

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
RICARDO NELSON,**

COMPLAINANT,

v.

CASE NO. 18-1660-EL-CSS

OHIO POWER COMPANY,

RESPONDENT.

ENTRY

Entered in the Journal on May 15, 2019

I. SUMMARY

{¶ 1} The Commission grants the joint motion to dismiss the complaint with prejudice, as the parties indicate that all issues in this matter have been resolved.

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} Respondent, Ohio Power Company (AEP-Ohio), is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On November 7, 2018, Ricardo Nelson (Mr. Nelson) filed a complaint against AEP-Ohio, alleging that AEP-Ohio wants to install a smart meter at Mr. Nelson's residence located at 90 Latta Avenue, Columbus, Ohio 43205 (Service Address). Specifically, Mr. Nelson claims that the AEP-Ohio smart meters installed in his neighborhood currently interfere and will continue to interfere with his amateur radio station and believes the smart meters pose a fire hazard. Further, Mr. Nelson claims that AEP-Ohio's smart meters are subject to and violate Federal Communication Commission (FCC) law. Lastly, Mr. Nelson

states that AEP-Ohio's "opt-out" fees violate FCC regulation, the Federal Energy Act of 2005, and the Federal Disability Act. Mr. Nelson is requesting to keep his current meter at no charge.

{¶ 5} AEP-Ohio filed an answer to the complaint on November 20, 2018. AEP-Ohio admits some allegations in the complaint. AEP-Ohio, however, denies Mr. Nelson's allegation that smart meters installed in the area around his residence have interfered, or are now interfering, with his amateur radio station. AEP-Ohio further denies that the metal oxide varistors make its smart meter a fire hazard. Moreover, AEP-Ohio denies that it has violated any FCC rule or regulation and denies that its smart meters operate and are subject to "Part 15" and "Part 18" of FCC law. Lastly, AEP-Ohio denies that its "opt-out" fees violate any FCC regulation, the Federal Energy Act of 2005, or the Federal Disability Act. AEP-Ohio also raises several affirmative defenses.

{¶ 6} By Entry issued January 2, 2019, the attorney examiner scheduled a prehearing conference to convene on January 23, 2019. The settlement conference occurred as scheduled.

{¶ 7} On April 8, 2019, the parties filed a joint motion to dismiss the complaint with prejudice. In their motion, the parties state that all issues raised in the complaint pending in this case have been resolved and request that this case be dismissed with prejudice as settled pursuant to Ohio Adm.Code 4901-9-01(C)(4) and 4901-9-01(F).

{¶ 8} Upon review, the Commission finds that AEP-Ohio and Mr. Nelson's joint motion to dismiss with prejudice is reasonable and should be granted. Accordingly, this case should be closed of record.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That AEP-Ohio and Mr. Nelson's joint motion to dismiss with prejudice be granted and this case be closed of record. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

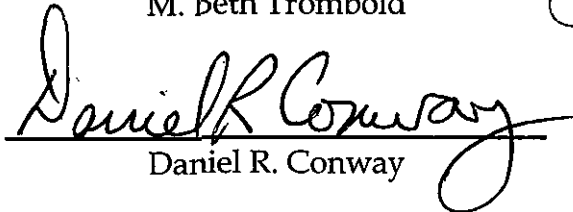


Sam Randazzo, Chairman

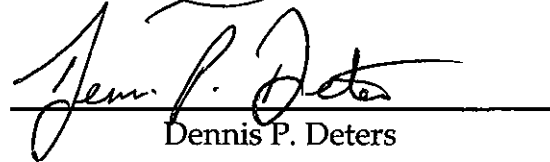
M. Beth Trombold



Lawrence K. Friedeman



Daniel R. Conway



Dennis P. Deters

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MAY 15 2019



Tanowa M. Troupe
Secretary