

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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

**APPLICATION FOR REHEARING
OF
CENSTAR ENERGY CORP.**

I. Introduction

CenStar Energy Corp. (“CenStar”) respectfully requests rehearing of the Second Finding and Order issued in this proceeding on December 15, 2021, by the Public Utilities Commission of Ohio (“Commission”). CenStar requests that the Commission reverse its decision to impose two forfeitures totaling \$2,000 against CenStar for not remitting a total of \$100 in annual assessment payments by the November 2021 deadline. CenStar’s assignment of error is:

The Commission’s assessment is unjust and unreasonable and should be reversed because CenStar’s assessment payments, which were minimal, were slightly delayed due to an inadvertent administrative error.

Ohio Revised Code (“R.C.”) § 4903.10 provides in part that, on rehearing, if the “commission is of the opinion that the original order or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate or modify the same.”

Good cause exists for granting this application for hearing – CenStar did not remit the assessment payments by the due date because of inadvertent administrative error. However, CenStar’s assessment payments were issued prior to the issuance of the Second Finding and Order, and the Commission cashed the checks a few days later on December 22, 2021. When CenStar later learned about the Commission’s December 15, 2021 order, CenStar personnel investigated the situation – recognizing the overlapping events. Although the payment of the assessments was slightly delayed, no harm has come from not receiving those minimal assessment payments for

that brief period. Under the circumstances, the Commission should conclude that good cause exists to grant rehearing and reverse both \$1,000 forfeitures against CenStar.

II. Background

CenStar was certified to provide competitive retail electric services in Ohio under certificate number 12-585E. The certificate was issued in *In the Matter of the Application of CenStar Energy Marketing LLC for a Certificate of Public Convenience and Necessity*, Case No. 13-894-EL-CRS. CenStar was also certified to provide competitive retail natural gas services in Ohio under certificate number 12-276G. That certificate was issued *In the Matter of the Application of CenStar Energy Marketing LLC for a Certificate of Public Convenience and Necessity*, Case No. 12-2683-GA-CRS. CenStar filed abandonment applications (without existing customers) for both certificates in August 2020. The applications were automatically approved and the certificates were canceled in 2020. CenStar has not held an Ohio certificate since this case began.

By Entry issued in late January 2021 in this docket, the Commission directed all service providers that were regulated in Ohio in 2020 to submit an annual report to the Commission for calendar year 2020 and to do so through the Commission's web-based system called the PUCO Community. *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, Entry at ¶ 6 (January 27, 2021). In accordance with the Commission's directives, CenStar personnel timely prepared and submitted the annual reports for calendar year 2020, reflecting zero sales. Per R.C. §§ 4905.10 and 4905.14, the Commission sent invoices to CenStar in the amount of \$50.00 for each certificate held, and the assessment payments were due in November 2021.

On December 15, 2021, the Commission (a) identified those entities that did not remit their assessment payment by the November 2021 deadline; (b) assessed a \$1,000 civil forfeiture against those entities, but delayed the effectiveness to allow for applications for rehearing; and (c) ordered those entities to pay their outstanding assessment by January 14, 2022. *Id.*, Second Finding and Order at ¶¶ 6-8 (December 15, 2021).

III. Argument

In CenStar's situation, it timely submitted its annual reports to the Commission (which reports were the bases upon which the Commission determined that assessments totaling \$100 should be paid by CenStar). CenStar received the assessment invoices from the Commission. Unfortunately, there was an inadvertent administrative delay in making the payments. As a result, the payments were not sent to the Commission by the November 2021 deadline. However, CenStar identified the error and issued the payments not long thereafter and prior to the Commission's forfeiture order. This sequence of events establishes that CenStar self-corrected the situation and intended to comply in good faith and in substantial compliance with the Commission's requirement. In addition, the Commission cashed the payments weeks before the January 14, 2022 deadline.

In addition, there was no harm caused by the slight delay in receiving the assessment payments totaling \$100 from CenStar. The assessment payments were delayed only by a few weeks and they involved minimal dollar amounts. Under these circumstances, there is no harmful impact from the slight delay in receiving CenStar's payments.

The Commission has reversed forfeiture rulings in similar situations in the past. For example, the Commission reversed a forfeiture ruling against ReallyObjective LLC ("ReallyObjective"), who had not provided services to customers and had abandoned its

certificates prior to the Commission initiating the 2018 annual report requirements for fiscal assessment. *In the Matter of the Annual Reports for Calendar Year 2018 for the Fiscal Assessment of All Regulated Entities*, Case No. 19-01-AU-RPT, Entry on Rehearing at ¶ 6 (October 9, 2019). ReallyObjective did not initially submit its annual report, but submitted it late, and the Commission waived the forfeiture. *Id.* at ¶¶ 11, 14. As a second example, the Commission reversed itself and concluded no forfeiture should be assessed against New Wave Energy Corporation (“New Wave”) for its failure to submit its 2018 electric annual report after an inadvertent error by an employee. *Id.* at ¶ 7. New Wave’s personnel mistakenly believed that both its electric and natural gas annual reports had been submitted timely, but discovered after the deadline that one report had not been submitted by the deadline. *Id.* New Wave promptly submitted the missing annual report and the Commission waived the forfeiture. *Id.* at ¶¶ 11, 14. These situations involved inadvertent mistakes causing delays and are similar to CenStar’s situation involving its delayed assessment payments. The Commission should follow its precedent and reverse the forfeiture ruling against CenStar, as it did for ReallyObjective and New Wave.

IV. Conclusion

As noted above, CenStar did not intentionally fail to submit the assessment payments; nonetheless, it was delayed in remitting the payments due to administrative error. CenStar self-corrected the situation and issued the assessment payments before the Commission took action. There was no harm caused by the brief delay in receiving the \$100 from CenStar. A reversal of the \$2,000 forfeiture ruling is warranted given this inadvertent error and is similar to Commission

precedent where the Commission lifted forfeiture orders. For all of these reasons, good cause exists to reverse the two \$1,000 forfeitures against CenStar.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced on the service list of the docket card who have electronically subscribed to the case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served (via electronic mail) on the 14th day of January 2022 upon all persons/entities listed below:

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1/14/2022 8:11:31 AM

in

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

Summary: App for Rehearing Application for Rehearing electronically filed by Mrs. Gretchen L. Petrucci on behalf of CenStar Energy Corp.