

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
OHIO POWER COMPANY,**

COMPLAINANT,

CASE NO. 19-872-EL-CSS

v.

**ENERGY ADVISORS, LLC AND JOHN DOES
1-20,**

RESPONDENT.

ENTRY

Entered in the Journal on June 5, 2019

I. SUMMARY

{¶ 1} The Commission dismisses the complaint pursuant to the motion filed by Ohio Power Company.

II. DISCUSSION

{¶ 2} R.C. 4928.08(B) requires an electric services company to be certified by the Commission prior to providing any competitive retail electric service (CRES) to a consumer in Ohio.

{¶ 3} R.C. 4928.16(A)(1) states that, pursuant to R.C. 4905.26, the Commission has jurisdiction over a complaint regarding the provision of any service by an electric services company for which the electric services company is subject to certification under R.C. 4928.09. R.C. 4928.16(A)(2) states that the Commission also has jurisdiction, pursuant to R.C. 4905.26, over a complaint to determine whether an electric services company has violated or failed to comply with any provision of R.C. 4928.01 through 4928.10, regarding the provision for a CRES, or any rule or order adopted under those sections.

{¶ 4} On April 11, 2019, Ohio Power Company (Complainant or AEP Ohio) filed a complaint against Energy Advisors, LLC and John Does 1-20 (Energy Advisors or Respondents) alleging that Respondents are providing CRES without certification from the Commission. Additionally, AEP Ohio alleges that Energy Advisors and John Does 1-20 are using AEP Ohio's name and logo in their marketing practices. AEP Ohio argues that Respondent's use of AEP Ohio's logo is misleading, deceptive, unconscionable, and constitutes an improper misrepresentation that Energy Advisors is soliciting on behalf of, or is an agent of, AEP Ohio.

{¶ 5} On April 30, 2019, Energy Advisors filed its answer to the complaint, denying many of the allegations contained therein. Energy Advisors contends it does not engage in activities that include arranging for the supply for competitive retail electric generation service to customers in Ohio and denies being legally responsible for the unlawful actions described in AEP Ohio's complaint. Energy Advisors states that it is not certified by the Commission to provide CRES to customers in Ohio and has not provided CRES to customers in Ohio. Energy Advisors denies creating or sending a solicitation to AEP Ohio customers and denies featuring AEP Ohio name and corporate logo in any solicitation. Lastly, Energy Advisors denies representing that it is soliciting on behalf of AEP Ohio by using the Company's logo.

{¶ 6} On May 20, 2019, AEP Ohio filed a notice of dismissal without prejudice. AEP Ohio states that, upon information and belief, Energy Advisors, LLC is not the entity engaging in the practices outlined in the Complaint. Further, AEP Ohio has been unable to locate the appropriate entity to name in its Complaint, despite extensive efforts.

{¶ 7} The Commission finds that AEP Ohio's request to dismiss the complaint is reasonable and should be granted. Accordingly, the complaint should be dismissed without prejudice.

III. ORDER

{¶ 8} It is, therefore,


{¶ 9} ORDERED, That AEP Ohio's request to dismiss this case be granted and this matter be dismissed, without prejudice, in accordance with Paragraph 7. It is, further,

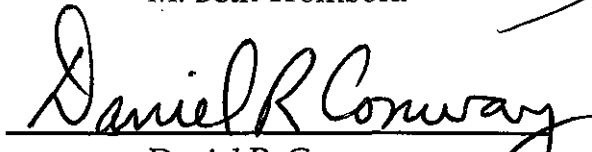
{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Sam Randazzo, Chairman


M. Beth Trombold


Lawrence K. Friedeman

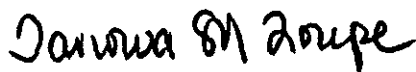

Daniel R. Conway


Dennis P. Deters

SEC/sc

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JUN - 5 2019



Tanowa M. Troupe
Secretary