

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
DUKE ENERGY OHIO, INC.,**

COMPLAINANT,

CASE NO. 22-279-EL-CSS

v.

NATIONWIDE ENERGY PARTNERS, LLC,

RESPONDENT.

ENTRY

Entered in the Journal on April 20, 2022

{¶ 1} On March 30, 2022, Duke Energy Ohio, Inc. (Duke) filed a complaint against Nationwide Energy Partners, LLC (NEP). As background, Duke states that it is a “public utility” under R.C. 4905.02, an “electric light company” under R.C. 4905.03 and 4928.01, and an “electric utility” and “electric distribution utility” as those terms are defined in R.C. 4928.01. In the complaint, Duke states that NEP is an entity engaged in the practice of submetering, which Duke states that the Supreme Court of Ohio has described as “a practice in which an entity ‘engage[s] in the resale or redistribution of public utility services.’” Duke states that jurisdiction exists under R.C. 4905.26, which permits the Commission to adjudicate complaints concerning “any matter affecting [a public utility’s] own product or service” which Duke alleges is occurring where NEP is impacting Duke’s products and services by operating as a “public utility” in violation of various regulations. Duke states that this complaint arises from a demand from NEP that Duke “abandon its existing customers” and allow NEP to submeter certain multi-unit, residential properties in Duke’s service territory.

{¶ 2} In the complaint, Duke alleges that NEP is radically different from a traditional submetering landlord/property owner. Duke alleges that NEP facilitates the resale of utility services to individual tenants, resulting in NEP acting as a public utility in violation of the Commission’s regulations and various provisions of the Revised Code.

{¶ 3} On April 11, 2022, NEP filed a motion for an extension of time to file a responsive pleading to the complaint and a request for expedited ruling, with an accompanying memorandum in support. In its motion, NEP argues that it received Duke's complaint on March 30, 2022, with a deadline to respond being April 19, 2022. NEP states that good cause exists to grant the relief it seeks because its counsel's current schedule includes preparation for a contested hearing before the Ohio Power Siting Board (OPSB), with testimony that was due on April 14, and a hearing to commence on April 25. Finally, NEP states that its counsel is participating in a second proceeding before the OPSB on April 21. NEP requests the due date for its responsive pleading be moved to May 19, 2022. NEP also represents that it contacted Duke and that Duke does not oppose the motion or an expedited ruling.

{¶ 4} Ohio Adm.Code 4901-1-13(A), provides, in part, that "****extensions of time to file pleadings or other papers may be granted upon motion of any part for good cause shown****"

{¶ 5} Having reviewed all relevant filings, the attorney examiner concludes that NEP has shown good cause for an extension of time to file its responsive pleading and that the motion should be granted. Accordingly, the attorney examiner directs NEP to file its response to Duke's complaint within 30 days of the issuance of this Entry.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That NEP's motion for leave to file an answer be granted, as stated in Paragraph 5. It is, further,

{¶ 8} ORDERED, That NEP file its answer within 30 days of the issuance of this Entry, as directed in Paragraph 5. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

NJW/kck

**This foregoing document was electronically filed with the Public Utilities
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4/20/2022 9:54:19 AM

in

Case No(s). 22-0279-EL-CSS

Summary: Attorney Examiner Entry granting NEP's motion for leave to file an answer, as stated in Paragraph 5 and ordering that NEP file its answer within 30 days of the issuance of this Entry, as directed in Paragraph 5. electronically filed by Kelli C. King on behalf of Jesse Davis, Attorney Examiner, Public Utilities Commission of Ohio