

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
REPUBLIC STEEL,**

**COMPLAINANT,**

**CASE NO. 17-2115-EL-CSS**

**v.**

**OHIO POWER COMPANY,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on November 18, 2019

{¶ 1} 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.

{¶ 2} Ohio Power Company (AEP Ohio or the Company) is an electric light company and public utility as defined in R.C. 4905.03 and R.C. 4905.02, respectively. As such, AEP Ohio is subject to the Commission's jurisdiction.

{¶ 3} On October 11, 2017, Republic Steel (Republic) filed a complaint against AEP Ohio. The complaint alleges that the Company: assessed excessive, unlawful, unreasonable, and discriminatory deposit charges; delayed payment fees against Republic; and threatened disconnection in the event those charges were not paid.

{¶ 4} AEP Ohio filed its answer to Republic's complaint on November 13, 2017. Therein, the Company admits to assessing deposit and late charge amounts to Republic's accounts; however, AEP Ohio contends that such amounts were justified given Republic's poor credit and history of late or non-payment. In addition to responding directly to the allegations contained in the complaint, AEP Ohio also submits several affirmative defenses.

{¶ 5} A prehearing settlement conference held on February 1, 2018, did not result in a resolution of the complaint. Therefore, by Entry dated April 30, 2018, the attorney examiner issued a procedural schedule establishing a hearing date of October 9, 2018, with pre-filed testimony being due on September 28, 2018.

{¶ 6} On September 27, 2018, the parties filed a joint motion for a continuance of the procedural schedule. The parties represented that settlement discussions had shown progress and that additional time would allow counsel to continue working toward a mutually agreeable resolution. Thus, the parties requested that a status conference be held in order to update the Commission as to their progress but otherwise asked that the procedural schedule be suspended until future entry.

{¶ 7} By Entry dated September 26, 2018, the attorney examiner granted the parties' joint motion, suspended the procedural schedule, and set a status conference for December 11, 2018.

{¶ 8} Almost a year has passed since the December 11, 2018 status conference and, by all accounts, no definitive settlement has been reached. Accordingly, at this time, the attorney examiner finds that the procedural schedule in this matter should be reopened and the matter set for hearing. Accordingly, an evidentiary hearing will be scheduled for Tuesday, February 4, 2020, at 10:00 a.m., in Hearing Room 11-C at the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. In order to allow sufficient time for review and depositions prior to hearing, testimony shall be filed no later than January 21, 2020.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That an evidentiary hearing be scheduled for February 4, 2020, as stated in Paragraph 8. It is, further,

{¶ 11} ORDERED, That the parties file testimony in accordance with Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Patricia A. Schabo

By: Patricia A. Schabo  
Attorney Examiner

JRJ/kck

**This foregoing document was electronically filed with the Public Utilities**

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**11/18/2019 2:26:13 PM**

**in**

**Case No(s). 17-2115-EL-CSS**

Summary: Attorney Examiner Entry reopening the procedural schedule and setting the evidentiary hearing for 2/4/20 at 10:00 am with a testimony filing deadline of 1/21/20 electronically filed by Ms. Mary E Fischer on behalf of Patricia Schabo, Attorney Examiner, Public Utilities Commission of Ohio