

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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September 3, 2014

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement
Complainant
v.
Respond Power, LLC
Respondent
Docket No. C-2014-2438640

Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Notice of Intervention and Public Statement in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

Candis A. Tunilo

Candis A. Tunilo
Assistant Consumer Advocate
PA Attorney I.D. #89891

Enclosures

cc: Office of Administrative Law Judge
Office of Special Assistants
Certificate of Service

*190064

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, BUREAU OF	:	
INVESTIGATION AND ENFORCEMENT,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2014-2438640
	:	
RESPOND POWER, LLC,	:	
Respondent	:	

NOTICE OF INTERVENTION

Pursuant to 52 Pa. Code §§ 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence, notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

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Respectfully submitted,



Candis A. Tunilo
Assistant Consumer Advocate
PA Attorney I.D. #89891

Date: September 3, 2014

PUBLIC STATEMENT OF THE
OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. Section 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to intervene in the proceedings before the Commission involving the formal complaint of the Commission's Bureau of Investigation and Enforcement (I&E) against Respond Power, LLC (Respond Power), an Electric Generation Supplier (EGS) licensed by the Public Utility Commission.

In August 21, 2014, I&E filed a Formal Complaint against Respond Power alleging that Respond Power improperly transferred Pennsylvania utility customers from their utilities without authorization; made misleading and deceptive claims of affiliations with electric distribution companies or "government programs"; made misleading and deceptive promises of savings; failed to disclose material pricing terms in Respond Power's Disclosure Agreement, charged prices that did not conform to the Disclosure Agreement, and did not utilize good faith, honesty and fair dealing with its customers, *inter alia*. I&E seeks that the Commission impose a civil penalty of \$639,000 on Respond Power, rescind Respond Power's authority to do business as an EGS in Pennsylvania, and provide refunds to affected customers.

The Office of Consumer Advocate determined to intervene to protect the interests of Pennsylvania consumers who shop for electric supply service. As a licensed EGS, Respond Power is obligated under the Public Utility Code and the Commission's regulations to bill its customers for electric supply in accordance with the prices marketed and promised. The OCA

will participate in I&E's formal complaint proceeding and address questions of law and fact as appropriate to assure Respond Power's compliance with the Public Utility Code and the Commission's regulations and the protection of consumers.

CERTIFICATE OF SERVICE

PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, BUREAU OF :
INVESTIGATION AND ENFORCEMENT, :
Complainant :
v. : Docket No. C-2014-2438640
RESPOND POWER, LLC, :
Respondent :

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Notice of Intervention and Public Statement, in the manner and upon the persons listed below:

Dated this 3rd day of September 2014.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

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