

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
BIO ENERGY STRATEGY AND TACTICS
D/B/A BEST GAAS FOR CERTIFICATION AS
A COMPETITIVE RETAIL ELECTRIC
SERVICE PROVIDER IN OHIO.

CASE NO. 22-169-EL-CRS

FINDING AND ORDER

Entered in the Journal on February 8, 2023

I. SUMMARY

{¶ 1} The Commission dismisses the application of Bio Energy Strategy and Tactics d/b/a Best GaaS for certification as a competitive retail electric service provider because the company failed to file a complete application.

II. DISCUSSION

{¶ 2} R.C. 4928.08 provides that competitive retail electric service (CRES) providers must be certified by the Commission. Pursuant to R.C. 4928.08 and Ohio Adm.Code 4901:1-24-10, an application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. If the application is suspended, R.C. 4928.08 provides that the Commission shall act to approve or deny the application within 90 days after the date of suspension.

{¶ 3} On March 3, 2022, Bio Energy Strategy and Tactics d/b/a Best GaaS (Bio Energy) filed an application for certification as a CRES provider in Ohio. Amendments to the application were filed on March 21 and March 25, 2022.

{¶ 4} On March 30, 2022, pursuant to Ohio Adm.Code 4901:1-24-10(A)(1), the attorney examiner in this case suspended the 30-day automatic approval of Applicant's March 3, 2022 application so that Staff could review the application further.

{¶ 5} Pursuant to R.C. 4928.08, the Commission reviews applications to determine if the applicant has the managerial, technical, and financial capability to provide CRES, and

if there are reasonable financial assurances sufficient to protect customers and electric and natural gas companies from default.

{¶ 6} Staff filed its review and recommendation on January 11, 2023. Staff states that the Applicant's March 3, 2022 application, as amended on March 21 and March 25, 2022, does not provide sufficient information to evaluate Bio Energy's ability to provide CRES in Ohio. Staff notes that there has been no additional information filed in the docket following suspension of the case; therefore, the application is incomplete. Staff recommends dismissal of the application.

{¶ 7} Upon review of Bio Energy's application and Staff's recommendation, the Commission finds that the company has not provided the information necessary for a complete assessment of its application. Pursuant to our authority under R.C. 4928.08, the Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to function as a CRES provider to customers. *See In re Inertia Resources, Inc.*, Case No 19-962-EL-AGG, Finding and Order (Apr. 21, 2021); *In re MDE Enterprises, LLC*, Case No. 19-1060-EL-AGG, Finding and Order (April 21, 2021). We have reviewed Bio Energy's application and agree that, because the application is not complete, Staff cannot fully review the company's request to operate as a CRES provider. Furthermore, without such an evaluation, Staff cannot make a recommendation to the Commission regarding whether Bio Energy has the capability of providing competitive generation services in Ohio. Therefore, the Commission finds that Bio Energy's application for certification as a CRES provider of generation services should be dismissed without prejudice.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the application for certification filed by Bio Energy be dismissed without prejudice. It is, further,

{¶ 10} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

Approving:

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

JWS/mef

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Commission of Ohio Docketing Information System on**

2/8/2023 2:58:48 PM

in

Case No(s). 22-0169-EL-CRS

Summary: Finding & Order that the Commission dismisses the application of Bio Energy Strategy and Tactics d/b/a Best GaaS for certification as a competitive retail electric service provider because the company failed to file a complete application electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio