



Control Number: 49733



Item Number: 6

Addendum StartPage: 0

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APPLICATION OF JUST ONE  
ENERGY, LLC FOR AN  
AGGREGATOR REGISTRATION

2019 AUG -8 PM 12:25  
§ PUBLIC UTILITY COMMISSION  
§ FILING CLERK  
§ OF TEXAS

**ORDER NO. 1  
DENYING MOTION TO INTERVENE**

In this proceeding, Just One Energy, LLC has applied for an aggregator registration under 16 Texas Administrative Code (TAC) § 25.111. Just One Energy seeks registration as a Class I and Class I.A aggregator for private residential and commercial customers to buy electricity from retail electric providers.

On July 26, 2019, Just Energy Texas, LP dba Just Energy filed a motion to intervene in this proceeding. Just Energy holds retail electric provider (REP) certificate number 10052 issued by the Commission. Just Energy asserts that it has a justiciable interest in Just One Energy’s application for an aggregator registration because the names Just Energy and Just One Energy are so similar that use of the name Just One Energy will mislead and confuse Texas consumers and adversely affect Just Energy’s name and brand.

No party filed a response to the motion to intervene.

The motion to intervene is denied. An applicant for REP certification must show, among other things, that its name is not “deceptive, misleading, vague, . . . or duplicative of a name previously approved for use by a REP certificate holder.”<sup>1</sup> Thus, if Just One Energy had applied for REP certification, Just Energy might have grounds to intervene and assert that Just One Energy’s name was duplicative or misleading. Instead of applying for REP certification, however, Just One Energy has applied for an aggregator registration, and there is no provision in the applicable rule, 16 TAC § 25.111, analogous to the prohibition in the REP rule against deceptive or duplicative REP names. Just Energy correctly notes that, under 16 TAC § 25.111(d)(3)(E), a Class I aggregator must comply with the customer protection rules and marketing guidelines of the Public Utility Regulatory Act. However, Just Energy fails to


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<sup>1</sup> 16 TAC § 25.107(e)(1)(B).

identify any customer rule or marketing guideline violated by Just One Energy's name. Perhaps most importantly, PURA<sup>2</sup> §39.003 specifically excludes registrations from being conducted as contested cases. Simply put, Just Energy may have identified an interest that is justiciable in some forum, but it is not justiciable in this forum. For these reasons, the motion to intervene is denied.

Signed at Austin, Texas the 8<sup>th</sup> day of August 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.