

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Annual Reports                    )  
For Calendar Year 2020 For the Fiscal            )  
Assessment of All Regulated Entities.            )            Case No. 21-01-AU-RPT

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**APPLICATION FOR REHEARING BY IDT ENERGY, INC.**

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Pursuant to Ohio Revised Code (“R.C.”) 4903.10 and Ohio Administrative Code 4901-1-35, IDT Energy, Inc. (“IDT”) respectfully files this Application for Rehearing of the Commission’s December 15, 2021 Second Finding and Order (“Order”) in this case.

IDT respectfully requests that the Commission grants its Application for Rehearing and rescind the civil forfeiture levied against IDT for the reasons set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,

/s/ N. Trevor Alexander

N. Trevor Alexander (0080713)  
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**MEMORANDUM IN SUPPORT**

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**I. Introduction**

IDT Energy, Inc. (“IDT”) seeks rehearing of the December 15, 2021 Second Finding and Order (“Order”) in this proceeding. The Order assessed a civil forfeiture of \$1,000 on certain specified companies, IDT among them, for failure to remit the 2020 fiscal assessment by the November 1, 2021 deadline established by R.C. 4905.54, and directed each listed company to remit its 2020 annual assessment by January 14, 2022. (Order ¶¶ 6–7). The effective date of the civil forfeitures assigned by the Order has been delayed 30 days to afford the affected companies an opportunity to file an application for rehearing pursuant to R.C. 4903.10. (Order ¶ 8).

**II. Argument**

R.C. 4903.10 allows the Commission to grant rehearing where the applicant shows that a decision is unreasonable. *See also* OAC 4901-1-35(A). IDT respectfully requests that the Commission rescind the forfeiture imposed on IDT. While the Commission is correct that IDT did not remit its 2020 fiscal assessment by the November 1, 2021 deadline, the unique circumstances of the delayed payment justify rescission of the forfeiture.

On October 10, 2021, the Commission issued an invoice to IDT seeking payment of \$2,250.01 by November 15, 2021. *See* Exhibit A. It is unclear why the initial invoice provided a due date of November 15th rather than November 1st.

IDT intended to make payment by November 1, 2021. However, due to an IDT accounts payable computer issue the check was not sent out as intended. IDT learned of this error when it received the November 15, 2021 past due notice from the Commission. *See* Exhibit B. The letter indicated there could be civil penalties if payment was not received by November 28, 2021. *Id.*

IDT took immediate action in response to this past-due notice. IDT sent a check for its 2020 fiscal assessment to the Commission via US mail on or around November 16, 2021. IDT was not aware that the Commission did not receive the initial check until December 15, 2021, when the Order was issued. IDT immediately remedied this issue by sending a new check to the Commission for IDT's 2020 fiscal assessment, which was delivered and accepted by the Commission on December 23, 2021. As of December 23, 2021, IDT has no outstanding balance owed for its 2020 fiscal assessment.

IDT's late payment is an isolated mistake caused by an accounts payable issue and a check which was apparently lost by the postal service. For 2021 this effort at compliance is shown in part by the payments made by IDT and its affiliated companies. IDT is a subsidiary of Genie Retail Energy, Inc. In Ohio, Genie Energy operates: IDT Energy, Inc. (electricity and gas supplier); Residents Energy, LLC (electric and gas supplier); Town Square Energy East, LLC (electric supplier); and Diversegy, LLC (electricity and gas broker). As a result Genie Energy's subsidiaries make seven different payments to the Commission annually. Each of those payments, except for one, was received by the November 28, 2021 grace period deadline. It was the apparent loss of the final check by the postal service which caused the isolated missing check not to be timely received by the Commission.

Finally, no party has been substantially harmed by the late remittance of IDT's 2020 fiscal assessment. As the Order details, the 2020 fiscal assessment must now be remitted by January 14,

2022. (Order ¶ 7). The Commission received the IDT 2020 fiscal assessment on December 23, 2021, over three weeks before the new January 14, 2022 deadline. As a result no party has been harmed by the delay in payment.

As shown by the foregoing, IDT attempted to timely make payment. While it was not successful on this single isolated invoice, IDT's efforts to make timely payment show that no civil forfeiture is necessary here.

### **III. Conclusion**

For the foregoing reasons, IDT Energy, Inc. respectfully requests that the Commission rescind the forfeiture imposed upon it by the Second Finding and Order.

Respectfully submitted,

/s/ N. Trevor Alexander

N. Trevor Alexander (0080713)  
Kari D. Hehmeyer (0096284)  
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*Attorneys for IDT Energy, Inc.*

**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 13th day of January 2022. The PUCO's e-filing system will electronically serve notice of the filing of this document on counsel for all parties.

/s/ Kari D. Hehmeyer  
One of the Attorneys for IDT Energy, Inc.



# Public Utilities Commission

Jenifer French, Chair

## Commissioners

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

Avi Keilson  
IDT ENERGY, INC  
520 BROAD STREET 4TH FLOOR  
NEWARK, NJ 07102

**Invoice #:** 21-00071926  
**Date:** 10/01/2021  
**Due Date:** 11/15/2021  
**Amount Due:** \$ 2,250.01

### Annual Assessment - Fall

Item	Type	Description	Industry	Intrastate Gross Revenue	Amount Due
1.	Annual Assessment - Fall	2021 Annual Assessment - Fall	Gas	\$ 1,297,007.00	\$ 2,250.01
<b>Credit Applied</b>					(\$ 0.00)
<b>Total Due</b>					\$ 2,250.01

To pay this invoice,

- a) Please go to <https://community.puco.ohio.gov> and click Log In to OH|ID.
- OR
- b) Use the Guest Payment Option to make a payment on your invoice without registering/logging in to PUCO community account. To use this option, please visit <https://community.puco.ohio.gov/p/s/>.

If you have questions concerning this assessment, please call our call center at (800) 686-7826 or email [PUCOFiscalSupport@puco.ohio.gov](mailto:PUCOFiscalSupport@puco.ohio.gov).

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(Remittance for mailed check payment)

**Please make checks payable to:**

**Public Utilities Commission of Ohio  
PO BOX 715343  
Cincinnati, OH 45271-5343**

**Name:** IDT ENERGY, INC  
**Invoice #:** 21-00071926  
**Amount Due:** \$ 2,250.01





**Public Utilities  
Commission**

Jenifer French, Chair

**Commissioners**

M. Beth Trombold  
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Dennis P. Deters  
Daniel R. Conway

IDT ENERGY, INC  
Avi Keilson  
520 Broad Street 4th Floor  
Newark, NJ  
07102

**Invoice #:** 21-00071926  
**Date:** 10/01/2021  
**Due Date:** 11/15/2021

**Re: Past due notice for the PUCO annual assessment. Pay immediately. Penalties for failure to pay.**

Pursuant to R.C. 4905.10, the below annual assessment due to the Public Utilities Commission of Ohio (PUCO) by November 1, 2021. Our records indicate this payment has not been received.

IDT Energy, Inc  
Fiscal Assessment Due: \$ 2,250.01

Please submit your payment immediately. If your payment is not received by **November 28, 2021, a civil forfeiture may be applied to your account.** Pursuant to R.C. 4905.54, the Commission may assess a forfeiture of not more than ten thousand dollars for each violation of Chapter 4905 of the Revised Code or violation of commission order, direction or requirement of the commission that was officially promulgated.

Please visit <https://community.puco.ohio.gov> to make your payments.

Please make checks payable to: PUBLIC UTILITIES COMMISSION OF OHIO  
And mail to: Public Utilities Commission of Ohio  
PO Box 715343  
Cincinnati, OH 45271-5343

Please contact our call center at 800-686-7826 if you feel this notice has been sent in error.

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(Remittance for mailed check payment)

**Please make checks payable to:**

**Public Utilities Commission of Ohio**  
**PO Box 715343**  
**Cincinnati, OH 45271-5343**

**Name:** IDT Energy, Inc  
**Invoice #:** 21-00071926  
**Amount Due:** \$ 2,250.01



**This foregoing document was electronically filed with the Public Utilities  
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**1/13/2022 1:19:39 PM**

**in**

**Case No(s). 21-0001-AU-RPT**

Summary: Application for Rehearing electronically filed by Mr. N. Trevor Alexander  
on behalf of IDT Energy, Inc.