



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

IN REPLY PLEASE
REFER TO OUR FILE

August 18, 2014

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 Ms. Chiavetta:

Enclosed for filing is the original copy of the Pre-Hearing Conference Memorandum on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam D. Young", is written over a faint, circular stamp or watermark.

Adam D. Young
Prosecuting Attorney
Attorney ID No. 91822

Counsel for the Bureau of
Investigation and Enforcement

Enclosures

cc: 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	:	Docket No. C-2014-2427659
Advocate,	:	
	:	
Complainants	:	
	:	
v.	:	
	:	
Respond Power, LLC,	:	
	:	
Respondent	:	

BUREAU OF INVESTIGATION AND ENFORCEMENT

**TO ADMINISTRATIVE LAW JUDGES JOEL H. CHESKIS AND ELIZABETH
H. BARNES:**

The Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) respectfully submits the following Prehearing Conference Memorandum in the above-captioned proceeding pursuant to the Prehearing Conference Order of the presiding Administrative Law Judges dated August 8, 2014.

A. Service:

All service on and communications to the Bureau of Investigations and Enforcement in this proceeding should be addressed to:

Adam D. Young
Prosecutor
adyoung@pa.gov

Michael L. Swindler
Prosecutor
mwindler@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
wascott@pa.gov

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000
(717) 783-3458 (fax)

Should each party be limited to one entry on the service list, Adam D. Young is the I&E Prosecutor who should be served with any and all documents in this proceeding.

B. Statement of Settlement:

I&E is certainly agreeable to resolution of this case through settlement.

C. Discovery:

I&E proposes that discovery, if necessary, be conducted informally and be completed no less than thirty (30) days prior to hearing.

D. Proposed litigation schedule:

I&E proposes that in the interests of expediency that pre-filed direct testimony be used in lieu of live direct testimony, and that witnesses be available for cross-examination at the time of the hearing. The following schedule is a suggestion, and I&E is willing to work with the other parties in this proceeding to arrive at a litigation schedule that is mutually convenient.

Pre-filed Direct Testimony:	October 3, 2014
Rebuttal testimony:	October 10, 2014
Hearing:	October 15, 2014
Briefs:	Thirty (30) days from receipt of transcript

E. Names and addresses of witnesses to be presented:

I&E does not expect to call any witnesses. However, I&E reserves the right to call witnesses, should it become necessary to protect its interest and the public interest.

F. Issues to be Addressed:

- (A) To determine the number and extent of Commission statutory and regulatory violations were committed by Respond Power, LLC, its employees, agents, or representatives.
- (B) To determine an appropriate civil penalty to be paid by Respond Power, LLC for such statutory and regulatory violations.
- (C) To determine the scope and appropriateness of other remedial measures such as customer refunds or even revocation of Respond Power, LLC's EGS license.

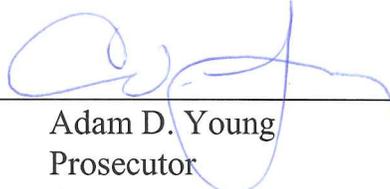
I&E Position on the Issues:

I&E's position, generally, is that the number of customer complaints, as well as the consistency of subject matter for these complaints, indicate a pervasive pattern of behavior by Respond Power, LLC, its employees, agents, or representatives, which indicates numerous statutory and regulatory violations including, but not limited to, account slamming, fraudulent and deceptive marketing and sales practices, vague or inaccurate pricing/disclosure statements, and mishandling of customer complaints.

G. Other matters that may aid in expediting the orderly conduct and disposition of the proceeding, including the following:

- (A) The exchange and acceptance of service of exhibits proposed to be offered in evidence.
- (B) The obtaining of admissions as to, or stipulations of, facts not remaining in dispute, or the authenticity of documents which might properly shorten the hearing.
- (C) The discovery or production of data or other material.

Respectfully Submitted,



Adam D. Young
Prosecutor
Attorney ID: 91822

Counsel for the Bureau of
Investigation and Enforcement

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Date: August 18, 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:

<p>Karen Moury, Esq. Buchanan Ingersoll Rooney P.C. 409 North Second Street, Suite 500 Harrisburg, PA 17101 karen.moury@bipc.com</p>	<p>Candis A. Tunilo, Esq. Christy Appleby, Esq. Kristine E. Robinson, Esq. Office of Consumer Advocate 555 Walnut Street, 5th Floor Forum Place Harrisburg, PA 17101-1923 ctunilo@paoca.org cappleby@paoca.org krobinson@paoca.org</p>
<p>Sharon E. Webb, Esq. Office of Small Business Advocate Commerce Building, Suite 1102 300 North Second Street Harrisburg, PA 17101 swebb@pa.gov jabel@attorneygeneral.gov mtulman@attorneygeneral.gov</p>	<p>John M. Abel, Esq. Margarita Tulman, Esq. Office of Attorney General Bureau of Consumer Protection Strawberry Square, 15th Floor Harrisburg, PA 17120</p>
<p>Honorable Joel Cheskis Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105</p>	<p>Honorable Elizabeth J. Barnes Pennsylvania Public Utility Commission P. O. Box 3265 Harrisburg, PA 17105</p>

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Date: August 18, 2014



Adam D. Young
Prosecutor
PA Attorney ID No. 91822