

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
OHIO POWER COMPANY FOR AUTHORITY  
TO ABANDON ELECTRIC SERVICE LINES,  
PURSUANT TO OHIO REVISED CODE  
SECTIONS 4905.20 AND 4905.21.

CASE NO. 22-693-EL-ABN

### ENTRY

Entered in the Journal on November 2, 2023

{¶ 1} Ohio Power Company (AEP Ohio or the Company) is a “public utility,” as that term is defined in R.C. 4905.02 and, as such, is subject to the jurisdiction of this Commission.

{¶ 2} AEP Ohio has been granted a service territory under the Certified Territory Act (CTA) within which AEP Ohio has the exclusive right to provide electric distribution service and other noncompetitive electric services.

{¶ 3} On July 11, 2022, AEP Ohio filed an application, pursuant to R.C. 4905.20 and 4905.21 (the Miller Act), for authority from the Commission to abandon distribution infrastructure currently serving existing AEP Ohio customers at the Northtowne Apartments (Northtowne). AEP Ohio explains that it has exclusively provided electric distribution services to Northtowne and has invested in significant distribution facilities at the property that includes distribution lines, conduit, meters, risers, and transformers (Northtowne Distribution Assets). Further details concerning the Northtowne Distribution Assets and service at Northtowne are outlined within the application.

{¶ 4} AEP Ohio alleges that Nationwide Energy Partners (NEP) is a large-scale third-party submetering company that engages in the resale or redistribution of public utility service in AEP Ohio’s service territory in violation of the CTA and other Ohio law.

{¶ 5} AEP Ohio states that it opposes converting existing customers to master-metered service whereby AEP Ohio customers cease to be AEP Ohio customers and become customers of a third-party submetering company such as NEP. In support of this position, AEP Ohio filed, on September 24, 2021, a complaint against NEP in Case No. 21-990-EL-CSS (Complaint Case), opposing NEP's conversion practices and alleging that NEP would be engaging in the illegal resale of public utility services at five apartment complexes that are the subject of the Complaint Case.

{¶ 6} In the application in this proceeding, AEP Ohio alleges that on May 19, 2022, NEP requested that AEP Ohio terminate service to the Company's existing Northtowne customers so that NEP can establish master-metered service and convert the Northtowne tenants to "NEP electric distribution services." Specifically, AEP Ohio states that NEP requested that AEP Ohio provide secondary service at each of the 59 service points within the vicinity of the Northtowne property. AEP Ohio states that to the extent that it is required to convert Northtowne to submetered services from NEP, it intends to provide a single point of primary service to the perimeter of the Northtowne property line rather than providing 59 secondary service points. AEP Ohio further states that processing NEP's request for conversion to master-metered service would result in AEP Ohio abandoning the Northtowne Distribution Assets currently installed on the property.

{¶ 7} AEP Ohio declares that it does not desire to permanently abandon the Northtowne Distribution Assets but, given its position regarding submetering and NEP's requests, it filed this application to seek a Commission ruling under the Miller Act as to whether the conversion should go forward and a determination as to the proposed abandonment.

{¶ 8} On September 6, 2023, the Commission issued an Opinion and Order in the Complaint Case which, among other things, found that with respect to the properties at issue in that complaint, NEP is not engaged in the business of supplying electricity, is not an "electric light company" under R.C. 4905.03(C), nor a "public utility" under R.C.

4905.02(A); and that NEP is not operating as an “electric supplier” within AEP Ohio’s certified territory in violation of R.C. 4933.83(A).<sup>1</sup> On October 6, 2023, AEP Ohio filed an application for rehearing of the Opinion and Order, which remains pending.

{¶ 9} On September 9, 2023, the Office of the Ohio Consumers’ Counsel (OCC) filed a motion to intervene. No memoranda contra OCC’s motion to intervene were filed.

{¶ 10} At this time, the attorney examiner finds it appropriate to establish the following procedural schedule:

(a) Motions to intervene should be filed by December 4, 2023.

(b) Initial comments regarding the application should be filed by December 4, 2023.

(c) Reply comments should be filed by December 19, 2023.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the procedural schedule set forth in Paragraph 10 be adopted. It is, further,

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<sup>1</sup> See *Ohio Power Company v. Nationwide Energy Partners, LLC*, Case No. 21-990-EL-CSS, Opinion and Order (Sept. 6, 2023).

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks  
Attorney Examiner

JRJ/dr

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

**Case No(s). 22-0693-EL-ABN**

Summary: Attorney Examiner Entry establishing the following procedural schedule: motions to intervene and initial comments should be filed by December 4, 2023 and reply comments should be filed by December 19, 2023. electronically filed by Debbie S. Ryan on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission.