BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Suvon, LLC d/b/a FirstEnergy Advisors For Certification as a Competitive Retail Electric Service Power Broker and Aggregator in Ohio.	)))))	Case No. 20-0103-EL-AGG

SUVON, LLC D/B/A FIRSTENERGY ADVISORS' MEMORANDUM IN OPPOSITION TO THE MOTION TO INTERVENE FILED BY RETAIL ENERGY SUPPLY ASSOCIATION

I. INTRODUCTION

Despite labeling its filing as a motion to intervene, vast portions of Retail Energy Supply Association's ("RESA") filing have nothing to do with whether intervention is appropriate. All arguments raised by RESA that do not directly address RESA's reasons for seeking intervention are not proper for this case and should be rejected entirely.[1] Suvon, LLC d/b/a FirstEnergy Advisors ("FirstEnergy Advisors") responds to these additional improper issues only to ensure the Commission is not misled by RESA's hypotheticals and inaccurate summaries of Ohio law.

It is difficult to see how RESA, the trade association, can argue against the use of a brand name by a competitive subsidiary when its own members (perfectly appropriately) use or used brand names which are associated with regulated utilities (such as Vistra's use of "Cincinnati Bell Energy," AEP Energy or IGS Energy's use of the "Columbia" brand). Because of this, combined with the fact that this is a practice that has been approved in Ohio for years, RESA cannot credibly claim that Ohio law prevents the use of a name associated with a parent entity which also owns distribution utilities.

[1] The arguments raised by RESA that are not properly before the Commission in this case are more fully addressed in the Motion to Strike that FirstEnergy Advisors has contemporaneously filed in this case.

The remaining arguments raised by RESA are similarly flawed. RESA creates hypotheticals about situations which have not occurred, then faults FirstEnergy Advisors for not addressing those hypotheticals in its application. As the Commission expressly held when authorizing IGS Energy to use the Columbia brand name: "[t]he mere possibility that something could happen is not a violation of the Commission's rules."[2] FirstEnergy Advisors is not required to prove negatives in order to obtain an Ohio license.

RESA concludes by ignoring Ohio precedent to make policy suggestions and asking for decisions in other cases. This is simply not how license application proceedings work in Ohio, and therefore RESA's motion to intervene should be denied.

II. ARGUMENT

A. RESA has not established proper grounds for intervention.

To be granted intervention, RESA must show it "has a real and substantial interest in the proceeding, and the person is so situated that the disposition of the proceeding may, as a practical matter, impair or impede his or her ability to protect that interest, unless the person's interest is adequately represented by existing parties."[3] Because RESA has not shown that it will be impacted by the outcome of this case, or that its interests are not adequately represented by existing parties, RESA has failed to establish proper grounds for intervention.

1. Ohio law makes clear that intervention should be denied when the movant seeks consideration of irrelevant issues.

Under Ohio law, and particularly in application cases, when movants request intervention to address irrelevant matters that are outside the scope of the proceeding, motions to intervene

[2] In the Matter of the Complaint of the Ohio Consumers Counsel, Stand Energy Corp., Inc., Ne. Ohio Pub. Energy Council, & Ohio Farm Bureau Fed'n, Complainants, No. 10-2395-GA-CSS, 2012 WL 3613674 (F.E.D.A.P.J.P. Aug. 15, 2012) at 17.
[3] Ohio Admin. Code 4901-1-11(A)(2).

should be denied. *See In the Matter of the Application of Black Fork Wind Energy, LLC Regarding its Certificate of Environmental Compatibility and Public Need Issued in Case No. 10-2865-EL-BGN*, Case No. 14-1591-EL-BGA, Order on Certificate (Aug. 27, 2015) (denying motions to intervene "to the extent the movants request intervention for the purpose of addressing irrelevant matters outside of this qualification and the scope of this proceeding"); *see also In the Matter of the Application of 6011 Greenwich Windpark, LLC Regarding its Certificate of Environmental Compatibility and Public Need Issued in Case No. 13-990-EL-BGN*, Case No. 15-1921-EL-BGA, Order on Certificate (May 19, 2016) (denying motions to intervene "to the extent the movants request intervention to address irrelevant matters other than the amendment application or that are outside the scope of this proceeding"); *see also In the Matter of the Application of Duke Energy Ohio, Inc. for Approval of Proposed Reliability Standards*, Case No. 09-757-EL-ESS, Entry (May 19, 2010) (denying motion to intervene where movant failed to address the subject matter of the case and instead focused on his disagreement with Duke in other cases).

RESA's motion to intervene should likewise be denied. RESA raises numerous issues which have nothing to do with the merits of this Application. Instead RESA has focused on irrelevant issues which have already been briefed in other cases and which are not proper for a simple broker application.

2. RESA has not shown it will be impacted by the outcome of this proceeding.

RESA claims that the Commission's resolution of this case will affect members of RESA because, according to RESA, the issues in this proceeding overlap with issues raised by RESA in two other proceedings. Indeed, RESA admits this is its interest on the very first page of its Motion. "The issues raised in this proceeding overlap issues raised by RESA in two proceedings that pre-date the application: the FirstEnergy EDUs' corporate separation audit in Case No. 17-974-EL-

UNC, and a complaint filed in Case No. 18-736-EL-CSS. Given the current procedural uncertainty, RESA respectfully requests an order granting intervention in this proceeding. . ."[4] As discussed *infra*, there is no reason to consider these exact same arguments in this case, as they have already been fully briefed in the other proceedings.

In reality, RESA's real concern with this case is the outcome of the two other proceedings, as RESA fears that if the Commission grants FirstEnergy Advisors' application, any determinations made in this case would also apply in the other two proceedings that predate this application.[5] This does not warrant granting intervention, as concern for adverse precedent is not sufficient grounds for intervention. *See In the Matter of the Application of Columbia Gas of Ohio, Inc. for an Increase in the Rates to be Charged and Collected for Gas Service in the Village of Urbancrest, Ohio*, Case No. 82-305-GA-AIR, *et al.*, Entry (Feb. 22, 1983) (finding no real and substantial interest and denying intervention where the City's "interest" in the proceedings was only concerned with the prospect of having a legal precedent established by the Commission on certain issues that the City also wanted to raise in a separate case). In fact, "[t]he Commission has consistently denied intervention requests when the person's interest is that legal precedent may be established which may affect that person's interest in a subsequent case."[6]

Because RESA has failed to show any actual impact on RESA members as a result of this proceeding—other than a concern for adverse precedent, which is insufficient—RESA's motion to intervene should be denied.

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[4] Motion at 1.
[5] Motion at 2.
[6] *In the Matter of the Application of FirstEnergy Corp. on Behalf of Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company for Approval of Their Transition Plans and for Authorization to Collect Transition Revenues*, Case No. 99-1212-EL-ETP, *et al*., Entry (March 23, 2000); *see also XO Ohio v. City of Upper Arlington*, Case No. 03-870-AU-PWC, Entry (May 14, 2003) ("It is the policy of the Commission not to grant intervention to entities whose only real interest in the proceeding is that legal precedent may be established which may affect that entity's interest in a subsequent case.").

3. RESA's interests are adequately represented by existing parties.

RESA also claims that it should be granted intervention because its interests are not adequately represented by existing parties.[7] This is simply not true. RESA's filing reads as more of a sur-reply than a motion to intervene. RESA simply reiterates arguments already raised, *ad nauseam*, by other parties, discusses FirstEnergy Advisors' responses to those improper arguments, and then states RESA's position.[8] As RESA is merely parroting arguments already raised by others seeking intervention, there is no reason to permit RESA to intervene here when the same arguments RESA presents have already been raised by numerous other parties seeking intervention.

B. RESA's motion to intervene simply repeats arguments from two other proceedings.

At the outset of its motion, RESA makes clear that its reason for seeking intervention has nothing to do with FirstEnergy Advisors' application.[9] Rather, RESA wants an opportunity to again raise issues in this application proceeding that it has admittedly already raised "in two proceedings that pre-date the application: the FirstEnergy EDUs' corporate separation audit in Case No. 17-974-EL-UNC, and a complaint filed in Case No. 18-736-EL-CSS."[10] There is no reason to address those same issues here when they have already been fully briefed and are awaiting decision.

[7] Motion at 2.
[8] *See, e.g.*, Motion at 4 ("Suvon has recently suggested . . ."); 7 ("In the rulemaking proceeding relied on by Suvon . . ."); 8 ("The implicit message from Suvon . . ."); 9 ("Suvon claims . . ."); 10 ("Suvon says that . . ."); 11 ("Suvon's sweeping claim that . . ."); 14 ("RESA takes little comfort from the representation that . . .").
[9] Motion at 1–2.
[10] Motion at 1.

To ensure the Commission is not misled by RESA's hypotheticals and inaccurate summaries of Ohio law, FirstEnergy Advisors briefly addresses these additional improper issues below. These arguments are also the subject of FirstEnergy Advisors' Motion to Strike.

1. Common use of the "FirstEnergy" name is permitted.

RESA takes issue with FirstEnergy Advisors' use of the name "FirstEnergy," claiming that the Commission should prohibit its use.[11] This issue has already been extensively briefed in the corporate separation case and thus should not be considered here.[12] Even if RESA's arguments should be considered here, RESA's arguments around this issue make clear that RESA does not understand Ohio's corporate separation rules.

a. The Commission long ago conclusively resolved this issue.

The Commission has already held that affiliates are permitted to use names similar or related to their parent companies.[13] In response to the Commission's request for comment on proposed amendments to the CRES rules, parties suggested that O.A.C. 4901:1-21-05(C)(8)(g) be amended to include language prohibiting affiliates from adopting a similar name to its EDU to avoid customer confusion about their actual supplier.[14] The Commission specifically declined to agree to that prohibition.[15]

While repeatedly litigated by RESA, NOPEC, and OCC, this issue has long been resolved in Ohio. Ohio has an extensive history of competitive providers using names similar to regulated utilities in both the gas and electric fields, such as RESA member (and intervenor in this case) IGS

[11] *See* Motion at 5–13.
[12] Case No. 17-974-EL-UNC.
[13] *See In the Matter of the Commission's Review of its Rules for Competitive Retail Electric Service Contained in Chapters 4901:1-21 and 4901:1-24 of the Ohio Administrative Code*, Case No. 12-1924-EL-ORD, Finding and Order (Dec. 18, 2013).
[14] Case No. 12-1924-EL-ORD, Eagle Energy Initial Comments at 4, 7.
[15] *See In the Matter of the Commission's Review of its Rules for Competitive Retail Electric Service Contained in Chapters 4901:1-21 and 4901:1-24 of the Ohio Administrative Code*, Case No. 12-1924-EL-ORD, Finding and Order (Dec. 18, 2013).

Energy's use of the name Columbia Retail Energy,[16] RESA member (and intervenor in this case) Vistra's use of "Cincinnati Bell Energy,"[17] RESA member AEP Energy Inc.,[18] Duke Energy Retail Sales,[19] Dominion Retail Inc.,[20] and Vectren Retail, LLC.[21] Despite RESA's claims there is nothing wrong with AEP Energy's current use of the AEP brand, just like there is nothing wrong with FirstEnergy Advisors use of the FirstEnergy brand. In fact, OCC has claimed that use of a similar name to a regulated utility is misleading and deceptive since the year 2000, and specifically made that argument regarding names associated with FirstEnergy.[22] If it were truly misleading to use the same name as a regulated utility, the Commission would not have repeatedly approved these names over the last twenty years.

b. RESA's hypothetical about an unaffiliated company using a brand also associated with a regulated utility has also already been specifically rejected by the Commission.

Presumably in an attempt to argue issues that would otherwise not be addressed in an application case such as this, RESA begins its argument by describing a hypothetical scenario about an unaffiliated company using the FirstEnergy brand name and purportedly reaping the "special advantages" that come with brand name use.[23] This entire hypothetical is irrelevant because Ohio law has already addressed these issues. As discussed above, Ohio law does not

[16] *See infra*.
[17] Case No. 13-0105-EL-CRS.
[18] Case No. 10-0384-EL-CRS; 12-1491-GA-CRS.
[19] Case No. 04-1323-EL-CRS.
[20] Case No. 00-1781-EL-CRS; 02-1757-GA-CRS.
[21] Case No 11-1078-EL-CRS.
[22] OCC Comments, pp. 3-4 (citing *Exelon et al. v. FirstEnergy Service Corp*., Case No. 00-1862-EL-CSS, OCC Motion to Intervene and Memorandum in Support at 3 (Oct. 30, 2000); *In the Matter of the Application of FirstEnergy Services Corp. for Certification for Retail Generation Providers*, Case No. 00-1742-EL-CRS, OCC Motion to Intervene (Oct. 30, 2000).)
[23] Motion at 5.

prohibit affiliated companies from using brands associated with regulated utilities, it merely requires appropriate disclosures.[24]

The Commission has also specifically addressed a situation where a non-affiliate used a brand associated with a regulated utility.[25] RESA should be aware of this because in 2010 several parties (including OCC and NOPEC) filed a complaint against current RESA member IGS Energy in a case which specifically involved RESA.[26] At the time IGS Energy was operating under the name "Columbia Retail Energy" and using a logo associated with that brand.[27] The complainants there made the exact same arguments which RESA is making here about brand identification and the risk of customer confusion.[28] RESA was specifically involved in this discussion because the Commission found that RESA had helped craft the disclosures associated with IGS's use of that name.[29]

After consideration of the arguments, the Commission specifically rejected the interpretation proposed by RESA here that such use is automatically misleading. The Commission found that use of the Columbia brand by IGS Energy was not "unfair, misleading, deceptive, or unconscionable" when the appropriate disclaimers are used.[30] "Particularly, we believe that the disclaimers used by IGS, marketing as [Columbia Retail Energy], are appropriately crafted so that consumers receiving a solicitation from [Columbia Retail Energy] can readily discern who the solicitation is from and what the relationship is between IGS, Columbia, and NiSource."[31]

[24] *See* Ohio Admin. Code 4901:1-21-05(C)(8)(g).
[25] Case No. 10-2395-GA-CSS, August 15, 2012 Opinion and Order.
[26] *Id*.
[27] *Id*. at 10-11.
[28] *Id*. at 12-14.
[29] *Id*. at 13.
[30] *Id*. at 17.
[31] *Id*.

Similarly, the Commission rejected RESA's claim that an unaffiliated entity using a name associated with a regulated utility would be an unfair competitive advantage. "We do not believe that the evidence of record substantiates the joint complainants' allegation that the use of the [Columbia Retail Energy] trade name gives IGS an unfair competitive advantage in Columbia's territory."[32]

This can also be shown through RESA member Vistra's use of the d/b/a "Cincinnati Bell Energy."[33] From publicly available documents it does not appear that Cincinnati Bell, the regulated telephone utility, has any ownership interest in this entity. Instead Cincinnati Bell Energy was acquired by Vistra in 2019, as acknowledged in Vistra's motion to intervene in this case.[34] RESA did not intervene or otherwise object to Vistra's use of that name when the notice of material change was filed by Vistra.

As shown by two different RESA members who have attempted to intervene in this case, there is no prohibition on use of a brand name associated with an unrelated regulated utility. As IGS and Vistra have used, or are currently using, brands associated with regulated utilities there can be no credible claim that Ohio law prohibits this practice.

c. Citing to an auditor from another case has no precedential value.

As there is no Commission or Ohio Supreme Court authority supporting RESA's position, RESA repeats the arguments previously raised by numerous other parties which quote an auditor in another case.[35] An audit report which has not been adopted by the Staff or Commission has no precedential value. That report certainly does not outweigh the substantial Ohio authority cited above. The audit report's conclusions of law, along with its unsubstantiated and unsupported

[32] *Id*.
[33] Case No. 13-0105-EL-CRS; Vistra Motion to Intervene FN 1.
[34] Case No. 13-0105-EL-CRS letter dated August 14, 2019.
[35] Motion at 7.

guesses about the value of a utility brand, offer nothing in this proceeding. Moreover, relying on a report which is filled with hearsay, in a proceeding where the report has not been filed, when the auditor will never testify, would be unlawfully discriminatory against FirstEnergy Advisors by treating it differently than similarly situated applicants. "[D]ue process requires the Commission to base its decision upon facts established on the record" in this proceeding.[36]

Finally, RESA's understanding of the corporate separation rules is inaccurate, as RESA conflates use of the FirstEnergy brand with the automatic grant of a competitive advantage.[37] There is no "undue preference or advantage" provided by use of the FirstEnergy name, nor does RESA point to any evidence of such. Indeed, if simply using a brand associated with a regulated utility conferred an improper advantage it would not have been done so often throughout recent Ohio history.

2. The joint use of the "FirstEnergy" name is not "joint advertising."

RESA next claims that the corporate separation plan does not authorize anyone other than the EDU to use the FirstEnergy brand because otherwise it would be prohibited "joint advertising."[38] Once again, RESA is unable to cite any authority in support of its position for good reason. As a preliminary issue, RESA conflates "advertising" with the use of the FirstEnergy brand. The issue of brand use has nothing to do with corporate separation. The "FirstEnergy" brand is owned by FirstEnergy Corp. and may be used as FirstEnergy Corp. sees fit. That issue is non-jurisdictional. The jurisdictional question here only relates to whether FirstEnergy Advisors should be given a license.

[36] *In the Matter of the Application of The Ohio Bell Telephone Company for Authority to Increase and Adjust Its Rates and Charges and to Change Regulations and Practices Affecting the Same*, Case No. 79-1184-TP-AIR, Entry on Rehearing (Apr. 1, 1981).
[37] *See* Motion at 8–9.
[38] *See* Motion at 5–7.

Turning to what is jurisdictional, "joint advertising" is not the same as joint use of a brand name, but actually goes beyond that to things like joint television commercials. Here there has been no allegation that FirstEnergy Advisors has ever, or intends to, jointly advertise with the regulated distribution utilities. As such, yet another RESA hypothetical is completely without factual support.

Finally, turning from RESA's recommendations to the actual authority in Ohio, the answer here becomes clear. If use of the same brand was improper "joint advertising," then the precedent discussed above would not exist for entities like RESA member IGS Energy's use of the name "Columbia Retail Energy," RESA member Vistra's use of "Cincinnati Bell Energy," RESA member AEP Energy Inc., Duke Energy Retail Sales, Dominion Retail Inc., and Vectren Retail, LLC. As shown by the Commission's continued approval of such names, an affiliate's use of a brand is not prohibited joint advertising.

3. Use of shared service employees is permitted.

RESA takes issue with the use of shared service employees serving as directors for FirstEnergy Advisors.[39] As already addressed by FirstEnergy Advisors in previous filings in this case, this argument is without merit because Ohio law expressly permits the use of shared service employees.[40] While RESA acknowledges that shared service employees are common, and that FirstEnergy Advisors is a separate legal entity from the regulated distribution utilities, RESA nevertheless claims any use of employees who are also associated with the parent entity is inappropriate. RESA claims FirstEnergy Advisors should not be permitted to use directors or

[39] *See* Motion at 13.
[40] *See* FirstEnergy Advisors' Memorandum in Opposition to the Motions to Suspend Filed by the Ohio Consumers' Counsel, NOPEC, NOAC, and Vistra Energy Corp. at 2–3; *see also* FirstEnergy Advisors' Memorandum in Opposition to the Motion to Intervene Filed By Palmer Energy Company, Inc. at 4–5.

office space which is also associated with the parent entity because there is no way to determine from the application whether those entities will function independently,

Apparently, RESA's imagined restrictions should only apply to non-RESA members. Ironically, AEP Energy, Constellation, and NextEra are affiliated with regulated utilities as well, and are all RESA members.[41] Focusing specifically on AEP Energy due to its Ohio location is particularly instructive. According to AEP Energy's renewal application filed earlier this month, AEP Energy's directors are all associated with the parent entity (Nicholas Akins, David Feinberg, and Brian Tierney), as are many of the directors.[42] The principal legal office is 1 Riverside Plaza, the location shared by the parent and AEP Ohio. Similar information is publicly available about Constellation[43] and NextEra.[44] There is absolutely nothing inappropriate about AEP Energy's use of these shared service employees or legal office. Ohio law has made it clear for years this structure is appropriate.

As shown by the actions of RESA's own members, RESA's position simply lacks any support in Ohio law. As RESA has never sought to foreclose these actions by its own members, one does wonder whether RESA's position in this case indicates a principled policy position or merely an attempt to frustrate competition.

5. RESA's position on purported competitive activities does not make sense.

RESA incorrectly interprets the rule regarding shared service employees as prohibiting the use of shared service employees as senior leadership.[45] This has never been the rule in Ohio. Rather, Ohio has extensive experience in working with shared service employees who properly

[41] AEP Ohio, Exelon, and Florida Power & Light.
[42] Case No. 10-0384-EL-CRS, Renewal Application filed March 18, 2020, p. 10 of 44.
[43] Case No. 00-1717-EL-CRS (See Ex. A-10 listing numerous directors and officers with email addresses associated with Exelon, the same issue identified by numerous intervenors here).
[44] Case No. 08-1081-EL-CRS.
[45] *See* Motion at 13.

allocate their time among different entities. Ohio has adopted OAC 4901:1-37-04(A)(5) and 4901:1-37-08, which specifically address how shared service employees should be accounted for under a cost allocation manual. Further, by RESA claiming that FirstEnergy Advisors' application must demonstrate that it is a fully separated entity, RESA is essentially demanding that FirstEnergy Advisors' application must prove a negative—that no possible violation of Ohio law could ever happen. This is simply not the rule.

For example, Ohio law prohibits CRES from slamming customers, but applicants are not required to prove at the time of application that they will never perform such an act in the future. Instead, they—like FirstEnergy Advisors—are asked to comply with all aspects of Ohio law and are subject to penalty if they violate those rules. As the Commission has previously stated, "[t]he mere possibility that something could happen is not a violation of the Commission's rules."[46]

It is the Commission's job—not RESA's—to determine whether additional information, if any, is needed in FirstEnergy's application. And, in any event, discussion of such a matter certainly is not appropriate to be raised in a motion to intervene.

Furthermore, RESA's long recitation of past Commission decisions that RESA does not agree with adds nothing to this case other than revealing that RESA's issues in this case have nothing to do with FirstEnergy Advisors, but rather with RESA's disagreement with past Commission precedent it seeks to change.[47] RESA's true goal is to delay this proceeding and further pursue its arguments in other cases.

[46] In the Matter of the Complaint of the Ohio Consumers Counsel, Stand Energy Corp., Inc., Ne. Ohio Pub. Energy Council, & Ohio Farm Bureau Fed'n, Complainants, No. 10-2395-GA-CSS, 2012 WL 3613674 (F.E.D.A.P.J.P. Aug. 15, 2012) at 17.
[47] *See* Motion at 14.

6. Restricting the use of the FirstEnergy name is a constitutional violation.

Finally, RESA's attempt to preemptively attack any argument concerning the constitutional violation that would result from restricting the use of a trade name by FirstEnergy Advisors misses the mark.[48] While RESA claims that states may restrict false, deceptive, and misleading commercial speech, RESA fails to point to any evidence that any is present in this case, much less that FirstEnergy Advisors' use of the FirstEnergy name will be used to mislead the public. Indeed, quite the opposite is true. FirstEnergy Advisors has stated numerous times throughout this case that it will comply with all Commission rules, including the rules that require an affiliate disclaimer[49] and the requirement that employees disclose the entity the employee is representing.[50]

RESA's reliance on Texas law should also be rejected entirely, as RESA outright admits "Texas is not Ohio."[51] And, contrary to RESA's argument, restricting the use of a trade name is a constitutional violation. Trade names have long been recognized as constitutionally protected commercial speech because they serve to identify a business entity and convey important information about its type, price, and quality of service.[52] Further, RESA curiously ignores that this issue has already been raised in Ohio—by AEP Ohio—who argued that "[i]nfringement on a company's right to choose its own name is not an area appropriate for Commission review."[53]

Indeed, other Ohio utilities had or have affiliates with similar trade names, including IGS Energy's use of the name Columbia Retail Energy, Vistra's use of the name Cincinnati Bell

[48] Motion at 10–13.
[49] Ohio Admin. Code 4901:1-21-05(C)(8)(g).
[50] Ohio Admin. Code 4901:1-37-04(D)(11).
[51] Motion at 11–12.
[52] *See Sambo's Restaurants, Inc. v. City of Ann Arbor*, 663 F.2d 686 (6th Cir. 1981) (finding that a trade name is a valuable asset which conveys information to customers and, as such, even an obviously racist trade name may not be prohibited by a municipality in light of Plaintiff's First Amendment rights to the trade name).
[53] Case No. 12-1924-EL-ORD, AEP Ohio Reply Comments at 2.

Energy, AEP Energy Inc., Duke Energy Retail Sales, Dominion Retail Inc., and Vectren Retail, LLC. If it were truly misleading to use the same name as a regulated utility, the Commission would not have repeatedly approved these names over the last eighteen years.

III. CONCLUSION

RESA fails to raise any arguments that warrant granting RESA intervention in this case. Accordingly, FirstEnergy Advisors respectfully requests that the Commission deny RESA's requests and approve FirstEnergy Advisors' Application.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 1st day of April 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander
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Summary: Memorandum In Opposition To RESA Motion To Intervene electronically filed by Mr. Trevor Alexander on behalf of Suvon, LLC