



April 16, 2020

Ms. Tanowa Troupe  
Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215

RE: *In the Matter of the Initial Certification Application for Electric Aggregators / Power Brokers  
Suvon, LLC d/b/a FirstEnergy Advisors.* PUCO Case No. 20-103-EL-AGG

Dear Ms. Troupe:

Through this letter, the Energy Professionals of Ohio (EPO) supports NOPEC's Response to Supplemented Application and Staff Recommendation filed on April 14, 2020 and Vistra Energy Corp's Response to Supplemental Exhibits B-2 and B-3 filed the same day.

As explained in NOPEC's response to the supplemental application, FirstEnergy Advisors' new exhibits are not sufficient to cure the legal defects in its application. FirstEnergy Advisors proposed management structure is a *per se* violation of RC. 4982.17(A) which requires that a competitive retail electric service (CRES) provider must be a fully separated affiliate of its regulated utilities.

NOPEC's response provides a detailed argument and discussion regarding why this is the case, notably posing the question "How can the same individuals who control the regulated EDUs and their non-regulated affiliate located in the same offices separate their knowledge of the EDUs business plans and market information from the business plans and operations of the affiliate?"<sup>1</sup> NOPECs response to its own questions is correct. They cannot.

In Vistra Energy's response to the supplemental exhibits, Vistra points out the obvious as well – the supplemental exhibits are an attempt to address inadequacies in FirstEnergy Advisors' application that Vistra and other parties have identified.<sup>2</sup> Vistara Energy's response details how the additional exhibits fail to address the application's inadequacies and do not need repeated here.

The EPO fully supports Vistra Energy's, NOPEC's, and other intervenors arguments for denial of the application or a hearing on the matter.

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<sup>1</sup> NOPEC Response at 2.

<sup>2</sup> Vistra Energy Response at 1.

Sincerely,

/s/ Kevin Schmidt

Kevin R Schmidt (0086722)  
Counsel for the Energy Professionals of Ohio  
815 Grandview Avenue, Suite 300  
Columbus, OH 43215  
(614) 507-1050  
[schmidt@sppgrp.com](mailto:schmidt@sppgrp.com)

**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 16<sup>th</sup> day of April 2020. An electronic copy of this correspondence was also delivered electronically to all parties in this case.

/s/ Kevin Schmidt  
Attorney for the  
Energy Professionals of Ohio

**This foregoing document was electronically filed with the Public Utilities**

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Summary: Correspondence by the Energy Professionals of Ohio electronically filed by Mr. Kevin R Schmidt on behalf of The Energy Professionals of Ohio