

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 November 1, 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 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, setting the matter for hearing on May 24, 2019.

{¶ 5} On April 24, 2019, the Office of the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this case.

{¶ 6} The procedural schedule in this matter was rescheduled several times based on the parties' requests.

{¶ 7} On July 30, 2019, the attorney examiner granted a joint motion filed by Staff, PALMco, and OCC and suspended the procedural schedule.

{¶ 8} On July 31, 2019, PALMco and Staff jointly filed a stipulation and recommendation (Stipulation).

{¶ 9} A hearing was held on this matter on September 19 and 20, 2019. During the hearing, the attorney examiners instructed PALMco to file a deposition transcript of Mr. Robert Palmese in the docket, at which point the attorney examiners would issue a briefing schedule.

{¶ 10} On October 29, 2019, OCC filed a deposition transcript of Mr. Palmese.

{¶ 11} Upon review, the attorney examiner finds that a briefing schedule should now be set in this matter. The parties are directed to file initial briefs on or before December 2, 2019. Reply briefs are due December 17, 2019.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the parties file initial and reply briefs in accordance to Paragraph 11. 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/Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/1/2019 9:06:18 AM

in

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

Summary: Attorney Examiner Entry setting briefing schedule: parties to file initial briefs by 12.2.19; reply briefs due 12.17.19. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio