**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

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| In the Matter of the Application of Santanna Natural Gas Corporation d/b/a Santanna Energy Services for Waivers of Certain Provisions of Ohio Adm. Code Chapters 4901:1-21 and 4901:1-29, to Permit Electronic Enrollment and Third-Party Verification by Digital Confirmation. | )  )  )  )  )  )  )  ) | Case No. 23-171-GE-WVR |

**MEMORANDUM CONTRA SANTANNA’S MOTION TO EXTEND THE DEADLINES TO FILE COMMENTS REGARDING ITS REQUESTED WAIVER FROM CONSUMER PROTECTION RULES**

**BY**

**OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Marketer Santanna wants to be exempt from certain consumer protection rules.[[1]](#footnote-2) The PUCO adopted the rules to protect consumers from marketers. The rules are important to protect Ohioans from “slamming” in door-to-door marketing. Slamming is when marketers illegally switch a consumer’s marketer without proper consent.

On April 13, 2023, the Attorney Examiner issued an Entry in this case “invit[ing] interested stakeholders to file comments” by May 15, 2023, and reply comments by May 31, 2023. The Attorney Examiner also directed that motions to intervene be filed by May 15, 2023.

On May 11, 2023 (at the end of the business day) Santanna filed a Motion to Extend the comment dates by *three and a half weeks*. Santanna did not seek (but should have sought) a corresponding extension in the intervention deadline. Santanna’s motion for extension should be denied for lacking good cause.

To begin and as stated, Santanna’s motion seeks an extension for filing the comments, but fails to seek a similar extension for filing motions to intervene. Santanna’s motion would therefore prejudice other interested stakeholders who may seek intervention. If the PUCO grants Santanna’s motion for extension (which it should not), the PUCO should also extend the deadline for motions to intervene to correspond with the new date for initial comments.

Further, there is no reason why marketer Santanna’s application cannot be addressed in comments on the PUCO’s current timeline. On its face, Santanna’s application (even as amended) fails to state “good cause”[[2]](#footnote-3) for waiving the consumer protection rules.

Santanna claims that its proposed extension is necessary to “provide interested parties in this case with additional time to exchange relevant information and engage in more meaningful settlement discussions.”[[3]](#footnote-4) That is not true. Keeping the current procedural schedule does not at all preclude Santanna from continuing discussions with other parties in this matter. Filing comments will also help clarify the positions of the parties and interested stakeholders, which will make any future discussions more meaningful, efficient, and productive. Further, Santanna’s interactions with OCC have not been hallmarked by cooperation or “meaningfulness.” And the filing of comments sooner rather than later will make the proceeding more transparent to the public.

Finally, prolonging discussions regarding Santanna’s request to be exempt from consumer protection rules in the attempt to cure Santanna’s deficient waiver application is an unnecessary strain on the resources of all parties involved. Indeed, there is already a pending rulemaking proceeding at the PUCO where issues regarding marketers’ use of digital/electronic consumer enrollments and verifications are being considered.[[4]](#footnote-5) Issues regarding Santanna’s waiver request are more appropriately addressed in a rulemaking proceeding with industry-wide applicability in the first place.

There should not be an excess expending of state resources on Santanna’s request to *weaken* the PUCO-adopted rules protecting consumers from misleading and deceptive marketing practices. Instead, the PUCO should use its resources to *strengthen* energy marketing rules to protect consumers.

For these reasons and lacking good cause, the PUCO should deny Santanna’s motion to extend the deadlines to file initial and reply comments. If the PUCO does extend the comment filing deadlines, the deadline for motions to intervene should also be extended to correspond with the new initial comment date.

Respectfully submitted,

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Ohio Consumers’ Counsel

*/s/ Angela D. O’Brien*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Memorandum Contra Santanna’s Motion to Extend the Deadlines to File Comments Regarding Its Requested Waiver from Consumer Protection Rules was served on the persons stated below via electronic transmission, this 12th day of May 2023.

*/s/* *Angela D. O’Brien*

Angela D. O’Brien

Assistant Consumers’ Counsel

The PUCO’s e-filing system will electronically serve notice of the filing of this document on the following parties:

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1. Santanna Amended Application (April 12, 2023), at ¶ 12. [↑](#footnote-ref-2)
2. O.A.C. 4901:1-21-02(C) and O.A.C. 4901:1-29-02(C). [↑](#footnote-ref-3)
3. Santanna Motion for Extension, at 1. [↑](#footnote-ref-4)
4. *See*, *In the Mater of the Commission’s Review of Ohio Adm.Code Chapters 4901:1-21, 4901:1-23, 4901:1-24, 4901:1-27, 4901:1-28, 4901:1-29, 4901:1-30, 4901:1-31, 4901:1-32, 4901:1-33 and 4901:1-34 Regarding Rules Governing Competitive Retail Electric Service and Competitive Retail Natural Gas Service*, Case No. 17-1843-EL-ORD and Case No. 17-1845-GA-ORD. [↑](#footnote-ref-5)