IN THE SUPREME COURT OF OHIO

In re the Application of Suvon, LLC d/b/a/ FirstEnergy Advisors for Certification as a Competitive Retail Electric Service Power Broker and Aggregator in Ohio.	)))))	Supreme Court Case No. 20-_____ On Appeal from the Public Utilities Commission of Ohio PUCO Case No. 20-103-EL-AGG

NOTICE OF APPEAL BY NORTHEAST OHIO PUBLIC ENERGY COUNCIL

Glenn S. Krassen (Reg. No. 0007610)
Counsel of Record
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)
BRICKER & ECKLER, LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
dstinson@bricker.com

COUNSEL FOR APPELLANT,
NORTHEAST OHIO PUBLIC ENERGY COUNCIL

Dave A. Yost
(Reg. No. 0056290)
Attorney General of Ohio

John H. Jones
(Reg. No. 0051913)
Section Chief, Public Utilities Section

Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, Ohio 43215-3793
Telephone: (614) 466-4397
Facsimile: (614) 644-8764
John.jones@ohioattorneygeneral.gov

ATTORNEYS FOR APPELLEE,
PUBLIC UTILITIES COMMISSION OF OHIO

NOTICE OF APPEAL

Appellant, Northeast Ohio Public Energy Council ("NOPEC"), consistent with R.C. 4903.11 and 4903.13, and S.Ct.Prac.R. 3.11(B)(2), 3.11(D)(2), and 10.02, hereby gives notice to this Court and to the Public Utilities Commission of Ohio ("PUCO") of this appeal from decisions of the PUCO issued in the certification proceeding of Suvon, LLC d/b/a FirstEnergy Advisors ("FirstEnergy Advisors"), Case No. 20-103-EL-AGG. The decisions being appealed are the PUCO's Opinion and Order entered in its Journal on April 22, 2020 (Attachment A), and the PUCO's Entry on Rehearing entered in the PUCO's Journal on June 17, 2020 (Attachments B)[1] in Case No. 20-103-EL-AGG.

NOPEC was a party of record in the above-referenced PUCO case.

On May 22, 2020, NOPEC filed, in accordance with R.C. 4903.10, an Application for Rehearing from the PUCO's April 22, 2020 Opinion and Order. The PUCO denied NOPEC's Application for Rehearing by its Entry on Rehearing entered in the PUCO's Journal on June 17, 2020.

Appellant files this Notice of Appeal complaining of errors in the PUCO's April 22, 2020 Opinion and Order, and the June 17, 2020 Entry on Rehearing (the "Orders"). NOPEC alleges that the Orders are unlawful, unreasonable and against the manifest weight of the evidence in the following respects, all of which were raised by the applications for rehearing in this proceeding:

1. The PUCO erred by granting FirstEnergy Advisors authority to provide competitive retail electric service in Ohio when FirstEnergy Advisors failed in its burden to show that it possessed the managerial, technical and financial ability to

[1] Per S.Ct.Prac.R. 10.02(A)(2), the decisions being appealed are attached.

provide such service. R.C. 4928.08(B), Ohio Admin. Code 4901:1-24-(C). [NOPEC Application for Rehearing at 13; Office of the Ohio Consumers' Counsel Application for Rehearing at 3-6.]

a. The PUCO unlawfully shifted the burden of proof from the applicant, FirstEnergy Advisors, to the intervenors by requiring the intervenors to show that FirstEnergy Advisors does not have the managerial, technical, and financial capability to function as a competitive retail electric service power broker and aggregator. [NOPEC Application for Rehearing at 13.]

2. It was unlawful and an abuse of discretion, under Ohio Admin. Code 4901:1-24-10(A)(2)(c), for the PUCO not to conduct a hearing to determine whether FirstEnergy Advisors is managerially fit and capable of providing service and of complying with PUCO rules and regulations. R.C. 4928.08, Ohio Admin. Code 4901:1-24-10(C)(1) and (2). [NOPEC Application for Rehearing at 13-15; Office of the Ohio Consumers' Counsel Application for Rehearing at 7.] Specifically:

a. It was unlawful and an abuse of discretion for the PUCO not to conduct a hearing to determine whether shared management between FirstEnergy Corp's regulated affiliates (the FirstEnergy Ohio utilities) and non-regulated affiliate (FirstEnergy Advisors) violated Ohio's electric utility corporate separation laws; notably sharing the executive officers of the regulated FirstEnergy Ohio utilities as the controlling managers and officers of the non-regulated affiliate, FirstEnergy Advisors. (R.C. 4928.17, Ohio Admin. Code 4901:1-37-04(A) and (D). [NOPEC Application for Rehearing at 17-19.]

b. It was unlawful and an abuse of discretion for the PUCO not to conduct a hearing to determine whether FirstEnergy Advisors' use of the "FirstEnergy" brand name violates Ohio's electric utility corporate separation laws. R.C. 4928.17, Ohio Admin. Code 4901:1-37-04(D). [NOPEC Application for Rehearing at 19-21.]

3. The PUCO's Orders violated R.C. 4903.09 by failing to make findings of fact to support its approval of FirstEnergy Advisor's application. [NOPEC Application for Rehearing at 11-13; Office of the Ohio Consumers' Counsel's Application for Rehearing at 9-10.]

4. The PUCO unlawfully denied NOPEC's right to discovery. R.C. 4903.082, Ohio Admin. Code 4901-1-16(A), Ohio Admin. Code 4901-1-17(A). [NOPEC Application for Rehearing at 15-17; Office of the Ohio Consumers' Counsel Application for Rehearing at 6-9.]

5. The PUCO's finding that NOPEC had failed to demonstrate prejudice by the approval of FirstEnergy Advisors' certification application is against the manifest weight of the evidence. [NOPEC Application for Rehearing at 17, referring to NOPEC's Response to FirstEnergy Advisors' Supplemental Application filed April 14, 2020.]

WHEREFORE, NOPEC respectfully submits that the PUCO's April 22, 2020 Opinion and Order and its June 17, 2020 Entry on Rehearing are unreasonable, unlawful and against the manifest weight of the evidence, and should be reversed and remanded to the PUCO with instructions to rescind FirstEnergy Advisors' certificate, provide NOPEC its full discovery rights and conduct a hearing on FirstEnergy Advisors' certification application.

Respectfully submitted,

Glenn S. Krassen (Reg. No. 0007610)
Counsel of Record
BRICKER & ECKLER LLP
1001 Lakeside Avenue, Suite 1350
Cleveland, OH 44114
Telephone: (216) 523-5405
Facsimile: (216) 523-7071
gkrassen@bricker.com

Dane Stinson (Reg. No. 0019101)
BRICKER & ECKLER, LLP
100 South Third Street
Columbus, OH 43215-4291
Telephone: (614) 227-2300
Facsimile: (614) 227-2390
dstinson@bricker.com

COUNSEL FOR APPELLANT
NORTHEAST OHIO PUBLIC ENERGY
COUNCIL

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Notice of Appeal by the Northeast Ohio Public Energy Council* was served upon the Chairman of the Public Utilities Commission of Ohio by UPS overnight delivery and upon all parties of record via electronic transmission this 14th day of August 2020.

Dane Stinson
Counsel for Appellant Northeast Ohio Public Energy Counsel

COMMISSION REPRESENTATIVES AND PARTIES OF RECORD

Sam Randazzo, Chairman
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, Ohio 43215
Via UPS overnight delivery

john.jones@ohioattorneygeneral.gov
talexander@calfee.com
khehmeyer@calfee.com
lrader@firstenergycorp.com
trhayslaw@gmail.com
mwager@taftlaw.com
iavalon@taftlaw.com
mjsettineri@vorys.com
glpetrucci@vorys.com
schmidt@sppgrp.com
angela.obrien@occ.ohio.gov
bojko@carpenterlipps.com
whitt@whitt-sturtevant.com
fykes@whitt-sturtevant.com
schmidt@sppgrp.com
bethany.allen@igs.com
joe.oliker@igs.com
michael.nugent@igs.com

CERTIFICATE OF FILING

I hereby certify that a Notice of Appeal of the Northeast Ohio Public Energy Council was filed with the docketing division of the Public Utilities Commission of Ohio as required by Ohio Adm. Code 4901-1-02(A) and 4901-1-36.

Dane Stinson
Counsel for Appellant Northeast Ohio Public Energy Counsel

ATTACHMENT A

PUCO OPINION AND ORDER
(April 22, 2020)

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 ELECTRIC SERVICE POWER BROKER AND AGGREGATOR IN OHIO.	CASE NO. 20-103-EL-AGG

FINDING AND ORDER

Entered in the Journal on April 22, 2020

I. SUMMARY

{¶ 1} In this Finding and Order, the Commission approves the application for certification as a competitive retail electric service power broker and aggregator filed by Suvon, LLC d/b/a FirstEnergy Advisors.

II. HISTORY OF THE PROCEEDING

{¶ 2} On January 17, 2020, Suvon, LLC d/b/a FirstEnergy Advisors (Suvon) filed an application for certification as a competitive retail electric service power broker and aggregator in the state of Ohio. In addition, Suvon also requested protective treatment for certain exhibits filed with its application, which were filed under seal pursuant to Ohio Adm.Code 4901:1-24-08(a). Suvon filed a supplement to its application on April 1, 2020.

{¶ 3} Motions to intervene were filed by the Ohio Consumers' Counsel (OCC) and Northeast Ohio Public Energy Council (NOPEC) on February 10, 2020. Vistra Energy Corp. and its subsidiaries (Vistra) filed a motion to intervene on February 11, 2020. On February 18, 2020, the Northwest Aggregation Coalition (NOAC) also filed a motion to intervene. No memoranda contra these motions to intervene were filed.

{¶ 4} Further, on February 21, 2020, Palmer Energy Company, Inc., (Palmer) filed a motion to intervene. Suvon filed a memorandum contra Palmer's motion on March 9, 2020. Palmer filed its reply on March 17, 2020.

{¶ 5} Energy Professionals of Ohio LLC (EPO) also filed a motion to intervene on February 21, 2020. Suvon filed a memorandum contra EPO's motion on March 9, 2020. EPO filed its reply on March 16, 2020.

{¶ 6} On March 17, 2020, the Retail Energy Supply Association (RESA) filed a motion to intervene. Suvon filed a memorandum contra the motion on April 1, 2020. Suvon also filed a motion to strike portions of RESA's motion on April 1, 2020. RESA filed a reply to the memorandum contra the motion to intervene and a memorandum contra the motion to strike on April 8, 2020. Suvon filed a reply to the memorandum contra the motion to strike on April 15, 2020.

{¶ 7} Interstate Gas Supply, Inc. (IGS) filed a motion to intervene on March 25, 2020. IGS further requests that the Commission establish a procedural schedule for this proceeding. Suvon filed a memorandum contra the motion on April 9, 2020. IGS filed its reply on April 16, 2020.

{¶ 8} In addition, OCC[1] and NOPEC filed a joint motion to suspend the certification application on February 10, 2020. Vistra also filed a motion to deny or suspend the application on February 11, 2020. On February 18, 2020, NOAC filed a motion requesting a hearing in this proceeding.

{¶ 9} On April 7, 2020, Staff filed its review and recommendation, recommending that the application be granted.

{¶ 10} On April 14, 2020, NOPEC filed a response to the Suvon's supplement to its application and to the Staff review and recommendation. Vistra filed a response to Suvon's

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1 On April 17, 2020, OCC filed a motion for leave to file comments instanter and additional comments. The Commission finds that the motion for leave to file comments instanter should be denied. The application for certification in this proceeding was suspended on April 11, 2020; R.C. 4928.08(B) directs the Commission to act to approve or deny certification within 90 days after the date of the suspension. Accepting OCC's untimely additional comments will unduly delay the resolution of this case. We also note that OCC's untimely additional comments do little more than repeat arguments previously raised by OCC and NOPEC in their February 10, 2020 filing. These arguments have been fully considered and addressed by the Commission.

supplement to its application on April 14, 2020. EPO filed correspondence in support of Vistra's response on April 16, 2020.

III. DISCUSSION

A. *Intervention*

{¶ 11} Motions to intervene in this proceeding have been filed by OCC, NOPEC, Vistra and NOAC. No party opposed the motions. The Commission finds that the motions to intervene are reasonable and should be granted.

{¶ 12} Palmer, EPO, RESA and IGS also filed motions to intervene in this proceeding. Suvon opposed each of these motions to intervene. The Commission notes that the Supreme Court of Ohio has ruled that intervention in Commission proceedings should be liberally allowed. *Ohio Consumers' Counsel v. Pub. Util. Comm.*, 111 Ohio St.3d 384, 2006-Ohio-5853, 856 N.E.3d 384 at ¶ 20. Accordingly, we find that Palmer, EPO, RESA and IGS have each met the criteria set forth in R.C. 4903.221(B) and Ohio Adm.Code 4901:1-11(B) and that the motions to intervene should be granted.

{¶ 13} However, the Commission notes that several of the motions to intervene were filed by Suvon's competitors. Competition should be determined ultimately by acumen in the marketplace, not by presumptive inhibition through a Commission certification proceeding. Although we have granted intervention in this case to Suvon's competitors, we will carefully monitor the practice of competitors intervening in certification proceedings to ensure that this does not become a widespread, abusive practice and that competition is not unduly stifled by unnecessary litigation.

B. *Managerial, Technical and Financial Capability*

{¶ 14} In their joint motion to suspend the certification application, OCC and NOPEC claim Suvon is an affiliate of the FirstEnergy electric distribution companies, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (FirstEnergy Utilities). As Suvon will be managed and controlled by members of the same

management team that controls the FirstEnergy Utilities, OCC and NOPEC argue that constitutes a violation of R.C. 4928.17(A), which requires that a competitive retail electric supplier be "fully separated" from its regulated utilities. Further, OCC and NOPEC contend that the application runs contrary to the recommendations set forth in the audit report filed in the Commission's review of the Companies' compliance with the corporate separation rules. *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 17-974-EL-UNC (*Corporate Separation Audit Case*), SAGE Management Consultants, LLC Final Audit Report (May 14, 2018) at 46, 98-99. Likewise, RESA states that it has two major concerns with the application: the use of the trade name, "FirstEnergy Advisors" and the sharing of officers and directors of both Suvon and the FirstEnergy Utilities, citing also to the findings in the audit report in the *Corporate Separation Audit Case* in support of its arguments. *Id.* at 34-36, 98. IGS asserts that the application lacks sufficient information to determine if Suvon has the ability to comply with the corporate separation rules.

{¶ 15} In its motion to suspend or reject the application, Vistra argues that the trade name "FirstEnergy Advisors" is misleading, in violation of the Commission's consumer protection rules. Vistra also argues that approving Suvon's application will inhibit the competition the General Assembly tasked the Commission with protecting, speculating that the relationship between FirstEnergy Corp. and Suvon positions Suvon to exercise disproportionate market power.

{¶ 16} In its memoranda contra the motions to suspend, Suvon responds that there is no prohibition on the use of shared service employees. Suvon notes that it is a separate corporate entity and that the use of shared service employees has nothing to with its corporate structure. Suvon claims that there is no violation of R.C. 4928.17(A)(1) because it is a separate corporate entity from the utilities owned by FirstEnergy Corp., it will operate independently from the utilities, and it will comply with the corporate separation rules. Suvon contends that OCC and NOPEC present no evidence of any violation of these rules.

{¶ 17} Suvon also argues that the use of the name "FirstEnergy Advisors" is not a violation of Commission rules and that any such restriction would violate the Constitution. Suvon notes that the Commission has held that, absent other circumstances indicating that the use of the name and/or logo is unfair, misleading or deceptive, the Commission did not believe that an unaffiliated CRES supplier should necessarily be prohibited from using the incumbent utility's name and/or logo. *In re the Commission's Review of its Rules for Competitive Retail Electric Service*, Case No. 12-1924-EL-ORD, Finding and Order (Dec. 18, 2013) at 18 (*citing Ohio Consumers' Counsel v. Interstate Gas Supply d/b/a Columbia Retail Energy*, Case No. 10-2395-GA-CSS, Opinion and Order (Aug. 15, 2012)). Suvon also contends that tradenames have long been recognized as constitutionally protected commercial speech. Suvon disputes Vistra's claim that approval of the application would be anticompetitive; Suvon argues that the claim is baseless because additional competitors inherently increase competition. Suvon concludes that the only relevant issue before the Commission in this case is Suvon's qualifications under the Commission's application process.

{¶ 18} In its response to Suvon's supplemental filing, Vistra speculates that Suvon made the filing to address claimed inadequacies in the application identified by intervenors. However, Vistra contends that the supplemental filing does not sufficiently address the use of the trade name, "FirstEnergy Advisors," or compliance with corporate separation requirements. NOPEC, in its response to the supplemental filing and the Staff review and recommendation, argues that both the supplement and the Staff review and recommendation failed to address the central question of whether the corporate separation rules are violated if a CRES provider is managed and controlled by the same individuals that control affiliated electric distribution utilities. NOPEC recommends that the Commission reject the Staff review and recommendation because it failed to address this central question.

{¶ 19} The Commission notes that the arguments of intervenors center around questions regarding the fact that Suvon will be doing business under a trade name derived from the name of its corporate parent, FirstEnergy Corp., and whether Suvon is properly

separated from the FirstEnergy Utilities. We note that these are not new or novel questions. FirstEnergy Corp. has previously had a competitive affiliate certified as a CRES provider in this state. *In re FirstEnergy Solutions Corp.*, Case No. 00-1742-EL-CRS, Entry (Nov. 2, 2000). Likewise, we have certified other CRES providers who are or were affiliated with a public utility in this state. *In re AEP Energy, Inc.*, Case No. 10-384-EL-CRS; *In re IGS Dayton, Inc., f/k/a DP&L Energy Resources, Inc.*, Case No. 00-2171-EL-CRS. Further, certified competitive retail natural gas suppliers, who were unaffiliated with any public utility, have reached contractual agreements to use a trade name similar to the name of a public utility. *Ohio Consumers' Counsel v. Interstate Gas Supply d/b/a Columbia Retail Energy*, Case No. 10-2395-GA-CSS, Opinion and Order (Aug. 15, 2012). We note that the existing requirements for proper disclosure of the affiliate relationship has been considered to be a necessary and sufficient protection in all prior cases. We expect Suvon to include and present the required disclosure, in a conspicuous and efficacious manner in all communications with consumers.

{¶ 20} Nonetheless, the Commission finds that issues regarding Suvon's use of the trade name and compliance with corporate separation requirements by FirstEnergy Corp. affiliates are best raised in other proceedings, specifically the ongoing review of the corporate separation audit of the three FirstEnergy Utilities in the *Corporate Separation Audit Case*. OCC and NOPEC have cited the auditor's report filed in that proceeding, but the Commission has not adopted that report at this time, and the finding and conclusions of the auditor should be litigated in that proceeding rather than this case. We also note that, in itsresponse to Suvon's April 1, 2020 supplemental filing, Vistra questions the sufficiency of the FirstEnergy Utilities' corporate separation plan and cost allocation manual; however, the review of the corporate separation plan and the cost allocation manual are, in fact, essential elements of the corporate separation audit report, and should be addressed in that proceeding. *Corporate Separation Audit Case,* Audit Report (May 14, 2019) at 19-37, 101-121.

{¶ 21} Therefore, the Commission finds that, pursuant to R.C. 4928.17, the only relevant issues in this certification proceeding are whether Suvon has the managerial, technical and financial capability to be a CRES broker/aggregator in this state. Staff has

thoroughly reviewed Suvon's managerial, technical and financial capability and has recommended that Suvon's application should be approved. Upon review of the many motions and memoranda filed in this case, we find that no other parties have raised material issues regarding Suvon's managerial, technical and financial capability. NOPEC's response to the April 7, 2020 Staff review and recommendation, faulting Staff for failing to address the "key corporate separation issues in this case," aptly demonstrates that NOPEC's sole focus is upon compliance with the corporate separation requirements rather than Suvon's managerial, technical and financial capability. Moreover, we specifically reject arguments which seek to cast questions regarding compliance with the corporate separation statute and rules as evidence of a lack of managerial, technical and financial capability. Finally, we are not persuaded by OCC and NOPEC's assertion that use of shared service employees is per se unlawful; OCC and NOPEC have failed to identify any statute, Supreme Court precedent, or Commission ruling in support of this overly broad claim. To the contrary, shared service arrangements are authorized by Federal law.

{¶ 22} Upon review of all of the filings in this case, we find that no party has raised any issues which materially dispute Staff's determination that Suvon has demonstrated the managerial, technical and financial capability to function as a CRES power broker and aggregator in this state. Accordingly, we find that Suvon's application should be approved. We further find that no hearing is necessary in this proceeding.

C. Motions for a Protective Order and to Compel

{¶ 23} On March 17, 2020, Suvon filed a motion for a protective order. In its motion, Suvon contends that discovery is premature. Subsequently, on March 20, 2020, NOPEC filed a motion to compel discovery. NOPEC filed a memorandum contra the motion for a protective order on April 1, 2020. Suvon filed a memorandum contra the motion to compel on April 6, 2020. Replies to the memorandum contra were filed on April 8, 2020, and April 13, 2020, by Suvon and NOPEC respectively. OCC also filed a motion to compel discovery on April 17, 2020.

{¶ 24} Suvon contends that discovery is premature at this point in the proceeding because no hearing or procedural schedule has been established by the Commission. Suvon also argues that NOPEC's discovery requests are not reasonably calculated to lead to the discovery of admissible evidence; Suvon claims that Ohio Adm.Code 4901:1-24-10(B) determines the scope of this case and does not provide for automatic discovery from intervenors. NOPEC contends that the failure to respond to discovery demonstrates that Suvon lacks the managerial, technical and financial capability to be a CRES provider. NOPEC further contends that Commission rules and precedent permit discovery before a case is set for hearing, citing a recent ruling by the Commission in similar circumstances. *In re Verde USA Ohio, LLC,* Case Nos. 11-5886-EL-CRS et al. (*Verde*), Entry (Mar. 3, 2020).

{¶ 25} The Commission finds that NOPEC's reliance upon the ruling in *Verde* is misplaced. The facts and circumstances surrounding the renewal application in *Verde* are substantially different from the facts in this case, including the fact that, although no decision was made on whether to set the matter for hearing, the attorney examiner did establish a procedural schedule and comment period. Nonetheless in light of our determination that Suvon has the managerial, technical and financial capability to serve as a CRES power broker and aggregator and our determination that no hearing is necessary in this proceeding, we find that the motion for a protective order filed by Suvon and the motions to compel filed by NOPEC and OCC are moot and should be denied.

IV. ORDER

{¶ 26} It is, therefore,

{¶ 27} ORDERED, That Suvon's application be approved. It is, further,

{¶ 28} ORDERED, That the motions to intervene filed by NOPEC, Vistra, NOAC, Palmer, EPO, RESA and IGS be granted. It is, further,

{¶ 29} ORDERED, That the motion for a protective order filed by Suvon be denied. It is, further,

{¶ 30} ORDERED, That the motions to compel filed by NOPEC and OCC be denied. It is, further,

{¶ 31} 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

GAP/hac

Summary: Finding & Order approving the application for certification as a competitive retail electric service power broker and aggregator filed by Suvon, LLC d/b/a FirstEnergy Advisors. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio

ATTACHMENT B

PUCO ENTRY ON REHEARING
(June 17, 2020)

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 ELECTRIC SERVICE POWER BROKER AND AGGREGATOR IN OHIO.	CASE NO. 20-103-EL-AGG

ENTRY ON REHEARING

Entered in the Journal on June 17, 2020

I. SUMMARY

{¶ 1} In this Entry on Rehearing, the Commission denies the applications for rehearing filed by Northeast Ohio Public Energy Council, the Retail Energy Supply Association, and Ohio Consumers' Counsel.

II. HISTORY OF THE PROCEEDING

{¶ 2} Suvon, LLC d/b/a FirstEnergy Advisors (Suvon) is an electric services company pursuant to R.C. 4928.01(A)(9) and a competitive retail electric service power broker and aggregator in the state of Ohio, and, and as such, is subject to certification by the Commission.

{¶ 3} R.C. 4928.08 states that no electric services company shall provide a competitive retail electric service to a consumer in this state without first being certified by the Commission regarding its managerial, technical, and financial capability to provide that service and providing a financial guarantee sufficient to protect customers and electric distribution utilities from default. R.C. 4928.08 further states that certification shall be deemed approved thirty days after the filing of an application with the Commission unless the Commission suspends that approval for good cause shown. In the case of such a suspension, the Commission shall act to approve or deny certification to the applicant not later than ninety days after the date of the suspension. R.C. 4928.08(B).

{¶ 4} On January 17, 2020, Suvon filed an application for certification as a competitive retail electric service (CRES) power broker and aggregator in the state of Ohio. Suvon filed a supplement to its application on April 1, 2020.

{¶ 5} On February 11, 2020, the attorney examiner suspended approval of the application. On April 7, 2020, Staff filed its review and recommendation, recommending that the application be granted. Subsequently, on April 22, 2020, the Commission approved the application as supplemented.

{¶ 6} R.C. 4903.10 states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.

{¶ 7} On May 22, 2020, Northeast Ohio Public Energy Council (NOPEC), the Retail Energy Supply Association (RESA) and Ohio Consumers' Counsel (OCC) each filed applications for rehearing regarding the April 22, 2020 Finding and Order.

{¶ 8} On June 8, 2020, Suvon filed a memorandum contra the applications for rehearing. In its memorandum contra, Suvon generally argues that the Commission has already considered and properly rejected all arguments raised in the applications for rehearing. Suvon claims that the parties seeking rehearing repeat arguments which they previously made and that, as these arguments have already been considered and rejected by the Commission, there is no need to further consider these arguments here. *In re the Complaint of Mr. and Mrs. Ronald Kohli v. Dayton Power and Light Co.*, Case No. 82-1204-EL-CSS, Entry on Rehearing (July 17, 1984).

{¶ 9} The Commission has thoroughly reviewed the applications for rehearing filed in this proceeding. To the extent that an assignment of error is not specifically addressed below, that assignment of error should be considered to be denied by the Commission.

III. DISCUSSION

A. RESA's Assignment of Error

{¶ 10} In its sole assignment of error, RESA claims that the Commission "violated the certification standards and procedures in R.C. 4928.08 and [Ohio Adm.Code] Chapter 4901:1-24, to the prejudice of RESA." The Commission finds that rehearing on this assignment of error should be denied because the assignment of error makes nothing more than broad, general claims and fails to specifically allege in what respect the Commission's order was unreasonable or unlawful. *Discount Cellular, Inc. v. Pub. Util. Comm.*, 112 Ohio St.3d 360, 2007-Ohio-53, 859 N.E.2d 957 at ¶¶ 59-60. The assignment of error in this case is strikingly similar to the assignment of error in *Discount Cellular*, which stated "[t]he commission erred in dismissing the complaint because the Commission is required by R.C. 4905.26 to hear complaints alleging violations of Ohio utility law." *Discount Cellular* at ¶57. In this case, by simply alleging that the April 22, 2020 Finding and Order violated R.C. 4928.08 and *an entire chapter* of the Ohio Administrative Code, RESA failed to meet the specificity test of R.C. 4903.10, which the Supreme Court of Ohio has held should be strictly construed. As the Supreme Court has observed, RESA's "application for rehearing used a shotgun instead of a rifle" to hit the question. *Discount Cellular* at ¶59 (*citing Consumers' Counsel v. Pub. Util. Comm.*, 70 Ohio St.3d 244, 248, 638 N.E.2d 550 (1994) (*quoting Cincinnati v. Pub. Util. Comm.* 151 Ohio St. 353, 378, 86 N.E.2d 10 (1949))).

{¶ 11} Further, the Commission finds that, even if RESA's assignment of error did not fail due to the lack of specificity, rehearing on this assignment of error would still be denied. In the memorandum in support of the application for rehearing, RESA appears to argue that the failure to consider compliance with the corporate separation plan provisions violates the Commission's standards governing approval of CRES applications. RESA argues that the Commission failed to follow Ohio Adm.Code 4901:1-24-10(C)(2), which requires the Commission to determine whether the applicant is managerially, financially, and technically fit and capable of complying with all applicable Commission rules and orders. However, RESA is incorrect. In the Finding and Order, the Commission adopted

the Staff Report and Recommendation, which clearly states that Staff was required to evaluate an applicant "based on its managerial, technical, and financial capabilities to provide the service it intends to offer and *its ability to comply with commission rules or orders* pursuant to Chapter 4928 of the Ohio Revised Code [emphasis added]" and that Staff had thoroughly reviewed and evaluated the application. Finding and Order at ¶¶ 21-22; Staff Review and Recommendation (Apr. 7, 2020). Further, with respect to compliance specifically with the corporate separation plan, mandated by R.C. 4928.17, by Suvon and its affiliates, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, the FirstEnergy Utilities), the Commission rejected claims that the alleged failure to comply with the corporate separation plan provisions was evidence of a lack of managerial, technical and financial capability, and the Commission specifically rejected the argument made by NOPEC and OCC that the use of shared service employees is per se unlawful. Finding and Order at ¶ 21. In fact, the Commission has long allowed employees to be shared between electric distribution utilities and affiliated CRES providers, including shared officers and directors, as long as that sharing does not violate the code of conduct. *In re the Commission's Review of Chapter 4901:1-20, Ohio Administrative Code*, Case No. 04-48-EL-ORD, Finding and Order (July 28, 2004) at 10. Thus, we properly deferred the issue to *In re Ohio Edison Co., The Cleveland Elec. Illum. Co., and The Toledo Edison Co.*, Case No. 17-974-EL-UNC (*Corporate Separation Audit Case*). The audit report in that case specifically addresses compliance with the code of conduct.

B. NOPEC's Third Assignment of Error and OCC's Fourth Assignment of Error

{¶ 12} NOPEC claims, in its third assignment of error, that the Commission abused its discretion by failing to consider in this certification case whether Suvon's management structure and use of a trade name violated the Commission's corporate separation rules. Likewise, in its fourth assignment of error, OCC claims that the Commission erred by failing to render a decision in this case on the inseparable issues pending in its audit of the FirstEnergy Utilities conducted in the *Corporate Separation Audit Case*. Alternatively, OCC alleges that the Commission erred by failing to hold its decision in abeyance in this case

until it fulfills its intention to render a decision in the *Corporate Separation Audit Case*. OCC claims that Suvon's application should be denied or held in abeyance pending due process and a decision in the *Corporate Separation Audit Case*.

{¶ 13} In support of this assignment of error, NOPEC and OCC claim that consideration of whether an applicant is fit and capable of complying with all applicable Commission rules necessarily depends on whether the applicant is in compliance with all applicable Commission rules and orders, and Ohio laws, including compliance with the corporate separation plan provisions.

{¶ 14} In its memorandum contra, Suvon contends that the Commission properly reserved corporate separation questions for the *Corporate Separation Audit Case.* Suvon notes that the Commission has discretion to consider any corporate separation issues in a separate docket. *Toledo Coalition for Safe Energy v. Pub. Util. Comm.*, 69 Ohio St. 2d 559, 560, 433 N.E.2d 212 (1982).

{¶ 15} Rehearing on these related assignments of error should be denied. The Commission is vested with the broad discretion to manage its dockets to avoid undue delay and the duplication of effort, including the discretion to decide, how, in light of its internal organization and docket considerations, it may best proceed to manage and expedite the orderly flow of its business, avoid undue delay and eliminate unnecessary duplication of effort. *In re Columbus S. Power Co.*, Case Nos. 11-346-EL-SSO et al., Opinion and Order (Aug. 8, 2012) at 24 (citing *Duff v. Pub. Util. Comm.*, 56 Ohio St. 2d 367, 379, 382 N.E.2d 264 (1978); *Toledo Coalition for Safe Energy*, 69 Ohio St. 2d at 560). In this case, we exercised our discretion and determined that both issues related to the use of a trade name and issues regarding compliance with the corporate separation plan provisions by Suvon and the FirstEnergy Utilities were best addressed in the *Corporate Separation Audit Case*.

{¶ 16} As we noted in the Finding and Order, OCC and NOPEC cited extensively, in their filings in this case, to the audit report in the *Corporate Separation Audit Case*; but the Commission has not adopted that audit report at this time, and the findings and conclusions

of the auditor should be litigated in that proceeding rather than this case. Finding and Order at ¶ 20. For example, the auditor's recommendation in the *Corporate Separation Audit Case* regarding the use of trade names represents a significant departure from well-established Commission precedents,[1] and, accordingly, that issue is best addressed in the *Corporate Separation Audit Case*. If the Commission determines that a hearing is necessary in that case, the auditor will be available as a witness to explain the basis of the recommendation and the need to depart from past precedent, subject to cross-examination by the parties to that proceeding. Likewise, the auditor would be available in that proceeding to explain whether the existing corporate separation plan governing the relationship between Suvon and the FirstEnergy Utilities is sufficient and the basis for any recommendations on that issue. The alternative, having the auditor potentially testify in both this proceeding and the *Corporate Separation Audit Case*, would be an unnecessary duplication of effort and may result in unnecessary delay.

{¶ 17} The Commission also notes that, in the *Corporate Separation Audit Case*, the attorney examiner has established a supplemental comment period and supplemental reply period, specifically to permit interested persons to comment upon the audit report as it now relates to Suvon. Entry, *Corporate Separation Audit Case* (Apr. 29, 2020) at ¶¶ 8-9. In order to facilitate comments related to Suvon, the attorney examiner, sua sponte, took administrative notice in the *Corporate Separation Audit Case*, of the application and supplement filed by Suvon in this proceeding. *Id.* at ¶ 10. Further, the attorney examiner found that RESA had demonstrated extraordinary circumstances and granted its out-of-time motion for intervention. Id. at ¶ 12.

{¶ 18} Moreover, we find that holding our decision in this case in abeyance, as requested by OCC, would be unduly prejudicial to Suvon, which has demonstrated that it

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[1] *See In re the Commission's Review of its Rules for Competitive Retail Electric Service,* Case No. 12-1924-EL-ORD, Finding and Order (Dec. 18, 2013) at 18 (*citing Ohio Consumers' Counsel v. Interstate Gas Supply d/b/a Columbia Retail Energy*, Case No. 10-2395-GA-CSS, Opinion and Order (Aug. 15, 2012)). *See also In re FirstEnergy Solutions Corp.,* Case No. 00-1742-EL-CRS, Entry (Nov. 2, 2000); *In re AEP Energy, Inc.,* Case No. 10-384-EL-CRS; *In re IGS Dayton, Inc., f/k/a DP&L Energy Resources, Inc.,* Case No. 00-2171-EL-CRS.

has the managerial, technical and financial capability to provide CRES power brokerage and aggregation service in Ohio. If, in the *Corporate Separation Audit Case*, the auditor and other parties persuade the Commission to deviate from our established precedents regarding the use of trade names or if the Commission determines the approved corporate separation plan to be inadequate, the Commission will take the necessary and sufficient steps to remedy the issue in that proceeding. However, denying Suvon the ability to compete as a CRES broker and aggregator while parties litigate the *Corporate Separation Audit Case* would be unduly prejudicial to Suvon. On the other hand, neither OCC nor Suvon's competitors, NOPEC and RESA, have demonstrated any prejudice stemming from the approval of Suvon's certificate. Competition should be decided by the marketplace rather than through duplicative litigation in a Commission certification proceeding. Finding and Order at ¶ 13.

C. OCC's Second Assignment of Error and NOPEC's Fourth Assignment of Error

{¶ 19} OCC claims in its second assignment of error that the Commission erred by denying discovery, which intervenors are entitled to conduct, by failing to hold a hearing, and by failing to afford due process to intervenors. NOPEC, in its fourth assignment of error, also claims that the Commission's denial of NOPEC's discovery rights was unlawful. NOPEC claims that, when a certification proceeding has been suspended based upon information provided by an intervening party, and the intervening party's intervention is unopposed, the intervenor has the right to discovery.

{¶ 20} In support of this assignment of error, OCC argues that the Commission should have afforded parties ample rights to discovery to allow parties to produce evidence regarding Suvon's ability to comply with corporate separation rules and Ohio law. OCC further contends that the certification application in this case should have been subject to a full hearing where all parties (Suvon, Staff and eight intervenors) offered testimony and cross-examined witnesses regarding the application. OCC posits that such a hearing would have allowed due process for the parties and resulted in the development of a record upon which the Commission should base its decision. NOPEC argues that the April 22, 2020, Finding and Order denied its motion to compel discovery and this denied NOPEC the

ability to substantiate its claim that Suvon lacked the capability to provide CRES power brokerage and aggregation service and comply with Ohio law. Both OCC and NOPEC cite to a recent attorney examiner ruling in a certification case in which the attorney examiner ruled that discovery should commence in that proceeding. *In re Verde USA Ohio, LLC,* Case Nos. 11-5886-EL-CRS et al. (*Verde*), Entry (Mar. 3, 2020).

{¶ 21} In its memorandum contra, Suvon argues that that there is no automatic right to a hearing in Commission cases and that many Commission cases proceed without a hearing even where parties disagree. Suvon further claims that OCC and NOPEC have presented no authority in support of their claim that they are entitled to a hearing. Suvon also claims that there is no automatic right to discovery which prevented the Commission from issuing the Finding and Order. Suvon argues that Ohio law does not provide for a hearing and full discovery process in certification cases and that the Commission has rejected proposals which would provide any interested person the right to intervene, conduct discovery and present evidence in any Commission case. *In re the Commission's Review of Chapters 4901-1, 4901-3, and 4901-9 of the Ohio Administrative Code,* Case No. 06-685-AU-ORD, Finding and Order (Dec. 6, 2006) at ¶ 7; *see also In re Triennial Review Regarding Local Circuit Switching,* Case No. 03-2040-TP-COI, Entry on Rehearing (Oct. 28, 2003) at ¶ 8.

{¶ 22} The Commission finds that rehearing on these assignments of error should be denied. As an initial matter, the Commission reiterates that the reliance by NOPEC and OCC upon the attorney examiner ruling in *Verde* is misplaced. The facts and circumstances surrounding Suvon's application are vastly different than the facts and circumstances surrounding Verde's renewal application. *Verde*, Entry (Mar. 3, 2020) at ¶¶ 3-6. Further, the attorney examiner's ruling was part of a broader entry which also established a procedural schedule, *which included a deadline for discovery*, leaving no question that discovery should commence. *Id.* at ¶¶ 11, 13.

{¶ 23} Nonetheless, the Commission did not deny NOPEC and OCC their rights to discovery prior to the issuance of the Finding and Order in this case. NOPEC and OCC

were unable to obtain discovery in this proceeding because NOPEC and OCC each failed to expeditiously prosecute their motions to compel discovery. By statute, Commission certification proceedings are to be conducted on an expedited basis. R.C. 4928.08 states that certification shall be deemed approved 30 days after the filing of an application with the Commission unless the Commission suspends that approval for good cause shown. In the case of such a suspension, the Commission shall act to approve or deny certification or certification renewal to the applicant not later than 90 days after the date of the suspension. In this case, the application was filed by Suvon on January 17, 2020. The attorney examiner suspended approval of the application on February 11, 2020. Therefore, according to the statutory directive in R.C. 4928.08, the Commission was to act to approve or deny the certification application by May 11, 2020. Despite this 90-day period, NOPEC did not file its motion to compel discovery until March 20, 2020. Compounding the issue, NOPEC did not seek expedited consideration of the motion to compel, which, by rule, would have required Suvon to respond in seven days. Ohio Adm.Code 4901-1-12(C). Instead, Suvon timely filed its memorandum contra the motion to compel on April 6, 2020. NOPEC used its full seven-day reply period and filed its reply on April 13, 2020, which was after the filing of the Staff Review and Recommendation on April 6, 2020. OCC did not file its motion to compel discovery until April 17, 2020, the sixty-sixth day of the 90-day period for Commission action directed by R.C. 4928.08. OCC also did not seek expedited consideration of the motion to compel. Parties to Commission proceedings should be guided by the statutory timeframe directing the Commission to act to approve or deny a certification application. Nonetheless, on April 22, 2020, within the statutory 90-day period, the Commission issued its Finding and Order approving the certificate and finding that no hearing was necessary. Finding and Order at ¶ 22. At that point, the motions to compel discovery filed by NOPEC and OCC were, in fact, moot. Finding and Order at ¶ 25.

{¶ 24} With respect to holding a hearing in this proceeding, OCC has not identified any statutory provision for providing for a hearing on an application for certification as a CRES provider. R.C. 4928.08 contains no such provision although the statute does provide

for an opportunity for a hearing if the Commission suspends, rescinds or conditionally rescinds an existing certificate. R.C. 4928.08(D). OCC has not identified any decision of the Supreme Court of Ohio or Commission precedent requiring a hearing on an application for certification as a CRES provider. The Commission rules governing applications for certification as a CRES provider do provide that the Commission, *at its discretion*, may set the matter for hearing. Ohio Adm.Code 4901:1-24-10(A)(2)(c).

{¶ 25} However, there are no material disputes of fact in this case. No one disputes that Suvon intends to use the trade name "FirstEnergy Advisors" and that Suvon uses shared service employees, including officers and directors. Suvon provided this information in its certification application filed on January 17, 2020. There is no allegation that Staff failed to thoroughly investigate and review the application and the supplement filed by Suvon. Thus, as provided by Ohio Adm.Code 4901:1-24-10(A)(2)(c), the Commission reviewed the application, supporting attachments and evidence, and the recommendation of Staff. In addition, the Commission considered the numerous motions, comments, and memoranda filed both by Suvon and by the eight intervening parties in this proceeding. Finding and Order at ¶¶ 14-18. Having reviewed all of these filings, the Commission determined that the record contained the necessary and sufficient information to approve the application, and the Commission determined, at its discretion, that no hearing was necessary in this proceeding. Finding and Order at ¶¶ 21-22. No arguments raised by OCC persuade us to reconsider that determination.

D. NOPEC's First Assignment of Error and OCC's Third Assignment of Error

{¶ 26} In its first assignment of error, NOPEC claims that the Commission failed to make findings of fact to support approval of Suvon's application. Similarly, OCC claims in its third assignment or error that the Commission's decision approving the application is unlawful and is unsupported by record evidence in violation of R.C. 4903.09.

{¶ 27} Suvon responds in its memorandum contra that the Commission made all of the required findings to grant the application for certification. Suvon notes that the

Commission specifically references the application and supplement filed in this case, the facts referenced therein, and Staff's investigation of the facts. Finding and Order at R.C. ¶ 21-22.

{¶ 28} Ohio Adm. Code 4901:1-24-10(B) specifies that, in evaluating an application for certification as a CRES provider, the Commission should consider the information contained in the application, supporting attachments and evidence, and recommendations of Staff. In the April 22, 2020 Finding and Order, the Commission thoroughly reviewed and considered the arguments raised by NOPEC, RESA, and OCC, as well as arguments raised by Suvon and other parties. Finding and Order at ¶¶ 14-19. The Commission rejected the arguments opposing certification, finding that issues regarding Suvon's use of a trade name and compliance with the statutory corporate separation plan requirements by FirstEnergy Corp. affiliates are best raised in other proceedings, specifically the ongoing review of the corporate separation plan audit of the FirstEnergy Utilities conducted in the *Corporate Separation Audit Case*. Finding and Order at ¶¶ 19-20. The Commission further explained that no party in the case had materially disputed Staff's determination that Suvon had the managerial, technical and financial capability to serve as a CRES power broker and aggregator, and the Commission adopted the recommendation filed by Staff on April 7, 2020. Finding and Order at ¶¶ 21-22. Thus, upon review, we find that our reasoning, and the factual basis supporting approval of Suvon's application, are easily discernable from the April 22, 2020 Finding and Order. *Consumers' Counsel v. Pub. Util. Comm.*, 109 Ohio St.3d 328, 2006-Ohio-2110, 847 N.E.2d 1184 at ¶ 20 (citing *MCI Telecommunications Corp. v. Pub. Util. Comm.*, 32 Ohio St.3d 306, 311-312, 513 N.E.2d 337 (1987)). Accordingly, rehearing on this assignment of error should be denied.

E. NOPEC's Second Assignment of Error

{¶ 29} In its second assignment of error, NOPEC claims that the Commission unlawfully shifted the burden of proof to the intervenors by requiring them to show that the application should not be granted.

{¶ 30} Rehearing on this assignment of error should be denied. The Commission did not shift the burden of proof to the intervenors. We simply stated that no intervenor had raised any arguments to materially dispute Staff's determination that Suvon had the managerial, technical and financial capability to serve as a CRES power broker and aggregator. Finding and Order at ¶¶ 21. Observing that intervenors had failed to materially dispute the Staff's determination cannot reasonably be construed as shifting the burden of proof in this proceeding. The burden of proof in this proceeding remained where it began: with the applicant, Suvon.

F. NOPEC's Fifth Assignment of Error and OCC's First Assignment of Error

{¶ 31} In its fifth assignment of error, NOPEC claims that the Commission erred by failing to find in this certification case that Suvon lacks the managerial capability to provide service because Suvon has not identified a management team that is compliant with the Commission's corporate separation rules. In its first assignment of error, OCC alleges that the Commission erred by failing to find that Suvon's application, as supplemented, violates R.C. 4928.08(B) and Ohio Adm.Code 4901:1-24-10(C). OCC claims that Suvon failed to prove that its operational plan adequately addresses corporate separation requirements. OCC also claims that Suvon has not demonstrated how it will prevent information from flowing between shared employees.

{¶ 32} In its memorandum contra, Suvon responds that there is no prohibition on the use of shared service employees and that shared service employees are often used in Ohio. Suvon notes that Ohio Adm.Code 4901:1-37-04(A)(5) and 4901:1-37-08 specifically address how shared service employees should be accounted for under a cost allocation manual. Further, Suvon states that it has demonstrated that it is a separate corporate entity from the FirstEnergy Utilities and that the use of shared service employees has nothing to do with the corporate structure.

{¶ 33} The Commission thoroughly considered this issue in the Finding and Order, where we noted that we were not persuaded by the arguments raised by NOPEC and OCC

in their joint motion to suspend the application filed on February 10, 2020. Finding and Order at ¶¶ 14, 21. Neither NOPEC nor OCC has raised new arguments in support of these assignments of error, and rehearing should be denied on that basis. However, the Commission will reiterate that no one disputes that Suvon will use shared service employees, including officers and directors. However, in the April 22, 2020 Finding and Order, the Commission, consistent with past decisions, rejected the argument by NOPEC and OCC that use of shared service employees is per se unlawful. Finding and Order at ¶ 21. The Commission has not prohibited electric distribution utilities and affiliated CRES providers from using shared service employees, officers and directors, as long as that sharing does not violate the code of conduct. *In re the Commission's Review of Chapter 4901:1-20, Ohio Administrative Code,* Case No. 04-48-EL-ORD (*Transition Plan Rule Review*), Finding and Order (July 28, 2004) at 10. The code of conduct contains provisions prohibiting the improper flow of information between shared service employees and employees of competitive affiliates, and, as stated above, the audit report in the *Corporate Separation Audit Case* specifically addresses compliance with the code of conduct. Thus, any issues OCC has with respect to compliance with the code of conduct are best addressed in that proceeding.

G. NOPEC's Sixth Assignment of Error

{¶ 34} Further, NOPEC alleges, in its sixth assignment of error, that the Commission erred by failing to find in this certification case that Suvon's use of a trade name violates Ohio's electric utility corporate separation provisions. NOPEC claims that prior Commission decisions regarding trade names are inapplicable in this case because the Commission had reasoned that to require a supplier to change its name would cause customer confusion since affiliates had been using a similar name to the utility for a number of years. *Transition Plan Rule Review*, Finding and Order (July 28, 2004) at 8-9. NOPEC explains that, since Suvon is a new competitor, that would not be the case in this instance.

{¶ 35} Suvon argues in its memorandum contra that there is no prohibition on the use of a parent company's name. Suvon notes that many utilities in Ohio have, or had, affiliates with similar trade names. *See In re AEP Energy,* Case Nos. 10-384-EL-CRS and 12-

1491-GA-CRS; *In re Duke Energy Retail Sales*, Case No. 04-1323-EL-CRS; *In re Dominion Retail Inc.*, Case Nos. 00-1781-EL-CRS and 02-1757-GA-CRS; *In re Vectren Retail LLC*, Case No. 11-1078-EL-CRS.

{¶ 36} The Commission also thoroughly considered this issue in the Finding and Order, rejecting the arguments raised by NOPEC and OCC in their joint motion to suspend the application filed on February 10, 2020. Finding and Order at ¶¶ 14, 19-20. We note that NOPEC fails in its attempt to distinguish the past precedents regarding the use of tradenames noted by the Commission. In support of this assignment of error, NOPEC points to the Commission's discussion regarding the use of joint advertising in the *Transition Plan Rule Review. Transition Plan Rule Review*, Finding and Order (July 28, 2004) at 8-9. However, in the April 22, 2020 Finding and Order, the Commission never relied upon or cited to the *Transition Plan Rule Review*. Instead, the Commission noted several other precedents on this issue. Finding and Order at ¶ 19 (*citing In re FirstEnergy Solutions Corp.*, Case No. 00-1742-EL-CRS, Entry (Nov. 2, 2000), *In re AEP Energy, Inc.*, Case No. 10-384-EL-CRS; *In re IGS Dayton, Inc., f/k/a DP&L Energy Resources, Inc.*, Case No. 00-2171-EL-CRS, *Ohio Consumers' Counsel v. Interstate Gas Supply d/b/a Columbia Retail Energy*, Case No. 10-2395-GA-CSS, Opinion and Order (Aug. 15, 2012). Otherwise, NOPEC has raised no new arguments in support of this assignment of error. Accordingly, rehearing should be denied on that basis.

IV. ORDER

{¶ 37} It is, therefore,

{¶ 38} ORDERED, That the applications for rehearing filed by RESA, NOPEC and OCC be denied. It is, further,

{¶ 39} ORDERED, That a copy of this Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:
Approving:
Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

GAP/hac

Summary: Entry denying the applications for rehearing filed by Northeast Ohio Public Energy Council, the Retail Energy Supply Association, and Ohio Consumers' Counsel. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio

Summary: Notice of Appeal by Northeast Ohio Public Energy Council electronically filed by Teresa Orahood on behalf of Dane Stinson