

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
NOPEC, INC. FOR CERTIFICATION AS A
COMPETITIVE RETAIL ELECTRIC SERVICE
PROVIDER IN OHIO.

CASE NO. 07-891-EL-CRS

FINDING AND ORDER

Entered in the Journal on October 21, 2020

I. SUMMARY

{¶ 1} The Commission approves the renewal application of NOPEC, Inc. for certification as a competitive retail electric service provider in Ohio.

II. DISCUSSION

{¶ 2} On April 24, 2020, NOPEC, Inc. (Applicant) filed its renewal application in this proceeding for certification as a competitive retail electric service (CRES) provider in the state of Ohio.

{¶ 3} R.C. 4928.08 provides that retail electric suppliers must be certified by the Commission prior to providing CRES in Ohio. The Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to provide CRES and whether there are reasonable financial assurances sufficient to protect customers and electric companies from default.

{¶ 4} Pursuant to Ohio Adm.Code 4901:1-24-10(A), an application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. Additionally, Ohio Adm.Code 4901:1-24-10(A)(1) provides that, upon good cause shown, the Commission or an attorney examiner may suspend consideration of a certification application.

{¶ 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 CRES, 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} On May 20, 2020, an attorney examiner issued an Entry in Case No. 20-591-AU-UNC directing that the tolling provision of the March 16, 2020 Entry be terminated effective June 1, 2020. Due to the date of filing in the above-captioned case, however, the Applicant's renewal application was subject to the tolling provisions of the March 16, 2020 Entry and was suspended from automatic approval during the tolling. *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 (May 20, 2020) at ¶ 6.

{¶ 8} On June 30, 2020, pursuant to 4901:1-24-10(A)(1), the attorney examiner in this case suspended the 30-day automatic approval of Applicant's April 24, 2020 application so that Staff could review the application further.

{¶ 9} Staff filed its review and recommendation on October 8, 2020. Based upon its evaluation and review of the application and its accompanying exhibits, Staff states that it believes that the Applicant's April 24, 2020 application is in compliance with the Ohio Administrative Code. Staff therefore recommends that the application be approved.

{¶ 10} Accordingly, the Commission finds reasonable Staff's recommendation that the renewal application for certification be approved.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the renewal application for certification filed by NOPEC, Inc. be approved. It is, further,

{¶ 13} ORDERED, That the Commission's Docketing Division issue to the Applicant a certificate to provide CRES in Ohio. It is, further,

{¶ 14} 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). 07-0891-EL-CRS

Summary: Finding & Order approving the renewal application of NOPEC, Inc. for certification as a competitive retail electric service provider in Ohio. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio