

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. 19-958-GE-COI

ENTRY

Entered in the Journal on July 31, 2019

{¶ 1} Verde Energy USA Ohio, LLC d/b/a Verde Energy (Verde 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, Verde 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.

{¶ 2} R.C. 4928.08 and 4929.20 allow the Commission to suspend, rescind, or conditionally rescind the certification of any electric services company or retail natural gas supplier issued under these sections if the Commission determines, after reasonable notice and opportunity for hearing, that the electric services company or retail natural gas supplier has failed to comply with any applicable certification standards or has engaged in anticompetitive or unfair, deceptive, or unconscionable acts or practices in this state. Additionally, R.C. 4928.16 and 4929.24 grant the Commission the authority to order any remedy or forfeiture provided under R.C. 4905.54 to 4905.60 and 4905.64, and to order restitution to customers and rescission of customer contracts.

{¶ 3} On April 17, 2019, the Commission issued an Entry in this matter. In the Entry, the Commission stated that Staff of the Commission's Service Monitoring and Enforcement Department had reviewed customer contacts from October 1, 2018, to April 12, 2019, as well as Verde Energy's responses, and believed that Verde Energy engaged in misleading and

deceptive practices to market and enroll customers, as well as violating several requirements of Ohio Adm.Code Chapter 4901:1-21 and 4901:1-29. Based on Staff's findings, the Commission scheduled a hearing in this matter for Verde Energy to show cause why its certification as a CRES provider and its certification as a CRNGS supplier should not be suspended, rescinded, or conditionally rescinded. The Commission also set a procedural schedule for this matter.

{¶ 4} Due to the parties' motions, the procedural schedule has been modified several times. Currently, the testimony filing deadline is August 5, 2019 and the hearing is scheduled for August 12, 2019.

{¶ 5} On May 24, 2019, Verde Energy filed a motion for Rachel Palmer Hooper to appear pro hac vice. Verde Energy also submitted a certificate of pro hac vice registration with the Supreme Court of Ohio with its motion.

{¶ 6} Gov. Bar R. XII, Section 2(A) provides rules governing eligibility to practice pro hac vice in Ohio. Pursuant to Gov. Bar R. XII, Section 2(A)(7) of the Bar Rule, motions for admission pro hac vice must be accompanied by a certificate of pro hac vice registration furnished by the Supreme Court Office of Attorney Services.

{¶ 7} Upon review, the attorney examiner finds that Verde Energy's motion is reasonable and should be granted.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the motion to appear pro hac vice filed on May 24, 2019, by Verde Energy be granted. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

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Case No(s). 19-0958-GE-COI

Summary: Attorney Examiner Entry granting the motion to appear pro hac vice electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission