

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL REPORTS  
FOR THE FISCAL ASSESSMENT OF ALL  
REGULATED ENTITIES.

CASE NO. 17-01-AU-RPT

## SECOND FINDING AND ORDER

Entered in the Journal on December 20, 2017

### I. SUMMARY

{¶ 1} The Commission directs that each of the listed companies pay the 2017 fall fiscal assessment by January 19, 2018; that a civil forfeiture of \$1,000 be assessed against any company with an unpaid assessment after that date; and that any unpaid assessments and forfeiture amounts be certified to the Attorney General for collection 31 days after issuance of this Second Finding and Order.

### II. APPLICABLE LAW

{¶ 2} R.C. 4905.10 requires each railroad and public utility to pay an annual assessment based upon its intrastate gross earnings or receipts for maintaining the operations of this Commission.<sup>1</sup> In order to calculate such assessment, R.C. 4905.14 requires each public utility to file an annual report with the Commission. R.C. 4905.10(A) sets a minimum assessment of \$100 per company, regardless of their intrastate gross earnings or receipts in the reporting year.

{¶ 3} R.C. 4905.54 empowers the Commission to assess a forfeiture of not more than \$10,000 per day for each violation or failure of a public utility or railroad, or an officer

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<sup>1</sup> R.C. 4905.03(A) defines public utility companies to include telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas distribution companies, pipeline companies, and water-works and sewage disposal system companies. Railroad, bridge, and water transportation companies are included in the annual reporting requirement under R.C. 4907.02 and 4907.20. All certified retail electric and natural gas suppliers and aggregators are also subject to this reporting requirement under R.C. 4928.06 and 4929.23; while R.C. 4905.10(D) provides that, for the purpose of annual assessment, "public utility" includes electric and gas suppliers and aggregators subject to certification under R.C. 4928.08 and 4929.20, respectively.

of a public utility or railroad, to comply with an order, direction, or requirement of the Commission made under authority of R.C. Chapter 4905.

### III. PROCEDURAL HISTORY

{¶ 4} On February 1, 2017, the Commission issued an Entry directing each reporting company subject to fiscal assessment for the 2016 calendar year to submit its annual report for fiscal assessment using the Commission's on-line system by May 31, 2017, or contact the Commission's Docketing Division for special accommodations. All reporting companies were reminded that a \$1,000 civil forfeiture might be assessed, pursuant to R.C. 4905.54, against any company failing to comply, absent good cause shown.

{¶ 5} On August 16, 2017, the Commission issued a Finding and Order in this proceeding assessing a \$1,000 civil forfeiture against every company listed in the attachment of the Finding and Order that failed to file an annual report by August 30, 2017.

{¶ 6} Based on the 2016 annual report filings, Staff calculated the 2017 fall fiscal assessments and sent invoices to the applicable companies on October 1, 2017, with payment due by November 1, 2017, pursuant to R.C. 4905.10(B).

### IV. DISCUSSION

{¶ 7} The Commission's records reflect that the companies listed on the attachment to this Second Finding and Order have failed to pay the fall fiscal assessment due the Commission on November 1, 2017, pursuant to R.C. 4905.10(B). As each of the companies listed on the attachment have failed to pay the indicated 2017 fall fiscal assessment(s), each listed company must pay the unpaid assessment amount by January 19, 2018, or a civil forfeiture of \$1,000 will be assessed pursuant to R.C. 4905.54. Further, each company is hereby notified that the listed certificate or operating authority may be rescinded for failure to comply with this Second Finding and Order, and such failure to comply may be considered with respect to any future applications for certificate or operating authority.

{¶ 8} The Docketing Division is directed to serve notice of this Second Finding and Order upon each listed company via regular and certified mail in addition to any other means of service. Further, the Fiscal Division is directed to certify to the Attorney General for collection any listed assessments which are not paid by January 19, 2018, in addition to a civil forfeiture of \$1,000 against each listed company, no earlier than 31 days after issuance of this Second Finding and Order.

#### V. ORDER

{¶ 9} It is, therefore,

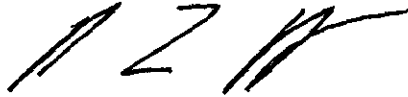
{¶ 10} ORDERED, That each company listed in the attachment to this Second Finding and Order pay the indicated unpaid 2017 fall fiscal assessment by January 19, 2018. It is, further,

{¶ 11} ORDERED, That a civil forfeiture of \$1,000 be assessed against each listed company with a 2017 fall fiscal assessment not paid by January 19, 2018. It is, further,

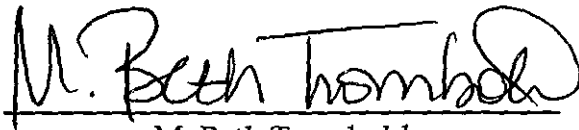
{¶ 12} ORDERED, That the Commission's Fiscal Division certify to the Attorney General for collection any unpaid 2017 fall fiscal assessments and civil forfeitures no earlier than 31 days after issuance of this Second Finding and Order. It is, further,

{¶ 13} ORDERED, That notice of this Second Finding and Order be served upon each company listed on the attachment, by both regular and certified mail, in addition to any other means of service, and via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves, and upon all parties of record.

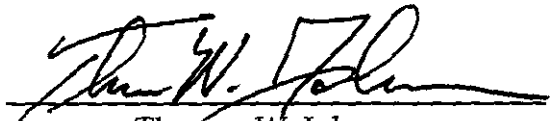
THE PUBLIC UTILITIES COMMISSION OF OHIO



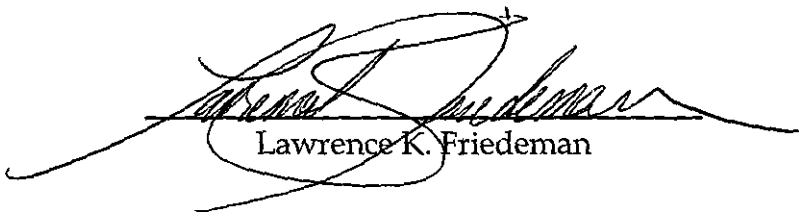
Asim Z. Haque, Chairman



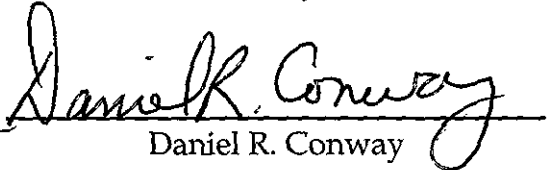
M. Beth Trombold



Thomas W. Johnson



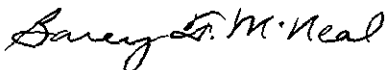
Lawrence K. Friedeman



Daniel R. Conway

JRJ/vrm

Entered in the Journal  
DEC 20 2017



Barcy F. McNeal  
Secretary

## Unpaid 2017 Fiscal Assessments

Attachment to the December 20, 2017 Second Finding and Order in Case No. 17-01-AU-RPT

The following fiscal assessments owed to the Commission for the certificate or operating authority listed below have not been paid:

	Company	Certificate	PUCO ID	Amount due PUCO
1.	DNE Sales LLC	17-1224E/17-605G	421970	100.00
2.	Consumer Telcom, Inc.	90-6392	317994	100.00
3.	Republic N & T Railroad Inc.	RR-NTRI	300560	200.04
4.	Incontact of Ohio Inc.	90-9298	301680	213.13
5.	Digital Connections, Inc.	90-9414	365415	100.00
6.	Boomerang Wireless LLC	90-0131	357865	466.59
7.	AUI Associates, Inc.	14-389G/14-874E	369662	100.00
8.	Fidelity Connect LLC	90-9383	330896	100.00
9.	Zayo Enterprises Networks, LLC	90-9378	322576	203.06
10.	Miracle Communications, Inc.	90-6367	301960	100.00
11.	Fidelity Telecom, LLC	90-9373	317920	103.99
12.	Reliance Globalcom Services, Inc.	90-6379	301987	100.00
13.	Onvoy LLC	90-9360	310927	100.00
14.	International Marketing Business Group LTD	12-432E	343469	198.91
15.	American Utility Management Inc.	12-262G/12-542E	348555	100.00
16.	National Auditing Services & Consulting LLC	16-1086E	412754	100.00
17.	Broker Online Exchange, LLC	14-810E	365058	112.67
18.	Almighty Power Developments LLC	14-856E	366935	100.00
19.	5LINX Enterprises Inc.	11-383E	338669	100.00
20.	Linde Energy Services Inc.	08-144E	313125	7,750.49
21.	CES Retail Energy Supply LLC	16-1089E	413046	100.00
22.	America Approved Commercial LLC	12-533E	348096	100.00
23.	Orion Power Holdings, LLC	14-861E	367541	100.00
24.	Brightergy, LLC	14-406G/14-897E	370924	100.00
25.	World Energy Solutions Inc.	06-121G/02-086E	301496	100.00
26.	CurrentChoice Inc.	13-647E	354199	100.00
27.	Aspirity Energy LLC	15-1023E	379692	1,082.70