

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
REPUBLIC STEEL,**

COMPLAINANT,

CASE NO. 17-2115-EL-CSS

v.

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on September 27, 2018

{¶ 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} Ohio Power Company (AEP Ohio or the Company) is an electric light company and public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, AEP Ohio is subject to the Commission's jurisdiction.

{¶ 3} On October 11, 2017, Republic Steel (Republic) filed a complaint against AEP Ohio. The complaint alleges that the Company: assessed excessive, unlawful, unreasonable, and discriminatory deposit charges; delayed payment fees against Republic; and threatened disconnection in the event those charges were not paid.

{¶ 4} AEP Ohio filed its answer to Republic's complaint on November 13, 2017. Therein, the Company admits to assessing deposit and late charge amounts to Republic's accounts; however, AEP Ohio contends that such amounts were justified given Republic's poor credit and history of late or non-payment. In addition to responding directly to the allegations contained in the complaint, AEP Ohio also submits several affirmative defenses.

{¶ 5} A prehearing settlement conference was held on February 1, 2018; however, the parties were unable to settle the matter.

{¶ 6} By Entry dated April 30, 2018, the attorney examiner issued a procedural schedule that established October 9, 2018, as the hearing date and September 28, 2018, as the deadline for filing testimony.

{¶ 7} On September 26, 2018, the parties filed a joint motion for a continuance of the procedural schedule pursuant to Ohio Adm.Code 4901-1-13. The joint motion also requested a status conference and, pursuant to Ohio Adm.Code 4901-1-12(C), asked for expedited treatment of the motion. For cause, counsel represent that settlement discussions have recently shown progress, and the parties require additional time to continue working toward a mutually agreeable resolution of this matter. The parties request that the procedural schedule be suspended until a date established by subsequent entry. Meanwhile, the parties ask that a status conference be scheduled in December 2018, when the parties can update the Commission as to the status of settlement discussions. As the only parties to the proceeding, Republic and AEP Ohio also certify that no party objects to expedited consideration of the motion.

{¶ 8} The attorney examiner finds that the parties' joint motion for a continuance, request for status conference, and request for expedited treatment is reasonable, supported by good cause, and should be granted. Accordingly, the procedural schedule is suspended; new dates will be established by future entry as is necessary. To keep the Commission apprised of the progress of negotiations, the attorney examiner will conduct a status conference on December 11, 2018 at 10:00 a.m., in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the previously issued procedural schedule be suspended pending a future entry. It is, further,

{¶ 11} ORDERED, That a status conference be scheduled for December 11, 2018, in Hearing Room 11-D, in accordance with Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/*Patricia A. Schabo*

By: Patricia A. Schabo
Attorney Examiner

JRJ/hac

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9/27/2018 1:44:49 PM

in

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Summary: Attorney Examiner Entry suspending procedural schedule and scheduling a status conference electronically filed by Heather A Chilcote on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission