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PEREZ & MORRIS LLC
ATTORNEYS AT LAW

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Juan Jose Perez
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May 29, 2014

Via Federal Express Mail
Tracking No. 7701 2560 4026

PUCO
Attention: Docketing
180 E. Broad Street
11th Floor
Columbus, OH 43215

RECEIVED-DOCKETING DIV
2014 MAY 30 PM 2:00
PUCO

Re: Case No. 14-01-AU-RPT
In the Matter of the Filing of Annual Reports for Calendar Year 2013 by all Regulated
Entities

Dear Docketing Clerk:

Enclosed are the original and two copies of Delta Energy, LLC's Renewed Motion for Reduction/Proration of the 2013 Assessment for Maintenance of the Public Utilities Commission and Assessment for Maintenance by the Ohio Consumers' Counsel and Motion for Exemption from Annual Reporting Requirements. Please file the Motion and return a time stamped copy to our office in the enclosed self-addressed, stamped envelope.

Thank you for your assistance with this matter. Should you have any questions, please feel free to call or email me.

Sincerely,



Juan Jose Perez

JJP/rlr

Enclosures

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician M Date Processed MAY 30 2014

FILE

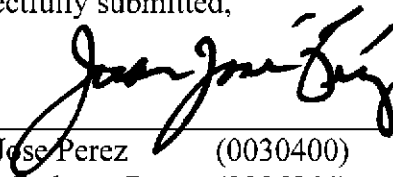
BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Filing of Annual :
Reports for Calendar Year 2013 by all : Case No. 14-01-AU-RPT
Regulated Entities. :

**DELTA ENERGY, LLC'S RENEWED MOTION FOR REDUCTION/PRORATION OF
THE 2013 ASSESSMENT FOR MAINTENANCE OF THE PUBLIC UTILITIES
COMMISSION AND ASSESSMENT FOR MAINTENANCE BY THE OHIO
CONSUMERS' COUNSEL AND MOTION FOR EXEMPTION
FROM ANNUAL REPORTING REQUIREMENTS**

Pursuant to Ohio Revised Code ("R.C.") 4905.10 and the Finding and Order (the "Order") of the Public Utilities Commission (the "Commission") entered on this docket on January 22, 2014, Delta Energy, LLC ("Delta Energy") respectfully renews its request the Commission grant its motion filed January 31, 2014 in this matter (the "Motion")¹ seeking reduction/proration of its 2013 Assessment for the Maintenance of the Public Utilities of Ohio (the "Assessment"); for reduction/proration of the Ohio Consumers' Counsel's ("OCC") annual maintenance assessment and that a refund be issued for amounts overpaid; and, for an exemption from the 2013 annual reporting requirement and future reporting requirements based on Delta Energy's exit from the natural gas market. The reasons supporting this motion are contained in the attached Memorandum in Support.

Respectfully submitted,



Juan Jose Perez (0030400)
Sarah Crabtree Perez (0086844)
PEREZ & MORRIS LLC
8000 Ravine's Edge Court, Suite 300
Columbus, Ohio 43235
T: (614) 431-1500; F: (614) 431-3885
Attorneys for Delta Energy, LLC

¹ Delta Energy's January 31, 2014 Motion is incorporated by reference as if fully restated herein.

RECEIVED-DOCKETING DIV
2014 MAY 30 PM 2:00
PUCO

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing of Annual :
Reports for Calendar Year 2013 by all : **Case No. 14-01-AU-RPT**
Regulated Entities. :

MEMORANDUM IN SUPPORT

I. INTRODUCTION AND BACKGROUND

Effective November 1, 2012, Delta Energy sold its natural gas business to Hess Corporation and fully completed its exit from the natural gas market on March 31, 2013, the date on which Delta Energy completed its term as a Standard Choice Offer (SCO) supplier. After March 31, 2013, Delta Energy was no longer a natural gas supplier under the jurisdiction of the Commission. Based upon its exit from the natural gas market, on January 31, 2014, Delta Energy filed a Motion in this matter requesting proration of its annual maintenance assessment to the Commission and proration and a partial refund of the annual assessment of the Ohio Consumers' Counsel. In that same Motion, and based upon the same rationale, Delta Energy requested it be exempt from future annual reporting requirements. Delta Energy's Motion has yet to be decided by the Commission. In light of recent notices received by Delta Energy related to the foregoing, Delta Energy hereby renews its Motion.

**II. DELTA ENERGY RENEWS ITS REQUESTS FOR
REDUCTION/PRORATION OF ITS ANNUAL MAINTENANCE
ASSESSMENTS**

A. Delta Energy is entitled to proration of the Commission's Assessment.

On September 30, 2013, the Commission assessed Delta Energy, a net amount of \$44,355.70 in annual maintenance assessments (the "Assessment"). However, the Assessment was made as if Delta Energy operated as a natural gas service provider for the entire year, rather

than being prorated or reduced based on Delta Energy's March 31, 2013 exit as a natural gas supplier. On October 17, 2013, prior to the October 28, 2013 deadline to pay the Assessment, Delta Energy sent the Commission a letter detailing the timing of its exit from the market and its calculation of the prorated amount that should be charged (the "Letter"). A true and accurate copy of the Letter Delta Energy sent the Commission on October 17, 2013 is attached to Delta Energy's Motion as Exhibit A. Enclosed with the Letter was a check made payable to the Commission in the amount of \$3,483.96, which represents the net prorated amount of the total Assessment through March 31, 2013.

However, on January 22, 2014, the Commission issued a Finding and Order (the "Order") in this case listing Delta Energy as a reporting entity that had failed to pay its 2013 Assessment and, pursuant to paragraph 14 of the Order, required Delta Energy to file a motion on this docket substantiating the contents of the Letter and renewing its request for reduction or proration of the Assessment. In response, Delta Energy filed the Motion.

Based upon the foregoing and in light of the fact that the Commission has not yet ruled on the Motion, Delta Energy renews its request the Commission reduce or prorate the Assessment to reflect Delta Energy's exit from the natural gas market on March 31, 2013, and find Delta Energy has fully paid the Commission amounts due and owing related to the Assessment by its prorated payment in the amount of \$3,483.96.

B. Delta Energy similarly renews its request for proration and a partial refund of amounts paid to the Ohio Consumers' Counsel.

Delta Energy similarly renews its request for proration and a partial refund of the amount it paid for its 2013 annual maintenance assessment to the OCC (the "OCC Assessment"). As set forth in the Motion, the OCC Assessment was based upon the incorrect assumption that Delta Energy provided natural gas services for the entire year of 2013 when, in fact, Delta Energy only

provided services through March 31, 2013. The OCC Assessment should have been prorated accordingly. Delta Energy paid the OCC Assessment, but should be partially refunded in the amount of \$7,163.09, based upon its exit from the natural gas market.

On or about April 28, 2014, Delta Energy received an additional invoice from the OCC again requesting payment of annual maintenance fees by June 20, 2014. A true and accurate copy of the April 28, 2014 invoice is attached hereto as Exhibit 1. The OCC again based its calculation of the OCC Assessment upon the incorrect assumption that Delta Energy provided natural gas services for the entire year of 2013. Therefore, Delta Energy renews its request for proration of the OCC Assessment and a refund of amounts overpaid, as set forth in the Motion filed January 31, 2014.

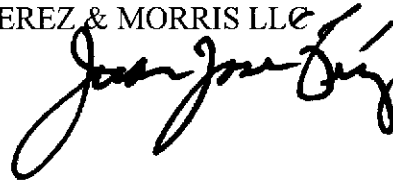
III. DELTA ENERGY RENEWS ITS REQUEST FOR EXEMPTION FROM ANNUAL REPORTING REQUIREMENTS

Through its Motion, Delta Energy also requested exemption from the 2013 annual reporting requirements as well as future reporting requirements based on its exit from the natural gas market. On April 9, 2014, Delta Energy received a Second Notice requesting it file an annual report on this docket by April 30, 2014. A true and accurate copy of this Second Notice is attached hereto as Exhibit 2. Delta Energy then filed an extension request form on April 23, 2014, and received an automatic 30-day extension, to May 30, 2014. A true and accurate copy of the filed extension request form is attached hereto as Exhibit 3. In light of the May 30, 2014 deadline, Delta Energy now renews its Motion for exemption from the 2013 reporting requirements and future reporting requirements based upon its complete exit from the natural gas market as of March 31, 2013. Delta Energy should not be required to report annual revenue or be assessed fees for years in which it did not provide any natural gas services.

IV. CONCLUSION

For the reasons set forth above, Delta Energy respectfully renews its Motion for reduction and/or proration of the 2013 Commission Assessment; proration and partial refund of the OCC Assessment; and, that the Commission finds it exempt from the 2013 annual reporting requirement as well as future annual reporting requirements.

PEREZ & MORRIS LLC



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Attorneys for Delta Energy, LLC



Office of the
Ohio Consumers' Counsel
Your Residential Utility Consumer Advocate



INVOICE

Date: April 28, 2014

Bill to: Delta Energy, LLC
DBA:
Attention: Gary Stoneberg
5555 Perimeter Dr
Dublin, OH 43017

OCC Record No.: 2056

Certificate No.: 08-138

Amended Substitute House Bill 66 changed the process under which the Office of the Ohio Consumers' Counsel collects its assessment. On or before May 15th of each year, each public utility that had a sum assessed against it for the maintenance of the Ohio Consumers' Counsel of one thousand dollars or more in the previous year, fifty percent of that amount shall be paid to the consumers' counsel on or before the twentieth day of June of the current year as an initial payment of the assessment against the company for the next fiscal year.

Last Year's Amount of the Assessment for the Maintenance of the Ohio Consumers' Counsel	\$	9,550.79
50% of the above amount (This amount will be credited as the first of two payments for 2013.)	\$	4,775.40
AMOUNT DUE	\$	4,775.40

DATE DUE June 20, 2014

Make checks payable to: **OFFICE OF THE OHIO CONSUMERS' COUNSEL**
Mailing address: **Attention: Assessments**
10 W. Broad Street, Suite 1800
Columbus, OH 43215-3485

IT IS IMPORTANT TO:

1. Include a *copy of this invoice* along with your check.
2. Include the *OCC Record No.* (located above) on your check.
3. List the *name of the company(ies)* on whose behalf payment is being made.

Questions concerning this assessment should be addressed to
Lindsey Lewis at lewis@occ.state.oh.us or at (614) 466-9495.



2nd Notice Regarding Annual Reports
Puco AnnualReports

to:

Troupe, Tanowa

04/09/2014 02:46 PM

Hide Details

From: Puco AnnualReports <AnnualReports@puc.state.oh.us>

To: "Troupe, Tanowa" <Tanowa.Troupe@puc.state.oh.us>



History: This message has been forwarded.

3 Attachments



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2nd NOTICE REGARDING ANNUAL REPORTS
Docketing Division
(614) 466-4095

You are receiving this notice because, according to our records, this email address is listed as a filer, fiscal, and/or docketing contact for the filing of annual reports on behalf of a reporting company that holds an active certificate or authority, for which a 2013 report may not yet have been filed. If you have filed a report or your certificate should be reflected as cancelled on the Commission's records, please reply to this message (annualreports@puc.state.oh.us) or call the Docketing Division at (614) 466-4095. Be sure to include your certificate number(s), any applicable case numbers, and your contact information.

Please note that annual reports are due on April 30, 2014. If you are unable to file by April 30th, you should file an extension request form in Case 14-01-AU-RPT for an automatic 30-day extension. All filing companies are reminded that, beginning this year, late filers may be assessed a \$1000 penalty.

The annual report provides the mechanism for calculating the assessment to fund the PUCO and the Ohio Consumers Counsel (OCC). The minimum statutory assessment is \$100 per entity. Bills will be sent to the fiscal contact listed on your report in September by the PUCO's Fiscal Division (and by the OCC for all companies

except bridge, water transportation and railroads).

To date, more than 500 reports have been filed. The only technical issue that has surfaced is a security bug/feature with newer versions of Microsoft Internet Explorer (see page 2 of the Step-by-Step Instructions) posted at:

<http://www.puco.ohio.gov/puco/index.cfm/docketing/annual-reports/>

Also, please note that all regulated entities are encouraged to subscribe to the appropriate PUCO industry listserve(s) and take appropriate actions to ensure that e-mail from the Commission is not blocked or disabled. The use of multiple and/or generic company mailboxes should be considered as a best practice to facilitate e-mail service.

For Certified Gas (CRNG) and Electric (CRES) Suppliers:

Beginning this year, brokers and aggregators who do not take title to the gas or power on pass-through jurisdictional transactions, should report zero sales, but now must report any gross revenues (fees or commissions) earned from intrastate sales, as discussed in Finding 7 of the Commission's January 22, 2014 order in Case No. 14-01-AU-RPT.

In addition to annual reports, Ohio Revised Code Sections 4928.08(C) and 4929.20(B), and Rules 4901:1-24-09 and 4901:1-27-09 of the Ohio Administrative Code provide that that all Competitive Retail Gas and Electric Service Provider certificates must be renewed every two years. Details are posted at:

<http://www.puco.ohio.gov/puco/index.cfm/puco-forms/competitive-retail-electric-service-provider-certification-applications-and-filing-instructions/> and

<http://www.puco.ohio.gov/puco/index.cfm/puco-forms/competitive-retail-natural-gas-provider-forms/>.

For further information, see the FAQ at:

<http://www.puco.ohio.gov/puco/index.cfm/docketing/annual-reports/ar-faq/>

If you have any questions, please contact the PUCO Docketing Division at (614) 466-4095.

Tanowa Troupe

Public Utilities Commission of Ohio

Administration Docketing

Administrative Officer 2

(614) 644-9745

PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

FILE

Ohio**Public Utilities
Commission**Annual Report/Assessment
Automatic 30-day Extension
Request

EXHIBIT

3Case No. _14-01-AU-RPT

The regulated entity (or entities) designated below hereby requests an additional 30 days to file its annual report to the Public Utilities Commission of Ohio. The filing of this form in the appropriate case will serve to extend the due date for the filing of the annual report for an additional 30 calendar days without further Commission action. However, no further extensions may be granted without the approval of the Commission or an Attorney Examiner.

Instructions for the filing of annual reports are posted at:
<http://www.puco.ohio.gov/puco/index.cfm/docketing/annual-reports/>

Company Name(s)	Delta Energy LLC
PUCO Certificate Number(s):	08-138G(3)
Contact person requesting extension	Chris Kline
Phone number:	614.339.2601
Email address:	ckline@deltaenergyllc.com

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician DMA Date Processed APR 23 2014