

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
SUVON, LLC D/B/A FIRSTENERGY
ADVISORS FOR CERTIFICATION AS A
COMPETITIVE RETAIL ELECTRIC SERVICE
POWER BROKER AND AGGREGATOR IN
OHIO.

CASE No. 20-103-EL-AGG

ORDER ON REMAND

Entered in the Journal on November 3, 2021

I. SUMMARY

{¶ 1} In this Order on Remand, the Commission vacates the April 22, 2020 Finding and Order granting Suvon LLC d/b/a FirstEnergy Advisors certification as a competitive retail electric service power broker and aggregator in this state.

II. HISTORY OF THE PROCEEDING

{¶ 2} Suvon, LLC d/b/a FirstEnergy Advisors (Suvon) is an electric services company pursuant to R.C. 4928.01(a)(2) and a competitive retail electric service power broker and aggregator in the state of Ohio, and, and as such, is subject to certification by the Commission.

{¶ 3} R.C. 4928.08 states that no electric services company shall provide a competitive retail electric service to a consumer in this state without first being certified by the Commission regarding its managerial, technical, and financial capability to provide that service and providing a financial guarantee sufficient to protect customers and electric distribution utilities from default. R.C. 4928.08 further states that certification shall be deemed approved thirty days after the filing of an application with the Commission unless the Commission suspends that approval for good cause shown. In the case of such a suspension, the Commission shall act to approve or deny certification to the applicant not later than ninety days after the date of the suspension. R.C. 4928.08(B).

{¶ 4} On January 17, 2020, Suvon filed an application for certification as a competitive retail electric service (CRES) power broker and aggregator in the state of Ohio. Suvon filed a supplement to its application on April 1, 2020.

{¶ 5} On February 11, 2020, the attorney examiner suspended approval of the application. On April 7, 2020, Staff filed its review and recommendation, recommending that the application be granted. Subsequently, on April 22, 2020, the Commission approved the application as supplemented. Finding and Order (Apr. 22, 2020).

{¶ 6} On May 22, 2020, Northeast Ohio Public Energy Council (NOPEC), the Retail Energy Supply Association (RESA) and Ohio Consumers' Counsel (OCC) each filed applications for rehearing regarding the April 22, 2020 Finding and Order. On June 8, 2020, Suvon filed a memorandum contra the applications for rehearing.

{¶ 7} On June 17, 2020, the Commission denied the applications for rehearing. Entry on Rehearing (June 17, 2020) at ¶¶ 1, 38.

{¶ 8} NOPEC and OCC each timely filed a notice of appeal to the Supreme Court of Ohio. On October 14, 2020, the Court reversed the Commission's April 22, 2020 Finding and Order granting certification to Suvon and remanded the case to the Commission for further proceedings. *In re Application of FirstEnergy Advisors for Certification as a Competitive Retail Elec. Serv. Power Broker & Aggregator*, Slip Opinion No. 2021-Ohio-3630.

{¶ 9} On November 2, 2021, Suvon submitted a motion to withdraw its application filed in this case.

III. DISCUSSION

{¶ 10} In light of the Court's decision on appeal, the Commission finds that the April 22, 2020 Finding and Order in this proceeding should be vacated. Further, the Commission

finds that Suvon's motion to withdraw its application should be granted and that this case should be closed.¹

{¶ 11} The Commission notes that, pursuant to R.C. 4928.10, Suvon may not engage in the marketing, solicitation, sale or provision of aggregation service or power brokerage service until Suvon has been certified by the Commission to provide such service. Accordingly, the Commission cannot permit Suvon to continue advising its current customers as Suvon requests. However, nothing in this Order on Remand should be construed to preclude customers from continuing to be served under existing contracts arranged by Suvon prior to this Order on Remand or preclude Suvon from receiving compensation for such contracts, to the extent provided by each contract. The Commission further notes that customers to whom Suvon has supplied aggregation or power brokerage service will continue to be served by their certified respective power marketers.

IV. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the April 22, 2020 Finding and Order in this proceeding be vacated. It is, further,

{¶ 14} ORDERED, That Suvon's motion to withdraw its application be granted and this case be closed of record. It is, further,

¹ NOPEC filed a motion to rescind or suspend Suvon's certificate to serve as a broker and aggregator and a request to dismiss this case on October 20, 2021. In light of both the Commission's decision to vacate the April 22, 2020 Finding and Order and Suvon's voluntary withdrawal of the application, NOPEC's motion is moot.

{¶ 15} ORDERED, That a copy of this Order on Remand be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

GAP/hac

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Case No(s). 20-0103-EL-AGG

Summary: Order of Remand vacating the April 22, 2020 Finding and Order granting Suvon LLC d/b/a FirstEnergy Advisors certification as a competitive retail electric service power broker and aggregator in this state electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio