

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission's)	
Investigation into Palmco Power)	
OH, LLC, d/b/a Indra Energy and)	Case No. 19-2153-GE-COI
Palmco Energy OH, LLC d/b/a)	
Indra Energy's Compliance with)	
the Ohio Administrative Code and)	
Potential Remedial Action.)	

**MEMORANDUM CONTRA PALMCO'S MOTION TO ESTABLISH A
PROCEDURAL SCHEDULE
BY
THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO**

I. INTRODUCTION

The Public Utilities Commission of Ohio (PUCO or Commission) opened this case on March 11, 2020, due concerns raised by the Staff regarding Palmco Power OH, LLC, d/b/a Indra Energy and Palmco Energy OH, LLC d/b/a Indra Energy's (Palmco) provision of competitive gas and electric services in Ohio. On August 4, 2020, Palmco moved this Commission for a stay of these proceedings, pending resolution of Palmco's complaint in prohibition filed at the Ohio Supreme Court. Ohio Supreme Court Case No. 2020-0564. The PUCO filed a motion to dismiss that complaint and, on August 19, 2020, the Court granted the Commission's motion and dismissed the complaint.

On October 13, 2020, Palmco filed a Motion asking the Commission to establish a procedural schedule requesting that the Staff Report be filed on

November 16, 2020 and a hearing be held on December 6, 2020. However, Palmco's request is premature. Staff is still waiting on responses to data requests that have not been answered by Palmco and, accordingly, Staff's investigation is ongoing. Staff cannot complete its Staff Report until the investigation is finished.

Pursuant to Ohio Adm.Code 4901-1-12(B)(1), the Staff of the Commission timely files this Memorandum Contra and asks that the Commission deny Palmco's Motion. Staff requests that the Commission defer establishing a procedural schedule at this time.

II. ARGUMENTS

Palmco must provide requested information to Staff in a timely manner in order for the investigation to be complete and a Staff Report to be filed.

Understanding that this proceeding has been affected by the COVID 19 pandemic, responses from Palmco to Staff's data requests have been delayed. The Staff has remaining information requests that have not been provided by the Company. Staff is still waiting on a response from Palmco to a data request sent on August 3, 2020. The Ohio Administrative Code requires that Palmco provide this information to Staff. Ohio Adm.Code 4901:1-21-04 and 4901-29-04. Also, this case potentially involves many Ohio customers who have been impacted by Palmco's activities. The analysis of the impacts to such a large number of potential customers would have taken Staff longer than what Palmco is requesting as a date for Staff to file the Staff Report even if Palmco had provided all the information requested by

Staff. In order to produce a report, Staff must have adequate information and time to assimilate and analyze all the information it receives to complete its investigation and time to compile Staff's findings and recommendations into a Staff Report.

Additionally, in its Motion to Reestablish a Procedural Schedule, Palmco fails to set forth any rationale for why a procedural schedule is necessary at this stage. Palmco itself has caused significant delay in this proceeding through its inability to respond to Staff's data requests in a timely manner. Further, Palmco failed to explain the need for urgency in its suggested procedural schedule. As Palmco is no longer operating as a CRES or CRNGS provider in Ohio, Staff is unaware of any facts which support Palmco's Motion.

Accordingly, Staff requests that the Commission reject Palmco's Motion to Reestablish a Procedural Schedule that requests the Staff Report be filed on November 16, 2020 and a hearing held on December 6, 2020. At this time, due to incomplete responses to data requests and uncertainty regarding when Staff will receive the information necessary to complete its investigation, Staff is unable to provide an estimate of when it may be able to produce a Staff Report or participate in a hearing.

III. CONCLUSION

Many Ohio customers have contacted the PUCO to complain about Palmco's business practices. In order to fairly investigate these allegations, Staff must be able to have the time and information it needs to adequately and

thoroughly prepare its report to the Commission and proceed to hearing. The Commission should deny Palmco's motion and defer establishing a procedural schedule until the discovery disputes are resolved and Staff has completed its investigation.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was delivered via U.S. mail (postage prepaid), personal, or electronic mail delivery on this the 28th day of October 2020, to the following:

/s/ Jodi Bair

Jodi Bair

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Summary: Memorandum Contra Palmco's Motion to Establish a Procedural Schedule by The Staff of The Public Utilities Commission Of Ohio electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO