authority to sue on behalf of AEP Ohio’s residential electricity consumers and to carry out its statutory powers, including, but not limited to, those prescribed by R.C. 4911.02(B).
3. AEP Ohio is a corporation organized under the laws of the state of Ohio with offices located at 1 Riverside Plaza, Columbus, Ohio 43215 and is authorized to conduct business in Ohio.

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<sup>1</sup> For example, submetering entities and third-party agents do not abide by the requirements that must be met to disconnect or terminate service as outlined in R.C. 4928.10(D) and OAC 4901:1-18-06. Other examples of statutory requirements or PUCO rules which submetering entities and third-party agents do not abide include: R.C. 4928.10(A) (contract disclosure); R.C. 4928.10(B) (service termination); R.C. 4928.10(C) (minimum content of customer bills); OAC 4901:1-18-05 (extended payment plans and responsibilities).

4. AEP Ohio is, inter alia, a public utility as defined by R.C. 4905.02, an electric light company as defined by R.C. 4905.03(C), and an electric distribution utility as defined by R.C. 4928.01(A)(6).
5. The PUCO’s “jurisdiction, supervision, powers, and duties . . . extend to every public utility.”<sup>2</sup>
6. The PUCO “has general supervision over all public utilities within its jurisdiction.”<sup>3</sup> The PUCO “may examine public utilities and keep informed as to their general condition, capitalization, and franchises, and as to the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, the safety and security of the public and their employees, and their compliance with all laws, orders of the [PUCO], franchises, and charter requirements.”<sup>4</sup>
7. The PUCO has subject matter jurisdiction over this complaint. R.C. 4905.26 authorizes the PUCO to assert jurisdiction over a “complaint in writing against any public utility [filed] by any person, firm, or corporation, [alleging] that any rate, fare, charge, toll, rental, schedule, classification, or service, or any joint rate, fare, charge, toll, rental, schedule, classification, or service rendered, charged, demanded, exacted, or proposed to be rendered, charged, demanded, or exacted, is in any

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<sup>2</sup> R.C. 4905.05.

<sup>3</sup> R.C. 4905.06.

<sup>4</sup> Id.

respect unjust, unreasonable, unjustly discriminatory, unjustly preferential, or in violation of law. . . .”

### **STATEMENT OF FACTS**

8. The statements contained in the preceding paragraphs are incorporated as if fully set forth herein.
9. Upon information and belief, companies or third-party agents commonly referred to as “submetering entities” operate in Ohio.<sup>5</sup>
10. In the last few years, the number of submetering entities or third-party agents who are not landlords has grown in Ohio as new apartment and

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<sup>5</sup> See, e.g., <http://nationwideenergypartners.com/about/> (“Today, [NEP] provides services to more than 30,000 residential customers in Ohio, New York, New Jersey, Pennsylvania, Kentucky, and Tennessee.”); LMS Capital plc Investor Morning, Sept. 9, 2010 (“We wanted to prove the business model out so we did deals in FirstEnergy territory which covers the Cleveland Ohio market. We did the Dayton Power and Light [territory] which covers . . . Southern Ohio and then American Electric Power which [is] one of the largest utilities in the United States . . . .”) (Comments of Mike DeAscentis, then-CEO of Nationwide Energy Partners); *In the Matter of the Complaint of Whitt v. NEP*, Case No. 15-697-EL-CSS, Complaint at 2-4 (Apr. 10, 2015); *In the Matter of the Complaint of Whitt v. NEP*, Case No. 15-697-EL-CSS, Answer of NEP at ¶1 (admitting that NEP serves The Condominiums at North Bank Park that are located in Downtown Columbus) (Apr. 30, 2015); *In The Matter of the [PUCO’s] Investigation of Submetering in the state of Ohio*, Case No. 15-1594-AU-COI, Entry at 1 (Dec. 16, 2015) (opening an investigation into submetering); Joint Comments on Protecting Ohioans from Excessive Charges from Utility Submeterers by the OCC and the Ohio Poverty Law Center, Case No. 15-1594-AU-COI, Comments at 1-3 (Jan. 21, 2016); Initial Comments of AEP Ohio and Duke, Case No. 15-1594-AU-COI, Comments at 1-2 (Jan. 21, 2016); <https://www.electricapl.com/about.cfm> (American Power & Light); <http://pioneerem.com/online-billpay/> (Pioneer Energy Management); *Shocking cost investigation: Utility middle men charge renters inflated prices*, Columbus Dispatch (Oct. 20, 2013), available at <http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html>).

condominium complexes are constructed and served by submeterers.<sup>6</sup>

11. Certain submetering entities or third-party agents (other than landlords) in AEP Ohio's service territory have been operating as public utilities. In this regard, they "design and install utility systems," have "internal maintenance teams [that] handle [service] outages," and have expertise in "utility construction" including "underground utility installation as well as [the] purchase and installation of step-down transformers and smart meters."<sup>7</sup>

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<sup>6</sup> Compare *Shocking cost investigation: Utility middle men charge renters inflated prices* (noting that an "estimated 18,000 to 20,000 housing units in the Columbus area" were subject to submetering) (Oct. 20, 2013), available at <http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html> with *Legislation to help Ohio 'submeter' consumers undermined by business interests* (noting that there are "an estimated 30,000 households, mainly in central Ohio, who are locked into this [submetering] system") (Apr. 3, 2016), available at <http://www.dispatch.com/content/stories/business/2016/04/03/1-legislation-aimed-at-helping-consumers-undermined.html>. See also LMS Capital plc Investor Morning at 2 (NEP explaining that "In 2008, with the financial crisis, construction came to a screeching halt. We really stepped back and tried to figure out how we were going to continue to grow the business. [...] We figured that since that law was in place and worked for new construction why couldn't we do it on existing developments. So we actually determined that we could go in and our new growth strategy was going to be to acquire existing systems from host utilities and privatize them which allowed us to go into our existing customer base and not just service their new construction projects, but take really deep dives and service their whole portfolios. We then developed the growth strategy and how to execute it. We went to our customers and really built a pretty significant pipeline in 2009.") Sept. 9, 2010; *id.* at 3 ("I think we'll continue to follow our customers to the markets that they're developing in. Since the financial markets have started to rebound we do see a significant increase in our pipeline of new construction, so we're back to doing business with the customers that we were doing new construction with in addition to now doing infrastructure purchases from the utilities in our existing customers' portfolios."); <http://nationwideenergypartners.com/customers/commercial/developers/> (NEP seeking business from developers of new residential apartment and condominium complexes); <http://nationwideenergypartners.com/customers/commercial/property-managers/> (NEP seeking business from property managers of existing residential apartment and condominium complexes).

<sup>7</sup> <http://nationwideenergypartners.com/customers/commercial/developers/construction-services/>. See also <https://www.electricapl.com/index.cfm> ("American Power & Light ["AP&L"] designs, plans, and installs primary electric distribution systems"); <https://www.electricapl.com/about.cfm> ("AP&L installs, maintains, and repairs high voltage underground electricity"); <http://pioneerem.com/property-services/> ("PEM [Pioneer Energy Management] provides . . . Electric Infrastructure Installation & Maintenance").

12. Certain submetering entities or third-party agents in AEP Ohio's service territory also provide meter reading and billing services<sup>8</sup> that the PUCO has held are traditional functions of public utilities.<sup>9</sup>
13. However, these submetering entities or third-party agents do not disclose to their customers the rates or formulas utilized to calculate the charges for electric service, and have not submitted to or received approval by the PUCO for any of the rates or fees for the services they provide as required by R.C. 4905.32.<sup>10</sup>
14. These submetering entities or third-party agents are not landlords.<sup>11</sup>
15. Upon information and belief, some submetering entities or third-party agents in Ohio (who are not landlords) furnish electric utility services to residential apartment and condominium complexes by receiving the electric utility service through single meters (commonly referred to as

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<sup>8</sup> See, e.g., <http://nationwideenergypartners.com/customers/commercial/developers/> (NEP's services include meter reading and billing and collections (including the management of bad debt)); <https://www.electricapl.com/about.cfm> (AP&L's services include meter reading, billing, and collections); <http://pioneerem.com/about/> (PEM "offer[s] meter installation, reading, billing, collections and street light repair services.").

<sup>9</sup> See *In re Chapter 4901:1-10 Rulemaking*, Second Entry on Rehearing at 19; *In the Matter of the [PUCO's] Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI, Entry on Rehearing at 15 (May 21, 2014).

<sup>10</sup> See, e.g., Answer of Nationwide Energy Partners, LLC to Whitt's Complaint, Case No. 15-697-EL-CSS (Apr. 30, 2015) at ¶¶ 13, 14.

<sup>11</sup> See, e.g., Complaint of Whitt against Nationwide Energy Partners, LLC, Case No. 15-697-EL-CSS, Complaint at 2-4 (Apr. 10, 2015); Answer of Nationwide Energy Partners, LLC to Whitt's Complaint, Case No. 15-697-EL-CSS (April 30, 2015); *In the Matter of the [PUCO's] Investigation of Submetering in the state of Ohio*, Case No. 15-1594-AU-COI, Entry at 1 (Dec. 16, 2015) (opening an investigation into submetering); Joint Comments on Protecting Ohioans from Excessive Charges from Utility Submeterers by the OCC and the Ohio Poverty Law Center, Case No. 15-1594-AU-COI, Comments at 1-3 (Jan. 21, 2016); Initial Comments of AEP Ohio and Duke, Case No. 15-1594-AU-COI, Comments at 1-2 (Jan. 21, 2016); *Shocking cost investigation: Utility middle men charge renters inflated prices*, Columbus Dispatch (Oct. 20, 2013) (<http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html>).

master-meters) located on or near the residential apartment and condominium complexes.<sup>12</sup>

16. Upon information and belief, after the electric utility's service passes through the master-meter, the submetering entities or third-party agents (who are not landlords) then resell and redistribute the electric utility services to persons residing in the residential apartment or condominium units in the housing complexes through individual meters which measure the usage of each residential dwelling.<sup>13</sup>
17. Upon information and belief, submetering entities or third-party agents have resold and redistributed electricity to persons residing in residential apartment and condominium complexes, often at inflated prices, sometimes charging "markups of 5 percent to 40 percent."<sup>14</sup> These markups can be arranged by utility middlemen without any regulatory oversight to ensure that the electric service is "adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced."<sup>15</sup>

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<sup>12</sup> See Initial Comments of AEP Ohio and Duke, Case No. 15-1594-AU-COI, Comments at 1 (Jan. 21, 2016) and *Shocking cost investigation: Utility middle men charge renters inflated prices*, Columbus Dispatch (Oct. 20, 2013), available at <http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html>.

<sup>13</sup> Id.

<sup>14</sup> *Shocking cost investigation: Utility middle men charge renters inflated prices*, Columbus Dispatch (Oct. 20, 2013), available at <http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html>. See also *Legislation to help Ohio 'submeter' Consumers undermined by business interests*, Columbus Dispatch (Apr. 3, 2016) ("AP&L's "bills are often 30 percent more than regulated prices, based on recent bills submitted by customers."), available at <http://workplace.dispatch.com/content/stories/business/2016/04/03/1-legislation-aimed-at-helping-consumers-undermined.html>.

<sup>15</sup> R.C. 4928.02(A).

18. Upon information and belief, some submetering entities and third-party agents, who are not landlords, “buy power at a commercial rate and [then] resell it at the residential rate and there is arbitrage in the rate structure.”<sup>16</sup>
19. Upon information and belief, some submetering entities or third-party agents (who are not landlords) resell and redistribute electric service purchased from competitive retail electric service providers to the residents of some of the apartment and condominium complexes that they serve.<sup>17</sup>
20. Upon information and belief, there are “an estimated 30,000 households, mainly in central Ohio,”<sup>18</sup> where submetering entities or third-party agents (who are not landlords) provide electric service to the residents of these apartment and condominium complexes.<sup>19</sup>
21. Submetering entities or third-party agents are not authorized under Ohio law to engage in resale and redistribution of utility services to residential customers if they are not “landlords” as defined by R.C. 5321.01(B).<sup>20</sup>

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<sup>16</sup> LMS Capital plc Investor Morning, Sept. 9, 2010. See also Memorandum of AEP Ohio in Response to the PUCO’s Nov. 18, 2015 Entry, Case No. 15-697-EL-CSS, Memorandum at 2 (Dec. 18, 2015); *Shocking cost investigation: Utility middle men charge renters inflated prices*, Columbus Dispatch (Oct. 20, 2013), available at <http://www.dispatch.com/content/stories/business/2013/10/20/shocking-cost.html>.

<sup>17</sup> *Nationwide Energy Partners, LLC’s Memorandum on NEP’s Relationship With North Bank Condominium Owners Association and Whether the Association is a Necessary or Indispensable Party*, Case No. 15-697-EL-CSS, Memorandum at 4 (Dec. 18, 2015).

<sup>18</sup> *Legislation to help Ohio ‘submeter’ consumers undermined by business interests*, Columbus Dispatch (Apr. 3, 2016), available at <http://workplace.dispatch.com/content/stories/business/2016/04/03/1-legislation-aimed-at-helping-consumers-undermined.html>.

<sup>19</sup> LMS Capital plc Investor Morning at 2 (NEP notes that it does “service the secondary customers which are the tenants or condo residents or co-op residents”), Sept. 9, 2010.

<sup>20</sup> *In the Matter of the Complaints of Inscho, et al. v. Shroyer’s Mobile Homes*, Case No. 90-182-WS-CSS, et al., Opinion and Order (Feb. 27, 1992).



22. Submetering entities or third-party agents are not authorized to engage in reselling and redistribution of utility services to residential customers because they are neither “consumers”<sup>21</sup> of utility services nor landlords.
23. The utility service that is offered by the submetering entities and third-party agents, however, lack the consumer protections found under Ohio law and PUCO rules that pertain to public utility service. These protections include specific disconnect procedures, offerings of payment and budget plans, contract disclosure requirements, prohibitions on slamming, minimum bill content requirements, etc.
24. Submetering entities are taking advantage of master-meter service offered by AEP Ohio and then reselling that service to tenants or condominium owners at higher prices.
25. Section 17 of AEP Ohio’s Open Access Distribution Service Tariff, P.U.C.O. No. 20, 2<sup>nd</sup> Revised Sheet No. 103-13D provides that:
- Electric service will not be delivered to any party contracting with the Company for distribution service (hereinafter in this Section called “customer”) except for use exclusively by (i) the customer at the premises specified in the service request or contract between the Company and the customer under which service is supplied and (ii) the occupants and tenants of such premises.<sup>22</sup>
26. Section 17 of AEP Ohio’s Standard Service Tariff, P.U.C.O. No. 20, 1<sup>st</sup> Revised Sheet No. 103-13 provides that:
- Electric service will not be supplied to any party contracting with the Company for electric service (hereinafter in this Section called “Customer”) except for

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<sup>21</sup>*Shopping Centers Ass’n v. Public Util. Comm.*, 3 Ohio St.2d 1, 208 N.E.2d 923 (1965).

<sup>22</sup> See Attachment A.

use exclusively by (i) the Customer at the premises specified in the service request on [sic] contract between the Company and the Customer under which service is supplied and (ii) the occupants and tenants of such premises.

Resale of energy will be permitted only by legitimate electric public utilities subject to the jurisdiction of the [PUCO] and only by written consent of the Company. In addition, resale of energy will be permitted for electric service and related billing as they apply to the resale or redistribution of electrical service from a landlord to a tenant where the landlord is not operating as a public utility, and the landlord owns the property upon which such resale or redistribution takes place.<sup>23</sup>

27. It appears that the aforementioned AEP Ohio tariff provisions do not adequately prohibit submetering entities or third-party agents (who are not landlords) from reselling and redistributing electric utility services to Ohioans.
28. Alternatively, it appears that AEP Ohio may not be enforcing its approved tariff provisions to prohibit submetering entities or third-party agents (who are not landlords) from reselling and redistributing electric utility and related services to Ohioans.
29. In contrast to AEP Ohio's tariffs, approved tariffs filed with the PUCO by some other public utilities contain stricter limits on when and by whom utility services may be resold.<sup>24</sup> For example:
  - a. Section 6 of Duke Energy Ohio's Gas Service Tariff, P.U.C.O. Gas No. 18 Sheet No. 21.7 provides in part that "service is for the customer's use only and under no circumstances may the customer

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<sup>23</sup> See Attachment A.

<sup>24</sup> See Attachment A.

or the customer's agent or any other individual, association or corporation install meters for the purpose of reselling or otherwise disposing of service supplied by the Company.”

- b. Section 5 of The East Ohio Gas Company's Gas Rate Tariff, Second Revised Sheet No. GSS-R 2 provides that “No gas supplies under this schedule shall be resold for any purpose.”
- c. Section 8(F) of Vectren Energy Delivery of Ohio, Inc.'s Tariff for Gas Service, P.U.C.O. No. 3 Sheet No. 67 provides that “Gas supplied by Company is for the exclusive use of customers on the Premises to which such gas is delivered by the Company. In no case may service be shared with another, sold to another, or transported off the Premises.”

### **COUNT I**

- 30. The statements contained in the preceding paragraphs are incorporated as if fully set forth herein.
- 31. AEP Ohio's tariffs do not expressly prohibit the resale and redistribution of electric utility services to residential customers by submetering entities or third-party agents (who are not landlords).
- 32. Alternatively, it appears that AEP Ohio may not be enforcing its currently approved tariff provisions to prohibit submetering entities or third-party agents (who are not landlords) from reselling and redistributing electric utility services to residential customers, in contravention of R.C. 4905.30 and R.C. 4905.32.

33. AEP Ohio’s tariffs do not result in adequate and reasonably priced electric utility services to the extent the tariffs do not clearly and expressly prohibit the reselling and redistribution of electric utility services to residential customers by non-landlords, including submetering entities or third-party agents.<sup>25</sup>
34. In having tariffs that may allow the resale and redistribution of electric utility services to residential customers by non-landlord submetering entities or third-party agents, AEP Ohio is administering its tariffs in contravention of R.C. 4905.22, R.C. 4928.02(A), and precedent of the PUCO and Supreme Court of Ohio.
35. In having tariffs that may allow the resale and redistribution of electric utility services to residential customers by submetering entities or third-party agents who are not landlords, AEP Ohio deprives residential consumers of the protections afforded to them under Ohio law, rule and precedent, including the state policy to “[e]nsure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service.”<sup>26</sup>
36. In having tariffs that may allow the resale and redistribution of electric utility services to residential customers by submetering entities or third-

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<sup>25</sup> R.C. 4905.22 (unreasonable charge prohibited); R.C. 4928.02(A) (state policy to “[e]nsure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service”).

<sup>26</sup> R.C. 4928.02(A). See also R.C. 4905.22 (unreasonable charge prohibited); R.C. 4905.32 (schedule rate collected); R.C. 4905.30 (printed schedules of rates must be filed); and R.C. 4909.18 (application to establish or change rate). See also Joint Comments on Protecting Ohioans from Excessive Charges from Utility Submeterers by the OCC and the Ohio Poverty Law Center, Case No. 15-1594-AU-COI, at 2-3, 12-15 (Jan. 21, 2016); Initial Comments of AEP Ohio and Duke, Case No. 15-1594-AU-COI, at 2-16 (Jan. 21, 2016).

party agents who are not landlords, AEP Ohio deprives residential consumers of the protections afforded to them under Ohio law, rule and precedent. These protections include the state policy to “ensure diversity of electricity supplies and suppliers, by giving consumers effective choices over the selection of those supplies and suppliers and by encouraging the development of distributed and small generation facilities.”<sup>27</sup>

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<sup>27</sup> R.C. 4928.02(C). See also R.C. 4928.01 through R.C. 4928.10 and 4928.20.

## **PRAYER FOR RELIEF**

To provide submetered customers the same or similar protections as those provided to the consumers of public utilities, OCC respectfully requests that the PUCO grant the following relief:

37. Find that OCC has set forth reasonable grounds for its Complaint pursuant to R.C. 4905.26.
38. Find that AEP Ohio's tariffs are unjust and unreasonable to the extent the tariffs do not expressly prohibit the resale and redistribution of electric utility services to residential customers by submetering entities or third-party agents who are not landlords.
39. Issue an order directing AEP Ohio to amend and enforce its tariffs.<sup>28</sup> The order should direct AEP Ohio to prohibit the resale and redistribution of electric services to residential customers by submetering entities or third-party agents that are neither landlords nor consumers of utility service in accordance with Revised Code Chapter 49.
40. Direct AEP Ohio to amend and enforce its tariffs in accordance with the proposed tariffs in Attachment A to prevent further harm to residential customers.
41. Alternatively, to the extent that the PUCO finds that AEP Ohio's currently approved tariffs are sufficient to prohibit the submetering practices

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<sup>28</sup> See R.C. 4905.37.

complained of, issue an order directing AEP Ohio to enforce its tariffs to prohibit submetering.<sup>29</sup>

42. Prohibit AEP Ohio from providing new master-meter electric service to submetering entities or third-party agents (who are not landlords) that intend to resell and redistribute the service to residents of apartment or condominium complexes.
43. Prohibit AEP Ohio, beginning six months after the date on which the PUCO approves AEP Ohio's amended tariffs or determines that AEP Ohio's current tariffs need enforcement, from providing master-meter electric service to any submetering entity or third-party agent (who is not a landlord) that intends to resell and redistribute the service to residents of apartment or condominium complexes.
44. Find that AEP Ohio's services as referenced above are not adequate, just, and reasonable under R.C. 4905.22 and other statutes.
45. Order any other relief that the PUCO deems appropriate, just, and reasonable for consumer protection.

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<sup>29</sup> R.C. 4905.30.

Respectfully submitted,

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OHIO CONSUMERS' COUNSEL

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*Outside Counsel for the Office of the Ohio  
Consumers' Counsel*



## ATTACHMENT A

As explained in paragraph 40, the PUCO should order AEP Ohio to replace its current residential tariff provisions addressing resale of utility services with the following language:

Section 17 of AEP Ohio's Open Access Distribution Service Tariff, P.U.C.O. No. 20, 2<sup>nd</sup> Revised Sheet No. 103-13D:

Residential electric service is provided for the sole use of the party (the "customer") contracting with the Company for distribution service at the customer's premise. Said customer shall not sell any of such service to any other person or permit any other person to use such service, except that the service may be used exclusively by the occupants of such premise. A landlord may resell or redistribute electric service to tenants where such resale or redistribution takes place only upon property owned by the landlord and where the landlord is not otherwise operating as a public utility. The landlord shall not resell or redistribute the utility service at a charge that is above the landlord's cost of purchasing the service.

Resale of the Company's service is not permitted unless it is by legitimate electric public utilities subject to the jurisdiction of the Public Utilities Commission of Ohio and only by written consent of the Company.

Section 17 of AEP Ohio's Service Tariff, P.U.C.O. No. 20, 1<sup>st</sup> Revised Sheet No. 103-13:

Residential electric service is provided for the sole use of the party (the "customer") contracting with the Company for electric service at the customer's premise. Said customer shall not sell any of such service to any other person or permit any other person to use such service, except that the service may be used exclusively by the occupants of such premise. A landlord may resell or redistribute electric service to tenants where such resale or redistribution takes place only upon property owned by the landlord and where the landlord is not otherwise operating as a public utility. The landlord shall not resell or redistribute the utility service at a charge that is above the landlord's cost of purchasing the service.

Resale of the Company's service is not permitted unless it is by legitimate electric public utilities subject to the jurisdiction of the Public Utilities Commission of Ohio and only by written consent of the Company.

## INSTRUCTIONS FOR SERVICE

In accordance with Ohio Adm. Code 4901-9-01(B), the PUCO's "docketing division shall serve a copy of the complaint upon" AEP Ohio at the following address:

AEP Ohio  
Legal Division  
1 Riverside Plaza, 29<sup>th</sup> Floor  
Columbus, Ohio 43215

/s/ Kyle L. Kern  
\_\_\_\_\_  
Kyle L. Kern  
Assistant Consumers' Counsel

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

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**in**

**Case No(s). 16-0782-EL-CSS**

Summary: Application Complaint and Request for Relief for Consumers by the Office of the Ohio Consumers' Counsel electronically filed by Ms. Deb J. Bingham on behalf of Kern, Kyle L.