

**BEFORE
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)	Case No. 20-0103-EL-AGG
Electric Service Power Broker and)	
Aggregator in Ohio.)	

**Reply Memorandum In Support of
The Energy Professionals of Ohio's Motion to Intervene**

I. Introduction.

The Commission should grant the Energy Professionals of Ohio's (EPO) motion to intervene and ignore the arguments made by Suvon, LLC d/b/a FirstEnergy Advisors (FirstEnergy) as they are factually incorrect in certain matters and unimportant on others. As the EPO will expand upon in this memorandum, it meets the standard for intervention in this case. The EPO's request should be granted.

II. The Nature and Extent of the Prospective Intervenor's Interest.

FirstEnergy claims in its memorandum in opposition that the EPO is an unknown entity and that the businesses it represents are a mystery. This is plainly not the case. The EPO was created in 2014 by a group of licensed CRES Brokers and is currently run by a board of licensed CRES Brokers including Scioto Energy, Muirfield Energy, Alternative Energy Source, HP Technologies, and North Shore Energy. These brokers are some of the largest brokers operating in Ohio. Additionally, as FirstEnergy shared in its memo, the EPO's members are clearly listed on its website.

Finally, the Commission has not required business groups like the EPO to list the members who may have specifically approved its motion to intervene. Examples of this are everywhere within the docketing information system. However, for FirstEnergy's sake and the ease of those reading this memo a few examples: The Industrial Energy Users motion to intervene in Case No. 14-1297-EL-SSO, the OMA

Energy Group's motion to intervene in Case No. 14-1297-EL-SSO. Additionally, FirstEnergy should look to the EPO's motion to intervene, which was granted, in the same case.

FirstEnergy also challenges the EPO's interest in this case noting that it is unclear what the EPO's members do stating "Nor does the EPO provide any context regarding what exactly its primary role of 'interpretation and consultation of products offered by [CRES] providers' entails"¹ To put it plainly – The EPO's members do what FirstEnergy seeks to do – assist retail customers with the selection of energy products. The fact that FirstEnergy could not understand the services that licensed energy brokers provide as it seeks to become one is an indictment of its own application not an argument against intervention.

III. The Legal Position Advanced by the Prospective Intervenor and its Probably Relation to the Merits of the Cases.

FirstEnergy claims that the EPO does not have a real and substantial interest in this matter. As the EPO stated in its initial memorandum, this case presents new and unique considerations that will affect the marketplace going forward. Stating the obvious, allowing a company run by regulated utility executives and using a substantially similar regulated utility monopoly's name in its competitive business are new and unique considerations. While shared services have been allowed in the past, the extensive use presented in this case, along with the sharing of leadership between companies is new. The fact that regulated utility executives are seeking a license to operate in a competitive industry where current actors have had to individually cultivate customers versus the potential use of extensive monopoly data and experience is of interest to the EPO and its members.

IV. Undue Delay and Full Development and Equitable Resolution

¹ Suvon LLC, d/b/a FirstEnergy Advisors' Memorandum in Opposition, page 3, paragraph 1.

FirstEnergy, again, claims that since the EPO is an unknown entity it may unduly delay the proceedings and cannot contribute to the case. As stated earlier, just because FirstEnergy makes this claim it doesn't make it true.

The EPO has participated in other more complex matters before the PUCO. See Case No. 14-1297-EL-SSO, Case No. 16-0359-EL-SSO, and Case No. 14-1693-EL-RDR. As these dockets show, the EPO intervened and participated in these cases responding to interrogatories, participating in hearings, and reviewing settlements. A more thorough search of the PUCO's DIS system by FirstEnergy's attorneys would have been helpful and potentially avoided the claims made by FirstEnergy.

V. The Extent to Which the Person's Interest is Represented by Existing Parties

As clarified in this memorandum, the EPO is the only statewide industry group representing licensed brokers in Ohio. FirstEnergy claims that other parties who have sought intervention in this case will represent the EPO's interests and that some current intervenors are active Ohio brokers. The only other active broker seeking intervention in this case is Palmer Energy. Palmer Energy is not a member of the EPO and FirstEnergy is opposing its intervention as well. You can't argue that others will represent the EPO's interests and then try to block those others from participating as well.

VI. Conclusion

The EPO meets the standard for intervention in this case. The EPO's participation in other cases before the PUCO on larger, more complex matters is a testament to its ability to substantively participate in this matter. FirstEnergy's request to deny the EPO's intervention should be denied.

Respectfully Submitted,

/s/ Kevin Schmidt

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 16th day of March 2020. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Kevin Schmidt

Attorney for the

Energy Professionals of Ohio

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Summary: Reply of the Energy Professionals of Ohio to Suvon, LLC's Memorandum in Opposition to the EPO's Motion to Intervene electronically filed by Mr. Kevin R Schmidt on behalf of The Energy Professionals of Ohio