

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE ANNUAL
REPORTS FOR CALENDAR YEAR 2018 FOR
THE FISCAL ASSESSMENT OF ALL
REGULATED ENTITIES.

CASE NO. 19-01-AU-RPT

ENTRY

Entered in the Journal on August 28, 2019

{¶ 1} R.C. 4905.10 requires each railroad and public utility to pay an annual assessment based upon their intrastate gross earnings for the purpose of maintaining the operations of this Commission.¹ In order to calculate such assessment, R.C. 4905.14 requires each public utility to file an annual report with the Commission. R.C. 4905.10(A) sets a minimum assessment of \$100 per company, regardless of their intrastate gross revenues in the reporting year. Every company that conducted jurisdictional operations during calendar year 2018 is required to file a report.

{¶ 2} The City of Akron (Akron) is authorized to provide competitive retail natural gas aggregator/broker services in Ohio pursuant to Certificate No. 18-677G, which the Commission issued on November 13, 2017.

{¶ 3} Western Reserve Energy Services LLC (WRES) is authorized to provide competitive retail electric services in Ohio pursuant to Certificate No. 12-514E, which the Commission renewed on May 16, 2018.

¹ R.C. 4905.03(A) defines public utility companies to include telephone companies, electric light companies (except regional transmission organizations), heating or cooling companies, natural gas distribution companies, pipeline companies, and water-works and sewage disposal system companies. Railroad, bridge, and water transportation companies are included in the annual reporting requirement under R.C. 4907.02 and 4907.20. All certified retail electric and natural gas suppliers and aggregators are also subject to this reporting requirement under R.C. 4928.06 and 4929.23; while R.C. 4905.10(D) provides that, for the purpose of annual assessment, “public utility” includes electric and gas suppliers and aggregators subject to certification under R.C. 4928.08 and 4929.20, respectively.

{¶ 4} Western Reserve Communications LLC (WRC) is authorized to provide competitive local exchange carrier services in Ohio pursuant to Certificate No. 90-9402, which the Commission issued on September 25, 2012.

{¶ 5} IGS Dayton was authorized to provide competitive retail electric services in Ohio pursuant to Certificate No. 00-036E, which the Commission canceled on June 4, 2018.

{¶ 6} Keps Technologies, Inc. d/b/a ACD Telecom (ACD) is authorized to provide competitive local exchange carrier services in Ohio pursuant to Certificate No. 90-9416, which the Commission issued on June 19, 2014.

{¶ 7} By Entry issued February 6, 2019, the Commission directed all regulated entities to file a 2018 annual report for fiscal assessment through the Commission's web-based filing system known as the PUCO Community by May 31, 2019. Those entities that failed to file a timely 2018 annual report were cautioned that they may be subject to a forfeiture pursuant to R.C. 4905.54.

{¶ 8} By Entry issued May 29, 2019, the Commission identified 23 entities that were not provided notice of the May 31, 2019 filing deadline. In order to provide these 23 entities with sufficient notice and time to file, the Commission extended the due date for the submission of the 2018 annual report for all regulated entities until July 1, 2019. Concurrent with the filing of the above Entry, Staff was directed to post on the Commission's website, and file in this docket, a list of the 23 companies that were not given adequate notice.

{¶ 9} On August 27, 2019, Akron filed a correspondence on the docket for this matter. In the correspondence, Akron indicates that it inadvertently failed to file its 2018 annual report and requests leave from the Commission to file its annual report.

{¶ 10} On August 27, 2019, WRES and WRC filed a motion for leave to late file their 2018 annual reports. In the motion, the parties state that WRES experienced a data reception issue that impacted its late 2018 and early 2019 data. As a result, WRES inadvertently missed the 2018 annual report filing deadline. Further, the parties state that WRC also inadvertently

failed to comport with the filing deadline. The parties now request leave from the Commission to file their annual reports.

{¶ 11} On August 27, 2019, IGS Dayton filed a motion for leave to late file its 2018 annual report. In the motion, IGS Dayton states that it was acquired by Interstate Gas Supply, Inc., d/b/a IGS Energy and did not provide any services to customers beginning June 2017; however, its certificate remained active in 2018. Due to an inadvertent clerical error, IGS Dayton states that it failed to timely file its report. IGS Dayton now requests leave from the Commission to file its annual report.

{¶ 12} On August 28, 2019, ACD filed a motion for leave to late file its 2018 annual report. In the motion, ACD states that a former employee was in charge of filing the annual report and when the reminder to file the 2018 annual report was sent, he was no longer with the company. ACD notes that it has employed administrative processes to assure that such an oversight does not occur again. ACD contends that good cause exists to allow the company to late file the annual report.

{¶ 13} Upon review of the correspondence filed by Akron and the motions filed by WRES, WRC, IGS Dayton, and ACD, the attorney examiner determines that the parties should be afforded leave to late file the annual reports for good cause shown.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the motions of Akron, WRES, WRC, IGS Dayton, and ACD be granted in accordance with Paragraph 13. It is, further,

{¶ 16} ORDERED, That a copy of this Entry be served upon Akron, WRES, WRC, IGS Dayton, and ACD.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

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Case No(s). 19-0001-AU-RPT

Summary: Attorney Examiner Entry granting the motions for leave to late file by the City of Akron, Western Reserve Energy Services LLC, Western Reserve Communications LLC, IGS Dayton, and ACD Telecom electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission