

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATIONS  
FOR CERTIFICATION AS A COMPETITIVE  
RETAIL NATURAL GAS SERVICE  
PROVIDER FILED BY:

UNITED ENERGY ADVISORS,  
L.L.C.,

CASE NO. 14-96-GA-AGG

CASE NO. 14-161-GA-GAG

HARLEM TOWNSHIP, DELAWARE  
COUNTY, OHIO,

CASE NO. 17-2450-GA-CRS

ENGIE RESOURCES LLC,

CASE NO. 18-129-GA-AGG

APPLIED ENERGY PARTNERS,  
LLC, AND

CASE NO. 20-430-GA-AGG

BREAKERBOX, LLC.

### FINDING AND ORDER

Entered in the Journal on April 22, 2020

#### I. SUMMARY

{¶ 1} The Commission approves the applications in the above-captioned proceedings for certification as competitive retail natural gas service providers.

#### II. DISCUSSION

{¶ 2} R.C. 4929.20 provides that retail natural gas suppliers and governmental aggregators must be certified by the Commission prior to providing competitive retail natural gas service (CRNGS). The Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to provide CRNGS and whether there are reasonable financial assurances sufficient to protect customers and natural gas companies from default.

{¶ 3} Applications were filed in the above-captioned proceedings for certification as CRNGS providers in the state of Ohio.

{¶ 4} Pursuant to R.C. 4929.20 and Ohio Adm.Code 4901:1-27-10, an application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval.

{¶ 5} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety. The Executive Order was effective immediately and will remain in effect until the COVID-19 emergency no longer exists.

{¶ 6} On March 16, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC, directing that any time period prescribed by order, statute, or rule for the Commission to act upon a pending application or other filing should be tolled during the state of emergency and also during the 14 days thereafter, including the 30-day automatic approval process for applications and renewal applications for certification to provide CRNGS, as well as the 90-day period for the Commission to take action to approve or deny a suspended application. Further, the attorney examiner indicated that, during the declared emergency, Staff would continue to investigate pending applications and the Commission would act on such applications on a case-by-case basis. *In re the Proper Procedures and Process for the Commission's Operations and Proceedings during the Declared State of Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry (Mar. 16, 2020) at ¶ 5.

{¶ 7} The applications filed in the above-captioned proceedings were, thus, subject to the March 16, 2020 Entry and suspended from automatic approval during the state of emergency.

{¶ 8} Staff filed reports of its review of each application, indicating that the

applicants satisfy the statutory requirements for certification as CRNGS providers, and recommending that the applications be approved.

{¶ 9} Upon review of the filed applications, as well as Staff's recommendation, the Commission finds that that each applicant is managerially, financially, and technically fit and capable of performing CRNGS and that the applicant is managerially, financially, and technically fit and capable of complying with all applicable Commission rules and orders adopted pursuant to R.C. Chapter 4929. Accordingly, each application should be approved.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the applications filed in the above-captioned cases be approved. It is, further,

{¶ 12} ORDERED, That the Commission's docketing division issue each applicant a certificate to provide CRNGS in the state of Ohio. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DMH/kck

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**Case No(s). 14-0096-GA-AGG, 14-0161-GA-GAG, 17-2450-GA-CRS, 18-0129-GA-AGG, 20-0430-GA-A**

Summary: Finding & Order approving the applications for certification as competitive retail natural gas service providers electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio