

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Filing of Annual)	
Reports for Calendar Year 2011 by:)	
)	
Certified Competitive Retail Electric Service)	Case No. 12-03-GE-RPT
Providers, Natural Gas Suppliers, and)	
Governmental Aggregators.)	
)	
Competitive and Wireless Telecommunica-)	Case No. 12-05-TP-RPT
tions Service Providers.)	

ENTRY ON REHEARING

The Commission finds:

- (1) Section 4905.14, Revised Code, requires that every public utility, as defined by Sections 4905.02 and 4905.03, Revised Code, shall file an annual report at the time and in the form prescribed by the Commission. Section 4928.06, Revised Code, requires every certified competitive retail electric service provider and governmental aggregator subject to certification under Section 4928.08, Revised Code, to file an annual report of sales and receipts for those services for which it is subject to certification. Section 4929.23, Revised Code, requires every retail natural gas supplier and governmental aggregator subject to certification under Section 4929.20, Revised Code, to file an annual report of sales and receipts for those services for which it is subject to certification. Section 4905.54, Revised Code, empowers the Commission to assess a forfeiture of not more than \$10,000 per day for each violation or failure of a public utility or railroad, or an officer of a public utility or railroad, to comply with an order, direction, or requirement of the Commission made under authority of Chapter 4905, Revised Code.
- (2) On February 14, 2012, the Commission issued an entry in both of the above-captioned cases directing the filing of reports by April 30, 2012, in accordance with the sample or on-line form and instructions posted on the Commission's website. Each reporting entity was directed to file an annual report with the Commission even if the company was not in business or did not have intrastate gross earnings during calendar year 2011.

Furthermore, entities were apprised that failure to file an annual or assessment report might result in revocation of a company's operating authority or certificate; and that any public utility's failure to comply may result in the assessment of penalties, pursuant to Section 4905.54, Revised Code. Finally, all reporting companies were advised that the Commission will implement a \$100 minimum assessment per reporting entity, pursuant to Section 4905.10(A), Revised Code, for all reporting entities, including brokers and governmental aggregators who have no intrastate gross revenues.

- (3) On June 13, 2012, the Commission issued an entry directing that each reporting entity, with several exceptions, that had not yet filed its annual report, do so or request a waiver by June 25, 2012.
- (4) By entry issued on August 8, 2012, each reporting entity that had not yet filed its annual report was granted until August 20, 2012, to show cause why its certification or operating authority should not be revoked, or assessed a forfeiture of not more than \$10,000 per day for failure to comply with the February 14, 2012, and June 13, 2012 Orders. A copy of the entry was served upon each listed delinquent entity by both regular and certified mail, in addition to any service via electronic mail.
- (5) On December 19, 2012, the Commission issued a finding and order revoking the certificates of nine electric suppliers and 11 telephone service suppliers for failure to file an annual report for 2011.
- (6) Section 4903.10, Revised Code, provides that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the issuance of the order.
- (7) Applications for rehearing of the December 19, 2012 order were filed by Sustainable Star, LLC (Sustainable Star), GearyEnergy, LLC (GearyEnergy), Dynamic Energy LLC (Dynamic Energy), and J. Andrew Associates, Inc. dba Seven-Utility Management Consultants, LLC (Seven-Utility) in Case No. 12-03-GE-RPT on December 21, 2012, January 2, 7, and 8, 2013, respectively. These suppliers are small brokers who recently became

certified and had no Ohio intrastate revenues or sales in 2011. Sustainable Star was issued two certificates: 11-358E which will remain cancelled, and 11-402E which became effective as of October 22, 2011, in Case No. 11-5227-EL-CRS. Dynamic Energy was issued Certificate No. 11-406E which became effective November 13, 2011, in Case No. 11-5457-EL-AGG. Seven-Utility was issued Certificate No. 10-226E which was renewed as of July 12, 2012, in Case No. 10-801-EL-AGG. Given their relative inexperience as Ohio suppliers, the applications for rehearing of Sustainable Star, Dynamic Energy and Seven-Utility will be granted, and Certificate Nos. 11-402E, 11-406E, and 10-226E will be reinstated for good cause shown. GearyEnergy was issued Certificate No. 10-309E which became effective December 4, 2010, in Case No. 10-2487-EL-CRS, but did not timely file an application to renew its certificate, or a motion to extend the time for filing. Accordingly, GearyEnergy's application for rehearing is denied and this supplier should file a new application for certification.

- (8) The December 19, 2012 order also identified 26 regulated entities that had failed to pay their respective 2012 assessments, but granted these companies until December 31, 2012, to show cause why their certificates or operating authorities should not be revoked. Attached to this entry is a list of those entities that have failed to pay or file any response to the show cause directive. Accordingly, each company listed on the attachment must now immediately cease providing regulated service in the state of Ohio, and notify any Ohio jurisdictional customers that it is no longer operating in Ohio. Any company that continues to provide regulated service after the cancellation of its certificate and tariff may be subject to a more severe penalty. The Commission's Docketing Division should issue notice of such revocation of its certificate or operating authority to each company listed on the attachment to this entry, cancel all applicable tariffs, and remove each listed entity from the Commission's regulated company list. Further, any listed entity seeking to restore its certification or operating authority, or obtain new authority from this Commission, may be assessed a forfeiture of \$100.00, pursuant to Section 4905.54, Revised Code.

- (9) Finally, all regulated entities should note that the Commission intends to implement a simplified, uniform report form and process across all industry segments for the 2012 reporting year. Further information, including sample forms, will be made available as soon as possible through the industry listserves. All reporting entities are directed to subscribe to the appropriate industry list(s) or contact the Docketing Division at (614) 466-4095.

It is, therefore,

ORDERED, That the applications for rehearing filed by Sustainable Star, Dynamic Energy, and Seven-Utility be granted, and Certificate Nos. 11-402E, 11-406E, and 10-226E be reinstated. It is, further,

ORDERED, That the application for rehearing filed by GearyEnergy be denied. It is, further,


ORDERED, That the certificate or operating authority for each company listed on the attachment to this entry be revoked. It is, further,

ORDERED, That each company listed on the attachment to this entry immediately cease providing regulated service in the state of Ohio, and notify all Ohio jurisdictional customers, if any, that it is no longer operating in Ohio. It is, further,

ORDERED, That the Commission's Docketing Division cancel the certificate or operating authority and any tariffs for each entity listed on the attachment to this entry, issue notice of revocation of the certificate or operating authority for such entity, and remove such entity from the Commission's regulated company list. It is, further,

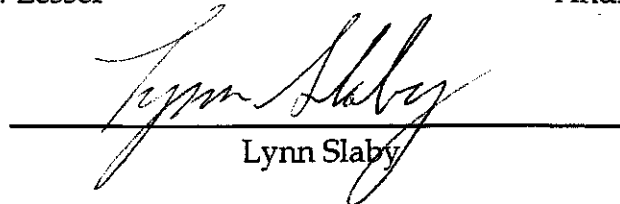
ORDERED, That notice of this order be served via the Electric-Energy, Gas-Pipeline, Railroad, Telephone, and Water industry listserves, and upon all parties of record; and that, in addition to any electronic service, a copy of this order be served by regular and certified mail upon all entities on the attached list.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

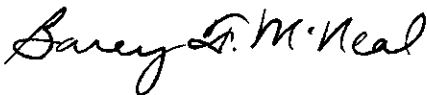

Steven D. Lesser


Andre T. Porter


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RMB/vrm

Entered in the Journal
JAN 09 2013


Barcy F. McNeal

Barcy F. McNeal
Secretary

**12-03-GE-RPT & 12-05-TP-RPT January 9, 2013 Entry on Rehearing Attachment
Regulated Entities failing to pay 2012 Assessment**

1/9/2013 9:54 AM

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Company	Address	Amount Due	Certificate No.	IN
1. Arcelormittal USA LLC	3300 Dickey Rd East Chicago, IN 46312	100.00	11-364E	CRE
2. BCE Nexxia Corporation	1821 Walden Office Square, Suite 400 Schaumburg, IL 60173	100.00	90-6162	CT
3. City of Canal Fulton	8870 Darrow Rd, # F106 Twinsburg, OH 44087	100.00	05-095G	CRG
4. Commonwealth Energy LTD	PO Box 43086 Cleveland, OH 44143	100.00	11-363E	CRE
5. Inmate Phone Systems Corporation	7034 Sophia Ave Van Nuys, CA 91406-3910	100.00	90-5177	CT
6. Navigator Telecommunications, LLC	PO Box 13860 North Little Rock, AR 72113-0860	387.72	90-9103	CT
7. OLS, Inc.	217 Roswell Street, Suite 100 Alpharetta, GA 30009	100.00	90-6147	CT
8. STi Prepaid, LLC, dba Telco Group	1250 Broadway, Floor 26 New York, NY 10001	115.00	90-6372	CT
9. StonePillar Energy	545 Metro Place S, Ste 100 Dublin, OH 43017	100.00	10-178G	CRBOTH
10. Tiger Natural Gas, Inc.	1422 E 71st, Ste J Tulsa, OK 74136	2,516.48	10-187G	CRG