

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF ADVANTAGE ENERGY  
INC.,**

**COMPLAINANT,**

**V.**

**CASE NO. 01-1331-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 utilities (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 June 5, 2001, Advantage Energy, Inc. (Complainant)<sup>1</sup> 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 June 27, 2001, the Companies filed an answer denying various portions of the complaint and asserting several affirmative defenses.

{¶ 6} FirstEnergy filed a motion to dismiss on July 11, 2001, alleging that Complainant, while making bold assertions regarding violations of the law, provided no factual basis to substantiate its claims of alleged statutory violations or detrimental reliance. Thus, FirstEnergy requests that this case be dismissed, with prejudice.

{¶ 7} Complainant filed a memorandum contra the motion to dismiss on July 30, 2001, to which the Companies responded on August 8, 2001.

{¶ 8} A prehearing settlement conference was scheduled for August 14, 2001, at the offices of the Commission.

{¶ 9} Since the prehearing conference on August 14, 2001, Complainant has neither filed an update regarding the status of its complaint nor requested that this matter be set for hearing. Accordingly, the Commission finds that the complaint should be dismissed for lack of prosecution.

### III. ORDER

{¶ 10} It is, therefore,

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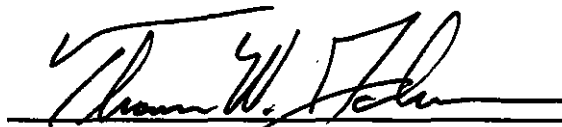
<sup>1</sup> Advantage Energy, Inc. was a competitive retail electric service provider licensed to provide power marketer and power broker services in Ohio, now known as Constellation Energy Services, Inc. *See In re Constellation Energy Services, Inc.*, Case No. 00-1822-EL-CRS.

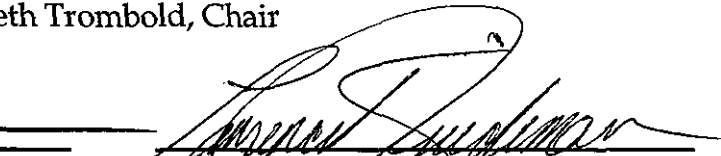
{¶ 11} ORDERED, That the complaint be dismissed for lack of prosecution and closed of record. It is, further,

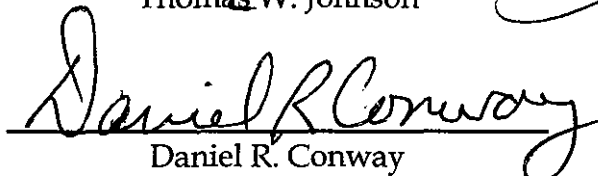
{¶ 12} ORDERED, That a copy of this Entry be served upon the parties of record.

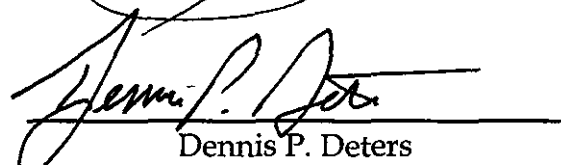
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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