

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF THE COMMISSION’S)	
INVESTIGATION INTO PALMCO POWER)	Case No. 19-2153-GE-COI
OH, LLC D/B/A/ INDRA ENERGY AND)	
PALMCO ENERGY OH, LLC D/B/A/)	EXPEDITED RULING
INDRA ENERGY’S COMPLIANCE WITH)	REQUESTED
THE OHIO ADMINISTRATIVE CODE AND)	
POTENTIAL REMEDIAL ACTIONS FOR)	
NON-COMPLIANCE.)	

**MOTION FOR WAIVER OF RULES GOVERNING DISCLOSURE OF CUSTOMER
INFORMATION**

Palmco Power OH, LLC and Palmco Energy OH, LLC (collectively, “Palmco”), by counsel, respectfully move the Commission for a limited waiver of Ohio Administrative Code 4901:1-21;10 and 4901:1-29-09(A)(1) for purposes of discovery during this investigation. Without such a waiver, Palmco will be unable to satisfy its discovery obligations in a manner that is consistent with the Commission’s regulations. As a result, good cause exists for the waiver under Ohio Administrative Code 4901:1-21-02(C) and 4901:1-29-02(C), and granting such a waiver is consistent with past Commission practice. Order ¶ 8, *In the Matter of the Commission’s Investigation into Verde Energy USA OHIO, LLC’S Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 19-958-GE-COI (Aug. 30, 2019).

Palmco respectfully requests expedited consideration of this motion. See Ohio Admin. Code 4901-1-12(c). Palmco is working diligently to respond to discovery that has been served in this case, but it will be unable to produce certain customer specific information requested by

intervenor Office of Consumer Council (“OCC”) until the customer-information restrictions are waived through Commission order.

Palmco provided a draft of this motion to counsel for OCC and counsel for Commission Staff. Counsel for OCC has stated OCC does not object to the PUCO granting a waiver of the requirements in Ohio Administrative Code 4901:1-21-10 and 4901:1-29-09(A)(1) for the limited purpose of providing OCC, the state consumer advocate, with customer specific information through discovery. Counsel for Commission Staff does not object to expedited treatment of this motion.

A memorandum of points and authorities is included below.

Dated: July 31, 2020

Respectfully submitted,

By: /s/ Matthew R. McGuire
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*Counsel for PALMco Energy OH, LLC and
PALMco Power Ohio, LLC*

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**MEMORANDUM IN SUPPORT OF MOTION FOR WAIVER OF RULES GOVERNING
DISCLOSURE OF CUSTOMER INFORMATION**

Palmco Power OH, LLC and Palmco Energy OH, LLC (collectively, “Palmco”) are working diligently to respond to outstanding discovery requests served by the Office of Consumer Counsel (“OCC”) as part of this investigation. Many of OCC’s discovery requests seek specific customer sign-up and rate information. But disclosure of retail electric and natural gas customer information is largely prohibited by the Ohio Administrative Code unless an appropriate order is obtained from a court or the Commission. *See* Ohio Admin. Code 4901:1-21-10, 4901:1-29-02(A)(1).

The Commission, however, may waive the restrictions on disclosing customer information “for good cause shown.” Ohio Admin. Code 4901:1-21-02(C), 4901:1-29-02(C). And Ohio Administrative Code 4901:1-21-10 and 4901:1-29-09(A)(1) expressly provide that an order from the Commission may permit disclosure of customer information in certain circumstances. Such a circumstance is presented here because a limited waiver is necessary to allow for appropriate discovery to take place during this investigation. Good cause thus exists, and the Commission should waive the non-disclosure provisions for purposes of discovery in this investigation. *See*

Order ¶ 8, *In the Matter of the Commission's Investigation into Verde Energy USA OHIO, LLC'S Compliance with the Ohio Administrative Code and Potential Remedial Actions for Non-Compliance*, Case No. 19-958-GE-COI (Aug. 30, 2019).

Palmco is actively working to respond to the discovery that has been served in this proceeding. To ensure that Palmco is able to provide the requested information in a timely manner, Palmco respectfully submits that the Commission has good cause under Ohio Administrative Code 4901-12(C) to consider and grant this motion on an expedited basis.

Dated: July 31, 2020

Respectfully submitted,

By: /s/ Matthew R. McGuire
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*Counsel for PALMco Energy OH, LLC and
PALMco Power Ohio, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion was served by electronic mail, upon the following parties of record, this 31st day of July, 2020.

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Summary: Motion Palmco Motion for Waiver of Rules Governing Disclosure of Customer Information, and Memorandum in Support electronically filed by Mr. Matthew R McGuire on behalf of PALMco Power OH, LLC; d/b/a Indra Energy; PALMco Energy OH, LLC, d/b/a Indra Energy