



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

July 31, 2014

Via E-Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane, through the Bureau of Consumer Protection, and Tanya J. McCloskey, Acting Consumer Advocate v. Blue Pilot Energy, LLC
Docket No. C-2014-2427655
Notice of Intervention

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Notice of Intervention of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-captioned matter.

Copies have been served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Wimer
Prosecutor
PA Attorney I.D. No. 207522

Enclosure

cc: Honorable Joel H. Cheskis
Honorable Elizabeth H. Barnes
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Commonwealth of Pennsylvania, by :
Attorney General Kathleen G. Kane, :
through the Bureau of Consumer Protection, :
and Tanya J. McCloskey, Acting Consumer :
Advocate :

v. :

Docket No. C-2014-2427655

Blue Pilot Energy, LLC :

**NOTICE OF INTERVENTION OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

Pursuant to 52 Pa. Code §§ 5.71-76, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) hereby gives Notice of Intervention in the above-captioned proceeding. In support thereof, I&E states as follows:

INTRODUCTION:

1. Act 129 of 2008, 66 Pa.C.S. § 308.2, authorizes the Commission to establish bureaus, offices and positions to, *inter alia*, take appropriate enforcement actions that are necessary to insure compliance with the Public Utility Code and Commission regulations and orders. 66 Pa.C.S. § 308.2(a)(11).

2. In accordance with Act 129, the Commission established I&E to serve

as the prosecutory bureau for the purposes of representing the public interest in ratemaking and service matters, and enforcing compliance with the Public Utility Code, 66 Pa.C.S. §§ 101 *et seq.*, and Commission regulations, 52 Pa. Code §§ 1.1 *et seq.* See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011).

3. I&E, through its prosecutors, has standing and authority to participate in all Commission proceedings and to initiate enforcement actions and prosecutions in the public interest. *Id.* at 5.

4. The names and contact information for I&E's prosecutors are as follows:

Michael L. Swindler
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Stephanie M. Wimer
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Wayne T. Scott
PA Attorney ID No. 29133
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Pennsylvania Public Utility Commission
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P.O. Box 3265
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BACKGROUND:

5. On June 20, 2014, the Office of Attorney General (OAG), through its Bureau of Consumer Protection, and the Office of Consumer Advocate (OCA) filed a Joint Complaint against Blue Pilot Energy, LLC (Blue Pilot or Company) alleging multiple violations of Pennsylvania law and Commission regulations and orders.

6. The OAG and OCA alleged, *inter alia*, that Blue Pilot failed to provide accurate pricing information, charged prices that did not conform to the Company's disclosure statement, engaged in misleading and deceptive promises of savings, failed to handle customer complaints in good faith and failed to comply with the Telemarketer Registration Act.

7. Blue Pilot filed an Answer to the Complaint on July 10, 2014.

8. Also on July 10, 2014, Blue Pilot filed Preliminary Objections to which the OAG and OCA replied on July 21, 2014.

9. An initial Pre-hearing Conference is scheduled in this matter on August 25, 2014.

INTERVENTION:

10. As the bureau within the Commission that is responsible for ensuring compliance with the Public Utility Code and Commission regulations and orders, I&E is intervening in this proceeding to protect the public interest. I&E will seek to determine whether Blue Pilot violated provisions of the Public Utility Code, Commission regulations and orders set forth in the OAG and OCA Joint

Complaint. Further, if Blue Pilot violated the Public Utility Code and Commission regulations and orders, I&E will seek to determine the civil penalty and other relief that should be imposed upon the Company.

Respectfully submitted,



Stephanie M. Wimer
Prosecutor
PA Attorney ID No. 207522

Michael L. Swindler
Prosecutor
PA Attorney ID No. 43319

Wayne T. Scott
First Deputy Chief Prosecutor
PA Attorney ID No. 29133

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Date: July 31, 2014

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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