

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**PREFILED TESTIMONY
OF
ALLA MAGAZINER-TEMPESTA
RELIABILITY AND SERVICE ANALYSIS DIVISION
SERVICE MONITORING AND ENFORCEMENT DIVISION
PUBLIC UTILITIES COMMISSION OF OHIO**

STAFF EXHIBIT ____

January 5, 2021

1 1. Q. Please state your name and business address.

2 A. My name is Alla Magaziner-Tempesta. My business address is 180 E.
3 Broad Street, Columbus, Ohio 43215.
4

5 2. Q. By whom are you employed?

6 A. I am employed by the Public Utilities Commission of Ohio (PUCO or
7 Commission).
8

9 3. Q. What is your current position with the Commission and what are your
10 duties?

11 A. I am a Utility Specialist 2 in the Reliability and Service Analysis Division
12 (RSAD) of the Service Monitoring and Enforcement Department (SMED).
13 I am responsible for reviewing competitive retail natural gas service
14 (CRNGS) applications, analyzing company regulatory compliance, as well
15 as recommending competitive service quality and consumer protection
16 policies and rules for CRNGS providers, and supporting other competitive
17 industries in the division.
18

19 4. Q. Would you briefly state your educational background and work experience?

20 A. I have a Bachelor of Science degree in Environment and Natural Resources
21 from the Ohio State University and a Master of Business Administration
22 degree with a concentration in Finance from Ohio Dominican University. I

1 began employment at the PUCO in June of 1997 in the transportation
2 department. After being promoted to Senior Hazardous Material Specialist
3 my job duties included, but were not limited to, reviewing company cases
4 for compliance with regulations, assessing forfeitures and negotiating
5 settlements within the Compliance Division. I joined SMED in early 2016
6 as a Utility Specialist 2 in RSAD.

7
8 5. Q. What is the purpose of your testimony in this case?

9 A. The purpose of my testimony is to support the Stipulation and
10 Recommendation (Stipulation) filed in this case on December 21, 2020 by
11 showing that it meets the Commission's three-part test for determining a
12 Stipulation's reasonableness.

13
14 6. Q. What is the Commission's three-part test for determining the
15 reasonableness of a Stipulation?

16 A. A Stipulation before the Commission must: (i) be the product of serious
17 bargaining among capable, knowledgeable parties; (ii) as a package, benefit
18 ratepayers and the public interest; and (iii) not violate any important
19 regulatory principle or practice.

20
21 7. Q. Do you believe the Stipulation filed in this case is the product of serious
22 bargaining among capable, knowledgeable parties?

1 A. Yes. The agreement is the result of an open process during which all parties
2 were given an opportunity to participate and did so while being represented
3 by able counsel experienced in matters before the Commission. The
4 Stipulation also represents a comprehensive compromise of the issues
5 raised by parties with diverse interests. Overall, I believe that the
6 Stipulation presents a fair and reasonable result.

7
8 8. Q. In your opinion, does the Stipulation, as a package, benefit consumers and
9 the public interest?

10 A. Yes. The Stipulation, as a package, benefits consumers and the public
11 interest, and represents a just and reasonable resolution of all issues in the
12 proceeding. The Stipulation is in the public interest for the following
13 reasons:

- 14 • SFE Energy Ohio, Inc and Statewise Energy Ohio, LLC
15 (collectively, “the Companies”) suspended all marketing and
16 customer enrollment activities in Ohio on June 30, 2020 and agree to
17 continue this suspension until March 15, 2021, for a total of more
18 than eight (8) months. This benefits consumers and the public
19 interest because it eliminated the possibility of harm to new
20 customers during the suspension period from the Companies’
21 conduct, as alleged in this proceeding. It also gives the Companies
22 time to evaluate their marketing and enrollment practices, as well as

1 their quality assurance plans to prevent future violations of the
2 Commission's rules.

- 3
4 • The Companies will submit directly to Staff for review and comment
5 a compliance plan for resuming and conducting residential
6 marketing and enrollment activity in Ohio, and any door-to-door
7 marketing and enrollment to small commercial and mercantile gas
8 and electric customers in Ohio by January 15, 2020, which will
9 outline the enrollment practices, auditing process for enrollments,
10 and other corrective actions the Companies will implement to
11 address the issues noted in the Staff Report filed in this case on
12 October 13, 2020. This benefits the public interest because it ensures
13 that the Companies will have processes in place to prevent future
14 systematic violations of the Commission's rules, like the ones
15 alleged in this proceeding. The Companies will agree to monitor and
16 make modifications to the compliance plan if needed for additional
17 oversight of all marketing and enrollment practices and update Staff
18 of all changes.

- 1 • The Companies will re-rate¹ all retail electric and natural gas
2 residential customers enrolled by the Companies in Ohio through
3 vendor iMarket Global, Inc. or 616 Marketing Consultants between
4 January 1, 2020 and June 30, 2020. This re-rate will result in
5 restitution payments to Ohio consumers of approximately \$105,000
6 in the aggregate. This directly benefits the public interest because it
7 ensures this class of customers impacted by these third-party vendors
8 contracted by the Companies will receive restitution.
9
- 10 • The Companies will audit vendors Synegence LLC and Southeast
11 Energy Consultants LLC for the time period from November 1, 2019
12 through June 26, 2020 and re-rate customers who were enrolled by
13 misleading and deceptive sales practices. The Companies will
14 provide the audit results to the Signatory Parties within fifteen (15)
15 days of completion of the audit. Those customers that are re-rated as
16 a result of the audit will be notified by the Companies in a re-rate
17 notice of the customers' right to terminate, at no cost or penalty,
18 their contracts with the Companies. This benefits consumers and the
19 public interest not only by providing restitution to customers who
20 were enrolled by the use of misleading and deceptive sales practices,

¹ As used in this testimony, "re-rate" has the same meaning as that term is defined in footnote two on page six of the Stipulation.

1 but also by providing customers with additional information so they
2 can make informed decisions about who will supply their electric or
3 natural gas commodity service.

- 4
5 • The Companies will send a notice, attached to the filed stipulation
6 (Exhibit A), to: (1) all customers enrolled in Ohio from November 1,
7 2019 to June 26, 2020, and (2) all customers enrolled on a hybrid
8 plan and/or daily rate plan regardless of their enrollment date. The
9 notice informs customers that Commission Staff alleged that the
10 Companies engaged in misleading enrollment practices that
11 impacted customers during their enrollment with the Companies and
12 provides customers the right to cancel their contracts with the
13 Companies without penalty. This will benefit consumers and the
14 public interest because it informs consumers about the PUCO Staff's
15 concerns, making them aware of potential issues and allowing
16 consumers to make more informed decisions regarding their electric
17 or natural gas commodity supply service. It also benefits consumers
18 because it provides them with the opportunity to cancel their
19 contracts with the Companies without being subject to a penalty or
20 early termination fee, a benefit these consumers would not
21 necessarily have in the absence of this Stipulation.
22

- The Companies will provide restitution in the form of re-rates to all customers that complained to the Commission’s call center or the Companies and were enrolled² during the period of January 1, 2020 and the December 21, 2020. Additionally, the Companies will re-rate customers that complain to the Commission’s call center from December 21, 2020 through the date that is forty-five (45) days after the date the notice is sent under Paragraph III (5) of the Stipulation. The Companies will provide to the Signatory Parties the amount of this re-rate total and customer names. These customers will also receive a re-rate notice from the Companies, informing them of their right to terminate, at no cost or penalty, their contracts with the Companies. This benefits consumers and the public interest because it provides restitution to consumers who complained to the Companies and the PUCO call center during the above-described time frame, without the need for additional action from these customers. Also, it allows additional customers to address issues they may have with their supply service during the specified time period. Further, it provides them with the added benefit of being able to terminate their contract with the Companies without paying an early termination fee or penalty. It also gives consumers information

² As used here, “enrolled” has the same meaning as that term is defined in footnote four on page seven of the Stipulation.

1 they can use to make more informed decisions about their electric
2 and natural gas supply service.

- 3
4 • The Companies will terminate offering the hybrid plan and/or daily
5 rate plan until authorized by the Commission. This class of
6 customers, upon terminations of their current contracts, will not
7 renew to another contract term under the hybrid and/or daily rate
8 plan unless this offering has been authorized by the Commission in a
9 separate proceeding. This will prevent any further consumer
10 confusion about this particular plan offering while still providing the
11 Companies with the opportunity to seek Commission approval to
12 offer this type of plan in the future. This benefits the public because
13 it helps prevent consumer confusion, and promotes the public's
14 interest in encouraging cooperation amongst Staff and the
15 Companies to reach efficient regulatory outcomes.

- 16
17 • When the Companies resume residential marketing and enrollment
18 in Ohio, the Companies agree to retain recordings of all sales calls in
19 Ohio that result in enrollment of residential customers for gas and/or
20 electric service, and to provide Staff with copies of such recordings
21 upon request. This benefits consumers and the public interest by

1 ensuring Staff has all the required information to confirm that
2 compliance with the State regulations is maintained.

- 3 • The Companies will pay a forfeiture of \$174,000 to the State of
4 Ohio.
- 5 • The Companies will re-rate customers enrolled in November and
6 December 2019 who contact the Commission call center and/or the
7 Companies with a complaint within four months after the date the
8 Commission approves the Stipulation. These additional re-rates will
9 be issued up to a total of \$26,000 for the stated time period. If less
10 than \$26,000 is paid by the Companies collectively for re-rates in the
11 four-month period following approval of this Stipulation, the
12 remaining amount will be paid to the Commission as an additional
13 forfeiture. This benefits customers because it ensures that an
14 additional class of customers are eligible for re-rates.

15 9. Q. Will customers of SFE and Statewise that feel they have been impacted by
16 any of the identified issues outside of the class of customers addressed in
17 the stipulation have a method of seeking clarification and/or recourse if
18 necessary?

19 A. Yes, all consumers in Ohio have the ability to addresses their concerns and
20 issues through the regular PUCO call center and formal complaint process
21 as well as the Company channels for resolutions.
22

1 10. Q. Does the Stipulation violate any important regulatory principle or practice?

2 A. No. Based on my regulatory knowledge and experience, involvement in this
3 proceeding, and review of the Stipulation, I believe that the Stipulation
4 complies with all relevant and important principles and practices. As
5 demonstrated in this case, all of the alleged violations have been or will be
6 resolved, thereby following the Commission's regulatory principles and
7 practices.

8
9 11. Q. Is Staff recommending adoption of the Stipulation by the Commission?

10 A. Yes. Staff believes that the Stipulation represents a fair and reasonable
11 compromise between the parties and provides a fair resolution for all Ohio
12 consumers.

13
14 12. Q. Does this conclude your testimony?

15 A. Yes, it does. However, I reserve the right to supplement my testimony or
16 file rebuttal testimony, as new information becomes subsequently available
17 or in response to positions taken by other parties.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Foregoing **Prefiled Testimony of Alla Magaziner-Tempesta**, submitted on behalf of the Staff of the Public Utilities Commission of Ohio, was served via electronic mail upon the following parties of record, this 5th day of January, 2021.

/s/ Jodi J. Bair

Jodi J. Bair

Assistant Attorney General

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**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of The Commission's
Investigation into SFE Energy Ohio, Inc.
and Statewise Energy Ohio, LLC's
Compliance with the Ohio Revised Code
and Ohio Administrative Code and
Potential Remedial Action

CASE NO. 20-1216-GE-COI

JOINT STIPULATION AND RECOMMENDATION

I. Introduction.

SFE Energy Ohio, Inc. (SFE) and Statewise Energy Ohio, LLC (Statewise) are certified by the Public Utilities Commission of Ohio (Commission) to supply competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) pursuant to Chapters 4928 and 4929 of the Ohio Revised Code, and are subject to the jurisdiction of the Commission.

On June 30, 2020, Staff of the Commission's Service Monitoring and Enforcement Department (Staff) filed a letter on this docket (Staff Letter) indicating that Staff was investigating the marketing, sales, and enrollment practices of SFE and Statewise. In the Staff Letter, Staff identified 49 customer contacts regarding SFE's provision of CRES and CRNGS, and 76 contacts regarding Statewise's provision of CRES and CRNGS, between January 1, 2020 and June 26, 2020. Staff also identified two video recorded instances of a possible violation of the Commission's June 17, 2020 Entry

allowing CRES and CRNGS marketers to resume door-to-door marketing in Case No. 20-591-AU-ORD. In light of these potential non-compliance issues, Staff recommended the opening of a Commission Ordered Investigation.

On July 1, 2020, the Commission entered an Order opening this investigation (Investigation) and directing SFE and Statewise to elect one of the three options by July 6, 2020: (1) provide notice accepting the voluntary suspensions of their CRES and CRNGS certifications; (2) request a hearing regarding the issues raised in the Entry; or (3) provide notice that SFE and Statewise intend to file a written response in lieu of a hearing. By notice filed on July 6, 2020, SFE Energy and Statewise Energy elected to proceed to a hearing. On July 15, 2020, upon consideration of a joint motion for an extension of case deadlines filed by Staff, SFE Energy, and Statewise on July 14, 2020, the Commission directed SFE Energy and Statewise to: (1) cease all marketing and enrollments of residential gas and electric customers; (2) cease all door-to-door marketing to small commercial and mercantile gas and electric customers; and (3) comply with all other representations made in the joint motion until further ordered by the Commission. Further, the Commission vacated the July 20, 2020 show cause hearing and instructed the attorney examiners to establish a new procedural schedule. On September 28, 2020, the attorney examiners established a new procedural schedule, subsequently amended by entries dated October 23, 2020, November 23, 2020, and December 7, 2020. On October 13, 2020, Staff filed a Report (“Staff Report”) in this Investigation, which was corrected via letter filed on October 21, 2020.

Staff, the Office of the Ohio Consumers' Counsel ("OCC"), SFE and Statewise have since engaged in settlement discussions in an effort to reach a mutually acceptable and comprehensive resolution that would address the concerns raised in the Staff Letter, the Investigation, the Staff Report, and the Commission's July 1, 2020 Order. As a result of these negotiations, Staff, OCC, SFE and Statewise hereby enter into this Joint Stipulation and Recommendation (Stipulation). This Stipulation sets forth the agreement reached between Staff, OCC, SFE and Statewise, each of whom is a "Signatory Party" and together constitute the "Signatory Parties," regarding compliance with the Ohio Administrative Code and potential remedial actions for alleged non-compliance as outlined in the Staff Letter, the Staff Report, and the July 1, 2020 Commission Order filed in this matter. The Stipulation is not an admission or finding of liability,¹ and is entered into without prejudice to the positions the Signatory Parties may have taken in the absence of the Stipulation, or may take in the event the Commission does not approve this Stipulation. If approved by the Commission, the Stipulation resolves all of the issues raised in this Investigation, including the Staff Letter, the Staff Report, and the July 1, 2020 Commission Order.

Although the Signatory Parties recognize that this Stipulation is not binding upon the Commission, the Signatory Parties respectfully submit that the Stipulation is supported by the record, and that it represents a just and reasonable resolution of all the issues involved in the Investigation, violates no regulatory principle or precedent, and is

¹ With the exception of the violations of Ohio Adm.Code 4901:1-21-05(C) and 4901:1-29-05(D)(5) identified in paragraphs IV(8) and IV(9) on page 8 of the Staff Report relating to the incidents on June 24 and 26, 2020, described in paragraph 1 on page 1 of the Staff Report.

in the public interest. The Signatory Parties represent that the Stipulation is the product of serious and intensive negotiations among knowledgeable parties, and that the Stipulation represents a compromise involving a balancing of those interests, and does not necessarily reflect the position that any one of the Signatory Parties would have adopted if this matter had been fully litigated. The primary objective of this Stipulation is to avoid, to the extent reasonably possible, the potential for future customer complaints resulting from marketing, solicitation, and customer enrollment practices by SFE and Statewise to consumers of power and gas in Ohio.

The Signatory Parties fully support this Stipulation and urge the Commission to accept and approve the terms found below.

II. Recitals.

WHEREAS, SFE is an electric services company as defined in R.C. 4928.01 and a retail natural gas supplier as defined in R.C. 4929.01; is certified to provide competitive retail electric service under R.C. 4928.08 and to supply competitive retail natural gas service under R.C. 4929.20; and is subject to the jurisdiction of the Commission pursuant to R.C. 4928.16 and R.C. 4929.24;

WHEREAS, Statewise is an electric services company as defined in R.C. 4928.01 and a retail natural gas supplier as defined in R.C. 4929.01; is certified to provide competitive retail electric service under R.C. 4928.08 and to supply competitive retail natural gas service under R.C. 4929.20; and is subject to the jurisdiction of the Commission pursuant to R.C. 4928.16 and R.C. 4929.24;

WHEREAS, on June 30, 2020, Staff filed the Staff Letter on this docket indicating that Staff was investigating the marketing, sales, and enrollment practices of SFE and Statewise and recommending the opening of an investigation;

WHEREAS, on July 1, 2020, the Commission entered an Order opening this Investigation;

WHEREAS, on October 13, 2020, Staff filed the Staff Report in this Investigation, which was corrected via letter filed on October 21, 2020; and

WHEREAS, Staff, OCC, SFE and Statewise engaged in serious and intensive settlement negotiations to address the issues raised in the Investigation, the Staff Letter, and the Staff Report, and have reached a resolution of all of those issues.

NOW, THEREFORE, in consideration of the terms and mutual promises set forth herein, the Signatory Parties hereby agree, as follows:

III. Joint Recommendation of Signatory Parties.

The Signatory Parties agree that, for purposes of settlement, the Commission should approve this Stipulation without modification as set forth herein:

1. As of June 30, 2020, both SFE and Statewise voluntarily ceased all residential marketing and customer enrollment activities in Ohio, including any door-to-door or other in-person residential marketing and customer enrollment, as represented to the Commission in the notice filed in this matter on July 6, 2020. As reflected in the Commission's Order dated July 15, 2020, SFE and Statewise also ceased all door-to-door marketing to small commercial and

mercantile gas and electric customers in Ohio. The Signatory Parties agree that this suspension by SFE and Statewise of all residential marketing activities and new customer enrollment in Ohio, and of all door-to-door marketing to small commercial and mercantile gas and electric customers in Ohio, will continue until March 15, 2021, for a total of more than eight (8) months, if SFE and Statewise submit an acceptable compliance plan to Staff. SFE and Statewise may continue to serve their existing customers in Ohio during this suspension. If this Stipulation has been filed on the case docket in this Investigation but the Commission has not yet approved this Stipulation by March 15, 2021, SFE and Statewise may commence all residential marketing activities and new customer enrollment in Ohio, and all door-to-door marketing and enrollment to small commercial and mercantile gas and electric customers in Ohio, on a provisional basis pending approval of this Stipulation by the Commission.

2. By not later than January 15, 2021, SFE and Statewise will submit directly to Staff for review and comment a compliance plan for resuming and conducting residential marketing and enrollment activity in Ohio, and any door-to-door marketing and enrollment to small commercial and mercantile gas and electric customers in Ohio, that addresses the enrollment practices, auditing process for enrollments, and other corrective actions SFE and Statewise will take to

address the issues noted in the Staff Report.² In the compliance plan, SFE and Statewise agree to provide to Staff:

- a. A list of vendors retained since January 1, 2020 by SFE and Statewise to perform Ohio outbound telemarketing and door-to-door marketing in Ohio; and
 - b. A plan for coming into compliance with the Commission's Entries in the Door-to-Door marketing Case No. 20-591-AU-ORD, and applicable local and state health guidelines and directives in the State of Ohio in relation to the COVID-19 pandemic. The compliance plan will include 100% touchless enrollment and photographic documentation of required face coverings by independent sales representatives at the point of sale so long as the Ohio Department of Health's social distancing requirements and mask mandates remain in place.
 - c. The compliance plan will also address training, oversight, and supervision of all Ohio vendors and their independent sale representatives.
3. After approval of this Stipulation by the Commission, SFE and Statewise will rerate³ all retail electric and natural gas residential customers enrolled by SFE

² By agreeing to the terms of this Stipulation, OCC does not concede that any such compliance plan is necessarily sufficient to adequately protect customers from the type of conduct alleged in the Staff Report and reserves all rights to address any deficiencies in the compliance plan, as appropriate, in a future proceeding.

³ "Re-rate" means SFE and Statewise will calculate the difference between the rate it charged to the customer, including any fees, and the rate the customer would have paid to the applicable utility under the utility's standard service offer or default rate, and refund or credit the difference to the customer.

or Statewise in Ohio through vendors iMarket Global, Inc. or 616 Marketing Consultants from January 1, 2020 through June 30, 2020. This re-rate will result in restitution payments to Ohio consumers of approximately \$105,000 in the aggregate.

4. After approval of this Stipulation by the Commission, SFE and Statewise will perform an audit of the vendors Synegence LLC and Southeast Energy Consultants LLC for the time period from November 1, 2019 through June 26, 2020 and re-rate customers who were enrolled by misleading and deceptive sales practices. SFE and Statewise shall provide the audit⁴ results to the Signatory Parties within fifteen (15) days of completion of the audit. Those customers that are re-rated under this paragraph shall be notified by SFE or Statewise in the re-rate notice of their right to terminate, at no cost or penalty, their contracts with SFE or Statewise.
5. After approval of this Stipulation by the Commission, SFE and Statewise will provide notice to (i) all customers enrolled from November 1, 2019 to June 26, 2020, and (ii) all customers enrolled on a hybrid plan and/or daily rate plan regardless of their enrollment date, that Commission Staff has alleged that SFE and Statewise engaged in misleading enrollment practices that impacted the customer during their enrollment and that customers may cancel their contracts

⁴ Including examples of calls. SFE and Statewise will provide Staff with any requested calls and/or documents associated with the audit.

with SFE or Statewise without penalty. The form of the notice agreed to by the Signatory Parties is attached as Exhibit A.

6. After approval of this Stipulation by the Commission, SFE and Statewise will provide restitution in the form of re-rates to all customers that complained to the Commission's call center or SFE or Statewise and were enrolled⁵ during the period of January 1, 2020 and the date of the signing of this Stipulation. SFE and Statewise will also provide restitution in the form of re-rates to all SFE or Statewise customers that complain to the Commission's call center at any time from the date of the signing of this Stipulation through the date that is forty-five (45) days after the date of the notice sent pursuant to Paragraph III(5) of this Stipulation. SFE and Statewise shall provide to the Signatory Parties the amount of this re-rate total and customer names. Restitution shall take place within 30 days of the Commission's Order adopting this Stipulation for customers that complained prior to such Order. For customers complaining after the Order, such customers shall receive restitution within 30 days after the date of their complaint. In the re-rate notice, these customers shall also be notified of their right to terminate, at no cost or penalty, their contracts with SFE or Statewise.
7. Upon the execution of this Agreement, SFE and Statewise will terminate offering the hybrid plan and/or daily rate plan until authorized by the

⁵ Enrolled is defined as the time when the gas and/or electricity begins to flow with SFE or Statewise and SFE or Statewise bills for the service.

Commission. Upon expiration of the current term for those customers enrolled with SFE or Statewise under a hybrid plan and/or daily rate plan, SFE and Statewise agree not to renew the customer for another hybrid plan and/or daily rate plan unless and until the Commission authorizes SFE and/or Statewise to offer the hybrid plan and/or daily rate plan in a separate proceeding. The Signatory Parties reserve all rights with respect to any position they might take in such separate proceeding.

8. Commencing on the restart of residential marketing and enrollment in Ohio under the terms of this Stipulation, SFE and Statewise agree to retain recordings of all sales calls in Ohio that result in enrollment of residential customers for gas and/or electric service, and SFE and Statewise agree to provide Staff with copies of such recordings upon request.
9. SFE and Statewise collectively agree to pay a total forfeiture of \$174,000.00. Upon approval of this Stipulation by the Commission, SFE Energy and Statewise Energy agree to submit payment, by certified check, money order or wired funds made payable to “Treasurer, State of Ohio,” to:

Public Utilities Commission of Ohio
Attn: Fiscal Division
180 E. Broad Street
Columbus, Ohio 43215-3793

Payment shall be paid within thirty (30) days of the entry approving this Stipulation and shall note the docket number assigned to the matter.

10. After approval of this Stipulation by the Commission, SFE and Statewise will re-rate any customers enrolled in November or December 2019 who submit a complaint either to the Commission or to SFE or Statewise up to a total of \$26,000 in re-rates. Re-rates will be available to any such customers who call to complain within four months after the date of the approval of this Stipulation by the Commission. If less than \$26,000 is paid by SFE and Statewise collectively for re-rates to these customers in the four-month period following approval of this Stipulation, the remaining amount will be paid to the Commission as an additional forfeiture by the method set forth in Paragraph III(9) within thirty (30) days of the end of that four-month period. After this time period, customer issues shall be addressed through the regular PUCO and Company channels for resolutions.

IV. Except for purposes of enforcement of the terms of this Stipulation, neither this Stipulation, nor the information and data contained therein or attached, shall be cited as precedent in any future proceeding for or against any Signatory Party or the Commission itself. This Stipulation is a reasonable compromise involving a balancing of competing positions and it does not necessarily reflect the position that one or more of the Signatory Parties would have taken if these issues had been fully litigated.

V. The Signatory Parties believe that this Stipulation represents a reasonable compromise of varying interests. This Stipulation is expressly conditioned upon its adoption by the Commission in its entirety and without material modification.

Each Signatory Party has the right, in its sole discretion, to determine whether the Commission's approval of this Stipulation constitutes a "material modification" thereof. Should the Commission reject or materially modify all or any part of this Stipulation, the Signatory Parties shall have the right, within thirty days of issuance of the Commission's Order, to file an application for rehearing or to terminate and withdraw from the Stipulation by filing a notice with the Commission in this proceeding and serving all Signatory Parties. Should the Commission, in issuing an entry on rehearing, not adopt the Stipulation in its entirety and without material modification, any Signatory Party may terminate and withdraw from the Stipulation by filing a notice with the Commission within 30 days of the Commission's entry on rehearing. Upon notice of termination or withdrawal by any Signatory Party, pursuant to the above provisions, the Stipulation shall immediately become null and void. In such event, this proceeding shall go forward at the procedural point at which this Stipulation and Recommendation was filed, and the parties will be afforded the opportunity to present evidence through witnesses, cross-examine all witnesses, present rebuttal testimony, and brief all issues which shall be decided based upon the record and briefs as if this Stipulation had never been executed.

- VI.** The Signatory Parties will support the Stipulation if the Stipulation is contested, and no Signatory Party will oppose an application for rehearing designed to defend the terms of this Stipulation. If the Stipulation is adopted by the Commission, the Signatory Parties will support the Stipulation in any appeal of the decision.

WHEREFORE, the Signatory Parties agree and recommend this 21st day of December, 2020 that the Commission find that the Stipulation represents a reasonable resolution of this matter, that the Stipulation should be adopted and approved.

Respectfully submitted,

Dave Yost
Attorney General

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(willing to accept service by e-mail)

*Counsel for the Office of the
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Exhibit A

Agreed Form of Customer Notice Under Paragraph III(5) of the Stipulation

[DATE]

Dear [NAME],

[COMPANY] recently or currently serves as your supplier of electricity and/or natural gas. We are committed to keeping our valued customers informed about our services. Our company settled a case before the Public Utilities Commission of Ohio in which Commission Staff alleged that our company engaged in misleading enrollment practices that impacted customers during their enrollment with us. Though we disagreed with most of these allegations, we settled the case in order to continue focusing on delivering excellent service to our customers.

As part of that settlement, if we are your current supplier, you may cancel your contract with us without penalty and either return to utility default service or select another competitive supplier.

If you have any questions about this notice or our service, or if you wish to cancel your electricity and/or natural gas service with us, you may contact our dedicated customer care team at [TOLL FREE PHONE] or by email at [EMAIL]. You can also ask to be returned to your local utility's competitive standard offer rate by calling the utility's customer service department directly. You may contact the Public Utilities Commission of Ohio directly at 1-800-686-7826 (toll free) from eight a.m. to five p.m. weekdays, or at <http://www.puco.ohio.gov>. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio relay service).

Finally, if you have questions about this notice, you may contact the Office of the Ohio Consumers' Counsel, which is the State's residential consumer advocate, at (877) 742-5622 or by email at occ@occ.ohio.gov.

Thank you for the opportunity to serve your energy needs!

Warm Regards,

Jeffrey Donnelly
Director, Regulatory Affairs & Compliance

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in

Case No(s). 20-1216-GE-COI

Summary: Stipulation Joint Stipulation and Recommendation electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO

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in

Case No(s). 20-1216-GE-COI

Summary: Testimony Prefiled Testimony of Alla Magaziner-Tempesta Reliability and Service Analysis Division Service Monitoring and Enforcement Division Public Utilities Commission of Ohio electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO