

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
UNITED ENERGY TRADING, LLC D/B/A
KRATOS GAS AND POWER FOR WAIVER OF
THE AUDIO RECORDING REQUIREMENTS IN
OHIO ADM.CODE 4901:1-29-06(E)(1).

CASE NO. 16-853-GA-WVR

ENTRY

Entered in the Journal on August 26, 2016

I. SUMMARY

{¶ 1} The Commission grants the request of United Energy Trading, LLC d/b/a Kratos Gas and Power to withdraw its application for a waiver from the audio recording requirements in Ohio Adm.Code 4901:1-29-06(E)(1).

II. DISCUSSION

{¶ 2} United Energy Trading, LLC d/b/a Kratos Gas and Power (KGP) is a retail natural gas supplier as defined in R.C. 4929.01, is certified to provide competitive retail natural gas service under R.C. 4929.20, and is subject to the jurisdiction of this Commission pursuant to R.C. 4929.24.

{¶ 3} On April 21, 2016, KGP filed an application for a waiver from Ohio Adm.Code 4901:1-29-06(E)(1), which requires a retail natural gas supplier, when enrolling a customer telephonically, to make a date- and time-stamped audio recording of the sales portion of the call, if the customer is enrolled, and before the completion of the enrollment process, a date- and time- stamped audio recording by an independent third-party verifier that verifies a number of specific items. In the application, KGP noted that, pursuant to Ohio Adm.Code 4901:1-29-06(D)(6)(b), a retail natural gas supplier enrolling customers through door-to-door solicitation must provide for an independent third-party verification conducted in accordance with Ohio Adm.Code 4901:1-29-06(E)(1). In support of its waiver request, KGP explained that it planned to

contract with an outside vendor to provide a web-based third-party verification process for its enrollment of customers through door-to-door solicitation. KGP asserted that the requirement in Ohio Adm.Code 4901:1-29-06(E)(1) that an audio recording of the third-party verification process be made does not contemplate the use of a mobile internet protocol system, which, according to KGP, is commonplace across industries.

{¶ 4} On May 19, 2016, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding. No memoranda contra were filed. The Commission finds that OCC's motion is reasonable and should be granted.

{¶ 5} Comments opposing KGP's waiver request were filed by Interstate Gas Supply, Inc. and OCC on May 6, 2016, and July 18, 2016, respectively.

{¶ 6} On August 1, 2016, KGP filed a letter requesting that its application for a waiver of Ohio Adm.Code 4901:1-29-06(E)(1) be withdrawn. In the letter, KGP states that it did not anticipate opposition to its waiver request and that it is not prepared to incur the expense associated with a contested proceeding. Further, KGP states that it will continue to comply with the Commission's rules.

{¶ 7} The Commission finds that KGP's request to withdraw its application for a waiver of Ohio Adm.Code 4901:1-29-06(E)(1) is reasonable and should be granted. Accordingly, Case No. 16-853-GA-WVR should be closed of record.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That OCC's motion to intervene be granted. It is, further,

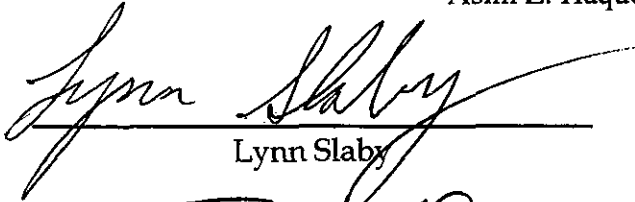
{¶ 10} ORDERED, That KGP's request to withdraw its application be granted and that Case No. 16-853-GA-WVR be closed of record. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

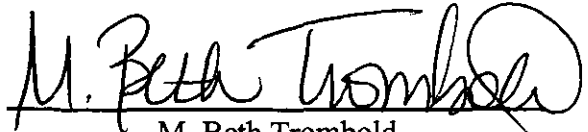
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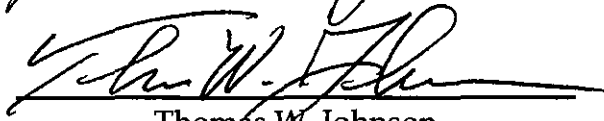
Asim Z. Haque, Chairman



Lynn Slaby



M. Beth Trombold



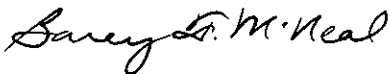
Thomas W. Johnson



M. Howard Petricoff

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AUG 26 2016



Barcy F. McNeal
Secretary