

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
BORIS GRINBERG,**

COMPLAINANT,

v.

CASE NO. 22-78-EL-CSS

**SANTANNA NATURAL GAS
CORPORATION D/B/A SANTANNA
ENERGY SERVICES AND BARRY
SALTZMAN,**

RESPONDENTS.

ENTRY

Entered in the Journal on January 11, 2023

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} Santanna Natural Gas Corporation d/b/a Santanna Energy Services (Santanna) 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, Santanna is subject to the Commission's jurisdiction.

{¶ 4} On January 31, 2022, Boris Grinberg (Complainant) initiated a complaint against Santanna and salesman Barry Saltzman (Mr. Saltzman) alleging that Complainant should have been automatically moved to a lower rate at the end of his contract with Santanna.

{¶ 5} On March 17, 2022, Santanna filed a general answer and a motion to stay the proceeding. Santanna states that it has engaged in settlement discussions with Complainant and seeks to stay the proceeding while Complainant and Santanna complete their settlement agreement.

{¶ 6} On July 29, 2022, Mr. Saltzman filed a motion to dismiss for lack of jurisdiction. In the motion, Mr. Saltzman asserts that the transaction in question was between Energy Deals, LLC and the Complainant, and he was working as an independent contractor for Energy Deals, LLC.¹ Mr. Saltzman argues that he was not a party to the transaction, he is not a proper party in the proceeding, and the Commission does not have jurisdiction over him.

{¶ 7} On August 9, 2022, Santanna's motion to stay the proceeding was denied. Santanna was ordered to file its answer and any other responsive pleading in this matter no later than August 29, 2022.

{¶ 8} Also on August 9, 2022, a settlement conference was scheduled to take place on October 12, 2022. The settlement conference was held as scheduled.

{¶ 9} On August 15, 2022, Santanna filed a motion to dismiss the complaint against Santanna, or in the alternative, to add Mr. Saltzman as an indispensable party.

¹ No motion to add a necessary party has been filed in this case.

{¶ 10} On August 19, 2022, Santanna filed its answer to the complaint. In its answer, Santanna denied many of the allegations in the complaint and asserted several affirmative defenses.

{¶ 11} On November 14, 2022, Complainant, Mr. Saltzman, and Santanna filed a notice of settlement and joint motion to dismiss. In the filing, the parties state that they have reached a settlement and request that the complaint be dismissed with prejudice.

{¶ 12} Upon review of the joint motion to dismiss, and based upon the representations of the parties that the issues alleged in the complaint have been resolved, the Commission finds that the joint motion to dismiss is reasonable and should be granted. Accordingly, this case should be dismissed, with prejudice, and closed of record.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the joint motion to dismiss be granted and this case be dismissed, with prejudice, and closed of record. It is, further,

{¶ 15} 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/dmh

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Case No(s). 22-0078-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