

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
INVESTIGATION INTO PALMCO POWER
OH, LLC DBA INDRA ENERGY AND
PALMCO ENERGY OH, LLC DBA INDRA
ENERGY'S COMPLIANCE WITH THE OHIO
ADMINISTRATIVE CODE AND POTENTIAL
REMEDIAL ACTIONS FOR NON-
COMPLIANCE.

CASE NO. 19-957-GE-COI

ENTRY

Entered in the Journal on May 29, 2019

{¶ 1} PALMco Energy OH, LLC d/b/a Indra Energy (PALMco Energy) is a retail natural gas supplier as defined in R.C. 4929.01; is certified to supply competitive retail natural gas service (CRNGS) under R.C. 4929.20; and is subject to the jurisdiction of this Commission pursuant to R.C. 4929.24. Accordingly, PALMco Energy is required to comply with the Commission's minimum CRNGS standards set forth in Ohio Adm.Code Chapter 4901:1-29.

{¶ 2} PALMco Power OH, LLC d/b/a Indra Energy (PALMco Power) is also an electric services company as defined in R.C. 4928.01; is certified to provide competitive retail electric service (CRES) under R.C. 4928.08; and is subject to the jurisdiction of this Commission pursuant to R.C. 4928.16. Accordingly, PALMco Power is required to comply with the Commission's minimum CRES standards set forth in Ohio Adm.Code Chapter 4901:1-21.

{¶ 3} R.C. 4928.08 and 4929.20 allow the Commission to suspend, rescind, or conditionally rescind the certification of any electric services company or retail natural gas supplier issued under these sections if the Commission determines, after reasonable notice and opportunity for hearing, that the electric services company or retail natural gas supplier has failed to comply with any applicable certification standards or has engaged in anticompetitive or unfair, deceptive, or unconscionable acts or practices in this state. Additionally, R.C. 4928.16 and 4929.24 grant the Commission the authority to order any

remedy or forfeiture provided under R.C. 4905.54 to 4905.60 and 4905.64, and to order restitution to customers and rescission of customer contracts.

{¶ 4} On April 17, 2019, the Commission issued an Entry in this matter. In the Entry, the Commission stated that Staff of the Commission's Service Monitoring and Enforcement Department had reviewed customer contacts involving PALMco Energy and PALMco Power (collectively, PALMco) from December 1, 2018, to April 15, 2019, as well as PALMco's responses, and believed that PALMco engaged in misleading and deceptive practices to market and enroll customers, as well as violating several requirements of Ohio Adm.Code Chapters 4901:1-21 and 4901:1-29. Based on Staff's findings, the Commission scheduled a hearing in this matter for PALMco to show cause why its certification as a CRES provider and its certification as a CRNGS supplier should not be suspended, rescinded, or conditionally rescinded. The Commission also set a procedural schedule for this matter.

{¶ 5} On May 3, 2019, the attorney examiner granted, in part, PALMco's motion to modify the procedural schedule. The attorney examiner extended the testimony filing deadline from May 17, 2019, to May 29, 2019, and rescheduled the hearing from May 24, 2019, to June 4, 2019.

{¶ 6} On May 28, 2019, Staff filed a motion to modify the procedural schedule. Staff requests a modification of the administrative hearing from June 4, 2019, to July 8, 2019 and modification of the testimony filing date from May 29, 2019, to July 1, 2019. Staff states the parties are currently engaging in settlement negotiations and request more time in order to fully pursue resolution of all issues in this case. Staff states the motion is unopposed.

{¶ 7} Upon review, the attorney examiner finds that Staff's motion should be granted. Accordingly, the attorney examiner extends the testimony filing deadline to July 1, 2019, and reschedules the hearing to July 8, 2019. In all other respects, the Commission's April 17, 2019 Entry remains in full force and effect.

{¶ 8} Finally, in light of the time frame for this proceeding, the attorney examiner requires that, in the event that any motion is made in this proceeding, any memorandum contra shall be filed within five business days after the service of such motion, and a reply memorandum to any memorandum contra will not be accepted. Parties shall provide service of pleadings via hand delivery, facsimile, or e-mail.

{¶ 9} In addition, the attorney examiner finds that, for all discovery requests served after the issuance of this Entry, the response time for discovery shall be shortened to seven calendar days. Unless otherwise agreed to by the parties, discovery requests and replies shall be served by hand delivery, facsimile, or e-mail. An attorney serving a discovery request shall attempt to contact the attorney upon whom the discovery request will be served in advance to advise him/her that a request will be forthcoming.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Staff's motion to modify the procedural schedule be granted as set forth in Paragraph 7. It is, further,

{¶ 12} ORDERED, That the testimony deadline and hearing dates be rescheduled as set forth in Paragraph 7. It is, further,

{¶ 13} ORDERED, That the parties adhere to the directives set forth in Paragraphs 8 and 9. It is, further,

{¶ 14} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart
Attorney Examiner

JRJ/sc

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

Summary: Attorney Examiner Entry grants Staff's motion to modify the procedural schedule, reschedules the testimony deadline and hearing dates, and orders the parties to adhere to the directives in Paragraphs 8 and 9 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio