

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
ResCom Energy LLC

Public Meeting March 6, 2014  
2320112-OSA  
Docket No. M-2013-2320112

**JOINT MOTION OF  
CHAIRMAN ROBERT F. POWELSON  
COMMISSIONER PAMELA A. WITMER**

Before the Commission today for disposition is an Opinion and Order releasing a Settlement Agreement between the Commission's Bureau of Investigation and Enforcement (I&E) and ResCom Energy LLC (ResCom) for comment. The Settlement Agreement addresses allegations of slamming; fraudulent, deceptive or otherwise unlawful marketing practices; and Do No Call violations. In addition to providing that ResCom will pay a \$59,000 civil penalty, the Settlement notes that ResCom took certain corrective actions designed to avoid similar violations in the future.

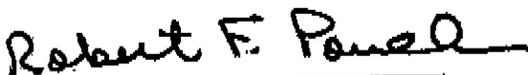
We do not feel, however, that the Commission has enough information to evaluate whether the civil penalty and corrective actions are sufficient to address the alleged violations. Specifically, complaints against ResCom allege violations of the Commission's anti-slammings regulations. The remedial actions outlined in the Settlement Agreement, however, all relate to marketing practices. Therefore, we seek further information on how ResCom has revised its operation procedures so as to safeguard against future slamming incidences.

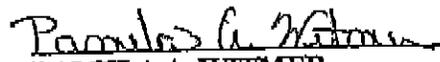
Further, neither the Settlement Agreement nor the statements in support contain sufficiently clear information as to the total universe of potential customers that were affected by ResCom's actions in question.<sup>1</sup> As such, we seek further information related to the number of customers that were affected by ResCom's allegedly illegal marketing practices, how many customers were allegedly slammed, how many customers ResCom attempted to allegedly slam but successfully rescinded, and how many Do Not Call violations allegedly occurred.

The parties should, therefore, file supplemental statements in support providing this information as well as any other information they deem to be relevant.

**THEREFORE, WE MOVE THAT:**

1. The Office of Special Assistants prepares an Opinion and Order consistent with this Motion.

  
ROBERT F. POWELSON  
CHAIRMAN

  
PAMELA A. WITMER  
COMMISSIONER

DATE: March 6, 2014

<sup>1</sup> We note that I&E's Statement in Support references 14 Bureau of Consumer Services complaints containing 49 potential regulatory violations. It is not clear, however, whether these 49 potential violations were instances of alleged slamming, Do Not Call violations, both, or something else. Further, it appears from our reading of the case documents that other potential violations likely exist related to the whistleblower contact and I&E's investigation into the third-party marketing firms that occurred independently from the BCS complaints, but neither party quantified the potential number of those violations.