

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
CONSIDERATION OF A SETTLEMENT
AGREEMENT BETWEEN COMMERCE
ENERGY, INC. D/B/A JUST ENERGY AND
THE COMMISSION'S STAFF.

CASE NO. 16-2006-GE-UNC

ENTRY ON REHEARING

Entered in the Journal on December 21, 2016

I. SUMMARY

{¶ 1} The Commission grants the application for rehearing of the November 3, 2016 Finding and Order filed by Commerce Energy, Inc. d/b/a Just Energy for the purpose of further consideration of the matters specified in the application for rehearing.

II. DISCUSSION

{¶ 2} Commerce Energy, Inc. d/b/a Just Energy (Just Energy) 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 (CRES) under R.C. 4928.08 and to supply competitive retail natural gas service (CRNGS) under R.C. 4929.20; and is subject to the jurisdiction of this Commission pursuant to R.C. 4928.16 and R.C. 4929.24. Accordingly, Just Energy is required to comply with the Commission's minimum CRES standards set forth in Ohio Adm.Code Chapter 4901:1-21, as well as the minimum CRNGS standards set forth in Ohio Adm.Code Chapter 4901:1-29.

{¶ 3} Ohio Adm.Code 4901:1-23-04(A) provides that, if Staff and a CRES provider reach agreement regarding the violation of a rule within Ohio Adm.Code

Chapter 4901:1-21, the violation of a Commission order, a proposed corrective action or remedy, or the amount of a forfeiture or other payment, the agreement must be reduced to writing in a settlement agreement and filed with the Commission for approval. Similarly, Ohio Adm.Code 4901:1-34-05(A) provides that, if Staff and a retail natural gas supplier reach agreement regarding the violation of a rule within Ohio Adm.Code Chapter 4901:1-27 through 4901:1-29, the violation of any provision of R.C. Chapter 4929, the violation of a Commission order, a proposed corrective action or remedy, or the amount of a forfeiture or other payment, the agreement must be reduced to writing and filed with the Commission for approval.

{¶ 4} On October 11, 2016, Just Energy and Staff filed a joint stipulation and recommendation (stipulation) that proposed to resolve all of the issues identified by Staff in a notice of probable noncompliance issued to Just Energy on November 16, 2015, 2015, citing alleged violations of Ohio Adm.Code 4901:1-21-05(C), 4901:1-21-06(B)(1), 4901:1-21-06(D)(2)(a)(iii), and 4901:1-21-06(D)(2)(a)(x). The stipulation noted that, in January 2016, Just Energy provided Staff with a compliance plan that attempted to resolve all of the issues identified by Staff in the notice of probable noncompliance and that, subsequently, Staff and Just Energy met on numerous occasions to further address the issues, which culminated in the stipulation. According to the signatory parties, the stipulation's primary objective is to avoid, to the extent reasonably possible, the potential for future consumer or customer complaints resulting from Just Energy's marketing, solicitation, and customer enrollment practices. The signatory parties also noted that the stipulation is not an admission or finding of liability, and was entered into without prejudice to the positions that the parties may have taken in the absence of the stipulation.

{¶ 5} On November 2, 2016, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in this proceeding.

{¶ 6} On November 3, 2016, the Commission issued a Finding and Order that adopted and approved the stipulation filed by Just Energy and Staff. The Commission also granted OCC's motion for intervention.

{¶ 7} R.C. 4903.10 states that any party who has entered an appearance in a Commission proceeding may apply for a rehearing with respect to any matters determined therein by filing an application within 30 days after the entry of the order upon the Commission's journal.

{¶ 8} On December 2, 2016, Just Energy filed an application for rehearing of the Commission's November 3, 2016 Finding and Order. OCC filed a memorandum contra Just Energy's application for rehearing on December 12, 2016.

{¶ 9} The Commission believes that sufficient reason has been set forth by Just Energy to warrant further consideration of the matters specified in the application for rehearing. Accordingly, the application for rehearing filed by Just Energy should be granted.

III. ORDER

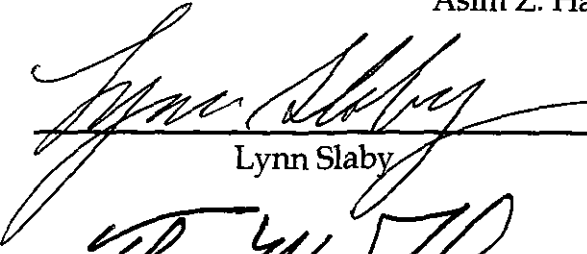
{¶ 10} It is, therefore,

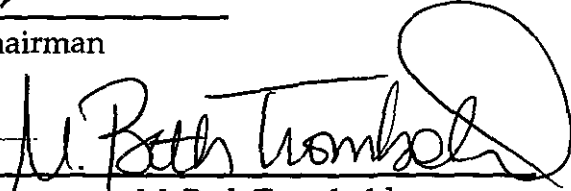
{¶ 11} ORDERED, That the application for rehearing filed by Just Energy be granted for further consideration of the matters specified in the application for rehearing. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO


Asim Z. Haque, Chairman


Lynn Slaby


M. Beth Trombold


Thomas W. Johnson


M. Howard Petricoff

SJP/sc

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DEC 21 2016



Barcy F. McNeal
Secretary