

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

SECOND ENTRY ON REHEARING

Entered in the Journal on December 15, 2021

I. SUMMARY

{¶ 1} In this Second Entry on Rehearing, the Commission grants rehearing for the purpose of further consideration of the matters raised in the applications for rehearing filed on December 3, 2021.

II. HISTORY OF THE PROCEEDING

{¶ 2} 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).

{¶ 3} On January 17, 2020, Suvon, LLC d/b/a FirstEnergy Advisors (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.

{¶ 4} 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).

{¶ 5} On May 22, 2020, Northeast Ohio Public Energy Council (NOPEC), the Retail 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. On June 17, 2020, the Commission denied the applications for rehearing. Entry on Rehearing (June 17, 2020) at ¶¶ 1, 38.

{¶ 6} 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.

{¶ 7} On October 20, 2021, 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 the motion, NOPEC requested that the Commission: (1) rescind or suspend immediately Suvon's certification to provide aggregation and power broker services; (2) order Suvon to cease and desist offering, contracting and providing any form of CRES, including to its existing customers, until such time as the Commission may issue a valid certificate; (3) order FirstEnergy Advisors to provide written notice to its existing customers that it no longer has authority to provide power broker and aggregation services in this state; and (4) dismiss this proceeding and require Suvon to file a new application, if it wishes to provide CRES in the future in this state.

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

{¶ 9} On November 3, 2021, the Commission vacated 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, granted Suvon's motion to withdraw its application, and directed that this case be closed. Order on Remand at ¶ 10. Further, the Commission directed that 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. Order on Remand at ¶ 11.

{¶ 10} Section 4903.10, Revised Code, states that any party to a Commission proceeding may apply for rehearing with respect to any matters determined by the Commission within 30 days of the entry of the order upon the Commission's journal.

{¶ 11} On December 3, 2021, NOPEC and OCC filed an application for rehearing regarding the Order on Remand. Suvon filed a memorandum contra the application for rehearing on December 13, 2021.

III. DISCUSSION

{¶ 12} The Commission grants the application for rehearing filed on December 3, 2021. We believe that sufficient reason has been set forth by the parties to warrant further consideration of the matters specified in the applications for rehearing.

IV. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the application for rehearing filed on December 3, 2021, be granted for further consideration of the matters specified in the applications for rehearing. It is, further,

{¶ 15} ORDERED, That a copy of this Second Entry on Rehearing be served upon all parties of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

GAP/hac

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

Summary: Entry on Rehearing granting rehearing for the purpose of further consideration of the matters raised in the applications for rehearing filed on December 3, 2021. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio