

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 March 30, 2020

{¶ 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 directed 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show cause why its certification as a CRES provider and its certification as a CRNGS supplier should not be suspended, rescinded, or conditionally rescinded.

{¶ 4} On September 6, 2019, Staff and Verde Energy filed a joint stipulation and recommendation (Stipulation).

{¶ 5} A hearing on this matter was held on October 16 - 17, 2019. The parties submitted initial briefs on December 2, 2019, and reply briefs on December 17, 2019.

{¶ 6} On February 26, 2020, the Commission issued an Opinion and Order adopting the Stipulation.

{¶ 7} Finally, on March 27, 2020, Verde Energy filed a motion for extension and request for expedited ruling. In the motion, Verde Energy states that, under Condition III(6) of the Stipulation, it must send certain customers a notice of their right to cancel their contracts within 30 days of the approval of the Stipulation. Verde Energy states that it planned on mailing these notices by March 27, 2020, to fulfill the condition. However, on March 27, 2020, Verde Energy learned from its vendor that, due to business disruptions caused by the COVID-19 pandemic, approximately 3,000 of the required notices were mailed that day and the remaining notices, numbering approximately 5,800, would be mailed on March 30, 2020. As such, Verde Energy requests, on an emergency basis, an additional business day to mail the required customer notices.

{¶ 8} Upon review of Verde Energy's motion for extension, the attorney examiner finds that it is reasonable and should be granted pursuant to Ohio Adm.Code 4901-1-12(F). The attorney examiner directs Verde Energy to mail the remaining notices by March 30, 2020, and to inform the Commission if it is unable to do so.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Verde Energy's motion for extension be granted in accordance with Paragraph 8. 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/kck

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/30/2020 2:32:02 PM

in

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

Summary: Attorney Examiner Entry Verde Energy's motion for extension is granted and Verde Energy is directed to mail remaining notices by 3.30.20. electronically filed by Mrs. Kelli C King on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio