

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
STARION ENERGY NY, INC. FOR
CERTIFICATION AS A COMPETITIVE RETAIL
NATURAL GAS SUPPLIER.

CASE NO. 14-08-GA-CRS

FINDING AND ORDER

Entered in the Journal on November 4, 2020

I. SUMMARY

{¶ 1} The Commission approves the renewal application of Starion Energy NY, Inc. for certification as a competitive retail natural gas service supplier.

II. DISCUSSION

{¶ 2} R.C. 4929.20 provides that retail natural gas suppliers that provide competitive retail natural gas service (CRNGS) must be certified by the Commission prior to providing 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. Pursuant to R.C. 4929.20 and Ohio Adm.Code 4901:1-27-10, the application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. If the case is suspended, R.C. 4929.20 provides that the Commission shall act to approve or deny the application within 90 days after the date of suspension.

{¶ 3} Starion Energy NY, Inc. (Starion) was issued a renewal certificate, Certificate No. 14-339G(3), to provide CRNGS within the state of Ohio, effective February 3, 2018. The certificate was set to expire on February 3, 2020.

{¶ 4} On December 18, 2018, Starion filed a notice of material change. The notice stated that Starion had filed, on November 14, 2018, a voluntary petition in the United States Bankruptcy Court for relief pursuant to Chapter 11 of Title 11 of the United States Code.

{¶ 5} On January 3, 2020, Starion filed an application for renewal of its certification as a CRNGS supplier.

{¶ 6} By Entry issued January 31, 2020, the attorney examiner suspended, pursuant to Ohio Adm.Code 4901:1-27-10, the 30-day automatic approval process with respect to Starion's renewal application for certification, in order to permit the Commission and Staff to further review the matter.

{¶ 7} On June 26, 2020, Starion filed a notice of material change to inform the Commission that its plan to exit bankruptcy was granted by the Bankruptcy Court on May 28, 2020.

{¶ 8} On July 20, 2020, and July 22, 2020, Starion filed additional information in support of its renewal application for certification.

{¶ 9} On August 20, 2020, Staff filed its review and recommendation. Staff indicates that Starion provided the necessary additional information; therefore, Staff recommends that Starion's renewal application for certification be approved. Staff also notes that it will continue to monitor Starion's financial status during the certification period.

{¶ 10} Upon review of the renewal application, as supplemented, and Staff's recommendation, Starion appears managerially, financially, and technically fit and capable of performing as a CRNGS supplier in compliance with all applicable regulations adopted pursuant to R.C. Chapter 4929. Accordingly, the Commission finds that Starion's renewal application for certification as a CRNGS supplier should be approved for a period of two years.

{¶ 11} Finally, the Commission notes that Exhibit B-3 in the renewal application identifies a lawsuit filed against Starion by the Massachusetts Attorney General's Office in the Suffolk County Superior Court. A Memorandum of Understanding was filed on December 17, 2019, which represented an agreement in principle to settle claims raised by the attorney general's office. Starion alleges that the execution of a full and final settlement

is anticipated to occur sometime in 2020. To date, Starion has not filed notification of such a settlement in this docket. In its review and recommendation, Staff noted that it will monitor Starion's actions and financial information. The Commission orders that this monitoring also include any updates to the aforementioned lawsuit, the implication of any settlement, failure to reach such settlement, or rejection or other modification of such settlement by a jurisdictional authority. Further, such updated information or the occurrence of similar incidents in this or other states may cause reconsideration of Starion's financial, managerial, or technical capabilities to function as a CRNGS supplier. To assist in this monitoring, Starion shall, within 30 days of this order, file a letter with updated information on the status of any and all current formal investigations to which Starion is the subject in the docket for this case.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Starion's renewal application for certification as a CRNGS supplier be approved. It is, further,

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

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

DEF/kck

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Case No(s). 14-0008-GA-CRS

Summary: Finding & Order approving the renewal application of Starion Energy NY, Inc. for certification as a competitive retail natural gas service supplier electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio