

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
ADVANCED INNOVATIVE MFG, INC.,**

COMPLAINANT,

v.

CASE NO. 16-2340-EL-CSS

CHAMPION ENERGY SERVICES, LLC,

RESPONDENT.

ENTRY

Entered in the Journal on January 30, 2017

{¶ 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.

{¶ 2} Champion Energy Services, LLC (Champion) is a competitive retail electric supplier as defined in R.C. 4928.02 and, as such, is subject to certification by of this Commission.

{¶ 3} On December 8, 2016, Advanced Innovative Mfg, Inc. (AIM or Complainant) filed a complaint against Champion. In its complaint, AIM alleges that a Champion representative assured AIM that Champion could provide electricity at a lower rate than AIM's provider at the time. Upon that assurance, AIM entered into a contract with Champion. After reviewing its bills, AIM discovered that Champion's costs for electricity were 48 percent higher than AIM's previous provider.

{¶ 4} AIM alleges that the Champion representative stated that AIM could cancel and switch back at any time if it were not satisfied with the service. AIM later discovered that cancellation would be subject to a cancellation fee of about \$2,400.

{¶ 5} AIM contends that Champion has overcharged it for electric service in the amount of \$4,348.91 over 13 months.

{¶ 6} For misleading and withholding information, the Complainant demands the sum of \$4,348.91 and a waiver of the \$600 cancellation fee.

{¶ 7} On December 28, 2016, Champion filed an answer to the complaint. Champion alleges that a third-party broker, working on behalf of Champion, contacted AIM by telephone. AIM was not enrolled over the telephone; instead, the broker sent AIM a contract. Champion alleges that AIM had an opportunity to review the terms and conditions of the contract, review enrollment documents, compare competitors' rates, and ask questions. Champion denies that it pressured, misled, or withheld information from the Complainant. Champion moves to dismiss the complaint for failure to set forth reasonable grounds.

{¶ 8} The attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution in lieu of an evidentiary hearing. In accordance with Ohio Adm. Code 4901-1-26, any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 9} Accordingly, a settlement conference shall be scheduled for March 2, 2017, at 1:30 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio 43215-3793. The parties should bring with them all documents relevant to this matter. If settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

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

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a settlement conference be scheduled for March 2, 2017, at 1:30 p.m. at the Commission offices, 180 East Broad Street, 12th floor, Conference Room 1246, Columbus, Ohio. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/30/2017 2:06:04 PM

in

Case No(s). 16-2340-EL-CSS

Summary: Attorney Examiner Entry scheduling March 2, 2017 settlement conference;
electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner,
Public Utilities Commission of Ohio