

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
JUST ENERGY SOLUTIONS INC. FOR
CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC SERVICE AND
COMPETITIVE RETAIL NATURAL GAS
SERVICE PROVIDER IN OHIO.

CASE NO. 01-1123-EL-CRS
CASE NO. 02-1828-GA-CRS

IN THE MATTER OF THE APPLICATION OF
HUDSON ENERGY SERVICES LLC FOR
CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC SERVICE AND
COMPETITIVE RETAIL NATURAL GAS
PROVIDER IN OHIO.

CASE NO. 12-1894-EL-CRS
CASE NO. 12-2488-GA-CRS

IN THE MATTER OF THE APPLICATION OF
INTERACTIVE ENERGY GROUP LLC FOR
CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC SERVICE AND
COMPETITIVE RETAIL NATURAL GAS
SERVICE PROVIDER IN OHIO.

CASE NO. 17-1991-EL-AGG
CASE NO. 17-1992-GA-AGG

ENTRY

Entered in the Journal on March 24, 2021

I. SUMMARY

{¶ 1} In this Entry, the Commission acts to protect Ohio consumers from any adverse impacts due to the recent filing by Just Energy Solutions, Inc. and two of its affiliates, Hudson Energy Services, LLC and Interactive Energy Group, LLC, of a petition for reorganization under Chapter 15 of the United States Bankruptcy Code. The Commission notes that the filing of a bankruptcy petition by a competitive retail electric and competitive retail gas supplier is rare but not unprecedented. Consumers should be assured that in no event will any consumer have electric generation or gas commodity service interrupted due to this filing. The Commission, electric and natural gas distribution utilities in Ohio, and PJM Interconnection, LLC, our regional transmission organization, all have measures in place to ensure the continued delivery of natural gas and power. However, due to the provisions of the United States Bankruptcy Code and Ohio law, the Commission cannot guarantee that contracts entered into by Just Energy Solutions, Inc., Hudson Energy

Services, LLC, and Interactive Energy Group, LLC prior to the bankruptcy filing will not be impacted by the filing.

II. DISCUSSION

{¶ 2} Just Energy Solutions, Inc. (Just Energy), Hudson Energy Services, LLC (Hudson Energy), and Interactive Energy Group, LLC (Interactive Energy) (collectively, Just Energy Companies) are both electric services companies as defined in R.C. 4928.01(A)(9) and retail natural gas suppliers as defined in R.C. 4929.01(N), and, as such, are subject to the jurisdiction of the Commission.

{¶ 3} R.C. 4928.08 states that no electric services company shall provide a competitive retail electric service (CRES) to a consumer in this state without first being certified by the Commission regarding its managerial technical, and financial capability to provide such service and providing a financial guarantee sufficient to protect customers and electric distribution utilities from default. Similarly, R.C. 4929.20 states that no governmental aggregator or retail natural gas supplier shall provide competitive retail natural gas service (CRNGS) without first being certified by the Commission regarding its managerial, technical, and financial capability to provide such service and providing reasonable financial assurances sufficient to protect customers and natural gas companies from default.

{¶ 4} On June 12, 2001, the Commission approved an application for certification of Just Energy as a CRES supplier in this state. *In the Matter of the Application of Commonwealth Energy Corp. dba electricAmerica to Become a Certified Retail Electric Supplier in the State of Ohio*, Case No. 01-1123-EL-CRS (June 12, 2001). Just Energy filed renewal applications for certification as a CRES provider every two years pursuant to Ohio Adm.Code 4901:1-24-09, and each renewal application was automatically approved by the Commission pursuant to R.C. 4928.08. Just Energy's most recent renewal application was filed on July 17, 2019; this renewal application also was automatically approved by the Commission pursuant to R.C. 4928.08. On August 19, 2002, the Commission granted Just Energy's application for

certification as a CRNGS provider in this state. *In the Matter of the Application of ACN Energy, Inc. for Certification as a Competitive Retail Natural Gas Supplier*, Case No. 02-1828-GA-CRS (August 19, 2002). Just Energy filed renewal applications for certification as a CRNGS supplier every two years pursuant to Ohio Adm.Code 4901:1-27-09, and each renewal application was approved by the Commission pursuant to R.C. 4929.20. Just Energy's most recent renewal application was filed on December 23, 2020; this renewal application was approved by the Commission pursuant to R.C. 4929.20.

{¶ 5} On July 25, 2012, the Commission granted an application for certification of Hudson Energy as a CRES supplier in this state. *In the Matter of the Application of Hudson Energy Services, LLC for a Certificate to Provide Competitive Retail Electric Service in Ohio*, Case No. 12-1894-EL-CRS (July 25, 2012). Hudson Energy filed renewal applications for certification as a CRES provider every two years pursuant to Ohio Adm.Code 4901:1-24-09, and each renewal application was automatically approved by the Commission pursuant to R.C. 4928.08. Hudson Energy's most recent renewal application was filed on June 23, 2020; this renewal application also was automatically approved by the Commission pursuant to R.C. 4928.08. On October 10, 2012, the Commission granted an application for certification of Hudson Energy as a CRNGS provider in this state. *In the Matter of the Application of Hudson Energy Services, LLC. for Certification as a Competitive Retail Natural Gas Supplier*, Case No. 12-2488-GA-CRS (October 10, 2012). Hudson Energy filed renewal applications for certification as a CRNGS supplier every two years pursuant to Ohio Adm.Code 4901:1-27-09, and each renewal application was automatically approved by the Commission pursuant to R.C. 4929.20. Hudson Energy's most recent renewal application was filed on December 3, 2020; this renewal application was approved by the Commission pursuant to R.C. 4929.20.

{¶ 6} On October 20, 2017, the Commission granted an application for certification of Interactive Energy as a CRES supplier in this state. *In the Matter of the Application of Interactive Energy Group, LLC for a Certificate to Provide Competitive Retail Electric Service in Ohio*, Case No. 17-1991-EL-AGG (October 20, 2017). Interactive Energy filed a renewal application on September 19, 2019; this renewal application was approved by the

Commission pursuant to R.C. 4928.08. On October 24, 2017, the Commission granted an application for certification of Interactive Energy as a CRNGS provider in this state. *In the Matter of the Application of Interactive Energy Group LLC, for Certification as a Retail Natural Gas Supplier*, Case No. 17-1992-GA-AGG (October 24, 2017). Interactive Energy filed a renewal application on September 19, 2019; this renewal application was approved by the Commission pursuant to R.C. 4929.20.

{¶ 7} On March 9, 2021,¹ the Just Energy Companies filed a petition for reorganization under Chapter 15 of the United States Bankruptcy Code.

{¶ 8} Ohio Adm.Code 4901:1-24-11 requires CRES suppliers to inform the Commission of any material change to the information supplied in a certification renewal application within 30 calendar days of such material change. Ohio Adm.Code 4901:1-24-11(A). Among other items, “material change” includes the filing for reorganization, protection from creditors, or any other form of bankruptcy with any court. Ohio Adm.Code 4901:1-24-11(B)(6). Similarly, Ohio Adm.Code 4901:1-27-11 requires CRNGS suppliers to inform the Commission of any material change to the information supplied in a certification renewal application within 30 calendar days of such material change. Ohio Adm.Code 4901:1-27-11(A). Among other items, “material change” includes the filing for reorganization, protection from creditors, or any other form of bankruptcy with any court. Ohio Adm.Code 4901:1-27-11(B)(6). On March 12, 2021, the Just Energy Companies filed notices of material change, providing formal notice to the Commission of the bankruptcy filing.

{¶ 9} The Just Energy Companies are directed to file a report in these proceedings by April 26, 2021. In this report, the Just Energy Companies should explain: (1) whether the Just Energy Companies plan, and are able, to continue to serve their existing customers for CRES and CRNGS in this state; (2) whether the Just Energy Companies plan, and are able, to enroll new customers for CRES and CRNGS in this state; (3) whether the Just Energy

¹ *In re Just Energy Group Inc., et al.*, Case No. 21-30823, et al. (Bankr.S.D.TX. Mar. 9, 2021).

Companies plan, and are able, to serve existing customers aggregated through government aggregations in this state; (4) whether the Just Energy Companies plan, and are able, to serve new customers aggregated through government aggregations in this state; and (5) whether the Just Energy Companies have met their obligations to provide collateral or other financial guarantees or other assurances to the electric and natural gas distribution utilities where the Just Energy Companies continue to operate. In addition, the Just Energy Companies should include in the report notice of any other material changes under Ohio Adm.Code 4901:1-24-11(A) or Ohio Adm.Code 4901:1-27-11(A), and any other relevant facts which the Just Energy Companies believe the Commission should consider. Finally, the Just Energy Companies should update this report every 90 days, or in the event of any material change in the information submitted to the Commission.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the Just Energy Companies file a report in these proceedings in accordance with Paragraph 9 of this Entry. 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

JMD/kck

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Summary: Entry acting to protect Ohio consumers from any adverse impacts due to the recent filing by Just Energy Solutions, Inc. and two of its affiliates, Hudson Energy Services, LLC and Interactive Energy Group, LLC, of a petition for reorganization under Chapter 15 of the United States Bankruptcy Code. The Commission notes that the filing of a bankruptcy petition by a competitive retail electric and competitive retail gas supplier is rare but not unprecedented. Consumers should be assured that in no event will any consumer have electric generation or gas commodity service interrupted due to this filing. The Commission, electric and natural gas distribution utilities in Ohio, and PJM Interconnection, LLC, our regional transmission organization, all have measures in place to ensure the continued delivery of natural gas and power. However, due to the provisions of the United States Bankruptcy Code and Ohio law, the Commission cannot guarantee that contracts entered into by Just Energy Solutions, Inc., Hudson Energy Services, LLC, and Interactive Energy Group, LLC prior to the bankruptcy filing will not be impacted by the filing electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio