

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Initial Certification)	
Application of Suvon, LLC d/b/a)	Case No. 20-103-EL-AGG
FirstEnergy Advisors to Provide)	
Aggregation and Broker Services in the)	
State of Ohio)	

**REPLY BY PALMER ENERGY COMPANY, INC.
IN SUPPORT OF MOTION TO INTERVENE**

Palmer Energy Company, Inc. (“Palmer Energy”) set forth the reasons why it satisfied the Commission’s standard for intervention under Section 4903.221, Revised Code, and OAC Rule 4901-1-11 in its petition to intervene. Those reasons included Palmer Energy’s nature and extent of its interests, the legal positions advanced by Palmer Energy and the relation to the merits of the case, whether intervention would delay the proceedings (which it would not), whether Palmer Energy would contribute to the development and equitable resolution of the factual issues (which it would) and that no other party could adequately represent Palmer Energy’s specific issues.

In its Memorandum in Opposition, Suvon, LLC, d/b/a FirstEnergy Advisors **does not challenge or address** whether Palmer Energy satisfies any of the standards for intervention. Instead, FirstEnergy Advisors attempts to argue the merits of the issues raised in this proceeding, arguments that should be reserved for a hearing. For that reason alone and given that FirstEnergy Advisors does not challenge Palmer Energy’s intervention, the Commission should grant Palmer Energy’s petition to intervene and set this matter for hearing.

As to FirstEnergy Advisor’s arguments on the issues raised by Palmer Energy, OAC Rule 4901:1-24-10(C) requires FirstEnergy Advisors to show that it “is managerially, financially, and

technically fit and capable of complying with all applicable commission rules and orders.” As Palmer Energy stated in its petition to intervene, the broker relationship where the broker works with and on behalf of the customer is much different than a supplier relationship. FirstEnergy Advisors argues that the relationship is the same, but that argument simply reinforces why intervention is warranted and why a hearing to develop and address that issue is warranted.

Likewise, Palmer Energy’s concern that FirstEnergy Advisors’ business activities will result in a violation of Ohio Revised Code Section 4928.17 and OAC Rules 4901:1-37-04(D)(7) and (9) are proper for hearing (and justify intervention). As stated in the petition to intervene, Palmer Energy is aware that the FirstEnergy EDUs maintain Regional External Affairs Managers who develop business relationships with “FirstEnergy” customers including municipal governments, key business and civic leaders. Through those relationships, the FirstEnergy EDU managers could easily discuss FirstEnergy Advisors creating an undue preference for FirstEnergy Advisors. In response, FirstEnergy Advisors argues that Palmer Energy’s concerns are “misinformed” and that there is no evidence that the External Affairs personnel are utility employees. Those arguments, though, simply reinforce why a hearing is warranted to develop the record.

Thus, FirstEnergy Advisors failure to challenge or address Palmer Energy’s intervention and its arguments as to the issues raised in this proceeding simply reinforce why Palmer Energy’s intervention is warranted. In addition, FirstEnergy Advisors response supports why the Commission should conduct a thorough investigation of FirstEnergy Advisor’s managerial and technical plans to ensure FirstEnergy Advisors is capable of complying with Commission statutes and rules before any certificate is granted. FirstEnergy Advisors should also be required to utilize a different name for its business and to show how it intends to create a management

structure that is separate and independent from the FirstEnergy EDUs. This includes establishing in detail how personnel of the FirstEnergy EDUs will be 100% separated from the business of FirstEnergy Advisors on a daily basis. Absent a thorough examination, renaming of the entity's d/b/a and reconsideration of FirstEnergy Advisors' proposed structure for operation, the application should not be approved as presented.

Palmer Energy's intervention is warranted and the petition to intervene should be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with Rule 4901-1-05, Ohio Administrative Code, the Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on March 16, 2020 upon all persons/entities listed below:

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Summary: Reply of Palmer Energy Company, Inc. in Support of Motion to Intervene electronically filed by Mr. Michael J. Settineri on behalf of Palmer Energy Company, Inc.