

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Annual Reports for the
Fiscal Assessment of all Regulated
Entities for Calendar Year 2018

CASE NO.: 19-0001-AU-RPT

**NEW WAVE ENERGY CORPORATION'S APPLICATION FOR REHEARING
AND REQUEST FOR ACCEPTANCE OF LATE FILING OF 2018 ANNUAL
REPORT AND WAIVER OF CIVIL FORFEITURE**

New Wave Energy Corporation (“**New Wave**”), through its undersigned counsel, respectfully submits this application for rehearing of the August 28, 2019 Finding and Order by the Public Utilities Commission of Ohio (“**Commission**”), and respectfully requests that the Commission accept its 2018 annual report for electricity service in Ohio filed on August 29, 2018 and waive the \$1,000.00 civil forfeiture against New Wave as set forth in paragraph 4 of the Commission’s Order.

As explained below and in the attached Affidavit from James Schuster, Director of Operations for New Wave, good cause supports New Wave’s application for rehearing and request for acceptance of its late filing and for waiver of the civil forfeiture. New Wave is certified to provide competitive retail electricity service under R.C. 4928.08 and to supply competitive retail natural gas service under R.C. 4929.20, under PUCO docket case numbers 17-0061-EL-CRS (Cert. #17-1185E(2)) and 17-0060-GA-CRS (Cert. #17-579G(2)). On May 29, 2019, New Wave successfully submitted its 2018 annual report for natural gas service in Ohio through the Commission’s web-based PUCO Community filing system. (Schuster Affidavit at ¶ 4, Exhibit 1.) On that same day, May 29, 2019, New Wave states its

belief that it had also submitted its 2018 annual report for electricity service in Ohio through PUCO Community. (Id. at ¶ 5.) New Wave does not know why that annual report for electricity service did not go through at the same time as its annual report for natural gas service. (Id. at ¶ 6). New Wave is aware of the annual report filing requirements for regulated entities provided by Ohio law, and it had every intention to meet this regulatory obligation for both natural gas and electricity services, as evidenced by its successful and timely filing of its 2018 annual report for natural gas service. (Id. at ¶ 7).

In further support of this rehearing application and request for acceptance of late filing and waiver of civil forfeiture, New Wave states that it immediately filed its 2018 annual report for electricity service in Ohio through PUCO Community on August 29, 2019, the same day New Wave was informed by undersigned counsel that New Wave was included on the exhibit to the August 28, 2019 Commission Order listing those regulated entities that had failed to timely file 2018 annual reports. (Id. at ¶ 8.) To New Wave's knowledge, this was the first notice it received that its 2018 annual report for electricity service in Ohio was not received by the Commission on May 29, 2019. (Id.) This immediate corrective action further demonstrates New Wave's good faith intention to comply with the Ohio rules regarding the timely filing of annual reports.

In sum, New Wave believed it had submitted both of the required 2018 annual reports for natural gas and electricity service on May 29, 2019, and it immediately filed the electricity service 2018 annual report upon being notified that

the report had not been received by the Commission. Because the facts demonstrate New Wave's intention to comply with the Ohio rules and its steps to take immediate corrective action, and because the failure to file the electricity service 2018 annual report was likely due to an inadvertent technical issue, New Wave respectfully requests a rehearing of the Commission's August 28, 2019 Finding and Order, and further respectfully requests that the Commission accept New Wave's 2018 annual report for electricity service filed on August 29, 2019, and waive the \$1,000.00 civil forfeiture assessed against New Wave.

Dated: September 12, 2019

Respectfully submitted,

/s David F. Proaño

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(Counsel of Record)

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Counsel for New Wave Energy Corporation

EXHIBIT 1 – AFFIDAVIT OF JAMES SCHUSTER
BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Annual Reports for the
Fiscal Assessment of all Regulated
Entities for Calendar Year 2018

CASE NO.: 19-0001-AU-RPT

(State of New York
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(Erie County, New York

AFFIDAVIT OF JIM SCHUSTER

1. My name is James Schuster. I am more than eighteen years of age and I make this affidavit of my own free will. After being duly sworn under oath, I make this affidavit based on my personal knowledge of the facts in this affidavit and could competently testify to the following matters if I were called as a witness.

2. I am the Director of Operations for New Wave Energy Corporation (“New Wave”). New Wave is certified to provide competitive retail electric service and competitive retail natural gas service in Ohio under PUCO docket case numbers 17-0061-EL-CRS (Cert. #17-1185E(2)) and 17-0060-GA-CRS (Cert. #17-579G(2)).

3. As part of my job duties, I am responsible for regulatory compliance in Ohio relating to the supply by New Wave of electricity and natural gas service.

4. On May 29, 2019, on behalf of New Wave, I successfully submitted New Wave’s 2018 annual report for natural gas service in Ohio through the Commission’s web-based PUCO Community filing system.

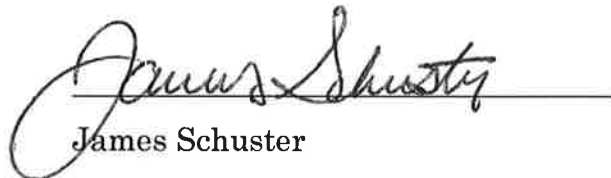
5. On that same day, May 29, 2019, I prepared New Wave’s 2018 annual report for electricity service in Ohio and believed that I submitted that report through PUCO Community that day.

6. I do not know why the 2018 annual report for electricity service did not go through on the same date that I successfully submitted New Wave's 2018 annual report for natural gas service. I believe the issue may have been an inadvertent technical issue.

7. I am aware of the annual report filing requirements for regulated entities provided by Ohio law, and on behalf of New Wave, I had every intention to timely meet this regulatory obligation for both natural gas and electricity services in Ohio.

8. On August 29, 2019, I was notified by New Wave's outside counsel that New Wave was included on the exhibit to the August 28, 2019 Commission Order listing those regulated entities that failed to timely file 2018 annual reports. Upon learning of this, I immediately filed New Wave's 2018 annual report for electricity service in Ohio through PUCO Community. To the best of my knowledge, this was the first notice I received that New Wave's electricity annual report for 2018 was not received by the Commission on May 29, 2019, when I had successfully filed New Wave's 2018 annual report for natural gas service.

FURTHER AFFIANT SAYETH NOT


James Schuster

Subscribed and sworn to before me
this 11 day of September 2019.



Notary Public

LORI BIDLACK
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 01B16048125
QUALIFIED IN ERIE COUNTY
My Commission Expires August 7, 20 22

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9/12/2019 1:22:41 PM

in

Case No(s). 19-0001-AU-RPT

Summary: App for Rehearing and Request for Acceptance of Late Filing of 2018 Annual Report and Waiver of Civil Forfeiture
electronically filed by Mr. David F. Proano on behalf of New Wave Energy Corporation