



Public Utilities Commission

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July 7, 2023

Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

RE: *In the Matter of the Application of SmartEnergy Holdings LLC for Certification as a Competitive Retail Electric and Natural Gas Service Provider in Ohio*, Case Nos. 13-0373-EL-CRS and 20-1253-GA-CRS.

Dear Docketing Division:

Enclosed please find a Staff Review and Recommendation in the Matter of the Application of SmartEnergy Holdings LLC for Certification as a Competitive Retail Electric and Natural Gas Service Provider in Ohio, Case Nos. 13-0373-EL-CRS and 20-1253-GA-CRS.

Sincerely,

Melissa Scarberry
Utility Specialist II
Service Monitoring and Enforcement Department
Melissa.Scarberry@puco.ohio.gov

Staff Review and Recommendation for
SmartEnergy Holdings LLC
Case Nos. 13-0373-EL-CRS AND 20-1253-GA-CRS

On July 8, 2022, SmartEnergy Holdings, LLC (SmartEnergy) filed an application with the Commission seeking to renew its certification as a competitive retail natural gas service (CRNGS) provider. The approval of the CRNGS renewal application was suspended on August 8, 2022 to allow Staff additional time to consider the application. On September 6, 2022, Staff sent a Notice of Probable Non-Compliance (PNC) to SmartEnergy Holdings, LLC (SmartEnergy), and a revised PNC on January 12, 2023, both regarding the marketing and enrollment of customers. On March 8, 2023, SmartEnergy filed an application with the Commission seeking to renew its certification as a competitive retail electric service (CRES) provider, and approval of this application was suspended on April 6, 2023.

On May 30, 2023, a Joint Stipulation and Recommendation was filed in Case No. 23-0601-EL-UNC to resolve the issues identified in the revised PNC notice. As part of the Stipulation, SmartEnergy agreed to:

- Cease all direct mail advertising in Ohio until the Stipulation was executed and filed.
- Revise the marketing and enrollment materials based on Staff's review.
- Identify all consumers who enrolled by inbound telephone call during 2022 and qualified for a rebate or incentive that has not been claimed. Each account identified will be sent a letter with instructions on claiming the rebate or incentive for which they had previously qualified.
- Add additional language to the renewal/expiration notices reminding the customer to claim their rebate or incentive.
- Pay a forfeiture of \$85,000 to the State of Ohio.

Based on Staff's evaluation of SmartEnergy, the Stipulation, and review of the applications and accompanying exhibits, Staff believes the renewal applications are in compliance with Ohio Administrative Code and therefore, Staff recommends that these applications be approved.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

Case No(s). 13-0373-EL-CRS, 20-1253-GA-CRS, 23-0601-EL-UNC

Summary: Staff Review and Recommendation electronically filed by Ms. Melissa M.
Scarberry on behalf of PUCO Staff.