

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Commission's | : | |
| Investigation into SFE Energy Ohio, Inc. and | : | Case No. 20-1216-GE-COI |
| Statewise Energy Ohio LLC's Compliance | : | |
| with the Ohio Administrative Code and | : | |
| Potential Remedial Actions . | : | |
| | : | |

**MEMORANDUM CONTRA THE MOTION OF SFE ENERGY OHIO, INC.
STATEWISE ENERGY OHIO LLC TO BIFURCATE**

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**On behalf of the Staff of
The Public Utilities Commission of Ohio**

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STATEWISE ENERGY OHIO LLC TO BIFURCATE**

INTRODUCTION

Statewise Energy Ohio LLC (Statewise) and SFE's (SFE Energy Ohio, Inc.) (Companies) Motion to Bifurcate this proceeding should be denied. As set forth in the Companies' Motion to Bifurcate, the Commission has "discretion to decide how, in light of its internal organization and docket consideration, it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay and eliminate unnecessary duplication of effort." Motion at 2, citing *Weiss v. Pub. Util. Comm.*, 90 Ohio St.3d 15, 19 (2000). In order not to duplicate efforts, the Commission should use one case to proceed against SFE and Statewise. The Companies' pleadings before state and federal regulatory agencies demonstrate that the Companies operate closely, have the same address, the same email address, the same corporate structure, and the same regulatory contact. Because there is little, if any, distinction between the Companies, there is no reason to bifurcate the Commission proceedings.

ARGUMENT

Including SFE and Statewise in this COI will resolve customer complaints more expeditiously and protect consumers in the state of Ohio from additional harm.

The representations made by the Companies themselves make it clear that there is little, if any, distinction between the two entities. Both companies operate in all of Ohio and there is no indication that they have separate territories. The CRES and CRNGS offerings of SFE and Statewise operate in the territories of the same distribution utilities.

SFE and Statewise have the same corporate address. *In the Matter of the Application of SFE Energy Ohio, Inc. for Certification as an Electric Generation Provider and Power Marketer*, Case No. 16-0053-EL-CRS, Renewal Certificate (Feb. 26, 2020); *In the Matter of the Renewal Application of Statewise Energy Ohio, LLC. For Certification as a Power Marketer*, Case No. 16-2113-EL-CRS, Renewal Certificate (Jan. 25, 2019). SFE and Statewise have the same regulatory contact with the same email address: “cs@sfeenergy.com”. The Companies use the same complaint contact. *In the Matter of the Application of SFE Energy Ohio. Inc. for Certification as an Electric Retail Generation Provider and Power Marketer*, Case No. 16-0053-EL-CRS, Application (Jan. 13, 2016); *In the Matter of the Certification of Statewise Energy Ohio, LLC for Retail Generation Providers and Power Marketers*, Case No. 16-2113-EL-CRS, Application (Oct. 24, 2016). The Companies’ CRES and CRNGS contracts contain the same terms and conditions of service, and they send nearly identical welcome letters to their customers.

Importantly, the exact same organizational chart is submitted in both SFE and Statewise certificate cases. Additionally, SFE and Statewise share many of the same Directors and Officers.

On a federal level, the companies also appear to operate in tandem. Both Statewise and SFE utilize the same FERC power marketer number – C003843. *In the Matter of the Certification Application of Statewise Energy Ohio, LLC for Retail Generation Providers and Power Marketers*, Application Ex. D-4, (Oct. 24, 2016); *In the Matter of the Application of SFE Energy Ohio, Inc. for Certification as an Electric Retail Generation Provider and Power Marketer*, Case No. 16-0053-EL-CRS, applications at D-4 (Jan. 13, 2016). In the Companies’ Motion, they admit that they share the same corporate sales structure. Motion at 3. Also revealed in the Motion is the fact that SFE and Statewise contract with the same management services company. Motion at 5, footnote 3.

CONCLUSION

The facts show that the most efficient way to handle the complaints lodged against these companies is in one proceeding. In their motion, the Companies have presented no documentation substantiating any of their claims. In fact, the Companies own motion demonstrates that the companies operate as one and should be treated as one. There is no record that the Commission can rely on to find in the Companies’ favor. The Staff has presented filings before this Commission and FERC that support Staff’s contention that this case should be handled as one COI. To do otherwise would go against the legal standard and be an inefficient use of the Commission’s resources. Staff respectfully

requests that the Commission deny the Companies' Motion to Bifurcate and handle both companies' issues in one case.

Respectfully submitted,

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On behalf of the Staff of
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Memorandum Contra SFE's Motion to Bifurcate**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the below parties of record this 14th day of July, 2020.

/s/ Jodi J. Bair

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Summary: Memorandum Contra The Motion of SFE Energy Ohio, Inc. Statewise Energy Ohio LLC To Bifurcate electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO