

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
ALESCI'S IMPORTED FOODS,**

COMPLAINANT,

CASE NO. 20-1349-EL-CSS

v.

HUDSON ENERGY SERVICES LLC,

RESPONDENT.

ENTRY

Entered in the Journal on October 21, 2020

{¶ 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. Additionally, pursuant to R.C. 4928.16, the Commission has jurisdiction under R.C. 4905.26, upon complaint of any person, regarding the provision by an electric services company subject to certification under R.C. 4928.08 of any service for which it is subject to certification.

{¶ 2} Hudson Energy Services, LLC, dba Hudson Energy (Respondent), is an electric services company as defined in R.C. 4928.01 and is certified to provide competitive retail electric service under 4928.08. Accordingly, Respondent is subject to the Commission's jurisdiction.

{¶ 3} On August 4, 2020, Alesci's Imported Foods (Complainant) initiated a complaint related to fines charged by Respondent.

{¶ 4} Pursuant to Ohio Adm.Code 4901-9-01(B), a copy of the complaint was mailed to Respondent on August 5, 2020, directing Respondent to file its answer and any other responsive pleading within 20 days after August 5, 2020.

{¶ 5} By Entry filed September 22, 2020, the Commission ordered Respondent to file

its answer within 20 days of September 22, 2020.

{¶ 6} On October 9, 2020, Respondent filed a motion for a one-week extension of time to respond to the complaint, along with a memorandum in support of the motion. Ohio Adm. Code 4901-1-13(A) provides that “extension of time to file pleadings or other papers may be granted upon motion of any part for good cause shown.” Respondent stated that an oversight on its part, along with recent developments related to COVID-19, resulted in its failure to timely file an answer. Respondent further argued that its requested one-week extension to file its answer would not prejudice Complainant, nor prolong the proceeding.

{¶ 7} By Entry filed October 14, 2020, the Commission granted Respondent’s motion for a one-week extension of time to respond to the complaint.

{¶ 8} On October 15, 2020 Respondent filed its answer, in which it generally denies any and all allegations in the Complaint and reserves the right to amend its answer to assert affirmative defenses as becomes necessary.

{¶ 9} At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties’ willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. An attorney examiner from the Commission’s legal department will facilitate the settlement process; however, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference.

{¶ 10} Accordingly, a settlement conference shall be scheduled for November 20, 2020, at 10:00 a.m. The settlement conference shall be held telephonically. To participate in the settlement conference, the parties shall call 614-721-2972 and enter 101-623-844 #, when prompted.

{¶ 11} If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

{¶ 12} Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the electric services company shall investigate the issues raised in the complaint prior to the settlement conference, and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.

{¶ 13} As is the case in all Commission complaint cases, the Complainant has the burden of proving the allegations of the complaint. *Grossman v, Pub Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That a settlement conference be held on November 20, 2020, in accordance with Paragraph 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

GAP/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/21/2020 10:57:29 AM

in

Case No(s). 20-1349-EL-CSS

Summary: Attorney Examiner Entry scheduling a settlement conference for 11.20.20 at 10:00 a.m., to be held telephonically. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio