

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
MARIO D. BLUE,**

COMPLAINANT,

v.

CASE NO. 23-192-WS-CSS

**NORTHEAST OHIO REGIONAL SEWER
DISTRICT,**

RESPONDENT.

ENTRY

Entered in the Journal on May 17, 2023

I. SUMMARY

{¶ 1} The Commission dismisses and closes this case due to a lack of jurisdiction over the Respondent.

II. DISCUSSION

A. *Facts and Procedural Background*

{¶ 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.

{¶ 3} On March 9, 2023, Mario Blue (Complainant or Mr. Blue) filed a complaint against Northeast Ohio Regional Sewer District (Respondent or NEORSD), alleging that NEORSD was improperly billing him and requesting that the Respondent validate the alleged debt and provide the name and address of the original creditor.

{¶ 4} NEORSD did not file a response to the March 8, 2023 complaint.

B. Analysis

{¶ 5} As a prerequisite to any proceeding before the Commission, we must assess whether we have jurisdiction to hear this complaint. Pursuant to R.C. 4905.26, the Commission only has jurisdiction over complaints filed against public utilities, as that term is defined in the Ohio Revised Code. Under R.C. 4905.02(C), "public utility" specifically excludes utilities that are owned or operated by any municipal corporation. As such, NEORS is not a public utility as defined in R.C. 4905.02. NEORS does not appear on the list of the public utilities regulated by the Commission. Instead, it was organized pursuant to R.C. Chapter 6119 for the purpose of operating the regional sewer system conveying wastewater from local communities to its treatment plants. See Case No. 21-715-EL-AEC, Finding and Order (Oct. 6, 2021). Therefore, NEORS is not subject to the Commission's jurisdiction. In order for Mr. Blue's complaint to be in compliance with the Commission's complaint requirements, it must have clearly alleged improper service by an entity under Commission jurisdiction, which other prior complaints before the Commission initiated by Mr. Blue, on his own behalf or on behalf of Blue Acres, LLC, clearly did. See *In re the Complaint of Blue Acres, LLC v. The Cleveland Elec. Illum. Co.*, Case No. 22-1088-EL-CSS, Entry (Jan. 13, 2023) at ¶ 2; *In re the Complaint of Mario Blue v. The East Ohio Gas Co. d/b/a Dominion Energy Ohio*, Case No. 22-855-GA-CSS, Entry (Dec. 2, 2022) at ¶ 2, *In re the Complaint of Mario Blue v. The East Ohio Gas Co. d/b/a Dominion Energy Ohio*, Case No. 22-1075-GA-CSS, *In re the Complaint of Blue Acres, LLC v. The East Ohio Gas Co. d/b/a Dominion Energy Ohio*, Case No. 22-1089-GA-CSS. Moreover, the receipt of sewer service from NEORS is insufficient to confer jurisdiction onto the Commission. Similarly, in an Entry in Case Nos. 04-28-EL-CSS, et al., a complainant amended its original complaint to include Cleveland Public Power (CPP). The Commission explained that, even though the complainants correctly identified that they received electrical service from CPP, this did not grant the Commission jurisdiction over such a claim against CPP. See *In re Complaints of S.G. Foods, Inc., et al.*; *Miles Management Corp., et al.*; *Allianz US Global Risk Insurance Co., et al.*; *Lexington Insurance Co., et al.*; and *BMW Pizza, Inc. and DPNY, Inc., et al. v. The Cleveland Elec. Illum. Co., Ohio Edison Co., The Toledo Edison Co., and American Transmission Systems, Inc.* Case No. 04-28-EL-CSS et al., Entry (Aug.

7 2006) at 3; *see also In re the Complaint of Mario D. Blue v. Cleveland Public Power*, Case No. 22-1101-EL-CSS, Entry (Mar. 8, 2023) at 2; *In re the Complaint of Christina A. Ward v. The Cleveland Elec. Illum. Co.*, Case No. 04-824-EL-CSS, Response (June 17, 2004).

{¶ 6} The Commission concludes, sua sponte, that we lack jurisdiction over NEORSD and, thus, cannot consider the allegations made against it in Mr. Blue's filed complaint. Accordingly, this case is dismissed with prejudice and closed of record.

III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That this case be dismissed with prejudice, and closed of record.
It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon Complainant and NEORSD.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

JSA/dmh

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in

Case No(s). 23-0192-WS-CSS

Summary: Entry dismisses and closes this case due to a lack of jurisdiction over the Respondent electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.