

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
ELECTRIC CHOICE, INC. FOR
CERTIFICATION AS A COMPETITIVE
RETAIL SERVICE ELECTRIC PROVIDER.

CASE NO. 20-408-EL-AGG

FINDING AND ORDER

Entered in the Journal on April 21, 2021

I. SUMMARY

{¶ 1} The Commission dismisses Electric Choice, Inc.'s application for certification as a competitive retail generation provider because the company failed to file a complete application.

II. DISCUSSION

{¶ 2} R.C. 4928.08 provides that competitive retail electric service (CRES) providers must be certified by the Commission. Pursuant to R.C. 4928.08 and Ohio Adm.Code 4901:1-24-10, an application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. If the application is suspended, R.C. 4928.08 provides that the Commission shall act to approve or deny the application within 90 days after the date of suspension.

{¶ 3} On February 20, 2020, as revised on March 2, 2020, March 13, 2020, March 20, 2020, and April 3, 2020, Electric Choice, Inc. filed an application to become a CRES broker in Ohio.

{¶ 4} By Entry issued June 8, 2020, the attorney examiner suspended Electric Choice, Inc.'s application from the 30-day automatic approval process, pursuant to Ohio Adm.Code 4901:1-24-10.

{¶ 5} Pursuant to R.C. 4928.08, the Commission reviews applications to determine if the applicant has the managerial, technical, and financial capability to provide CRES, and if there are reasonable financial assurances sufficient to protect customers and electric and natural gas companies from default.

{¶ 6} On October 20, 2020, Staff filed its review and recommendations in this case. Staff states that the application, as filed, did not include all the necessary information to complete a thorough review of Electric Choice, Inc.'s ability to provide CRES in Ohio. Staff notes that the additional information docketed on March 2, 2020, March 13, 2020, March 20, 2020, and April 3, 2020, did not include all necessary information to complete the application. Staff adds that there has been no additional information filed in the docket following suspension of the case; therefore, the application is incomplete. Staff recommends dismissal of the application.

{¶ 7} Upon review of Electric Choice, Inc.'s application and Staff's recommendation, the Commission finds that the company has not provided the information necessary for a complete assessment of its application. Pursuant to our authority under R.C. 4928.08, the Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to function as a CRES provided to customers. We have reviewed Electric Choice, Inc.'s application and we agree that, because the application is not complete, Staff cannot fully review the company's request to operate as a CRES provider. Furthermore, without such an evaluation, Staff cannot make a recommendation to the Commission regarding whether Electric Choice, Inc. has the capability of providing competitive generation services in Ohio. Therefore, the Commission finds that Electric Choice, Inc.'s application for certification as a CRES provider of generation services should be dismissed without prejudice.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Electric Choice, Inc.'s application for certification as a CRES provider be dismissed without prejudice. It is, further,

{¶ 10} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JML/hac

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Case No(s). 20-0408-EL-AGG

Summary: Finding & Order dismissing Electric Choice, Inc.'s application for certification as a competitive retail generation provider because the company failed to file a complete application. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio