

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission's
Investigation into Verde Energy USA
Ohio, LLC's Compliance with the Ohio
Administrative Code and Potential
Remedial Actions for Non-Compliance

CASE NO.: 19-0958-GE-COI

**VERDE ENERGY USA OHIO, LLC'S RESPONSE AND OPPOSITION TO
THE MOTION FILED BY THE OFFICE OF THE OHIO CONSUMERS'
COUNSEL TO INTERVENE AND TO SUSPEND OR RESCIND VERDE
ENERGY USA OHIO, LLC'S CERTIFICATES**

On April 24, 2019, the Office of the Ohio Consumers' Counsel ("OCC") filed a motion to intervene in these proceedings. In the same motion, the OCC also requested that the Public Utilities Commission of Ohio (the "Commission") suspend or rescind Verde Energy USA Ohio, LLC's ("Verde Energy") certificates to market retail electricity and gas in Ohio. By Entry dated May 6, 2019, the Commission set May 7, 2019, as the deadline to respond to the OCC's motion.

Verde Energy does not oppose the OCC's intervention in these proceedings. Verde Energy does, however, oppose the OCC's request that the Commission suspend or rescind Verde Energy's electricity and gas certificates. Both the Ohio Revised Code and the Ohio Administrative Code require a hearing before the Commission may suspend, rescind, or conditionally rescind a certificate. O.R.C. 4928.08(D) (CRES certificate); O.R.C. 4929.20(C)(1) (CRNGS certificate); Ohio Adm.Code 4901:1-21-14(A) (CRES); Ohio Adm.Code 4901:1-27-13 (CRNGS). The OCC's motion itself acknowledges that a certificate may only be suspended,

rescinded, or conditionally rescinded “after reasonable notice and opportunity for hearing.” OCC Mot. 4. Thus, the portion of the OCC’s motion requesting that the Commission suspend or rescind Verde Energy’s certificates should be denied as clearly contrary to Ohio law and procedurally improper.

To the extent the OCC renews its motion after the hearing scheduled in this matter for May 22, 2019, Verde Energy respectfully requests an opportunity to fully respond to any such renewed motion after the admission of the evidence necessary to address the OCC’s request. However, the OCC has not submitted any evidence to support its current request that the Commission suspend or rescind Verde Energy’s certificates. Instead, the OCC refers generally to the Staff Letter dated April 16, 2019, and filed in this proceeding, again without any evidentiary support. Indeed, the OCC’s request hinges entirely on “the number and type of complaints against Verde” (OCC Mot. at 5) but again without any substantiation or support, and certainly without the hearing and attendant evidentiary record that the Ohio statutory and regulatory provisions require before the Commission may suspend or rescind the certifications at issue.

Accordingly, Verde Energy respectfully requests that the Commission deny the OCC’s motion to suspend or rescind Verde Energy’s electricity and gas certificates.

Dated: May 7, 2019

Respectfully submitted,

/s David F. Proaño

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was served by e-mail upon the persons listed below this 7th day of May, 2019.

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Summary: Response Verde Energy USA Ohio, LLC's Response And Opposition To The Motion Filed By The Office Of The Ohio Consumers' Counsel To Intervene And To Suspend Or Rescind Verde Energy USA Ohio, LLC's Certificates electronically filed by Mr. David F. Proano on behalf of Verde Energy USA Ohio, LLC