

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
ENTRUST ENERGY EAST INC. FOR
CERTIFICATION TO PROVIDE
COMPETITIVE RETAIL ELECTRIC SERVICE
IN OHIO.

CASE NO. 12-2854-EL-CRS

ENTRY

Entered in the Journal on March 10, 2021

I. SUMMARY

{¶ 1} The Commission affirms the directives set forth in the March 3, 2021 Entry, including the termination of the supplier coordination agreements between the Ohio electric distribution utilities and Entrust Energy East Inc.

II. DISCUSSION

{¶ 2} Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (collectively, FirstEnergy), Ohio Power Company (AEP Ohio), Dayton Power & Light Company (DP&L), and Duke Energy Ohio, Inc. (Duke) are electric distribution utilities (collectively, the EDUs), as defined by R.C. 4928.01(A)(6), and public utilities, as defined in R.C. 4905.02, and, as such, are subject to the jurisdiction of this Commission.

{¶ 3} Entrust Energy East Inc. (Entrust) is an electric services company as defined in R.C. 4928.01; is certified to provide competitive retail electric service (CRES) under R.C. 4928.08; and is subject to the jurisdiction of this Commission pursuant to R.C. 4928.16. Accordingly, Entrust is required to comply with the Commission's minimum CRES standards set forth in Ohio Adm.Code Chapter 4901:1-21 and is otherwise subject to the provisions of Ohio Adm.Code Chapter 4901:1-24. Moreover, as a certified supplier, Entrust is subject to the terms of the EDUs' respective supplier tariffs and coordination agreements, which illustrate the obligations and responsibilities in the EDU-CRES supplier relationship. Ohio Adm.Code 4901:1-10-29; See *Duke Energy Ohio, Inc.*, Case No. 89-6002-EL-TRF, P.U.C.O. Electric Tariff No. 20, Sheet No. 49.4; *Dayton Power & Light Co.*, Case No. 89-6004-

EL-TRF, P.U.C.O. Tariff No. 17, 10th Rev. Sheet No. G8; *Ohio Power Co.*, Case No. 89-6007-EL-TRF, P.U.C.O. Tariff No. 20, 6th Rev. Sheet No. 103-55D; *Ohio Edison Co.*, Case No. 89-6006-EL-TRF, P.U.C.O. Electric Tariff No. S-2, Orig. Sheet 1 at Page 36-37 of 48; *The Cleveland Elec. Illum. Co.*, Case No. 89-6001-EL-TRF, P.U.C.O. Electric Tariff No. S-2, Orig. Sheet 1 at Page 36-37 of 48; *The Toledo Edison Co.*, Case No. 89-6008-EL-TRF, P.U.C.O. Electric Tariff No. S-2, Orig. Sheet 1 at Page 36-37 of 48.

{¶ 4} Entrust is also certified to provide competitive retail natural gas services (CRNGS), pursuant to R.C. 4929.20. See *In re Entrust Energy East, Inc.*, Case No. 13-475-GA-CRS.

{¶ 5} R.C. 4928.14 provides the failure of a supplier to provide retail electric generation service to customers within the certified territory of an EDU shall result in the supplier's customers, after reasonable notice, defaulting to the utility's standard service offer (SSO) under R.C. 4928.141, 4928.142, and 4928.143 until the customer chooses an alternative supplier. Within each Commission-approved supplier tariff noted above, there are several situations that may constitute default events necessitating customers served by a supplier to return to an EDU's SSO. One such situation includes when the supplier becomes in default of any agreement with, or requirement of, the regional transmission organization. Upon supplier default, the EDUs are required to serve written notice of the default in reasonable detail and with a proposed remedy to the supplier and the Commission. The supplier tariffs further note that on, or after, the date the default notice has been served, the EDU may file with the Commission a written request for authorization to terminate or suspend its coordination agreement with the supplier. If the Commission does not act within a certain number of days upon receipt of the request, depending on the nature of the default, the EDU's request to terminate or suspend shall be deemed automatically authorized. Termination of these coordination agreements have the same effect on a supplier's customers as the supplier's discontinuance of supply to its customers. Importantly, if a customer of a terminated supplier has not switched to another supplier

prior to termination, that customer will then receive SSO supply from the EDU in the respective certified territory, consistent with R.C. 4928.14.

{¶ 6} Between February 23, 2021, and February 25, 2021, the regional transmission organization PJM Interconnection, LLC (PJM) notified the EDUs that Entrust, a load-serving entity in PJM, had defaulted on its obligations to PJM on February 23, 2021. PJM further notified the EDUs that, as of February 24, 2021, PJM was initiating the process to return the load served by Entrust in the EDUs' service territories to them as providers of last resort. Consequently, PJM is requiring the EDUs to supply the load of the customers previously served by Entrust.

{¶ 7} On February 26, March 1, and March 3, 2021, Duke, DP&L, AEP Ohio, and FirstEnergy filed notices in this proceeding complying with the terms of their tariffs requiring notice of supplier default to be filed with the Commission. The EDUs stated that their customers that were being served by Entrust will continue to receive electric service, without interruption, under the applicable SSO. The EDUs also indicated that they had initiated the process for returning customers to SSO service, including notifying affected customers of the situation and continuing communication with Entrust. Additionally, pursuant to the terms of their tariffs, the EDUs formally requested authorization to terminate their coordination agreements with Entrust.

{¶ 8} By Entry issued March 3, 2021, the attorney examiner authorized the termination of the coordination agreements between the EDUs and Entrust and directed the EDUs to begin returning customers back to their respective SSO load, unless the customer chooses an alternative supplier in the interim. The attorney examiner waived any applicable switching fees for those customers who choose to enroll with a new CRES provider for 60 days. The March 3, 2021 Entry also required Entrust to file a notice of material change, pursuant to Ohio Adm.Code 4901:1-24-11, in this docket and in Case No. 13-475-GA-CRS on or before March 25, indicating whether it plans to continue to operate as a CRES and CRNGS provider in the state of Ohio.

{¶ 9} We find that the directives set forth in the March 3, 2021 Entry are reasonable and should be affirmed in its entirety by this Commission to the extent necessary under Ohio law. As noted in the Entry, the approximately 3,500 customers being served by Entrust will not experience any interruption of power while they are returned to the SSO load or choose an alternative certified supplier. We will continue to closely monitor the situation and take any additional action we deem necessary.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the March 3, 2021 Entry be affirmed in its entirety and Entrust and the EDUs adhere to the directives set forth therein. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

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

MJA/mef

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Case No(s). 12-2854-EL-CRS

Summary: Entry affirming the directives set forth in the March 3, 2021 Entry, including the termination of the supplier coordination agreements between the Ohio electric distribution utilities and Entrust Energy East Inc. electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio