



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

IN REPLY PLEASE
REFER TO OUR FILE

August 1, 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. Respond Power, LLC
Docket No. C-2014- 2427659

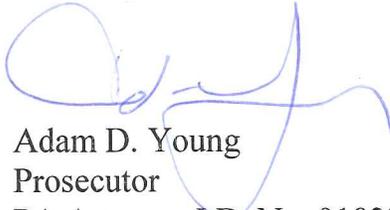
Dear Secretary Chiavetta:

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,



Adam D. Young
Prosecutor
PA Attorney I.D. No. 91822

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-2014-2427659

Respond Power, 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:

Adam D. Young
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Michael L. Swindler
PA Attorney ID No. 43319
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Wayne T. Scott
PA Attorney ID No. 29133
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Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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 Respond Power, LLC (Respond or Company)

alleging multiple violations of Pennsylvania law and Commission regulations and orders.

6. The OAG and OCA alleged, *inter alia*, that Respond engaged in misleading and deceptive acts or practices, switched customers to receive its electric generation supply service without their authorization, failed to handle customer complaints in good faith, failed to provide rate information, failed to provide accurate pricing information, charged prices that did not conform to the Company's disclosure statement, failed to comply with the Unfair Trade Practices and Consumer Protection Law and failed to comply with the Telemarketer Registration Act.

7. Respond filed an Answer and New Matter to the Formal Complaint on July 10, 2014.

8. On July 30, 2014, the OAG and OCA filed an Answer to New Matter.

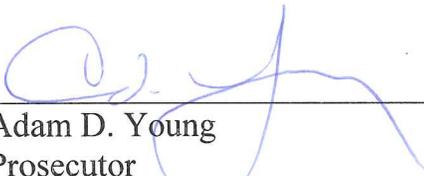
9. At the time that the OAG and OCA filed a Joint Complaint against Respond, I&E was actively investigating Respond as a result of customer complaints received by the Commission's Bureau of Consumer Services related to allegations similar to those alleged in the OAG and OCA Complaint.

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 Respond violated provisions of the Public Utility Code, Commission regulations and orders, and/or the Unfair Trade Practices and Consumer Protection Law and the Telemarketer Registration Act, as set forth in the OAG and OCA Joint Complaint. Further, if Respond violated the Public Utility Code and Commission regulations and orders, and/or the Unfair Trade Practices and Consumer Protection Law and the Telemarketer Registration Act I&E will seek to determine the civil penalty and other relief that should be imposed upon the Company.

Respectfully submitted,



Adam D. Young
Prosecutor
PA Attorney ID No. 91822

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: August 1, 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).

Service by First Class Mail and Email:

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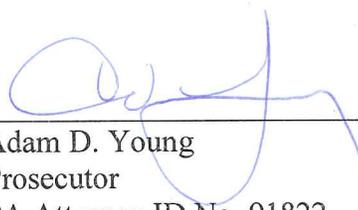
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