

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE BOARD OF
COMMISSIONERS OF LUCAS COUNTY,

COMPLAINANT,

CASE NO. 15-896-EL-CSS

v.

FIRSTENERGY SOLUTIONS CORP.,

RESPONDENT.

ENTRY

Entered in the Journal on January 4, 2017

I. SUMMARY

{¶ 1} The Commission grants the request of the parties to dismiss the complaint, as the parties indicate that all claims have been settled between them.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} 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 an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 4} On May 8, 2015, the Board of Commissioners of Lucas County (Lucas County) filed a complaint against FES. Lucas County alleged several counts relating to specific costs that FES incurred from PJM Interconnection LLC in January 2014 and passed

through to Lucas County. Lucas County's complaint stated that its competitive retail electric service contract with FES during the time in question was for fixed-price power and contained a provision designating ancillary services as FES's sole responsibility. Consequently, Lucas County alleged that FES is required to cover the charges in question and that the increased charges do not qualify as a regulatory pass-through event. Lucas County further contended that FES's actions constituted unfair, misleading, deceptive, or unconscionable acts in violation of R.C. 4928.08 and Ohio Adm.Code Chapter 4901:1-21.

{¶ 5} On May 29, 2015, FES filed an answer to the complaint, denying all of the allegations made by Lucas County. Further, contemporaneously with its answer, FES filed a motion to dismiss this case. On February 3, 2016, the Commission issued an Entry denying FES's motion to dismiss for lack of subject matter jurisdiction and directing the attorney examiner to set this matter for hearing.

{¶ 6} On August 26, 2016, the attorney examiner scheduled a hearing for November 8, 2016. Thereafter, the attorney granted a joint motion for continuance of the hearing date and rescheduled the hearing for December 13, 2016.

{¶ 7} On December 7, 2016, the parties filed a joint motion to dismiss the complaint.

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

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the request to dismiss the complaint be granted. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Asim Z. Haque, Chairman

Lynn Slaby

Lynn Slaby

M. Beth Trombold

M. Beth Trombold

Thomas W. Johnson

Thomas W. Johnson

NJW/vrm

Entered in the Journal
JAN 04 2017

Barcy F. McNeal

Barcy F. McNeal
Secretary