

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
HERCULES ENERGY LLC, FOR
CERTIFICATION AS A COMPETITIVE
RETAIL ELECTRIC SERVICE BROKER IN
OHIO.

CASE NO. 20-1536-EL-AGG

IN THE MATTER OF THE APPLICATION OF
HERCULES ENERGY LLC, FOR
CERTIFICATION AS A COMPETITIVE
RETAIL NATURAL GAS BROKER.

CASE NO. 20-1664-GA-AGG

FINDING AND ORDER

Entered in the Journal on April 19, 2023

I. SUMMARY

{¶ 1} The Commission approves Hercules Energy, LLC's application for renewal of its certification as both a competitive retail electric service broker and a competitive retail natural gas service broker in Ohio.

II. DISCUSSION

{¶ 2} R.C. 4928.08 provides that retail electric service suppliers that provide competitive retail electric service (CRES) must be certified by the Commission prior to providing CRES. The Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to provide CRES and whether there are reasonable financial assurances sufficient to protect customers and electric companies from default. Pursuant to R.C. 4928.08 and Ohio Adm.Code 4901:1-24-10, the application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. If the case 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} R.C. 4929.20 provides that retail natural gas suppliers that provide competitive retail natural gas service (CRNGS) must be certified by the Commission prior to providing

CRNGS. The Commission reviews applications for certification to determine if the applicant has the managerial, technical, and financial capability to provide CRNGS and whether there are reasonable financial assurances sufficient to protect customers and natural gas companies from default. Pursuant to R.C. 4929.20 and Ohio Adm.Code 4901:1-27-10, the application for certification shall be deemed approved 30 days after the filing of the application, unless the Commission suspends such approval. If the case is suspended, R.C. 4929.20 provides that the Commission shall act to approve or deny the application within 90 days after the date of suspension.

{¶ 4} On September 30, 2022, in Case No. 20-1664-GA-AGG, Hercules Energy, LLC (Hercules or Applicant) filed an application for renewal of its certification as a CRNGS broker, as required by Ohio Adm.Code 4901:1-27-09. In support of its application, Applicant provided updated information regarding its managerial, financial, and technical ability to provide CRNGS.

{¶ 5} On October 18, 2022, as supplemented on October 21, 2022, Hercules filed an application for renewal of its certification as a CRES broker, as required by Ohio Adm.Code 4901:1-24-09, in Case No. 20-1536-EL-AGG. In support of its application, Applicant provided updated information regarding its managerial, financial, and technical ability to provide CRES.

{¶ 6} By Entry dated October 28, 2022, the attorney examiner suspended the 30-day automatic approval process in the matter of Hercules' renewal application for its CRNGS certification, pursuant to Ohio Adm.Code 4901:1-27-10(A), in order to afford the Commission and Staff additional time to review the matter.

{¶ 7} By Entry dated November 17, 2022, the attorney examiner suspended the 30-day automatic approval process in the matter of Hercules' renewal application for its CRES certification, pursuant to Ohio Adm.Code 4901:1-24-10(A), in order to afford the Commission and Staff additional time to review the matter.

{¶ 8} On December 15, 2022, Applicant filed additional information and amended applications for its CRES and CRNGS recertification, respectively.

{¶ 9} On December 19, 2022, and March 9, 2023, Staff filed review and recommendations in Case No. 20-1536-EL-AGG and Case No. 20-1664-GA-AGG, respectively. In each, Staff indicates that Applicant provided the necessary additional information, and, therefore, Staff recommends that Applicant's renewal applications for certification be approved.

{¶ 10} Upon review of the applications, as supplemented and amended, and Staff's recommendations, Applicant appears managerially, financially, and technically fit and capable of performing as both a CRNGS and CRES provider in compliance with all applicable regulations adopted pursuant to R.C. Chapters 4929 and 4928. Accordingly, the Commission finds that Applicant's renewal applications for certification as both a CRNGS and CRES provider should be approved for a period of two years.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Hercules Energy, LLC's renewal application for certification as a CRNGS provider be approved. It is, further,

{¶ 13} ORDERED, That Hercules Energy, LLC's renewal application for certification as a CRES provider be approved. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

JMD/dmh

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in

Case No(s). 20-1536-EL-AGG, 20-1664-GA-AGG

Summary: Finding & Order approving Hercules Energy, LLC's application for renewal of its certification as both a competitive retail electric service broker and a competitive retail natural gas service broker in Ohio. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio.