

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Early Bird)
Power LLC for Certification as a Competitive)
Electric Aggregator/Broker Services Within) Case No. 14-0004-EL-AGG
the State of Ohio.)

In the Matter of the Application of Early Bird)
Power LLC for Certification as a Competitive)
Retail Natural Gas Aggregator/Broker Services) Case No. 14-0005-GA-AGG
Within the State of Ohio.)

**EARLY BIRD POWER LLC MOTION FOR EXTENSION
OF CERTIFICATE EXPIRATION DATES**

Pursuant to Ohio Administrative Code (“O.A.C.”) Rules 4901:1-24-09 and 4901:1-27-4, Early Bird Power LLC (“Early Bird”) respectfully requests the date for the expiration of its current certifications as an Ohio Competitive Retail Electric Aggregator/Broker and Competitive Retail Natural Gas Aggregator/Broker be extended until such a time as the current certificates are renewed and/or new certificates are granted. The reasons supporting this motion are contained in the attached Memorandum in Support.

Respectfully submitted on behalf of,
EARLY BIRD POWER LLC



Dylan F. Borchers
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4914
Facsimile: (614) 227-2390
E-Mail: dborchers@bricker.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Early Bird)	
Power LLC for Certification as a Competitive)	
Electric Aggregator/Broker Services Within)	Case No. 14-0004-EL-AGG
the State of Ohio.)	

In the Matter of the Application of Early Bird)	
Power LLC for Certification as a Competitive)	
Retail Natural Gas Aggregator/Broker within)	Case No. 14-0005-GA-AGG
The State of Ohio.)	

MEMORANDUM IN SUPPORT

Early Bird Power LLC (“Early Bird”) respectfully requests that the effectiveness of its Ohio Competitive Retail Electric Aggregator/Broker Certificate Number 17-776E(3) and Competitive Retail Natural Gas Aggregator/Broker Certificate Number 14-338G(3) be extended until such a time as the current certificates are renewed and/or new certificates are granted. Both O.A.C. Rules 4901:1-24-09 and 4901:1-27-4 state:

Any renewal application filed fewer than thirty calendar days prior to the expiration date indicated on the certificate, but no later than the expiration date on the certificate, shall be filed with a motion requesting an extension of the certificate. If the motion is filed in conformance with rule 4901:1-24-07 or 4901:1-24-13 of the Administrative Code, it shall be deemed automatically approved unless, within three business days of its filing, the commission or an attorney examiner appointed by the commission rules otherwise.

Any retail natural gas supplier or governmental aggregator that fails to file an application for certification renewal pursuant to rule 4901:1-27-09 of the Administrative Code prior to the expiration date on the certificate must file a new application for certification in a new case and may request, no later than sixty days after the expiration date on the certificate, to extend its previous certificate during the pendency of the new application review.

Due to an inadvertent administrative oversight, Early Bird filed its applications for renewal of its certificates on January 13, 2020, rather than January 6, 2020 for the electric certificate and January 8, 2020 for the gas certificate, as O.A.C. Rules 4901:1-24-09(A) and 4901:1-27-09(A) would otherwise require. As Early Bird's current electric certificate will expire on February 6, 2020 and its gas certificate on February 8, 2020, and the Public Utilities Commission of Ohio ("Commission" or "PUCO") has 30 days to review the applications for renewal which were both filed on January 13, 2020, an extension is necessary to ensure the continuity of the certifications.

Early Bird is a private and independently owned energy services company and retail marketer of natural gas and electricity. Early Bird provides competitive retail electric service and natural gas service to customers throughout Ohio.

It is reasonable for the Commission to extend Early Bird's certifications. Granting Early Bird's request for extension of the certification expiration dates until its certificates are renewed or new certificates are issued will allow Early Bird to continue to provide its services and avoid the administrative upheaval that could occur if its certifications are cancelled.

Early Bird submits that there is no reason or circumstance that warrants suspension or rescission of its certificates. There have been no material or adverse changes in its financial or operational status or its ability to provide the services it seeks certification to provide to Ohio customers. See *T.E.S. Energy Services, L.P.*, Case No. 11-1209-GA-AGG, Entry ¶4 (April 11, 2013) (the Commission granted the motion for extension to provide 30 days to review the application, which was filed less than 30 days prior to the certificate's expiration date). Early Bird will continue to provide the Commission information as required by the PUCO regarding

Early Bird's activities in Ohio, and Early Bird will continue to comply with all Ohio rules and regulations.

Early Bird respectfully requests that the Commission extend the current certificates until such time as to allow adequate time for processing of its renewal applications and/or new certificates are granted.

Respectfully submitted on behalf of,
EARLY BIRD POWER LLC



Dylan F. Borchers
BRICKER & ECKLER LLP
100 South Third Street
Columbus, OH 43215
Telephone: (614) 227-4914
Facsimile: (614) 227-2390
E-Mail: dborchers@bricker.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

1/31/2020 10:25:22 AM

in

Case No(s). 14-0004-EL-AGG, 14-0005-GA-AGG

Summary: Motion of Early Bird Power LLC For Extension of Certificate Expiration Dates and Memorandum in Support electronically filed by Teresa Orahod on behalf of Dylan F. Borchers