

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

COMPLAINANT,

v.

CASE NO. 21-925-EL-CSS

**TALEN ENERGY MARKETING, LLC,
AND
THE TOLEDO EDISON COMPANY**

RESPONDENTS.

ENTRY

Entered in the Journal on April 18, 2023

{¶ 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 issued 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 in which the parties indicated that they had reached an agreement in principle that would resolve all outstanding issues in the case. Further, they described that they expected to file settlement documents in the case within 45 days, and that each of the parties retained the right to file notice in the case docket to initiate the time for filing a responsive pleading in the case that they were unsatisfied with the progress toward resolution of the case.

{¶ 9} On January 31, 2022, the attorney examiner granted the suspension of time for responding to the complaint. The attorney examiner directed that if settlement documents were not filed in the case by March 16, 2022, the parties would be expected to file a written update in the case docket as to the status of the settlement.

{¶ 10} On March 16, 2022, Talen filed correspondence indicating that the parties were continuing to work on the settlement and believed they were close to finalizing an

agreement. The parties anticipated confirming a settlement agreement within 30 days of the correspondence.

{¶ 11} On May 11, 2022, Talen filed a notice of suggestion of bankruptcy. We note that pursuant to Section 362(a) of the Bankruptcy Code, Chapter 11 bankruptcy petitions operate as a stay, applicable to all administrative proceedings against the debtor that was or could have been commenced before the commencement of the bankruptcy proceeding; to recover a claim against the debtor that arose before the commencement of the bankruptcy proceeding; and any action to obtain property of the estate or to exercise control over property of the estate. 11 U.S.C. 362(a)(1), (3).

{¶ 12} At this time, the attorney examiner finds it appropriate for the parties to file with the Commission, by June 16, 2023, a letter indicating party status and progress with the matter, if any.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the parties file, by June 16, 2023, a letter regarding the status of this proceeding, in accordance with Paragraph 12. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Isabel M. Marcelletti

By: Isabel M. Marcelletti
Attorney Examiner

PAS/dr

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

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

Summary: Attorney Examiner Entry ordering that the parties file, by June 16, 2023, a letter regarding the status of this proceeding, in accordance with Paragraph 12 electronically filed by Debbie S. Ryan on behalf of Isabel M. Marcelletti, Attorney Examiner, Public Utilities Commission of Ohio.