

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
MARK A. WHITT,**

**COMPLAINANT,**

**v.**

**CASE NO. 15-697-EL-CSS**

**NATIONWIDE ENERGY PARTNERS, LLC,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on October 20, 2017

**I. SUMMARY**

{¶ 1} The Commission grants the Complainant's request to dismiss this case without prejudice.

**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 relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 3} On April 10, 2015, Mark A. Whitt (Complainant) filed a complaint against Nationwide Energy Partners, LLC (NEP or Respondent). The complaint asserts that NEP supplies or arranges for the supply of electric, water and sewer service to the Complainant's residential condominium. Additionally, the complaint avers that NEP issues bills to the Complainant on a monthly basis for electric, water, and sewer service. The complaint argues that the rates charged by NEP for the services it provides have not been reviewed or approved by the Commission as required by, among other statutes, R.C. 4905.22, 4905.30, 4905.32, and 4909.18. Additionally, the complaint asserts that NEP

does not possess certificates of public convenience and necessity for water or sewer service as required by R.C. 4933.25, does not have a certified territory as required by R.C. 4933.83(A), is not a certified supplier of competitive retail electric service as required by R.C. 4928.08(B), and is not otherwise listed as a public utility pursuant to R.C. Title 49.

{¶ 4} On April 30, 2015, NEP filed an answer denying that it supplies electric, water, or sewer services to the Complainant's residential condominium; or that NEP is an electric light company, an electric distribution utility, an electric services company, an electric utility, an electric supplier, a water-works company, a sewage disposal company, or a public utility, as those terms are defined in R.C. Title 49.

{¶ 5} By entry issued November 18, 2015, this proceeding was ordered held in abeyance during the Commission's investigation of residential submetered service arrangements in Case No. 15-1594-AU-COI. On December 7, 2016, the Commission issued a Finding and Order in that case adopting a Relative Price Test to determine whether an entity is unlawfully operating as a public utility with respect to condominium associations, submetering companies, and other similarly situated entities engaged in the resale or redistribution of public utility services. On June 21, 2017, the Commission issued its Second Entry on Rehearing in Case No. 15-1594-AU-COI adopting a zero percentage threshold for the Relative Price Test to be used in determining whether a Reseller of submetered residential service is acting as a public utility.

{¶ 6} On July 19, 2017, the Complainant filed a notice requesting that this complaint be dismissed without prejudice.

{¶ 7} The Complainant's request to dismiss this case without prejudice should be granted and the record of this case should be closed.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That this complaint be dismissed without prejudice and closed of record. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

Asim Z. Haque, Chairman

M. Beth Trombold

Thomas W. Johnson

Lawrence K. Friedeman

Daniel R. Conway

RMB/dah

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Barcy F. McNeal  
Secretary