

**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-TP-RPT**
Assessment of All Regulated Entities.)

**APPLICATION FOR REHEARING OF
GENERATION PIPELINE LLC**

Pursuant to Section 4903.10, Revised Code (“RC”), and Rule 4901-1-35, Ohio Administrative Code (“OAC”), Generation Pipeline LLC hereby respectfully requests rehearing of the December 15, 2021 Second Finding and Order (“Second Finding and Order”) issued by the Public Utilities Commission of Ohio (the “Commission”) in this proceeding. Generation’s sole assignment of error is that the Commission’s imposition of a forfeiture as set forth in paragraph 6 of the Second Finding and Order is unreasonable because Generation did not receive the assessment invoice but paid the assessment immediately upon becoming aware of the issue. Generation did not receive the invoice because its contact information, while correct in its timely filed annual report, was inadvertently not updated for its PUCO Community account. Under these circumstances, and as further explained in the Memorandum in Support attached hereto, Generation Pipeline respectfully requests that the Commission grant this Application for Rehearing and reverse the forfeiture.

Respectfully Submitted,

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MEMORANDUM IN SUPPORT

I. Introduction

Generation Pipeline LLC (“Generation”) respectfully requests rehearing of the December 15, 2021 Second Finding and Order of the Public Utilities Commission of Ohio (“Commission”) and requests that the Commission reverse its decision to impose a \$1,000 forfeiture against Generation for not remitting its 2020 annual assessment by the November 2021 deadline,¹ as set forth in paragraph 6 of the Second Finding and Order. Generation did not remit the assessment payment by the due date because it did not receive the assessment invoice at its current address. Instead the invoice was sent to a prior address for Generation. While Generation’s new address was submitted to the Commission previously and is listed properly on the Commission’s website, Generation inadvertently did not update its address on the PUCO Community site. Generation did include the correct contact information in its 2020 annual report, but it appears that the PUCO Community account address was used to send the assessment invoice to Generation’s prior address. Generation was able to obtain a copy of the invoice from the Commission’s Staff and immediately submitted the outstanding payment assessment in full. Generation is also in the process of updating its address in the PUCO Community system. Although the payment was delayed as a result of the inadvertent error, no harm has come from the delay in receiving Generation’s assessment payment. Under these circumstances, Generation respectfully asks that the Commission grant rehearing as requested, and reverse the forfeiture.

¹ The Commission’s Second Finding and Order at paragraphs 5 and 6 indicates that the deadline was November 1, 2021. However, the invoice payment deadline was November 15, 2021 as shown on the invoice that Generation received after contacting the Commission Staff on this issue.

II. Background

By Entry issued in January 2021 in this docket, the Commission directed all regulated service providers in Ohio to submit an annual report to the Commission for calendar year 2019 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-TP-RPT, Entry at ¶ 6 (January 27, 2021). The Commission uses the annual reports to calculate the annual assessment per Ohio Revised Code §§ 4905.10 and 4905.14.

Generation personnel timely prepared and submitted the annual report for calendar year 2020. Generation's annual report included Generation's contact address (5400 Westheimer Court, Houston, TX 77056). Several months later, the Commission sent an invoice to Generation and the assessment payment was due on November 15, 2021. Generation, however, did not receive the invoice because the invoice was sent to a prior address for Generation. The error likely was a result of Generation inadvertently not updating its PUCO Community account with its new address.

On December 15, 2021, the Commission (a) identified those regulated entities that did not remit their assessment payment by the November 2021 deadline; (b) assessed a \$1,000 civil forfeiture on 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). Generation did not receive a copy of that order because it was issued to the old address as evidenced by the January 5, 2022 returned mail entry on the docket.

III. Argument

R.C. 4903.10 provides 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.” As noted above, Generation timely submitted its annual report to the Commission for 2020. The Commission calculated the assessment amount but the invoice was sent to the wrong address for Generation. Specifically, as confirmed by Generation after requesting a copy of the invoice from Commission Staff, the invoice was sent to Generation’s old address at 445 Hutchinson Ave. Suite, 830, Columbus Ohio 43235.

After investigating, Generation has determined that although its annual report listed Generation’s current address, its PUCO Community account was not updated to list Generation’s new address. Generation previously provided that address (5400 Westheimer Court, Houston, TX 77056) to the Commission as shown by the below clip from the Commission’s website.²

1/13/22, 5:26 PM

Regulated Company - Dynamic Landing Page | Public Utilities Commission of Ohio

Generation Pipeline LLC

PUCO ID: 412087

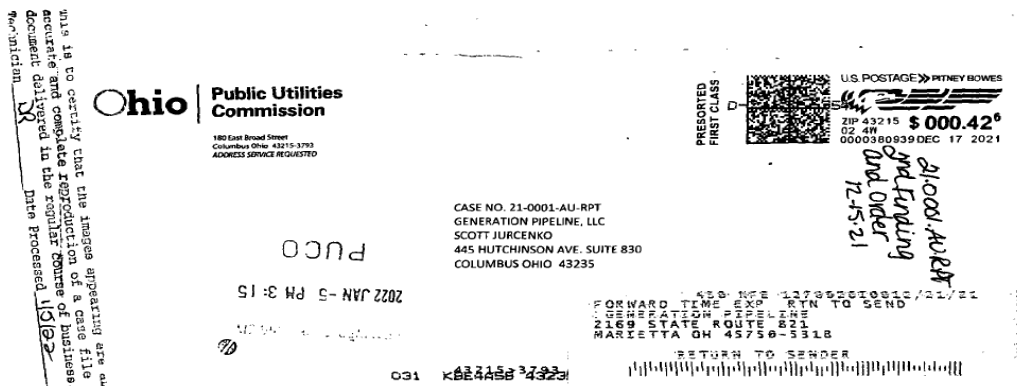
5400 Westheimer Court

Houston, TX 77056

² <https://puco.ohio.gov/wps/portal/gov/puco/documents-and-rules/list/regulated-company-list-dynamic-landing?company=Generation%20Pipeline%20LLC&pucoId=412087&referrer=RegulatedList>.

Generation, however, inadvertently did not update the Company’s address on the PUCO Community site. While Generation has not confirmed the source for the invoice address, Generation assumes that the address from the PUCO Community was used rather than the address listed for Generation in its annual report or the address listed on the Regulated Company – Dynamic Landing Page above. As a result, the invoice was sent to the old address and not the new address.

Generation also did not receive a copy of the Second Finding and Order issued in this proceeding as evidenced by the January 5, 2022 returned mail entry on the case docket.³ The attachment to that filing shows that the Second Finding and Order was sent to Generation’s prior address, 445 Hutchinson Ave. Suite, 830, Columbus Ohio 43235.



Having not received the Second Finding and Order, Generation only became aware of its failure to pay the assessment earlier this week through its counsel. Upon becoming aware, the compliance team responsible for processing Generation’s annual report investigated the issue, confirmed that the annual report was timely filed and confirmed after receiving a copy of the invoice from Commission Staff that the invoice was sent to an old address. Accounting

³ <https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=537385ae-33cb-4174-833c-39886726e2f2>

personnel were then notified to prepare the payment for the assessment. That payment has been made, submitted to the Commission by eCheck via the PUCO Community website on January 13, 2022 (screenshot below).

Successful Payment

Your electronic check payment has been successfully authorized. Thank you for using the Central Payment Portal online payment processing system.

This page will serve as your receipt. Please print this page for your records and note the confirmation number below:

Print Receipt

PUCO - Assessments Payment Summary			
Payment Status	Confirmation Number	Authorization Date	
Authorized	ETH-0028843	1/13/2022 4:49:56 PM	
Total			
\$16,174.71			
Quantity	Description	Price	Total
1	Invoice No : 21-00070594 Annual Assessment - Fall	\$16,174.71	\$16,174.71

Generation is also in the process of updating the address information on its PUCO Community account.

Commission precedent supports a reversal of the forfeiture in these circumstances. In 2019, the Commission lifted a forfeiture against Ohio MSA LLC (“MSA”) when the notice of the annual report requirements was sent to personnel no longer employed by the company because the contact records had not been updated. *In the Matter of the Annual Reports for Calendar Year 2019 for the Fiscal Assessment of All Regulated Entities*, Case Nos. 20-01-AU-RPT et al., Entry on Rehearing (October 21, 2020). Similar to MSA, Generation inadvertently failed to update its contact records in the PUCO Community and when completing its annual report.

Importantly, as of this date, Generation has paid the assessment in full and is in the process of ensuring its contact information in the PUCO Community is updated. Accordingly, Generation submits that the circumstances do not warrant the forfeiture, especially as Generation was not

aware of the assessment invoice until just recently. Also, with the assessment being paid in full and by the required due date in the Second Finding and Order, Generation submits the delay in payment has not caused harm.

IV. Conclusion

Generation's lack of timely payment was not intentional but rather a result of an inadvertent error regarding its contact information in the PUCO Community system. Because its contact information was not updated, the assessment invoice was sent to a prior address for Generation. Once made aware of the issue, Generation reacted quickly and paid the outstanding assessment. Generation is also in the process of updating its contact information. Given these circumstances, Generation respectfully requests that the Commission grant rehearing and waive the forfeiture that was imposed on Generation.

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 2021 upon all persons/entities listed below:

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

Summary: App for Rehearing Application for Rehearing electronically filed by Mr.
Michael J. Settineri on behalf of Generation Pipeline LLC