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PUBLIC UTILITIES - OHIO

In re Complaint of Direct Energy Business, L.L.C. v. Duke Energy Ohio, Inc.

Supreme Court of Ohio - September 17, 2020 - N.E.3d - 2020 WL 5551074 - 2020 -Ohio-4429

Entity that served as meter-data-management agent for reseller of electric-generation services sought judicial review of decision of the Public Utilities Commission, which concluded that entity failed to provide adequate service required of public utilities.

The Supreme Court held that entity was not acting as a public utility in its capacity as meter-data-management agent for reseller.

Entity that served as meter-data-management agent for reseller of electric-generation services was not acting as a public utility in that capacity, and thus the Public Utilities Commission lacked jurisdiction over proceeding initiated by reseller, alleging that entity's failure to calculate usage data for a large customer resulted in reseller's overpayment to operator of wholesale-power market; there was no evidence that entity was engaged in the business of supplying electricity to reseller for light, heat, or power purposes, as relevant to the definition of "electric light company" in statute describing companies subject to Commission's jurisdiction, the definition made no mention of metering, and there was no evidence that reseller was a "consumer" of electricity supplied by entity.