

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Application of</b>	)	
<b>Navigate Power, LLC, for Certification</b>	)	<b>Case No. 16-1861-GA-AGG</b>
<b>as a Competitive Natural Gas Broker/</b>	)	
<b>Aggregator.</b>	)	

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**MOTION FOR EXTENSION AND REQUEST FOR WAIVER OF CERTAIN  
REQUIREMENTS OF OHIO ADMINISTRATIVE CODE 4901:1-27-04**

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Pursuant to Ohio Administrative Code Rule 4901:1-27-04, Navigate Power, LLC (“Navigate”) seeks an extension of Certificate 16-546G (2), which was issued in Case No. 16-1861-EL-AGG with an expiration date of October 27, 2020. Due to the press of other business, and an inadvertent oversight, Navigate was not able to file its renewal application prior to the expiration date of its certificate. Navigate filed a new application on January 26, 2021 and has been directed by Staff to file this Motion as soon as possible in this proceeding. In support of the application, Navigate respectfully requests that Certificate No. 16-546G (2) be extended from October 27, 2020 until the date that the new certificate is issued in this proceeding. Further, Navigate requests that pursuant to Ohio Admn. Code 4901:1-27-02 (B), that the Commission waive the requirements in 4901:1-27-04 that this Motion be filed within sixty days of October 27, 2020 and that a new application be filed in a new docket. Navigate has already filed a new application in this proceeding, which Staff has reviewed and found in order, and then directed Navigate to file this Motion.

WHEREFORE, Navigate respectfully requests that the Commission waive the specified requirements of Ohio Admn. Code 4901:1-27-04 and extend Certificate No. 16-546G (2) until a

new certificate is issued. Further, Navigate requests that Commission authorize it to continue to operate during the pendency of the application certification review.

Respectfully submitted,

/s/ Robert Dove

Robert Dove (0092019)

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**Attorney for Navigate Power, LLC**

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**MEMORANDUM IN SUPPORT OF  
MOTION FOR EXTENSION AND REQUEST FOR WAIVER OF CERTAIN  
REQUIREMENTS OF OHIO ADMINISTRATIVE CODE 4901:1-27-04**

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Due to the press of other business and an inadvertent oversight, Navigate did not meet the September 27, 2020, or October 27, 2020 deadlines filing date for its Renewal Application in Case No. 16-1861-EL-AGG. Navigate sincerely apologizes for the delay and emphasizes its desire to continue to serve customers in Ohio. An Application for Certification was filed in this proceeding on January 26, 2021. On February 17, 2021, the Commission Staff directed Navigate to file a Motion for Extension in this docket to extend Certificate 16-546G (2) pending the review of the January 26, 2021 application which Staff deemed to be in order. (Attachment A). Navigate is filing this Motion pursuant to that direction and Ohio Admn. Code 4901:1-27-04. Navigate respectfully requests that Certificate 16-546G (2) be extended during the pendency of the application review of the January 26, 2021 application so that Navigate can continue serving its customers.

Ohio Admn. Code 4901:1-27-02(B) provides that the Commission may waive any requirement under the Chapter other than a requirements mandated by statute, for good cause shown. Both the sixty day requirement and the requirement to file a new application in a new docket after the expiration of a certificate in Ohio Admn. Code 4901:1-27-04 are Commission Rule based requirements; not statutory requirements. Therefore, the Commission may waive

them pursuant to Ohio Admn. Code 4901:1-27-02(B) for good cause. The Commission has previously granted a Motion for Extension filed 132 days past the expiration of the certificate.<sup>1</sup>

Navigate inadvertently failed to satisfy the requirements, and once aware, immediately filed to rectify the situation. Navigate wants to ensure there is no break in service for any of its customers and has been in contact with Commission Staff who directed Navigate to file this Motion. Further, the Commission has recently updated the application used by natural gas broker such that a new certification application and renewal application are the same form. Previously, renewal and new certification applications were different which would prohibit a new certification application from being filed in already established docket where only a renewal application would be appropriate. Now that the applications are combined, a new certification application could reasonably be filed in an established docket without difficulty. Therefore, good cause exists to grant Navigate's request for waivers.

Navigate respectfully requests that the Commission waive the sixty day requirement and the requirement to file a new application in a new docket in Ohio Admn. 4901:1-27-04 for good cause shown as Staff has already begun reviewing the January 26, 2021 application, found it to be in order, and directed Navigate to file this Motion.

The Commission has previously extended expired certificates pending the review of a newly filed application.<sup>2</sup> Navigate respectfully requests that the Commission grant its request for waivers of the specified portions of Ohio Admn. 4901:1-27-04 and grant an extension of the expiration date of Certificate No. 16-546G (2) issued in Case No. 16-1861-EL-AGG until such

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<sup>1</sup> Pub. Util. Comm. Case No. 13-1175-GA-AGG, Entry, (Nov. 7, 2017).

<sup>2</sup> Id.

time as a new certificate is issued. This request will not prejudice any party and is in the best interest of ensuring Navigate's customers continue to receive uninterrupted service.

Respectfully submitted,

/s/ Robert Dove

Robert Dove (0092019)  
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**Attorney for Navigate Power, LLC**

**Dove, Robert**

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**From:** Zoe King <zking@verdesolutions.com>  
**Sent:** Wednesday, February 17, 2021 3:08 PM  
**To:** Brian Cecola; Jonathan Linnemeyer  
**Subject:** Fwd: Navigate Power renewal application for Ohio Competitive Gas certification

Hi Jonathan,

We had a delay in filing our renewal application to be a gas broker in Ohio so the public utilities commission there is requiring that we have an attorney licensed to practice in Ohio file a Motion to Extend the case docket.

Is this something you would be able to help us with? If not, would you be able to introduce us to someone who would?

----- Forwarded message -----

From: [Alla.Magaziner-Tempesta@puco.ohio.gov](mailto:Alla.Magaziner-Tempesta@puco.ohio.gov) <[Alla.Magaziner-Tempesta@puco.ohio.gov](mailto:Alla.Magaziner-Tempesta@puco.ohio.gov)>  
Date: Wed, Feb 17, 2021 at 2:01 PM  
Subject: Navigate Power renewal application for Ohio Competitive Gas certification  
To: [zking@verdesolutions.com](mailto:zking@verdesolutions.com) <[zking@verdesolutions.com](mailto:zking@verdesolutions.com)>

Hello,

I am reviewing your application for a renewal certification the documents are in order however, the application was filed after the previous application had already expired. This requires an attorney licensed to practice in Ohio to file a Motion to Extend in the case docket. The case number is 16-1861-GA-AGG .

The motion should be e-filed under the above case number here:  
<https://dis.puc.state.oh.us/Secure/Users/ValidUser.aspx>

Please let me know if you have any additional questions,

Alla Magaziner-Tempesta

Reliability and Service Analysis Division

Service Monitoring and Enforcement Department

Public Utilities Commission of Ohio

(614) 644-5480

[PUCO.ohio.gov](http://PUCO.ohio.gov)



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

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### **CERTIFICATE OF SERVICE**

In accordance with Rule 4901-1-05, Ohio Administrative Code, I hereby certify that a copy of the foregoing Motion for an Extension will be served by the Commission's Docketing Division on all parties of record on this 19th day of February, 2021.

/s/ Robert Dove



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/19/2021 9:45:35 AM**

**in**

**Case No(s). 16-1861-GA-AGG**

Summary: Motion for Extension and Request for Waiver of Certain Requirements of Ohio Administrative Code 4901:1-27-04 electronically filed by Mr. Robert Dove on behalf of Navigate Power, LLC