

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
SUVON, LLC D/B/A FIRSTENERGY
ADVISORS FOR CERTIFICATION AS A
COMPETITIVE RETAIL ELECTRIC SERVICE
POWER BROKER AND AGGREGATOR IN
OHIO.

CASE NO. 20-103-EL-AGG

ENTRY

Entered in the Journal on February 11, 2020

{¶ 1} On January 17, 2020, Suvon, LLC d/b/a FirstEnergy Advisors (FirstEnergy Advisors) filed an application for certification as a competitive retail electric service power broker and aggregator in the state of Ohio. In addition, FirstEnergy Advisors also requested protective treatment for certain exhibits filed with its application, which were filed under seal pursuant to Ohio Adm.Code 4901:1-24-08(a).

{¶ 2} Motions to intervene were filed by the Ohio Consumers' Counsel (OCC) and Northeast Ohio Public Energy Council (NOPEC) on February 10, 2020.

{¶ 3} OCC and NOPEC also filed a joint motion to suspend the certification application on February 10, 2020. OCC and NOPEC claim FirstEnergy Advisors is an affiliate of the FirstEnergy electric distribution companies, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the Companies). As FirstEnergy Advisors will be managed and controlled by members of the same management team that controls the Companies, OCC and NOPEC argue that constitutes a violation of R.C. 4928.17(A), which requires that a competitive retail electric supplier be "fully separated" from its regulated utilities. Further, OCC and NOPEC contend that the application runs contrary to the recommendations set forth in the audit report filed in the Commission's audit of the Companies' compliance with the corporate separation rules. *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 17-974-EL-UNC, SAGE Management Consultants, LLC Final Audit Report (May 14, 2018) at 46, 98-99).

{¶ 4} Vistra Energy Corp. and its subsidiaries (Vistra) filed a motion to intervene on February 11, 2020. Vistra also filed a motion to deny or suspend the application, citing many of the same reasons argued by OCC and NOPEC.

{¶ 5} In accordance with R.C. 4928.08, as well as Ohio Adm.Code 4901:1-24-10, FirstEnergy Advisors' application for certification is subject to a 30-day automatic approval process. Ohio Adm.Code 4901:1-24-10 provides that, upon good cause shown, the Commission or an attorney examiner may suspend consideration of an application for certification.

{¶ 6} The attorney examiner finds that good cause exists to suspend the 30-day automatic approval process for FirstEnergy Advisors' application for certification, in order for the Commission and Staff to further review this matter.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That FirstEnergy Advisors' application be suspended. 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/ Megan J. Addison

By: Megan J. Addison
Attorney Examiner

JRJ/kck

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in

Case No(s). 20-0103-EL-AGG

Summary: Attorney Examiner Entry Order suspending FirstEnergy Advisors' application in order for the Commission to further review this matter. electronically filed by Mrs. Kelli C King on behalf of Megan J. Addison, Attorney Examiner, Public Utilities Commission of Ohio