

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Investigation into PALMco Power OH, LLC,)	
d/b/a Indra Energy and PALMco Energy OH,)	Case No. 19-0957-GE-COI
LLC d/b/a Indra Energy's Compliance with)	
the Ohio Administrative Code and Potential)	
Remedial Actions for Non-Compliance.)	

**MEMORANDUM CONTRA OFFICE OF THE OHIO CONSUMERS' COUNSEL'S
MOTION TO SUSPEND OR RESCIND CERTIFICATES**

Office of the Ohio Consumers' Counsel (OCC) motion to suspend or rescind the certificates PALMco Energy OH, LLC d/b/a Indra Energy and PALMco Power OH, LLC d/b/a Indra Energy (collectively, Indra) must be denied.

Indra is entitled to "reasonable notice and opportunity for hearing" before the Commission may suspend, rescind, or conditionally rescind its certificates. *See* R.C. 4928.08(D); R.C. 4929.20(C)(1). Staff's April 16, 2019 letter to the Commission and subsequent entry opening the investigation provide notice, but no hearing has occurred. The Commission cannot take adverse action against Indra until a hearing is held and the grounds for action have been established. OCC's request is simply premature.

OCC's request is also unnecessary. In signing this pleading, counsel represents that Indra has suspended all direct-marketing to residential customers in the State of Ohio. No new variable contracts have been entered since this investigation began. While nothing currently prevents Indra from resuming direct-marketing, Indra recognizes that under the current circumstances, and during the pendency of the investigation, resuming direct-marketing would not be a good idea. Indra does not intend to sell variable rate products to Ohio residential customers until this investigation is resolved.

There is no need and no basis for suspending Indra's certificates before a hearing is held.

Dated: May 7, 2019

Respectfully submitted,

/s/ Mark A. Whitt

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum Contra was served by electronic mail this 7th day of May, 2019, to the following:

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Case No(s). 19-0957-GE-COI

Summary: Memorandum Contra Office of Ohio Consumers' Counsel's Motion to Suspend or Rescind Certificates electronically filed by Shelli T Clark on behalf of Palmco Energy OH, LLC dba Indra Energy and Palmco Power OH, LLC dba Indra Energy