

## 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 September 10, 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show cause why its certification as a CRES provider and its certification as a CRNGS supplier should not be suspended, rescinded, or conditionally rescinded.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 attorney examiner modified the procedural schedule several times. Ultimately, based on a joint motion from Verde Energy and Staff, the attorney examiner suspended the procedural schedule on August 5, 2019, to allow the parties to continue negotiations and work towards a settlement.

{¶ 5} By Entry dated August 30, 2019, the attorney examiner granted Verde Energy's May 14, 2019 motion for waiver of Ohio Adm.Code 4901:1-21-10 and 4901:1-29-09(A)(1) for the limited purpose of allowing discovery and settlement discussions in this matter.

{¶ 6} On September 6, 2019, Verde Energy and Staff jointly filed a stipulation and recommendation (Stipulation). The parties indicate that the Stipulation is intended to resolve all outstanding issues in this matter.

{¶ 7} Upon review, the attorney examiner finds that a new procedural schedule should be issued in this matter. A hearing is scheduled for October 16, 2019, at 10:00 a.m., at the Commission offices, 11th Floor, Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215. Parties should file testimony in support or in opposition of the Stipulation filed by Verde Energy and Staff on or before October 2, 2019.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled in accordance to Paragraph 7. It is, further,

{¶ 10} ORDERED, That the parties file testimony in accordance to Paragraph 7. It is, further,

{¶ 11} 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

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

**Commission of Ohio Docketing Information System on**

**9/10/2019 8:22:53 AM**

**in**

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

Summary: Attorney Examiner Entry scheduling a hearing for 10/16/19 at 10:00 am at the Commission offices; and requiring all testimony be filed by 10/2/19 electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission