

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Verde)
Energy USA Ohio, LLC for Certification as) Case No. 11-5886-EL-CRS
a Competitive Retail Electric Supplier.)

In the Matter of the Renewal Application of)
Verde Energy USA Ohio, LLC for) Case No. 13-2164-GA-CRS
Certification as a Retail Natural Gas)
Marketer.)

**MEMORANDUM CONTRA VERDE ENERGY’S
MOTION TO INDEFINITELY EXTEND ITS COMPETITIVE RETAIL
ELECTRIC SERVICE AND NATURAL GAS SERVICE CERTIFICATES TO
OPERATE AS A MARKETER IN OHIO
BY
OFFICE OF THE OHIO CONSUMERS’ COUNSEL**

Verde Energy filed a motion to extend its certificates while the PUCO is considering the Ohio Consumers’ Counsel’s case against Verde. In its Motion, Verde seeks an indefinite extension of its current certificates “until the [PUCO] enters a decision on Verde Energy’s applications to renew those certifications.”¹ Verde previously sought a similar indefinite extension.² Instead, the PUCO rightfully granted Verde only a temporary extension to December 31, 2020.³ Rather than adding further delay to reaching a conclusion to this case, which an indefinite extension enables, the PUCO should do the same here—grant a temporary extension—and finally reach a decision in the pending cases.

¹ Motion to Extend Verde Energy USA Ohio, LLC’s Competitive Retail Electric Service and Competitive Retail Natural Gas Service Certifications (Dec. 10, 2020) (the “Motion”).

² Motion to Extend Verde Energy USA Ohio, LLC’s Competitive Retail Electric Service and Competitive Retail Natural Gas Service Certifications (Oct. 23, 2020).

³ Entry (Oct. 30, 2020).

Verde's certificates should be extended to no later than February 28, 2021 for the limited purpose of giving the PUCO additional time to rule on Verde's renewal applications and OCC's consumer-protection position that Verde should be banned from operating in the State of Ohio. Further, in the PUCO's October 30 Entry, it stated that Verde "will not be enrolling new Ohio customers unless and until the Commission approves Verde's pending renewal applications."⁴ Any entry granting a further extension of Verde's certificates beyond the current December 31, 2020 should explicitly state the same condition: that unless and until the PUCO grants Verde's pending renewal applications, Verde shall continue to be prohibited from marketing to and enrolling new customers in Ohio.

In fact, Verde's services should be continued only to protect consumers and allow for consumers to transition away from service by Verde. Verde's consumers should be transferred soon to the safety of the utilities' standard offers. That transitional wind-down of Verde's operations should begin now.

The opportunity to do business in Ohio is a privilege, not a right. Verde has abused that privilege by abusing its customers. The PUCO's focus in response to Verde's motion should be solely to protect customers, not to protect Verde's business opportunity in Ohio. The PUCO did ban for a time Verde's marketing to acquire new customers. But if that ban expires (which it should not), new customers could again be at risk of being ripped off by Verde.⁵ Perhaps even worse, Verde has been allowed to keep its existing customers, under the settlement that the PUCO adopted.

⁴ Entry ¶ 13.

⁵ OCC understands that Verde has volunteered to not resume marketing until the PUCO rules on its certificate renewals. *See* Motion at 4.

The PUCO should grant Verde a brief extension to continue serving current customers.
Then, the PUCO should protect customers by denying Verde's certificate renewal applications.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Memorandum Contra was served on the persons stated below via electronic transmission this 16th day of December 2020.

/s/ Christopher Healey _____
Christopher Healey
Assistant Consumers' Counsel

The PUCO's e-filing system will electronically serve notice of the filing of this document on the following parties:

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Case No(s). 11-5886-EL-CRS, 13-2164-GA-CRS

Summary: Memorandum Memorandum Contra Verde Energy's Motion to Indefinitely Extend Its Competitive Retail Electric Service and Natural Gas Service Certificates to Operate as a Marketer in Ohio by Office of The Ohio Consumers' Counsel electronically filed by Mrs. Tracy J Greene on behalf of Healey, Christopher