

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Initial Certification)
Application of Suvon, LLC d/b/a FirstEnergy)
Advisors to Provide Aggregation and Broker)
Services in the State of Ohio.) Case No. 20-103-EL-AGG

**JOINT MOTION FOR THE PUCO TO ENFORCE ITS REMAND ORDER
BY REQUIRING FIRSTENERGY ADVISORS TO TAKE DOWN ITS WEBSITE
AND BY ORDERING OTHER RELIEF
BY
NORTHEAST OHIO PUBLIC ENERGY COUNCIL
AND
OFFICE OF THE OHIO CONSUMERS' COUNSEL**

FirstEnergy Advisors explained in its Motion to Withdraw its Certificate that it was doing so in part to ... “(ii) remove the ambiguity and uncertainty created by the Supreme Court Order.”¹ There was no ambiguity created by the Court’s decision that overturned the PUCO’s unlawful ruling. And there was no ambiguity in the PUCO’s termination of FirstEnergy Advisors’ certificate to provide aggregation and brokerage services in the state of Ohio. There is, however, ambiguity and uncertainty created by FirstEnergy Advisors in continuing to market its services through its still public website. Accordingly, we move for the PUCO to order FirstEnergy Advisors to do the obvious per the PUCO’s decision on remand from the Court² – immediately bring its website down from the worldwide web.

FirstEnergy Advisors has flagrantly violated the PUCO’s Remand Order since it was issued in this proceeding on November 3, 2021. The Remand Order, citing R.C. 4928.10, explicitly prohibited FirstEnergy Advisors from the “marketing, solicitation, sale or provision of aggregation

¹ Motion to Withdraw (November 2, 2021) at p. 1.

² See Order on Remand (November 3, 2021) (“Remand Order”).

service or power brokerage service” until it becomes recertified by the PUCO to provide those services (if that even occurs). Remand Order ¶ 11. FirstEnergy Advisors’ certificate was vacated on November 3, 2021, and it has not applied for, or regained, certification since that date. However, FirstEnergy Advisors still maintains an active website³ on which, at a minimum, it is marketing and soliciting consumers for services it is prohibited from providing under R.C. 4928.08(B).

FirstEnergy Advisors is in brazen violation of the PUCO’s Remand Order and R.C. 4928.10. Pursuant to Ohio Admin. Code 4901-1-12, the Northeast Ohio Public Energy Council (“NOPEC”) and the Office of the Ohio Consumers’ Counsel (“OCC”) jointly move the PUCO to enforce its Remand Order under authority of R.C. 4928.16(A)(2). Specifically, NOPEC and OCC ask the PUCO to explicitly direct FirstEnergy Advisors to immediately delete its entire website from the World Wide Web. The PUCO also should impose on FirstEnergy Advisors the maximum amount of civil forfeitures permitted by R.C. 4928.16(B)(3) for each day it has violated and continues to violate the PUCO’s Remand Order.

Respectfully submitted,

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Ohio Consumers’ Counsel

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³ See <https://www.firstenergyadvisors.com/firstenergyadvisors.html>; see, also, Attachment A.

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MEMORANDUM IN SUPPORT

By order of April 22, 2020, the PUCO granted FirstEnergy Advisors a certificate to provide power brokerage and aggregation services in this state. (“Initial Order”). On October 14, 2021, the Ohio Supreme Court reversed the PUCO’s Initial Order and remanded the case to the PUCO for further proceedings consistent with the Court’s decision, upon appeals by NOPEC and OCC. On November 2, 2021, FirstEnergy Advisors filed a motion to withdraw its application in this proceeding. Less than seven (7) business hours later, the PUCO issued its Order on Remand (“Remand Order”) in which it granted FirstEnergy Advisors’ motion, without permitting the filing of responsive memoranda. The Remand Order vacated the Initial Order and, thus, FirstEnergy Advisors has no certificate and no authority to provide service.

Citing R.C. 4928.10, the PUCO’s Remand Order expressly prohibited FirstEnergy Advisors from the “marketing, solicitation, sale or provision of aggregation service or power brokerage service” until it became certified by the PUCO to provide those services. Remand Order ¶ 11. FirstEnergy Advisors has continually been in violation of the Remand Order, since its issuance on November 3, 2021, by (at a minimum) marketing and soliciting its power brokerage and aggregation services through its website. See <https://www.firstenergyadvisors.com/firstenergyadvisors.html>; see, also, Attachment A. FirstEnergy Advisors is not authorized to provide these services because it no longer possesses a valid PUCO certificate. R.C. 4928.08(B).

NOPEC and OCC jointly request the PUCO to enforce its Remand Order under the authority of R.C. 4928.16(A)(2), Under the authority of R.C. 4928.16(B)(3), NOPEC and OCC ask the PUCO to:

1. Find that FirstEnergy Advisors, through its active website, has continually violated R.C. 4928.10 since November 3, 2021, by misleadingly marketing and soliciting consumers for services that it is prohibited from providing per R.C. 4928.08(B);
2. Find that FirstEnergy Advisors has continually violated the Remand Order since November 3, 2021, by marketing its services and soliciting consumers through its active website;
3. Order FirstEnergy Advisors to immediately delete its entire website on the worldwide web;
4. Order that FirstEnergy Advisors be assessed the maximum forfeitures permitted by R.C. 4928.16(B)(3);
5. Order FirstEnergy Advisors to disclose in any future certification application that it has violated the PUCO's Remand Order and related statutes and rules;
6. Order that FirstEnergy Advisors provide written notice to those customers that continue to be served under existing contracts it arranged prior to the Remand Order that FirstEnergy Advisors cannot provide further aggregation or power brokerage advice until and unless it receives PUCO certification (Remand Order ¶ 11); and
7. Order any other appropriate relief available.

Respectfully submitted,

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Ohio Consumers' Counsel

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CERTIFICATE OF SERVICE

In accordance with O.A.C. 4901-1-05, the PUCO's e-filing system will electronically serve notice of the filing of this document upon the following parties. In addition, I hereby certify that a service copy of the foregoing Motion was sent by, or on behalf of, the undersigned counsel to the following parties of record this 19th day of November 2021.



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Attachment A

An Energy Advisor You Can Trust

We can help you lower your energy bills

FirstEnergy Advisors

Energy markets are complex and constantly changing – with multi-faceted utility tariffs, hundreds of suppliers, countless product options, fluctuating pricing and a wide range of contract terms and conditions. Pair those realities with a never-ending stream of phone solicitations, and it's understandable that customers can become quickly overwhelmed by trying to decide what's best for their home or business. Many times, customers make no decision at all, and that could be a costly mistake.

The good news is that FirstEnergy Advisors can help. Whether you're looking for the best energy deal for your business, your community or your home, we can help you reach your energy goals. We are independent and impartial when it comes to selecting suppliers, so you end up with the right program and the right product for the lowest price.

 **Best Programs**  **Best Prices**  **Best Products**

For any commercial or industrial business, community leader or individual resident who wants a local energy advisor they can trust, FirstEnergy Advisors will recommend the right programs, prices and products to suit your individual needs. With over 100 years of combined experience, our [sales team](#) is committed to using our extensive business relationships, regulatory knowledge and energy market analysis to provide you with the professional expertise you need. We're familiar with all aspects of the customer experience, having worked with the utility, suppliers, and agents. We bring that unique experience to the customer as an independent, knowledgeable and trusted advisor.

We're backed by decades of experience saving customers money. Let us put that advantage to work for you.



For more information
call us at 877-398-5639

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- firstenergyadvisors@firstenergycorp.com



Meet Our Team



There's a clear advantage to partnering with a knowledgeable energy consultant with real industry experience to help you make your energy decisions.

With over 100 years of combined experience, the FirstEnergy Advisors team of sales representatives and engineers have the regulatory and energy market expertise, well-established supplier relationships and the commitment to provide our customers with the right energy options for their homes and businesses. We're backed by decades of experience helping customers to save money. Let us put that advantage to work for you.

Our sales team:

[Brian Farley, Vice President, Sales](#)

[Lori Rader, Director, Energy Sales](#)

[Lance Bolender, Lead Sales Consultant – Industrial & Commercial](#)

[Becki Pastier, Lead Sales Consultant – Aggregation & Small Commercial Sales](#)

[Alex Lepp, Lead Sales Consultant – Small & Medium Commercial Business](#)

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Your Business



FirstEnergy Advisors is an independent consulting business of FirstEnergy Corp. specializing in providing energy procurement and additional energy services that help customers reduce costs, increase profits and lower the risks associated with energy market volatility.

The FirstEnergy Advisors team has been helping customers with their energy strategies for over 10 years in Ohio, Pennsylvania, Illinois, New Jersey, Ohio, Virginia, Maryland and Michigan. We partner with our customers and are committed to earning your trust every day as we deliver positive results. Our goal is to give customers their best available options – so regardless of the energy program you choose, you can rest assured that you’ve made an informed decision.

We’ll provide consulting services to help you seek out, evaluate and select the best available price, product, term and supplier to suit your individual needs. And for those businesses looking for the right energy efficiency, renewable or demand management solutions, we have the tools and expertise to help guide you through the entire process – from evaluation and selection to installation. We can also identify opportunities to help customers understand how to manage their load.

Our approach provides a dedicated professional focused on:

- Assessment of your energy costs, plans and programs – gas and electric
- RFP creation, bidding and contracting
- Energy Efficiency programs and access to providers
- Renewable plans that fit your business goals
- Utility regulations and tariff assessments
- Regulatory support

Interested in learning more about how FirstEnergy Advisors can help you?

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Community & Municipal Aggregation



As a community leader, one of the most convenient ways of offering added benefits to the residents and small businesses in your community is through Municipal Aggregation.

Simply put, municipal aggregation is when a local community joins their members together to buy electricity and/or natural gas as a group, resulting in lower prices for constituents.

While aggregation can deliver great value to your community, the process is not easy to navigate. Requesting bids, evaluating the pricing structures and contract terms, assessing the suppliers' offers, and understanding consortiums may be all new to you. Fortunately, it's not new to us!

The team at FirstEnergy Advisors has proven experience in helping communities with their energy needs. The staff of FirstEnergy Advisors has over 100 years of regulatory and energy market expertise as well as the necessary supplier relationships to help make sure you receive competitive bidding.

We are dedicated to finding the best available energy options, including gas and electric procurement. We are not tied to one supplier, which helps ensure you know that when we make recommendations, we have evaluated many sources and can provide options based on your individual needs.

We strive to be your valued and trusted partner and are committed to earning your trust every day as we deliver positive results. Our goal is to give customers their best available options – so regardless of the energy program you choose, you can rest assured that you've made an informed decision.

We're backed by decades of experience helping customers save money. Let us put that advantage to work for you..

Interested in learning more about how FirstEnergy Advisors can help your community?

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FAQs



We understand you have a lot of questions. That's why we're here to help! Feel free to [contact us](#). Or take a look at our answers to some of the most frequently asked questions below.

Q. Why would my company/community need an energy advisor?

A. Customers today face volatile energy markets, complex bills and vast options in programs, suppliers and risk. These factors can make customers unsure of the path they should take to make the most effective energy choices. That's why so many businesses and communities turn to a trusted advisor to help them evaluate options and make the right decisions. Our staff at FirstEnergy Advisors has a long history of working with businesses and communities in need of energy procurement services. *And we'll bring our combined 100 years of expertise to work for you.*

Q. What can FirstEnergy Advisors do for my business/community?

A. Customers are often unsure what options are available to help them lower costs or meet energy goals. Many are regularly solicited by unknown and aggressive salespeople causing skepticism and distrust – and rightly so. But what they really need is a trusted advisor to evaluate the options available and make the best recommendation. FirstEnergy Advisors is proud to be that trusted advisor. We'll not only help customers find the best available energy prices by bidding energy suppliers, we can answer questions about renewable energy, energy efficiency, energy audits, regulations and market outlook. We help make sure you see what your options are and provide the strategy to cost-effectively manage your energy needs.

Q. Why would I choose FirstEnergy Advisors?

A. The staff of FirstEnergy Advisors has over 100 years of regulatory and energy market expertise as well as established supplier relationships, which can provide real value to those customers who aren't experienced in making electric supply decisions. We can put that advantage to work for you.

Q. What types of customers does FirstEnergy Advisors serve?

A. FirstEnergy Advisors' electric customers include commercial and industrial businesses as well as communities who have the opportunity to engage in municipal aggregation and/or have public buildings that can be evaluated for cost-saving strategies.

Q. Do customers or suppliers pay for FirstEnergy Advisors' consulting services?

A. The customer pays FirstEnergy Advisors indirectly through the customer's retail power supplier. FirstEnergy Advisors maintain separate agreements with the various electric suppliers to receive their bids for a customer's load. As a result, the supplier pays FirstEnergy Advisors' fees directly. However, there are some instances when the customer prefers to pay FirstEnergy Advisors directly for their services.

Q. How is FirstEnergy Advisors related to FirstEnergy Corp.?

A. FirstEnergy Advisors is an unregulated subsidiary of FirstEnergy Corp. and an affiliate of FirstEnergy Corp.'s utilities in Ohio, Pennsylvania, New Jersey, Maryland and West Virginia.

Q. How can I get in touch with an Advisor today?

A. For more information or to inquire about how FirstEnergy Advisors can help you, please call us at 877-398-5639 or email us at FirstEnergyAdvisors@firstenergycorp.com

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Energy Platform

Login with your email and password

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The logo for FirstEnergy Advisors, featuring the word "FirstEnergy" in a large, white, sans-serif font with a blue underline, and the word "Advisors" in a smaller, white, sans-serif font below it. The logo is set against a blue background with a grid pattern and a wind turbine.

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