

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF ENRON ENERGY
SERVICES, INC., ET AL.,**

COMPLAINANTS,

v.

CASE No. 01-393-EL-CSS

**FIRSTENERGY CORP., OHIO EDISON
COMPANY, THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AND THE
TOLEDO EDISON COMPANY,**

RESPONDENTS.

ENTRY

Entered in the Journal on April 3, 2019

I. SUMMARY

{¶ 1} Upon review, the Commission dismisses this complaint for lack of prosecution.

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} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company are public utilities as defined in R.C. 4905.02 and electric distribution companies (EDUs) as defined in R.C. 4928.01, and, as such, are subject to the jurisdiction of this Commission. FirstEnergy Corp. is an Ohio corporation whose principal office is located in Akron, Ohio, and is a holding company and the parent company for the three named EDUs (collectively referred to as FirstEnergy or the Companies).

{¶ 4} On February 13, 2001, Enron Energy Services, Inc., Peco Energy Company d/b/a Exelon Energy, Strategic Energy, LLC, and AES Power Direct, LLC (collectively, Complainants) filed a complaint against FirstEnergy, alleging that the Companies had failed to implement their transition plans pursuant to Commission orders, and had violated several statutes and Commission rules pertaining to corporate separation requirements. *See In re the Application of FirstEnergy for Approval of Transition Plans and Authorization to Collect Transition Revenues*, Case No. 99-1212-EL-ETP, et al., Opinion and Order (July 19, 2000); R.C. 4928.02, 4928.17.

{¶ 5} On March 7, 2001, the Companies filed an answer denying various portions of the complaint and asserting several affirmative defenses.

{¶ 6} Pursuant to an Entry issued by the attorney examiner on October 11, 2001, briefs and exhibits were submitted by the parties for the Commission's consideration. No evidentiary hearing was conducted. Additionally, there has been no activity in the case docket since that submission.

{¶ 7} Since the submission of briefs in 2001, Complainants have not filed an update regarding the status of their complaint, nor attempted to contact the Commission's legal department to indicate their willingness to pursue their complaint. Accordingly, the Commission finds that the complaint should be dismissed for lack of prosecution.

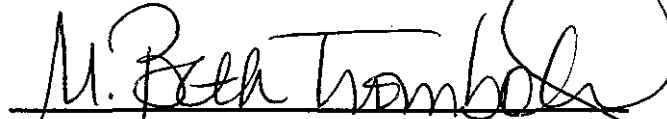
III. ORDER

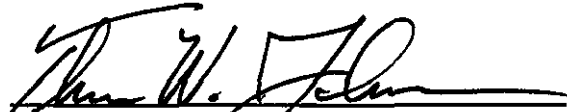
{¶ 8} It is, therefore,


{¶ 9} ORDERED, That the complaint be dismissed for lack of prosecution and closed of record. It is, further,

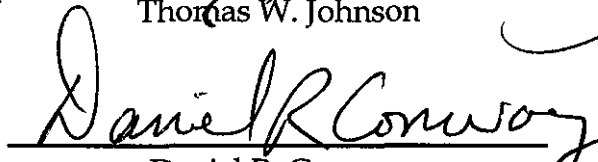
{¶ 10} ORDERED, That a copy of this Entry be served upon the parties of record.

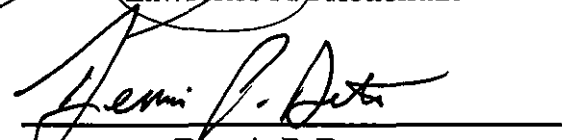
THE PUBLIC UTILITIES COMMISSION OF OHIO


M. Beth Trombold, Chair


Thomas W. Johnson


Lawrence K. Friedeman


Daniel R. Conway


Dennis P. Deters

MJA/mef

Entered in the Journal

APR 03 2019



Tanowa M. Troupe
Secretary