



website has not been removed from the internet. Accordingly, Joint Movants demand that FirstEnergy Advisors “immediately bring its website down from the worldwide web.”<sup>3</sup>

FirstEnergy Advisors is still a valid legal entity that provides services for which Commission certification is not required. For example, FirstEnergy Advisors is a licensed broker in other states. As such, FirstEnergy Advisors is permitted to maintain a website just like any other business. The Commission should not attempt to control FirstEnergy Advisors’ communications with customers in those states. Those communications are properly subject to the laws of those states.

Joint Movants may attempt to argue that simply having a website on the internet constitutes “marketing and solicitation” of Ohio customers. There is no “solicitation” of customers because FirstEnergy Advisors has not accepted any new Ohio customers since the November 3, 2021 Order and has complied with that Order in all respects.

There is also no information on the FirstEnergy Advisors website specifically targeting Ohio customers for jurisdictional services. The only material reference to Ohio occurs on a video interview regarding a Youngstown Chamber of Commerce program which includes both Ohio and Pennsylvania businesses.<sup>4</sup> As FirstEnergy Advisors is licensed to provide brokerage services in Pennsylvania, there is no prohibition on marketing to those Pennsylvania customers. That video interview cannot harm Ohio customers because FirstEnergy Advisors is no longer providing CRES service in Ohio. Thus, there is no possible harm to customers associated with the website.

The Joint Movants also ignore the jurisdictional limitations on the Commission. FirstEnergy Advisors is free to perform non-Commission jurisdictional activities in Ohio without Commission approval. For example, FirstEnergy Advisors would be free to market electricity

---

<sup>3</sup> Motion p. 1.

<sup>4</sup> <https://www.firstenergyadvisors.com/firstenergyadvisors.html> (last accessed November 24, 2021)

related products (surge protectors, light bulbs, etc.) to Ohio customers without Commission certification. As Joint Movants have failed to allege that FirstEnergy Advisors is performing any Commission jurisdictional activities, they have failed to meet their burden of proof.

Finally, to the extent Joint Movants argue in the future that FirstEnergy Advisors has some obligation to include new or additional terms on its website that request should be rejected. FirstEnergy Advisors is no longer performing Commission jurisdictional activities and as such the Commission's marketing and solicitation rules no longer apply. There is no legal obligation for FirstEnergy Advisors to include extraneous information on its website at the demand of Joint Movants and Joint Movants never explain how such a demand would be within the Commission's jurisdictional authority even if the Commission desired to issue it.

Even though there is no legal requirement to do so, FirstEnergy Advisors will take additional steps to avoid any possible customer confusion. FirstEnergy Advisors will voluntarily add a statement to its website specifically identifying the states where it is licensed to serve as a broker. That will avoid any possible customer confusion about the states where brokerage services are available.

Rather than wasting the Commission's valuable time with motions seeking to regulate the internet, NOPEC would be better served to spend time reviewing its own website for compliance with Ohio law. The introductory page claims that customers will benefit from "savings" through NOPEC.<sup>5</sup> The NOPEC "standard" price is currently more than \$8/MWh higher than the Price to Compare in Ohio Edison and over \$6/MWh higher than the Price to Compare in the Cleveland Electric Illuminating Company.<sup>6</sup> NOPEC's standard offer is accordingly not providing any

---

<sup>5</sup> <https://www.nopec.org/> (last accessed November 24, 2021)

<sup>6</sup> The NOPEC "standard" price is \$.05865 per kWh versus the Ohio Edison PTC through December 31, 2021 of \$0.050487/kWh and the Cleveland Electric Illuminating Company PTC of \$0.051977 /kWh.

“savings” to customers today. It is inappropriate for NOPEC to attempt to police another company’s webpage when it should mind its own.<sup>7</sup>

FirstEnergy Advisors respectfully requests that the Motion be denied.

Respectfully submitted,

/s/ N. Trevor Alexander

N. Trevor Alexander (0080713)  
Kari D. Hehmeyer (0096284)  
BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP  
41 S. High St.  
2600 Huntington Center  
Columbus, Ohio 43215  
Telephone: (614) 223-9363  
Fax: (614) 223-9330  
talexander@beneschlaw.com  
khehmeyer@beneschlaw.com

*Attorneys for Suvon, LLC d/b/a FirstEnergy  
Advisors*

---

<http://www.energychoice.ohio.gov/ApplesToApplesComparison.aspx?Category=Electric&TerritoryId=7&RateCode=1> (last accessed November 24, 2021)

<https://www.nopec.org/residents/pricingrates/electric-pricing/> (last accessed November 24, 2021)

<sup>7</sup> OAC 4901:1-21-05(C)(8)(a)(it is unfair and deceptive to “Claim that a specific price advantage, savings, or guarantee exists if it does not.”).

**CERTIFICATE OF SERVICE**

I certify that the foregoing was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 24rd day of November 2021. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ N. Trevor Alexander  
Attorney for Suvon, LLC d/b/a  
FirstEnergy Advisors

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**11/24/2021 10:28:22 AM**

**in**

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

Summary: Memorandum Contra Joint Motion To Enforce Remand Order  
electronically filed by Mr. N. Trevor Alexander on behalf of Suvon, LLC