

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE JOINT APPLICATION  
OF CONSTELLATION NEWENERGY, INC.,  
AND CONSTELLATION NEWENERGY-GAS  
DIVISION, LLC FOR WAIVERS OF OHIO  
ADM.CODE 4901:1-21-06(C) AND 4901:1-  
29-06(B).

CASE NO. 18-604-GE-WVR

### ENTRY

Entered in the Journal on June 26, 2019

{¶ 1} Constellation NewEnergy, Inc. and Constellation NewEnergy-Gas Division, LLC (Constellation or the Applicants) are an electric services company and retail natural gas supplier as defined in R.C. 4928.01 and 4929.01, are certified to provide competitive retail electric service (CRES) and competitive retail natural gas service (CRNGS) under R.C. 4928.08 and 4929.20, and are subject to the jurisdiction of this Commission pursuant to R.C. 4928.16 and 4929.24.

{¶ 2} On April 10, 2018, the Applicants submitted an application to the Commission requesting waivers of Ohio Adm.Code 4901:121-06(C) and 4901:1-29-06(B) to allow Constellation to enroll retail customers in Ohio through an online, interactive process. In its joint application, Constellation states that it seeks to offer enrollment for its retail service through an online chat feature for its Ohio customers. Constellation contends that technology has evolved in such a way that frequently customers communicate with businesses in real-time, interactive communications online. As noted by Constellation, this type of communication is highly desired and appeals to many customers.

{¶ 3} On May 3, 2018, the Ohio Consumers' Counsel (OCC) filed a motion to intervene in these proceedings. OCC argues it has authority under R.C. Chapter 4911 to represent the interests of Ohio's residential utility customers and that the interests of such customers may be adversely affected by these proceedings. OCC further submits that its

participation will not unduly prolong or delay the proceedings and that its advocacy will significantly contribute to the full development and equitable resolution of the issues.

{¶ 4} The attorney examiner finds that OCC's motion to intervene in these proceedings is reasonable and should be granted. The attorney examiner notes that the Applicant does not oppose OCC's intervention. The attorney examiner finds that the motion to intervene filed by OCC complies with the requirements set forth in R.C. 4903.221 and Ohio Adm.Code 4901-1-11, and should, therefore, be granted.

{¶ 5} The attorney examiner now finds it appropriate to invite interested stakeholders to file comments. The applicable procedural schedule shall be as follows:

- (a) Motions to intervene shall be filed by August 1, 2019.
- (b) Comments shall be filed by August 1, 2019.
- (c) Reply comments shall be filed by August 15, 2019.

{¶ 6} It is, therefore,

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

{¶ 8} ORDERED, That the procedural schedule set forth in Paragraph 5 be adopted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Stacie Cathcart

By: Stacie E. Cathcart  
Attorney Examiner

JRJ/sc

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 18-0604-GE-WVR**

Summary: Attorney Examiner Entry granting OCC's motion to intervene and setting forth a procedural schedule in accordance with Paragraph 5 - electronically filed by Sandra Coffey on behalf of Stacie Cathcart, Attorney Examiner, Public Utilities Commission of Ohio