

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
LORI SENNETT,**

COMPLAINANT

CASE NO. 22-1034-EL-CSS

v.

SMARTENERGY HOLDINGS, LLC

RESPONDENT.

ENTRY

Entered in the Journal on January 26, 2023

I. SUMMARY

{¶ 1} The Commission grants the motion of SmartEnergy Holdings, LLC d/b/a SmartEnergy to dismiss the complaint, without prejudice, pursuant to Ohio Adm.Code 4901-9-01(F) and that this case be closed of record.

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} Respondent, SmartEnergy Holdings, LLC d/b/a SmartEnergy (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. As such, SmartEnergy is subject to the jurisdiction of this Commission.

{¶ 4} On November 8, 2022, Lori Sennett (Complainant) filed a complaint against SmartEnergy, alleging that during the 2022 Summer, SmartEnergy implemented unjust and

unreasonable rate increases. In her complaint, Complainant requested that SmartEnergy adjust the rate and reimburse the overpayment.

{¶ 5} On November 23, 2022, SmartEnergy filed its answer, in which it states that the complaint has been satisfied and the case has been settled. SmartEnergy requests that the Commission dismiss the complaint if Complainant does not file a response agreeing or disagreeing with SmartEnergy's assertion.

{¶ 6} Ohio Adm.Code 4901-9-01(F) provides that, if a public utility files a pleading asserting that the complaint has been satisfied or that the case has been settled, the complainant shall file a written response indicating the complainant agrees or disagrees with the utility's assertions, and whether he or she wished to pursue the complaint. If no objection to the utility's assertions is filed within 20 days after service of the motion, the Commission may presume that satisfaction or settlement has occurred and dismiss the complaint.

{¶ 7} No response to SmartEnergy's motion to dismiss has been filed by Complainant.

{¶ 8} In accordance with Ohio Adm.Code 4901-9-01(F), the Commission shall presume that the complaint has been satisfied. Accordingly, the complaint shall be dismissed, without prejudice, and closed of record.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That this complaint be dismissed, without prejudice, pursuant to Ohio Adm.Code 4901-9-01(F), and that Case No. 22-1034-EL-CSS be closed of record. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

MJA/IMM/dmh

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in

Case No(s). 22-1034-EL-CSS

Summary: Entry granting the motion of SmartEnergy Holdings, LLC d/b/a SmartEnergy to dismiss the complaint, without prejudice, pursuant to Ohio Adm.Code 4901-9-01(F) and that this case be closed of record electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio