

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CONTAINER GRAPHICS CORPORATION,**

COMPLAINANT,

v.

TALEN ENERGY MARKETING, LLC,

CASE NO. 21-925-EL-CSS

AND

THE TOLEDO EDISON COMPANY,

RESPONDENTS.

ENTRY

Entered in the Journal on January 31, 2022

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

{¶ 3} The Toledo Edison Company (Toledo Edison) is a public utility as defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 4} On September 8, 2021, Container Graphics Corporation (CGC or Complainant) filed a request to prevent termination of service and complaint jointly against Talen and Toledo Edison (collectively, Respondents). The complaint alleges billing

improprieties by the joint Respondents and seeks protection against service interruption during the pendency of the case. Further, CGC commits to paying billed amounts that are not in dispute during the pendency of its complaint.

{¶ 5} Pursuant to an Entry on September 10, 2021, the attorney examiner granted CGC's request to prevent termination of service during the pendency of this complaint.

{¶ 6} On September 24, October 26, November 24, and December 22, 2021, the parties filed joint motions for an extension of time to answer the complaint. In the motions, the parties indicated that the extension of time would allow them to focus on settlement considerations in lieu of expending time and expense on litigation. The parties requested expedited rulings on the motions.

{¶ 7} On September 24, 2021, October 27, 2021, November 29, 2021, and January 3, 2022, the attorney examiner granted the joint motions for extension of time.

{¶ 8} On January 31, 2022, the parties filed a joint motion to suspend the time to answer the complaint together with a request for an expedited ruling. The parties indicate that they have reached an agreement in principle that will resolve all outstanding issues in the case. Further, they describe that they expect to file settlement documents in the case within 45 days, and that each of the parties retains the right to file notice in the case docket to initiate the time for filing a responsive pleading in the case if they are unsatisfied with the progress toward resolution of the case.

{¶ 9} Upon review of the motion, the attorney examiner finds good cause for granting the suspension of time for responding to the complaint. Accordingly, the parties are excused from filing responsive pleadings at this time. The attorney examiner further finds that responsive pleadings shall not be required in the case until 20 days after this suspension is removed pursuant to a subsequent attorney examiner Entry. Further, if settlement documents are not filed in the case by March 16, 2022, the parties are expected to file a written update in the case docket as to the status of the settlement.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the deadline for responding to the complaint be suspended, as described in Paragraph 9. 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/Michael L. Williams

By: Michael L. Williams
Attorney Examiner

JRJ/hac

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1/31/2022 3:38:09 PM

in

Case No(s). 21-0925-EL-CSS

Summary: Attorney Examiner Entry ordering that the deadline for responding to the complaint be suspended, as described in Paragraph 9 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio