

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of RPA Energy)
Inc. d/b/a Green Choice Energy for Renewal) Case No. 16-0893-GA-CRS
Certification as a Retail Natural Gas Supplier)

MOTION TO SUSPEND AUTOMATIC APPROVAL OF RENEWAL APPLICATION

RPA Energy Inc. d/b/a Green Choice Energy (Green Choice) respectfully requests issuance of an Entry: (1) suspending automatic approval of its renewal application filed on June 21, 2022; and (2) waiving the subsequent 90-day deadline for consideration of the application.

Good cause exists for granting this motion for the reasons explained below.

O.A.C. 4901:1-27-09(A) requires competitive retail natural gas (CRNG) suppliers to file a bi-annual renewal application at least 30 but no more than 60 days prior to the expiration of their previously granted certificate. Once filed, the Commission will “approve, deny, or suspend” the application as provided in O.A.C. Chapter 4901:1-27-10.¹ If a renewal application is suspended, the Commission has 90 days from the date of suspension to “approve or deny” the application.²

Renewal applications trigger a review of (among other things) the applicant’s technical and managerial capability to provide the service for which it seeks re-certification. Here, such a review was already under way when Green Choice filed its application. Case No. 22-441-GE-COI is an enforcement action alleging noncompliance with Commission rules governing retail

¹ O.A.C. 4901:1-27-09(D).

² O.A.C. 4901:1-27-10(A)(2)(b).

gas and electric suppliers. Green Choice contests the allegations but recognizes the reality of the situation: the Commission is not going to allow the license to be renewed automatically while an enforcement action is pending. Moreover, considering the nature and scope of the enforcement action, Green Choice's right to continue doing business in Ohio will likely be determined by the outcome of that proceeding rather than the information contained in its renewal application. Accordingly, this motion invites the Commission to take the action it would most likely take anyway and suspend the application.

Suspending the renewal application will give the Commission an additional 90 days to consider whether to "approve" or "deny" a license renewal. It is possible the enforcement action will be resolved within the 90-day suspension period, but not likely. This means the Commission has two choices: (1) conduct a separate "mini trial" in the licensing docket to meet the 90-day deadline; or (2) waive the 90-day deadline, allow the enforcement proceeding to run its course, and then return to the renewal application. The benefits of Option 2 seem obvious, and to the extent Green Choice must waive its right to be heard within 90 days to make this happen, it hereby does so.

Having stated good cause to suspend the application and waive the deadline for final consideration, the Commission should grant this motion.

Dated: June 23, 2022

Respectfully submitted,

/s/ Mark A. Whitt

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CERTIFICATE OF SERVICE

I hereby certify that a courtesy copy of the foregoing motion was served by electronic mail this 23rd day of June, 2022 to the following individuals:

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Case No(s). 16-0893-GA-CRS

Summary: Motion Motion to Suspend Automatic Approval of Renewal Application
electronically filed by Ms. Valerie A. Cahill on behalf of RPA Energy Inc., d/b/a
Green Choice Energy