

DOCKET NO.: HHB-CV21-6063122-S	:	SUPERIOR COURT
	:	
DIRECT ENERGY SERVICES, LLC;	:	JUDICIAL DISTRICT OF NEW BRITAIN
DIRECT ENERGY BUSINESS, LLC;	:	
DIRECT ENERGY BUSINESS	:	
MARKETING, LLC; CLEANCHOICE	:	
ENERGY, INC.; AND RETAIL ENERGY	:	
SUPPLY ASSOCIATION	:	AT NEW BRITAIN
	:	
v.	:	
	:	
PUBLIC UTILITIES REGULATORY	:	
AUTHORITY	:	DECEMBER 15, 2020

STIPULATED APPLICATION TO STAY ENFORCEMENT OF AGENCY DECISION

Pursuant to Section 4-183(f) of the Connecticut General Statutes, Plaintiff-Appellants, Direct Energy Services, LLC; Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; CleanChoice Energy, Inc.; and Retail Energy Supply Association (together, “Appellants”) hereby apply to the Court for entry of a stay of enforcement of the final decision dated October 21, 2020 (the “Decision”) by the Defendant-Appellee, Public Utilities Regulatory Authority (“PURA”) in the underlying agency proceedings under Docket No. 16-12-29 titled *PURA Development of Voluntary Renewable Options Program* in accordance with the Stipulation attached hereto as **Exhibit A**.

As set forth in the accompanying Stipulation, the parties also respectfully request that the Court enter an Order approving the proposed briefing schedule on the merits of the appeal.

WHEREFORE, Appellants respectfully request that the Court grant this application for stay of enforcement of PURA’s Decision pending resolution of Appellants’ administrative

appeal and further enter an order approving the parties' proposed briefing schedule in accordance with the Stipulation attached hereto as Exhibit A.

APPELLANTS

DIRECT ENERGY SERVICES, LLC; DIRECT ENERGY BUSINESS, LLC; DIRECT ENERGY BUSINESS MARKETING, LLC; CLEANCHOICE ENERGY, INC.; AND RETAIL ENERGY SUPPLY ASSOCIATION

By: /s/ Benjamin C. Jensen

Benjamin C. Jensen

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Juris No: 050604

CERTIFICATION

I hereby certify that a copy of the foregoing was or will immediately be mailed or delivered electronically or non-electronically on December 15, 2020 to all counsel and self-represented parties of record as follows:

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/s/ Benjamin C. Jensen _____
Benjamin C. Jensen

EXHIBIT A

DOCKET NO.: HHB-CV21-6063122-S : SUPERIOR COURT
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DIRECT ENERGY SERVICES, LLC; : JUDICIAL DISTRICT OF NEW BRITAIN
DIRECT ENERGY BUSINESS, LLC; :
DIRECT ENERGY BUSINESS :
MARKETING, LLC; CLEANCHOICE :
ENERGY, INC.; AND RETAIL ENERGY :
SUPPLY ASSOCIATION : AT NEW BRITAIN
: :
v. :
: :
PUBLIC UTILITIES REGULATORY :
AUTHORITY : DECEMBER 15, 2020

**STIPULATION REGARDING APPLICATION
TO STAY ENFORCEMENT OF AGENCY DECISION**

Plaintiff-Appellants, Direct Energy Services, LLC; Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; CleanChoice Energy, Inc.; and Retail Energy Supply Association (together, “Appellants”) and Defendant-Appellee, Public Utilities Regulatory Authority (“PURA”), hereby stipulate and agree that:

WHEREAS, PURA issued a final decision dated October 21, 2020 (the “Decision”) in the underlying agency proceedings under Docket No. 16-12-29 titled *PURA Development of Voluntary Renewable Options Program*;

WHEREAS, on December 4, 2020, Appellants served and filed an administrative appeal of the Decision pursuant to Section 4-183 of the Connecticut General Statutes;

WHEREAS, the Decision, included as Exhibit A to Appellants’ Petition for Appeal, imposes new restrictions on, and standards applicable to, voluntary renewable offers (“VROs”), which restrictions and standards are scheduled to take initial effect as of January 1, 2021;

WHEREAS, the parties have conferred concerning Appellants' intention to file an application for a stay with the Superior Court pursuant to Section 4-183(f) of the Connecticut General Statutes and PURA consents to the granting of a stay of enforcement of the Decision pending resolution of this appeal on the condition that the parties seek an expedited schedule on the application;

NOW THEREFORE, the parties jointly stipulate and agree as follows:

1. During the pendency of the administrative appeal, the parties agree that the Superior Court shall enter a stay of enforcement of the Decision pursuant to Section 4-183(f) of the Connecticut General Statutes. For the avoidance of doubt, the parties agree that this stay applies to all requirements and orders set forth in the Decision with the exception of the REC-Only Offer Requirements set forth in Section II.B of the Decision.
2. The parties agree, subject to approval of the Court, to the following expedited briefing schedule on the merits of the administrative appeal:
 - a. PURA shall file its Answer to the Petition for Appeal: December 18, 2020
 - b. Appellants' brief is due: January 8, 2021
 - c. PURA's response to Appellants' brief is due: February 3, 2021
 - d. Appellants' reply brief is due: February 17, 2021

Agreed by:

<p>APPELLANTS</p> <p>DIRECT ENERGY SERVICES, LLC; DIRECT ENERGY BUSINESS, LLC; DIRECT ENERGY BUSINESS MARKETING, LLC; CLEANCHOICE ENERGY, INC.; AND RETAIL ENERGY SUPPLY ASSOCIATION</p> <p>By: <u>/s/ Benjamin C. Jensen</u> Benjamin C. Jensen Joey Lee Miranda ROBINSON & COLE LLP 280 Trumbull Street Hartford, CT 06103 Tel: 860-275-8200 Fax: 860-275-8299 Email: bjensen@rc.com Email: jmiranda@rc.com Juris No: 050604</p>	<p>APPELLEE</p> <p>PUBLIC UTILITIES REGULATORY AUTHORITY</p> <p>By: <u>/s/ Seth A. Hollander</u> Seth A. Hollander Assistant Attorney General Office of the Attorney General Ten Franklin Square New Britain, CT 06051 Tel: 860-827-2681 Fax: 860-827-2893 Email: seth.hollander@ct.gov Juris No: 433207</p>
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Docket Number:	HHB-CV-21-6063122-S
Case Name:	DIRECT ENERGY SERVICES, LLC Et Al v. PUBLIC UTILITIES REGULATORY AUTHORITY
Type of Transaction:	Pleading/Motion/Other document
Date Filed:	Dec-15-2020
Motion/Pleading by:	ROBINSON & COLE LLP (050604)
Document Filed:	104.00 MOTION FOR STAY STIPULATED APPLICATION FOR STAY OF ENFORCEMENT
Date and Time of Transaction:	Tuesday, December 15, 2020 3:23:34 PM

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