

COMMONWEALTH OF PENNSYLVANIA



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January 22, 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 Responsive Brief of Joint Complainants Commonwealth of Pennsylvania and the Office of Consumer Advocate to Blue Pilot Petition for Certification, in the above-referenced proceeding.

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

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "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	:	

RESPONSIVE BRIEF OF JOINT COMPLAINANTS
COMMONWEALTH OF PENNSYLVANIA
AND THE OFFICE OF CONSUMER ADVOCATE
TO BLUE PILOT PETITION FOR CERTIFICATION

Pursuant to 52 Pa. Code § 5.304(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) provide the following Responsive Brief opposing the Petition for Certification (Petition) of Blue Pilot Energy, LLC (Blue Pilot or the Company) in the above-captioned proceeding. Rule 5.304(d)(3) of the Commission’s regulations provides that in a responsive brief, a party shall address whether a stay of proceedings is required to protect the substantial rights of a party. 52 Pa. Code § 5.304(d)(3). For the reasons set forth below, Joint Complainants submit that a stay of proceedings is not necessary here and respectfully request the Administrative Law Judges Elizabeth Barnes and Joel H. Cheskis (ALJs) enter an Order denying Blue Pilot’s Petition.

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 savings; 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 refunds 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 Responsive Brief, on May 4, 2015, Blue Pilot filed a letter with the Commission seeking to surrender its EGS license,¹ 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."² 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

¹ See Docket No. A-2011-2223888.

² See Blue Pilot Motion to Dismiss at ¶¶ 3, 5.

abeyance by Order dated June 1, 2015. On June 5, 2015, Joint Complainants filed their Answer to Blue Pilot's Motion to Dismiss.³ By Order dated June 11, 2015, the ALJs denied Blue Pilot's Motion to Dismiss.

Also related to this Responsive Brief, on December 17, 2015, the Commission issued a Tentative Order at Docket No. M-2015-2490383, in which the Commission tentatively cancelled Blue Pilot's EGS license, *inter alia*, for the failure to provide proof to the Commission that it has a bond or other approved security currently in effect.⁴ The Tentative Order was published in the Pennsylvania Bulletin on January 2, 2016, and comments thereto are due by February 1, 2016.

³ 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.

⁴ 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).

Also on December 17, 2015, Joint Complainants served Joint Complainants' Set XIII upon Blue Pilot, in which Joint Complainants sought information relating to the status of Blue Pilot's required bond. Specifically, 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.

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.

On January 7, 2016, Joint Complainants filed a Motion to Compel Responses to Set XIII (Motion to Compel). In their Motion to Compel, Joint Complainants asserted that information regarding Blue Pilot's bond is directly relevant to Joint Complainants' requests 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. Motion to Compel at 6-8. Joint Complainants also asserted that the information sought in Joint Complainants' Set XIII is relevant in determining an appropriate civil penalty amount should Joint Complainants prevail in this proceeding. Id. at 10. Additionally, Joint Complainants submitted that the information sought in Set XIII is relevant to whether Blue Pilot has the technical and financial fitness to maintain its EGS license. Id.

On January 14, 2016, Blue Pilot filed an Answer to Joint Complainants' Motion to Compel (Blue Pilot Answer), in which Blue Pilot again asserted that the information sought in Set XIII is not relevant to the allegations in the Joint Complaint. Blue Pilot Answer at 3-5. Blue Pilot argued that any concerns about Blue Pilot's bond or other approved security should have been raised through an amendment of the Joint Complaint, which Joint Complainants did not do. Id. at 4. Additionally, Blue Pilot argued that Joint Complainants failed to show that they are entitled to the requested information or that the bond would be available for payment of refunds should Joint Complainants prevail in this proceeding. Id. at 5. Finally, Blue Pilot asserted that information regarding Blue Pilot's bond or other approved security is not reasonably calculated to lead to the discovery of admissible evidence because of the procedural posture of this proceeding. Id. at 5-6. Specifically, Blue Pilot claimed that such information would not be admissible in Joint Complainants' Surrebuttal Testimony. Id.

On January 14, 2016, the ALJs issued an Order Granting Joint Complainants' Motion to Compel Responses to Set XIII. Specifically, the ALJs held that the information sought in Set XIII appears reasonably calculated to lead to the discovery of admissible evidence, as the information is directly relevant to the relief requested by Joint Complainants pertaining to civil penalties and refunds and also the relief requested of suspension or revocation of Blue Pilot's EGS license. Order Granting Joint Complainants' Motion to Compel Responses to Set XIII at 3-4. Additionally, the ALJs held that the information sought in Set XIII is relevant in determining an appropriate civil penalty amount should Joint Complainants prevail in this proceeding. Id. at 6. As for Blue Pilot's argument regarding the procedural posture of this proceeding, the ALJs held that such argument is without merit, as the Commission only recently issued its Tentative Order concerning Blue Pilot's security. Id.

On January 19, 2016, Blue Pilot filed a Petition for Certification to seek interlocutory review of the ALJs' Order Granting Motion to Compel Responses to Set XIII. For the reasons set forth below, Joint Complainants respectfully request that Your Honors deny Blue Pilot's Petition for Certification.

II. LEGAL STANDARD

Section 331 of the Public Utility Code permits a presiding officer to certify a question for interlocutory review by the Commission "where he finds that it is necessary to do so to prevent substantial prejudice to any party or to expedite the conduct of the proceeding." 66 Pa. C.S. § 331(e). Review of discovery orders, however, are generally disfavored and only permitted in limited circumstances including when: (1) interlocutory review is ordered by the Commission; (2) interlocutory review is certified by the presiding officer; or (3) the ruling has as its subject matter the deposing of a Commissioner or Commission employee. See 52 Pa. Code § 5.304(a).

See also Pa. PUC, Bureau of Investigation and Enforcement v. Lyft, Inc., Docket No. C-2014-2422713, Interim Order on Petition for Certification (Nov. 20, 2014), 2014 Pa. PUC LEXIS 599 at *5 (Lyft Interim Order).

A discovery order will not be certified for interlocutory review unless the ruling involves “an important question of law or policy that should be resolved immediately by the Commission.” See 52 Pa. Code § 5.304(b). This standard is not met unless the discovery ruling involves compelling circumstances that cannot be remedied in the normal course of Commission review after an initial decision is issued. See Pa. PUC v. Dauphin Consolidated Water Supply Co., 65 Pa. PUC 12, 15-16 (Aug. 21, 1987) (DCWSC Order). As the Commission has explained:

In order that we make ourselves perfectly clear, the correctness or erroneousess of the ALJ's ruling on admissibility is not a relevant consideration, either initially in considering a request for certification of a question (except to the extent that such arguments might persuade the ALJ to reverse his or her ruling), or later in considering whether interlocutory review is warranted. The pertinent consideration in both instances is whether interlocutory review is necessary, in order to prevent substantial prejudice, that is that the error and any prejudice flowing therefrom, could not be satisfactorily cured during the normal Commission review process. In this instance, if upon our normal review of the ALJ's decision and based upon the entire record, we find that the ALJ's ruling excluding the testimony and exhibit proffered by the Respondent constitutes prejudicial error, we shall take appropriate action to cure that error.

Id. at 15, citing Shea v. Freeport Telephone and Telegraph, Docket No. C-812580, Order (Feb. 15, 1984). (Emphasis added). The Commission further explained that “[t]here is nothing ‘exceptional’ about disputes over the scope of discovery in a matter where reasonable persons can disagree.” DCWSC Order, 65 Pa. PUC 12, 15.

III. ARGUMENT

In its Petition for Certification, Blue Pilot seeks certification to the Commission and interlocutory review of the following question:

Would [Blue Pilot's] fundamental due process rights be violated if the evidentiary hearings in this proceeding address [Blue Pilot's] bond, the status of its participation in the PJM market and the payment of gross receipts taxes when these issues are beyond the scope of the allegations raised by the Joint Complaint?

Petition at 2. Blue Pilot argues that Set XIII seeks information that does not pertain to the allegations in the Joint Complaint and, therefore, it is outside the scope of issues that may be raised during the hearings. *Id.* at 2-3. As such, Blue Pilot argues that the information is not reasonably calculated to lead to the discovery of admissible evidence, and any consideration of this information during the evidentiary hearings would be a violation of Blue Pilot's due process rights. *Id.* at 2-3.

As discussed in more detail below, Joint Complainants oppose Blue Pilot's Petition for Certification and submit that Blue Pilot's Petition should be denied for the following reasons: 1) Blue Pilot has failed to meet its burden to justify certification of a discovery ruling for interlocutory review; 2) The Company is inappropriately seeking clarification of an issue that is not yet ripe for review; 3) Blue Pilot failed to raise a due process argument in its Objections or Answer to Joint Complainants' Motion to Compel Set XIII; and 4) Blue Pilot's relevancy argument is flawed. Additionally, Joint Complainants submit that a stay of proceedings is not necessary. *See* 52 Pa. Code § 5.304(d)(3).

First, Joint Complainants submit that Blue Pilot has failed to meet its burden to justify certification of a discovery ruling for interlocutory review. While Blue Pilot has asserted a due process violation, it has not attempted to establish compelling circumstances or an important question of law or policy which require immediate Commission review. *See e.g. Re Knights Limousine Service, Inc.*, 59 Pa. PUC 538 (July 22, 1985) (*Knights Limousine*). In *Knights Limousine*, the Commission considered a Petition for Interlocutory Review of an ALJ's ruling

regarding a procedural issue, which raised the question of whether the Protestants' due process rights were violated. Knights Limousine at 540. The Commission held:

Both Petitions have certainly pleaded legal and constitutional error. But neither of them alleges either extraordinary circumstances or compelling reasons for interlocutory review. They do not explain why the alleged harm would not be reparable through normal avenues or why it must be reviewed now rather than later. Therefore, pursuant to 52 Pa. Code § 5.303(a)(2), we determine that the Petitions are improper [...].

Id. Similar to the Commission's holding in Knights Limousine, Blue Pilot's Petition for Certification should be denied for failure to meet the required standard for granting the Petition.

Second, the Company is inappropriately seeking clarification of an issue that is not ripe for review. Specifically, Blue Pilot is seeking a ruling on whether its due process rights would be violated if the information sought in Set XIII is used in the hearings, currently scheduled for February 3-6, 2016. Thus, the Company is seeking certification of an objection it may make if the Joint Complainants seek to use the information during the hearings. The ALJ's Order Granting Joint Complainants' Motion to Compel Responses to Set XIII, however, concerns a discovery matter- turning over the requested information. Thus, the issue raised in Blue Pilot's Petition is not the issue raised in Joint Complainants' Motion to Compel and the ALJs' Order Granting Joint Complainants' Motion to Compel Responses to Set XIII, which considered whether the discovery standard was met to require the Company to answer the requests. Joint Complainants submit that it is inappropriate to seek review of a potential objection that has not yet been made or ruled upon. See DCWSC Order at *9. Specifically, in the DCWSC Order, Dauphin Consolidated Water Supply Company (DCWSC) filed a Petition for Interlocutory Review, in which it sought review and reversal of an ALJ ruling granting a Motion to Compel Discovery Responses. Id. at *1. DCWSC argued that the discovery requests go beyond the limited scope of remand and reflect an attempt to inappropriately relitigate issues on remand,

which have already been twice rejected by the Commission. Id. at ** 7-8. In denying the Petition for Interlocutory Review, the Commission held:

If the OCA attempts to introduce evidence which the Company believes to involve [said issues] or anything else beyond the scope of the remand, it can object and seek our review in due course. Errors which can be satisfactorily cured during the normal review process are not suitable for interlocutory review.

Id. at *9. As such, Joint Complainants submit that Blue Pilot's Petition for Certification should be denied for prematurely seeking clarification of an issue that is not ripe for review.

Third, Joint Complainants note that the Company has had the opportunity to object to Set XIII and to fully articulate any issues in its Objections and Answer to Joint Complainants' Motion to Compel, and the Company failed to raise a due process argument at those times. Joint Complainants submit that it is not appropriate for Blue Pilot to raise the due process argument before the Commission when Blue Pilot failed to raise this argument in its Objections and Answer to Joint Complainants' Motion to Compel. See Lyft Interim Order at *6 (The Commission recognized that Lyft raised new arguments before the Commission that were not raised in its arguments on the motion in which it sought review and denied Lyft's Petition for Certification). Consistent with the Lyft Interim Order, Blue Pilot's Petition should also be denied.

Fourth, Blue Pilot's relevancy argument in its Petition for Certification is flawed. 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). Thus, permissible discovery includes both relevant information and information that appears reasonably calculated to lead to the discovery of admissible evidence. See 52 Pa. Code § 5.321(c). In its Petition, Blue Pilot implies that because the information does not pertain to the allegations in the Joint Complaint, it is not relevant. See Petition at 2. As Joint Complainants asserted in their Motion to Compel and the ALJs held in their Order Granting Joint Complainants' Motion to Compel, however, this information is directly relevant to the relief requested by Joint Complainants pertaining to civil penalties and refunds and also relevant to whether Blue Pilot should maintain its EGS license. Order Granting Joint Complainants' Motion to Compel Responses to Set XIII at 3-4. Specifically, the ALJs stated:

[T]he interrogatory seeks information directly relevant to the relief requested by Joint Complainants pertaining to civil penalties and refunds. The company's compliance history and size are relevant to the amount of civil penalty necessary to deter future violations. See 52 Pa.Code §§ 69.1201(c)(6) and 69.1201(c)(8). See also, Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. HIKO Energy, LLC, C-2014-2431410, Opinion and Order at 51-52 (Dec. 3, 2015) [(I&E v. HIKO)].⁵ The information may not be relevant to whether Blue Pilot charged prices that conformed to the Company's disclosure statement or advertised price; however, if violations of regulations such as 52 Pa. Code § 54.4(a) are found, then the Commission will consider certain factors in the assessment of a civil penalty, including the compliance history and size of the company.

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, and is therefore relevant to whether Blue Pilot should maintain its EGS license. See 52 Pa. Code § 54.40(a).

⁵ The Commission's Bureau of Investigation and Enforcement did not raise a bond issue in its Complaint in I&E v. HIKO, yet evidence regarding HIKO's bond was relevant to the calculation of a civil penalty in that litigation.

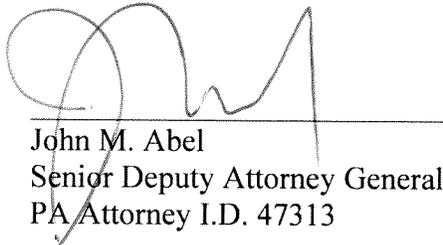
Id. (Footnote added). Additionally, the ALJs found that Blue Pilot's bond or security may be a source available to pay gross receipts taxes due and to refund electric generation customers. Id. at 4. Thus, Joint Complainants submit that the information sought in Set XIII is relevant to the Joint Complaint in that the information is relevant to Joint Complainants' request for relief.

In its Motion to Compel, Blue Pilot also asserts that the information sought in Set XIII is not reasonably calculated to lead to the discovery of admissible evidence. Blue Pilot, however, appears to muddle discovery issues with admissibility issues. Additionally, Blue Pilot's analysis regarding whether the information sought in Set XIII is reasonably calculated to lead to the discovery of admissible evidence is not consistent with the Commission's regulations. In fact, the Commission's regulations expressly provide, "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." 52 Pa. Code § 5.321(c). Thus, contrary to Blue Pilot's assertions, Joint Complainants submit that the ALJs correctly held that the information sought in Set XIII is both relevant and reasonably calculated to lead to the discovery of admissible evidence. See Order Granting Joint Complainants' Motion to Compel Responses to Set XIII at 3-6. Specifically, the ALJs held that the information sought in Set XIII is likely to lead to admissible evidence regarding Joint Complainants' requests for relief of civil penalties, refunds, and suspension or revocation of the Company's EGS license and also likely to lead to admissible evidence regarding the extent of Blue Pilot's ability to make refunds available to customers should Joint Complainants prevail in this matter. Id. As such, Blue Pilot's argument in its Petition that the information sought in Set XIII is not relevant or reasonably calculated to lead to the discovery of admissible evidence should be rejected, and Blue Pilot's Petition should be denied.

IV. CONCLUSION

Wherefore, Joint Complainants oppose Blue Pilot's Petition for Certification and respectfully request that the ALJs deny Blue Pilot's Petition for Certification for the following reasons: 1) Blue Pilot has failed to meet its burden to justify certification of a discovery ruling for interlocutory review; 2) The Company is inappropriately seeking clarification of an issue that has not yet matured; 3) Blue Pilot failed to raise a due process argument in its Objections or Answer to Joint Complainants' Motion to Compel Responses to Set XIII; and 4) Blue Pilot's relevancy argument is flawed. Additionally, Joint Complainants submit that a stay of proceedings is not necessary. See 52 Pa. Code § 5.304(d)(3).

Respectfully submitted,



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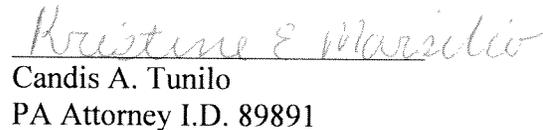
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CERTIFICATE OF SERVICE

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 Responsive Brief of Joint Complainants Commonwealth of Pennsylvania and the Office of Consumer Advocate to Blue Pilot Petition for Certification, in the manner and upon the persons listed below:

Dated this 22nd day of January 2016.

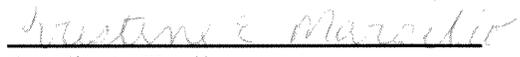
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