

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560

FAX (717) 783-7152  
consumer@paoca.org

January 7, 2016

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

RE: Commonwealth of Pennsylvania, by Attorney General  
KATHLEEN G. KANE, Through the Bureau of Consumer  
Protection,  
And  
TANYA J. McCLOSKEY, Acting Consumer Advocate,  
Complainants

v.  
Blue Pilot Energy, LLC  
Respondent  
Docket No. C-2014-2427655

Secretary Chiavetta:

Enclosed please find the Motion of Joint Complainants Commonwealth of Pennsylvania and the Office of Consumer Advocate to Compel Responses by Blue Pilot Energy, LLC to Set XIII, in the above-referenced proceeding.

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

Respectfully Submitted,

*Kristine E Marsilio*

Kristine E. Marsilio  
Assistant Consumer Advocate  
PA Attorney I.D. #316479

Enclosure

cc: Honorable Elizabeth Barnes, ALJ  
Honorable Joel Cheskis, ALJ  
Certificate of Service

\*185199

**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,                                  | : |                           |
| Complainants                               | : |                           |
|  | : | Docket No. C-2014-2427655 |
| v.   | : |                           |
|  | : |                           |
| BLUE PILOT ENERGY, LLC,                    | : |                           |
| Respondent                                 | : |                           |

---

MOTION OF JOINT COMPLAINANTS COMMONWEALTH OF PENNSYLVANIA  
AND THE OFFICE OF CONSUMER ADVOCATE  
TO COMPEL RESPONSES BY BLUE PILOT ENERGY, LLC TO SET XIII

---

Pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), the Commonwealth of Pennsylvania, Office of Attorney General, through the Bureau of Consumer Protection (OAG) and the Acting Consumer Advocate Tanya J. McCloskey (OCA) (collectively, Joint Complainants) respectfully move the Administrative Law Judges Elizabeth Barnes and Joel H. Cheskis (ALJs) to enter an Order compelling Blue Pilot Energy, LLC (Blue Pilot or the Company) to provide the full and complete answers/responses to Joint Complainants' thirteenth Set of Interrogatories and Requests for Production of Documents (Joint Complainants' Set XIII) within three days of the date of the Order.<sup>1</sup> In support of this Motion, Joint Complainants aver as follows:

---

<sup>1</sup> Joint Complainants are seeking full and complete responses within a short timeframe in light of the due date of January 20, 2016 for Surrebuttal Testimony in this proceeding.

## I. INTRODUCTION

On June 20, 2014, the OAG and the OCA filed a Joint Complaint with the Public Utility Commission (Commission) pursuant to, *inter alia*, the Public Utility Code, 66 Pa. C.S. Ch. 28 and the Commission's regulations, 52 Pa. Code Ch. 54, 56 and 111. The Joint Complaint includes five separate counts and alleges that Blue Pilot violated Pennsylvania law and Commission orders and regulations. Specifically, the five counts in the Joint Complaint are: I) failing to provide accurate pricing information; II) prices nonconforming to disclosure statement; III) misleading and deceptive promises of saving; IV) lack of good faith handling of complaints; and V) failure to comply with the Telemarketer Registration Act (TRA). With respect to relief, the Joint Complainants request that the Commission find, *inter alia*, that Blue Pilot violated the Public Utility Code and the Commission's regulations and orders; provide restitution to the Company's customers; impose a civil penalty; and order Blue Pilot to make various modifications to its practices and procedures; and revoke or suspend Blue Pilot's Electric Generation Supplier (EGS) license, if warranted.

Related to this Motion, on May 4, 2015, Blue Pilot filed a letter with the Commission seeking to surrender its EGS license,<sup>2</sup> and on May 14, 2015, Blue Pilot filed a Motion to Dismiss Joint Complaint pursuant to 52 Pa. Code § 5.103, asserting, *inter alia*, that the Company "can no longer defend itself in this proceeding."<sup>3</sup> By letter dated May 29, 2015, Joint Complainants requested that the ALJs hold the litigation schedule in abeyance until the Company's Motion to Dismiss and any forthcoming motions or actions by Joint Complainants were resolved. The ALJs granted Joint Complainants' request to hold the litigation schedule in abeyance by Order

---

<sup>2</sup> See Docket No. A-2011-2223888.

<sup>3</sup> See Blue Pilot Motion to Dismiss at ¶¶ 3, 5.

dated June 1, 2015. On June 5, 2015, Joint Complainants filed their Answer to Blue Pilot's Motion to Dismiss.<sup>4</sup> By Order dated June 11, 2015, the ALJs denied Blue Pilot's Motion to Dismiss and directed the parties to provide the ALJs with a proposed procedural schedule within ten days.

Also related to this Motion, on August 27, 2015, the Secretary of the Commission sent a certified letter to Jessica Renneker at Blue Pilot, which provides, in pertinent part, as follows:

On June 11, 2015, Blue Pilot filed a Notice of Cancellation for its bond. On June 25, 2015, Commission staff contacted Blue Pilot about the bond cancellation. Blue Pilot stated that it would file documentation with the Commission to revoke the Notice of Cancellation. To date, this documentation has not been received.

According to Blue Pilot's recent reported gross receipts, Blue Pilot must also increase its current bond. *See* 52 Pa. Code § 54.40(d).

[...]

Failure to maintain a current bond in an amount approved by the Commission could subject an EGS to civil penalties. *See* 66 Pa. CS § 3301; 52 Pa. Code §54.40.<sup>5</sup>

The letter is attached hereto as Exhibit A.

On December 17, 2015, the Commission issued a Tentative Order at Docket No. M-2015-2490383, in which the Commission tentatively approved the cancellation of Blue Pilot's EGS license, *inter alia*, for the failure to provide proof to the Commission that it has a bond or

---

<sup>4</sup> In their Answer to Blue Pilot's Motion to Dismiss, Joint Complainants asserted that if Blue Pilot does not intend to continue litigating this proceeding, an entry of default judgment is the appropriate relief. Answer to Motion to Dismiss at 1. As such, and in light of the Company's attempt to surrender its EGS license and failure to respond to certain discovery requests, the Joint Complainants filed a Motion for Entry of Judgment Against Blue Pilot on June 22, 2015, seeking, *inter alia*, the entry of judgment in Joint Complainants' favor and an order directing Blue Pilot to issue refunds to customers. On July 20, 2015, Blue Pilot filed an Answer in Opposition to Joint Complainants' Motion for Entry of Judgment, requesting that the ALJs deny Joint Complainants' Motion for Entry of Judgment. By Order dated August 4, 2015, the ALJs granted in part and denied in part Joint Complainants' Motion for Entry of Judgment. Specifically, the ALJs ordered Blue Pilot to provide full and complete discovery responses to certain outstanding interrogatories/requests for production of documents and directed the parties to submit a revised procedural schedule.

<sup>5</sup> See Docket No. A-2011-2223888.

other approved security currently in effect.<sup>6</sup> The Tentative Order was published in the Pa. Bulletin on January 2, 2016, and comments thereto are due by February 1, 2016.

Also on December 17, 2015, Joint Complainants served Joint Complainants' Set XIII upon Blue Pilot, in which Joint Complainants sought information relating to the August 27, 2015 certified letter and the status of Blue Pilot's required bond. On December 28, 2015, Blue Pilot filed Objections to Joint Complainants' Set XIII. For the reasons set forth below, Joint Complainants respectfully request that Your Honors overrule Blue Pilot's Objections, grant Joint Complainants' Motion to Compel Responses to Set XIII and direct Blue Pilot to provide full responses within three days.

## II. LEGAL STANDARD

The Commonwealth Court of Pennsylvania has stated that “[d]iscovery itself is designed to promote free sharing of information so as to narrow the issues and limit unfair surprise. It is a tool which serves each litigant and promotes judicial economy.” See Pittsburgh Bd. of Public

---

<sup>6</sup> The Public Utility Code provides, in pertinent part, as follows regarding the requirement of an EGS to furnish a bond or other security:

(c) Financial responsibility.—

- (1) In order to ensure the safety and reliability of the generation of electricity in this Commonwealth, no energy supplier license shall be issued or remain in force unless the holder complies with all of the following:
  - (i) Furnishes a bond or other security approved by the commission in form and amount to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail in accordance with contracts, agreements or arrangements.

66 Pa. C.S. § 2809(c)(1)(i). Additionally, Section 54.40(a) of the Commission's regulations provides as follows:

- (a) A license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. See section 2809(c) of the code (relating to requirements for electric generation suppliers).

52 Pa. Code § 54.40(a).

Educ. v. M.J.N. by N.J., 105 Pa. Cmwlt. Ct. 397, 403, 524 A.2d 1385, 1388 (Pa. Commw. Ct. 1987).

Under the Commission's regulations, the scope of discovery is broad. Section 5.321 outlines the scope of discovery as follows:

- (c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

52 Pa. Code § 5.321(c).

### **III. MOTION TO COMPEL**

On December 17, 2015, Joint Complainants served Joint Complainants' Set XIII upon Blue Pilot. Joint Complainants' Set XIII consists of six Interrogatories/Requests for Production of Documents. Blue Pilot Set XIII provides as follows:

1. On August 27, 2015 a certified letter was sent by the Secretary of the Pennsylvania Public Utility Commission (PUC) to Jessica Renneker at Blue Pilot Energy in Las Vegas, NV, informing Blue Pilot that it must file evidence of a bond or other approved security based on its gross receipts, which indicated that the previous bond amount should be increased. Please provide any and all communications sent by Blue Pilot Energy in response to or related to this letter to the PUC or any PUC Staff.
2. Please provide a copy of the bond or other security that Blue Pilot has furnished to the PUC in compliance with 66 Pa. C.S. § 2809(c). If there is not a bond or other security currently in effect, please explain in detail why not and provide a copy of the bond or other security last furnished to the PUC by Blue Pilot.
3. Did Blue Pilot send the revocation of the Notice of Cancellation referenced in the Commission's August 27, 2015 letter, which letter also states

that Blue Pilot would file such documentation? If not, why not? If so, please provide this document showing the revocation of its Notice of Cancellation.

4. Please provide the Notice of Cancellation sent by Blue Pilot to the Commission on June 11, 2015 as referenced in the Commission's letter of August 27, 2015.

5. Please provide any communications the Company received from PJM or provided to PJM by Blue Pilot Energy regarding Blue Pilot's status to participate in the wholesale market and unpaid or overdue billings incurred by Blue Pilot or its agent since January 1, 2015.

6. Is the Company current on Pennsylvania gross receipts taxes due? If not, identify the total amount due and when Blue Pilot will pay the taxes owed.

A copy of Blue Pilot Set XIII is attached hereto as Exhibit B. Blue Pilot's responses are due on January 6, 2015 pursuant to 52 Pa. Code §§ 5.342(d) and 5.349(d). On December 28, 2015, Blue Pilot served Objections to Joint Complainants' Set XIII in its entirety, asserting that the requested information is not relevant to the allegations in the Joint Complaint. A copy of Blue Pilot's Objections is attached hereto as Exhibit C. Blue Pilot did not contact Joint Complainants to attempt to informally resolve these objections prior to serving its Objections.

Joint Complainants submit that it is not ground for objection that the information sought will be inadmissible at hearings if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. See 52 Pa. Code § 5.321(c). Thus, permissible discovery includes both relevant information and information that appears reasonably calculated to lead to the discovery of admissible evidence. Contrary to Blue Pilot's assertions, Joint Complainants submit that the information sought in Blue Pilot Set XIII is both relevant to Joint Complainants' request for relief and reasonably calculated to lead to the discovery of admissible evidence.

In this proceeding, Joint Complainants have requested relief in the form of, *inter alia*, refunds to the Company's customers and civil penalties. Blue Pilot's actions in seeking to

surrender its EGS license, in filing a Motion to Dismiss Joint Complaint, and in failing to provide proof to the Commission that it has a bond or other approved security currently in effect raise serious questions about Blue Pilot's financial ability to provide the refund relief and civil penalty requested by Joint Complainants. Under the Commission's regulations, Blue Pilot's bond or security may be a source available to compensate electric generation customers to whom Blue Pilot may be held legally liable for failure to supply electric generation pursuant to contract, agreements or arrangements. See 52 Pa. Code §§ 54.40(b), (e), (f)(1)-(3). Specifically, Section 54.40 of the Commission's regulations provides, in pertinent part:

- (b) The purpose of the security requirement is to ensure the licensee's financial responsibility, the payment of gross receipts tax as required by section 2810 of the code (relating to revenue-neutral reconciliation), and the supply of electricity at retail in accordance with contracts, agreements or arrangement. See section 2809(c) of the code.
- (e) Payments pursuant to the security may result from the licensee's failure to pay the full amount of Gross Receipt Taxes, or failure to supply electricity or other services in accordance with contracts, agreements or arrangements.
- (f) The bond or security shall include the following:
  - (1) The Pennsylvania Public Utility Commission, Commonwealth as the sole beneficiary.
  - (2) The purpose of the bond as follows:

This bond (or other security) is written in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa.C.S. § 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the rules and regulation of the Pennsylvania Public Utility Commission by the Principle as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa.C.S. § 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements.
  - (3) A listing of the prioritization of claims for payment under the security from highest priority to lowest priority as follows:
    - (i) The Commonwealth.
    - (ii) EDCs for the reimbursement of Gross Receipts Tax.

(c) Private individuals.<sup>7</sup>

52 Pa. Code §§ 54.40(b), (e), (f)(1)-(3).

Here, Joint Complainants have alleged, among other things, that Blue Pilot violated the Public Utility Code and the Commission's regulations and Orders by failing to supply electric generation pursuant to its Disclosure Statement, oral promises and written marketing materials. Joint Complainants have requested relief in the form of, *inter alia*, refunds. Blue Pilot has indicated that it does not have adequate financial resources to continue litigating this proceeding, which suggests that Blue Pilot may not have adequate financial resources to provide the relief requested by Joint Complainants.

Blue Pilot's bond or other security may be a source available to provide the relief requested by Joint Complainants. The August 27, 2015 certified letter and the Commission's Tentative Order cancelling Blue Pilot's EGS license, however, raise serious concerns with the availability of Blue Pilot's bond or other security to satisfy judgments.<sup>8</sup> In Set XIII, Joint Complainants are seeking further information regarding Blue Pilot's bond. Joint Complainants are entitled to information regarding Blue Pilot's bond, as such information is directly relevant to Joint Complainants' request for relief in this proceeding and will likely lead to admissible evidence regarding the extent of Blue Pilot's ability to make refunds to customers should Joint Complainants prevail in this matter.<sup>9</sup>

---

<sup>7</sup> Joint Complainants note that it appears that Section 54.40(f)(3)(c) should really be 54.40(f)(3)(iii).

<sup>8</sup> Joint Complainants note that there is at least one Formal Complaint pending at the Commission wherein the ALJ recommended that Blue Pilot be directed to pay refunds totaling \$27,168.48. See Enrico Partners L.P. v. Blue Pilot Energy, LLC, Docket No. C-2014-2432979, Initial Decision at 22 (Feb. 12, 2015).

<sup>9</sup> In its Objections, Blue Pilot also asserts that the requested information in Set XIII is "commercially sensitive, confidential and proprietary." Exhibit A at 2. To the extent that Blue Pilot intended to object to the request on these grounds, such an objection is improper. The ALJs have already rejected this argument made by Blue Pilot in this proceeding on at least three separate occasions by Orders dated March 3, 2015 (March 3 Order), May 1, 2015 (May 1 Order), and September 11, 2015 (September 11 Order). Specifically, in the March 3 Order, the ALJs held:

---

Blue Pilot's arguments are without merit and will be rejected. Blue Pilot has not demonstrated that the requested financial information is privileged simply because it may be proprietary. Evidence is privileged if it relates, for example, to relationships between a doctor and a patient, a husband and a wife, a priest and a penitent, among others. Privileged communications are those statements made by certain persons within a protected relationship which the law protects from forced disclosure. Black's Law Dictionary, West Publishing Company, 6<sup>th</sup> Edition at 1198. The law affords higher protections to certain relationships so, for example, a patient can be forthright with his or her doctor and the best medical treatment can in turn be provided. Sections 5.321 and 5.361 prohibit discovery of privileged matters to maintain these protected relationships. 52 Pa.Code §§ 5.321 and 5.361. Such a protected relationship does not exist, however, with regard to Blue Pilot's financial information.

Matter is not privileged and outside of the scope of discovery because it is proprietary. Proprietary information that is not privileged is discoverable and protected by the Protective Order governing this proceeding. Blue Pilot's concern that answering interrogatories VI-1 and VI-7 would place the Company at an economic disadvantage is sufficiently resolved by the Protective Order. ...

As a result, Blue Pilot's argument that the information sought in interrogatories VI-1 and VI-7 is not discoverable because the information is privileged or not covered by the Protective Order is without merit and will be rejected with regard to Blue Pilot's costs, expenses and billing.

March 3 Order at 8-9; see also May 1 Order at 4-5; see also September 11 Order at 3-4. As such, Joint Complainants submit that Blue Pilot's assertion that the information is "privileged" is not recognized by the Commission as a valid objection.

Furthermore, the Protective Order referenced by the ALJs in the March 3 Order provides, in pertinent part:

That the parties may designate as "Confidential" those materials which customarily are treated by that party as sensitive or proprietary, which are not available to the public or which, if disclosed freely, would subject that party or others to risk of competitive disadvantage or other business injury ...

Proprietary Information shall not be made available to a "Restricted Person." For the purpose of this Protective Order, "Restricted Person" shall mean: (i) an officer, director, stockholder, partner, or owner of any competitor of a party to this Protective Order, or an employee of such an entity if the employee's duties involve marketing or pricing of the competitor's products or services; (ii) an officer, director, stockholder, partner, or owner of any affiliate of a competitor of a party to this Protective Order (including any association of competitors of a party), or an employee of such an entity if the employee's duties involve marketing or pricing of the competitor's products or services; (iii) an officer, director, stockholder, owner or employee of a competitor of a customer of a party to this Protective Order if the Proprietary Information concerns any specific, identifiable customer of a party; and (iv) an officer, director, stockholder, owner or employee of an affiliate of a competitor of a customer of a party to this Protective Order if the Proprietary Information concerns a specific, identifiable customer of the party ...

Protective Order at ¶¶ 3, 5. As recognized by the ALJs in the May 1 Order:

Joint Complainants and their witnesses are bound by the Protective Order in this proceeding. The Company may label the requested information "Confidential," if appropriate, and if appropriately labeled, it will be kept confidential pursuant to the Protective Order.

May 1 Order at 5. In the September 11 Order, the ALJs again held that the Protective Order in this proceeding governs the protection of confidential information. See September 11 Order at 4.

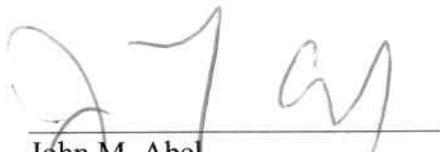
Additionally, Joint Complainants have requested a civil penalty in this proceeding. The information sought in Joint Complainants' Set XIII is also relevant in determining an appropriate civil penalty amount should Joint Complainants prevail in this proceeding. As the ALJs noted in the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. HIKO Energy, LLC (I&E v. HIKO) Initial Decision, a higher civil penalty may be warranted in certain circumstances where an EGS allowed its bond or other approved security to lapse. I&E v. HIKO, Docket No. C-2014-2431410, Initial Decision at 46 (Aug. 21, 2015). Although the Commission did not adopt the ALJs' finding that HIKO's security had lapsed, the Commission agreed that the information, if proven, would be relevant to the determination of a proper civil penalty. I&E v. HIKO, Docket No. C-2014-2431410, Order at 51-52 (Dec. 3, 2015). Thus, while the Commission's Bureau of Investigation and Enforcement did not raise a bond issue in its Complaint in I&E v. HIKO, HIKO's bond became relevant in litigation. Similarly, here, Blue Pilot's bond or other security is relevant in determining a proper civil penalty in this proceeding should Joint Complainants prevail.

Additionally, a lapse in bond or other approved security is a violation of the Public Utility Code, 66 Pa. C.S. § 2809(c)(1)(i), and the Commission's regulations, 52 Pa. Code § 54.40(a), and is therefore relevant to whether Blue Pilot has the technical and financial fitness to maintain its EGS license. Joint Complainants seek a revocation of Blue Pilot's EGS license for multiple violations of the Public Utility Code and the Commission's regulations and Orders. Blue Pilot's attempt to cancel its EGS license is purely voluntary, does not constitute a license revocation and is without the necessary conditions for such violations.

**IV. CONCLUSION**

For the foregoing reasons, the information sought in Joint Complainants' Set XIII is both relevant and reasonably calculated to lead to the discovery of admissible evidence. The Joint Complainants respectfully request that the Administrative Law Judges enter an Order directing Blue Pilot to provide full and complete answers/responses to Joint Complainants' Set XIII within three days.

Respectfully submitted,



---

John M. Abel  
Senior Deputy Attorney General  
PA Attorney I.D. 47313

Margarita Tulman  
Deputy Attorney General  
PA Attorney I.D. 313514

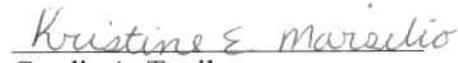
Bureau of Consumer Protection  
Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
T: (717) 787-9707  
F: (717) 787-1190  
jabel@attorneygeneral.gov  
mtulman@attorneygeneral.gov

Counsel for:

Bruce R. Beemer, First Deputy Attorney General  
Office of Attorney General  
Bureau of Consumer Protection

Date: January 7, 2016

215384



---

Candis A. Tunilo  
PA Attorney I.D. 89891

Kristine E. Marsilio  
PA Attorney I.D. 316479  
Assistant Consumer Advocates

Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101-1923  
T: (717) 783-5048  
F: (717) 783-7152  
ctunilo@paoca.org  
kmarsilio@paoca.org

Counsel for:

Tanya J. McCloskey  
Acting Consumer Advocate

CERTIFICATE OF SERVICE

|  |   |                           |
|--|---|---------------------------|
| Commonwealth of Pennsylvania, by           | : |                           |
| Attorney General KATHLEEN G. KANE,         | : |                           |
| Through the Bureau of Consumer Protection, | : |                           |
|  | : |                           |
| And  | : |                           |
|  | : |                           |
| TANYA J. McCLOSKEY, Acting Consumer        | : |                           |
| Advocate,                                  | : |                           |
| Complainants                               | : |                           |
|  | : | Docket No. C-2014-2427655 |
| v.   | : |                           |
|  | : |                           |
| BLUE PILOT ENERGY, LLC                     | : |                           |
| Respondent                                 | : |                           |

I hereby certify that I have this day served a true copy of the foregoing document, the Motion of Joint Complainants Commonwealth of Pennsylvania and the Office of Consumer Advocate to Compel Responses by Blue Pilot Energy, LLC to Set XIII, in the manner and upon the persons listed below:

Dated this 7th day of January 2016.

SERVICE BY E-MAIL & INTER-OFFICE MAIL

Michael Swindler, Esq.  
Stephanie M. Wimer, Esq.  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Sharon Webb, Esq.  
Office of Small Business Advocate  
Commerce Building, Suite 202  
300 North Second Street  
Harrisburg, PA 17101

Karen O. Moury, Esq.  
Buchanan Ingersoll & Rooney PC  
409 N. Second Street  
Harrisburg, PA 17101-1357

Kristine E. Marsilio  
Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: [CTunilo@paoca.org](mailto:CTunilo@paoca.org)

Kristine E. Marsilio  
Assistant Consumer Advocate  
PA Attorney I.D. # 316479  
E-Mail: [KRobinson@paoca.org](mailto:KRobinson@paoca.org)

Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152  
185179