

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF THE COMPLAINT OF  
KAREN PIERCE,**

**COMPLAINANT,**

**v.**

**CASE NO. 21-833-EL-CSS**

**SMARTENERGY HOLDINGS, LLC,**

**RESPONDENT.**

**ENTRY**

Entered in the Journal on February 23, 2022

**I. SUMMARY**

{¶ 1} The Commission dismisses this case, with prejudice, as the parties have reached a mutual settlement in this matter.

**II. DISCUSSION**

{¶ 2} 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.

{¶ 3} SmartEnergy Holdings, LLC (SmartEnergy) 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, SmartEnergy is subject to the Commission's jurisdiction.

{¶ 4} On July 29, 2021, Karen Pierce (Complainant) initiated a complaint against SmartEnergy alleging that SmartEnergy improperly enrolled her in its electric service without her authorization.

{¶ 5} On August 27, 2021, SmartEnergy filed its answer to the complaint and a motion for an extension of time to file its answer. The attorney examiner later granted SmartEnergy's motion for an extension of time to file its answer. In its answer, SmartEnergy generally denied the allegations in the complaint.

{¶ 6} By Entry dated September 30, 2021, the attorney examiner scheduled a settlement conference in this matter for October 14, 2021. Both parties participated in the settlement conference.

{¶ 7} On December 1, 2021, SmartEnergy filed a motion to dismiss the case, noting that the issues raised in the complaint have been resolved and that the parties have settled the dispute.

{¶ 8} Ohio Adm.Code 4901-9-01(F) provides that a complainant has 20 days to file a written response agreeing or disagreeing with a respondent's answer or motion asserting that the complaint has been satisfied. The Complainant has not filed any response to SmartEnergy's motion to dismiss and notice of settlement.

{¶ 9} Upon review of the motion to dismiss, which the Complainant has not disputed, and based upon the representations of SmartEnergy therein that the issues alleged in the complaint have been resolved, the Commission finds that the SmartEnergy's motion to dismiss is reasonable and should be granted. Accordingly, this case should be dismissed, with prejudice, and closed of record.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That SmartEnergy's motion to dismiss be granted and this case be dismissed, with prejudice, and closed of record. It is, further,

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

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JWS/kck

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

**Case No(s). 21-0833-EL-CSS**

Summary: Entry dismissing this case, with prejudice, as the parties have reached a mutual settlement in this matter electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio