

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of
Verde Energy USA Ohio, LLC for
Certification as a Competitive Retail
Electric Supplier

In the Matter of the Application of
Verde Energy USA Ohio, LLC as a
Competitive Retail Natural Gas
Supplier

CASE NO.: 11-5886-EL-CRS

CASE NO.: 13-2164-GA-CRS

(CONSOLIDATED)

EXPEDITED RULING REQUESTED

**PARTIALLY UNOPPOSED MOTION TO EXTEND VERDE ENERGY USA
OHIO, LLC'S COMPETITIVE RETAIL ELECTRIC SERVICE AND
COMPETITIVE RETAIL NATURAL GAS SERVICE CERTIFICATIONS**

Verde Energy USA Ohio, LLC ("Verde Energy") hereby moves the Public Utilities Commission of Ohio (the "Commission") to extend Verde Energy's current Competitive Retail Electric Service (CRES) and Competitive Retail Natural Gas Service (CRNGS) certifications until the Commission enters a decision on Verde Energy's applications to renew those certifications. An extension is necessary to allow Verde Energy to continue to serve its existing customers pending the Commission's decision on the renewal applications. Additionally, Verde Energy respectfully requests an expedited ruling in accordance with Ohio Adm. Code 4901-1-12(C) in light of the abbreviated timeframe at issue.

Undersigned counsel consulted with counsel for both PUCO Staff and OCC in advance of this filing, and PUCO Staff indicated through counsel that Staff does not oppose the relief requested in this motion. OCC's counsel responded that "OCC cannot agree to not oppose your motion."

Verde Energy's current CRES and CRNGS provider certifications were extended in these matters through November 1, 2020, to permit Verde Energy to continue serving existing retail energy customers in Ohio. (See March 3, 2020 Entry at ¶ 9, Case Nos. 11-5886-EL-CRS and 13-2164-GA-CRS.) The next Commission meeting is scheduled to occur on November 4, 2020. Undersigned counsel understands the Commission may be considering Verde Energy's CRES and CRNGS renewal applications at this Commission meeting. An extension of Verde Energy's current certifications will be necessary for Verde Energy to serve its existing Ohio customers pending a decision from the Commission, and to avoid a large disruption of competitive service for thousands of Ohio residents.

Accordingly, Verde Energy respectfully requests that the Commission extend Verde Energy's current CRES and CRNGS certifications until the Commission docket a decision on Verde Energy's pending certification renewal applications. Additional support for this expedited motion is set forth more fully in the attached memorandum in support.

Dated: October 23, 2020

Respectfully submitted,

/s/ David F. Proaño

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CASE NO.: 11-5886-EL-CRS

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EXPEDITED RULING REQUESTED

**MEMORANDUM IN SUPPORT OF PARTIALLY UNOPPOSED MOTION TO
EXTEND VERDE ENERGY USA OHIO, LLC'S COMPETITIVE RETAIL
ELECTRIC SERVICE AND COMPETITIVE RETAIL NATURAL GAS
SERVICE CERTIFICATIONS**

I. INTRODUCTION.

Verde Energy USA Ohio, LLC (“Verde Energy”) seeks an extension of its Competitive Retail Electric Service (CRES) and Competitive Retail Natural Gas Service (CRNGS) certifications until the Public Utilities Commission of Ohio (the “Commission”) enters a decision on Verde Energy’s pending CRES and CRNGS renewal applications.

Verde Energy’s current CRES and CRNGS certifications were extended in these matters through November 1, 2020, to permit Verde Energy to continue serving existing retail energy customers in Ohio. (See March 3, 2020 Entry at ¶ 9, Case Nos. 11-5886-EL-CRS and 13-2164-GA-CRS.) The next Commission meeting is scheduled to take place on November 4, 2020. Undersigned counsel for Verde Energy understands that the Commission may take up the issue of Verde Energy’s

certification renewal applications during that meeting. At a minimum, this will create a potential gap between November 1, 2020, and the date on which the Commission docket its decision on Verde Energy's renewal applications. If the Commission does not consider the renewal applications at that time, an extension of Verde Energy's current certifications is even more paramount pending the Commission's decision.

Undersigned counsel consulted with counsel for both PUCO Staff and OCC in advance of this filing, and PUCO Staff indicated through counsel that Staff does not oppose the relief requested in this motion. OCC's counsel responded that "OCC cannot agree to not oppose your motion."

II. PROCEDURAL HISTORY.

Verde Energy was originally granted its CRES and CRNGS certifications on March 29, 2012, and December 9, 2013, respectively. (See Case No. 11-5886-EL-CRS; Case No. 13-2164-GA-CRS.) Those certifications were renewed every two years pursuant to Ohio Adm. Code 4901:1-24-09 and Ohio Adm. Code 4901:1-27-09, and approved by the Commission pursuant to R.C. 4928.08 and R.C. 4929.20.

Verde Energy filed its CRNGS renewal application on November 7, 2019, which was superseded by an amended CRNGS renewal application on April 24, 2020. Verde Energy filed its CRES renewal application on February 27, 2020, which was superseded by an amended CRES renewal application on April 24, 2020. The Commission suspended the automatic renewal of Verde Energy's CRNGS and CRES applications for additional review on December 4, 2019, and March 3, 2020,

respectively. Through an Entry dated March 3, 2020, the Commission also consolidated Verde Energy's CRES and CRNGS cases for consideration of the pending renewal applications and extended both existing certifications through November 1, 2020, pending the Commission's review of Verde Energy's renewal applications. The extension was granted solely to permit Verde Energy to continue to serve its existing energy choice customers in Ohio.

III. STAFF HAS RECOMMENDED THAT THE COMMISSION APPROVE VERDE ENERGY'S RENEWAL APPLICATIONS.

On June 15, 2020, Staff of the Commission's Service Monitoring and Enforcement Department recommended that the Commission approve Verde Energy's CRES and CRNGS renewal applications. (*See* Review and Recommendation of the Staff of the Public Utilities Commission of Ohio, Case Nos. 11-5886-EL-CRS and 13-2164-GA-CRS, June 15, 2020.) Staff concluded that "appropriate steps have been taken to help prevent future issues of non-compliance with Commission rules" and that Verde Energy's CRES and CRNGS renewal applications "demonstrate that Verde has the financial, managerial, and technical capabilities to continue to provide CRES and CRNGS in Ohio." (*Id.* at p. 4.)

Subsequent to the submission of Staff's review and recommendation, the Commission indefinitely continued the July 23, 2020 tentative hearing. (*See* July 16, 2020 Entry.) That Entry did not alter the effective dates of Verde Energy's current CRES and CRNGS certifications. No hearing has been scheduled on the pending renewal applications.

IV. VERDE ENERGY'S EXISTING CERTIFICATIONS SHOULD BE EXTENDED PENDING THE COMMISSION'S DECISION.

Verde Energy respectfully submits that the orderly administration of competitive electricity and natural gas service to existing Ohio customers necessitates the requested extension of Verde Energy's CRES and CRNGS certifications. This request is not made for purposes of delay, but rather to maintain Verde Energy's ability to continue providing competitive energy services to existing Ohio customers pending the Commission's decision on the CRES and CRNGS renewal applications. Significantly, Verde Energy will not be enrolling new Ohio customers unless and until the Commission approves Verde Energy's pending renewal applications. The extension of Verde Energy's current CRES and CRNGS certifications is solely to permit continued and uninterrupted service to Verde Energy's existing Ohio customers.

Finally, since Verde Energy's CRES and CRNGS provider certificates are only extended through November 1, 2020, Verde Energy requests an expedited ruling in accordance with Ohio Adm. Code 4901-1-12(C) ("Any motion may include a specific request for an expedited ruling.").

V. CONCLUSION

For the foregoing reasons, Verde Energy respectfully submits that the Commission should extend Verde Energy's current CRES and CRNGS certifications to permit continued service to Verde Energy's existing Ohio customers until the Commission enters a decision on the pending renewal applications.

Dated: October 23, 2020

Respectfully submitted,

/s/ David F. Proaño

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was served by e-mail upon the persons listed below this 23rd day of October, 2020.

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Summary: Motion to Extend Verde Energy's CRES and CRNGS Certifications (Partially Unopposed) (Expedited Ruling Requested) electronically filed by Mr. David F. Proano on behalf of Verde Energy USA Ohio, LLC