

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARTIN PAINTING,**

COMPLAINANT,

V.

CASE NO. 14-1270-EL-CSS

FIRSTENERGY SOLUTIONS CORP.,

RESPONDENT.

ENTRY

Entered in the Journal on August 3, 2016

I. SUMMARY

{¶ 1} In this Entry, the Commission grants the parties' joint motion to dismiss the complaint.

II. DISCUSSION

{¶ 2} 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 furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory. Pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by any electric services company subject to certification under R.C. 4928.08 or any service for which it is subject to certification.

{¶ 3} FirstEnergy Solutions Corp. (FES) is an electric services company as defined in R.C. 4928.01(A)(9), and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On July 17, 2014, Martin Painting (Complainant) filed a complaint against FES. In its complaint, Complainant alleges it was wrongfully billed a regional transmission organization (RTO) expense surcharge.

{¶ 5} On August 7, 2014, FES filed an answer to the complaint, denying all allegations.

{¶ 6} Thereafter, on September 16, 2014, FES filed a motion to dismiss the complaint and a memorandum in support, asserting that the Commission lacked jurisdiction to hear the claims.

{¶ 7} By Entry issued May 24, 2016, the attorney examiner denied the motion to dismiss, finding that the issues in the complaint were within the jurisdiction of the Commission. Additionally, the attorney examiner scheduled a settlement conference for July 12, 2016.

{¶ 8} Thereafter, on July 11, 2016, FES and Complainant filed a joint motion to dismiss the complaint, requesting that the Commission enter an order terminating the complaint.

{¶ 9} The Commission finds that the parties' joint motion to dismiss the complaint is reasonable and should be granted.

III. ORDER

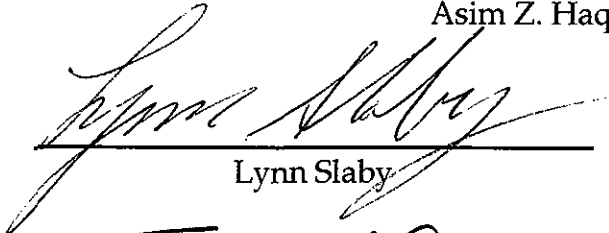
{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the parties' joint motion to dismiss the complaint is granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

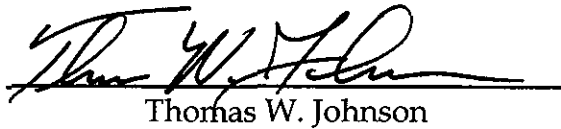
Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



Thomas W. Johnson



M. Howard Petricoff

MWC/sc

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AUG 03 2016



Barcy F. McNeal
Secretary