

## PUCO RESPONSE MEMORANDUM

To: Michael Bender  
Business Advocate  
Ohio Lieutenant Governor's Common Sense Initiative Office

From: Jeffrey Jones  
Legal Director  
Public Utilities Commission of Ohio

Date: April 19, 2024

Re: PUCO Response –Governmental Aggregators and Retail Natural Gas Suppliers (CRNGS) (Ohio Adm.Code Chapter 4901:1-27)

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In Case No. 17-1845-GA-ORD, the Public Utilities Commission of Ohio (PUCO) reviewed Ohio Adm.Code Chapter 4901:1-27 as part of the statutory five-year review process, as well as to comply with R.C. 121.951(A)(1), which requires state agencies to reduce their total number of regulatory restrictions. The rules in Ohio Adm.Code Chapter 4901:1-27 set forth the requirements for CRNGS provider, retail natural gas aggregator, retail natural gas broker, and governmental aggregator certification. Specifically, this chapter outlines the application process, the standards for application approval or denial, applicant responsibility for financial security, requirements for certification renewal, notification requirements for material changes in certificate information, transfer or abandonment of a certificate, and the Commission's authority to suspend, rescind, or conditionally rescind a certificate.

By Entry issued September 8, 2021, the PUCO established a formal comment period to receive stakeholder feedback regarding the PUCO's proposed amendments to the rules. Comments were received from the Citizens' Utility Board of Ohio, Interstate Gas Supply, Inc., the Retail Energy Supply Association (RESA), Constellation New Energy Inc. and Constellation NewEnergy – Gas Division, LLC, Industrial Energy Users – Ohio, Energy Harbor LLC, the Ohio Consumers' Counsel (OCC), SouthStar Energy Services LLC, Ohio Rural Electric Cooperatives, Inc., Mission:data Coalition, Columbia Gas of Ohio, Inc., the Northeast Ohio Public Energy Council, SFE Energy Ohio, Inc., Statewise Energy



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Ohio, Inc., the East Ohio Gas Company dba Dominion Energy Ohio, the Ohio Power Company dba AEP Ohio, AEP Energy, Inc., and jointly by Reliant Energy Northwest LLC, Direct Energy Business Marketing LLC, Direct Energy Services LLC, XOOM Energy Ohio, LLC, Stream Ohio Gas & Electric, LLC, Energy Plus Holdings LLC, Energy Plus Natural Gas LLC, Green Mountain Energy Company, and Independence Energy Group LLC. Thereafter, the PUCO issued a Finding and Order on February 21, 2024, adopting the proposed changes to the rules as set forth in the order. On March 22, 2024, OCC filed an application for rehearing, in response to which RESA filed a memorandum contra. On April 17, 2024, the PUCO issued an Entry on Rehearing, denying OCC's application for rehearing. On April 18, 2024, the Common Sense Initiative (CSI) Office replied to the PUCO, stating that CSI had no recommendations, and concluding that the PUCO should proceed with formal filing of the rules package with the Joint Committee on Agency Rule Review (JCARR). In light of CSI's conclusion, the PUCO will proceed and file these rules with JCARR.

cc: Joseph Baker, Director, Common Sense Initiative Office  
Greg Price, Deputy Legal Director, Public Utilities Commission of Ohio