



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

May 25, 2016

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Fair View Energy, Inc.  
Docket No. C-2016-

Dear Secretary Chiavetta:

Enclosed for filing is the original copy of the **Non-Proprietary (Public) Version** of the Complaint of the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission in the above-captioned matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please contact me at (717) 772-8839.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie M. Wimer".

Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Enclosures

cc: As per Certificate of Service

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SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY :  
COMMISSION, BUREAU OF :  
INVESTIGATION AND ENFORCEMENT, :  
Complainant :  
v. :  
FAIR VIEW ENERGY, INC., :  
Respondent :

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DOCKET NO. C-2016-

**NOTICE**

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

Alternatively, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, please serve a copy on:

Michael L. Swindler, Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty proposed in the Complaint by certified check or money order made payable to the "Commonwealth of Pennsylvania" and forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that the Company committed the alleged violations and agrees to cease and desist from committing further violations. Upon receipt of payment, the Complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order granting the requested relief.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the requested relief and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY :  
COMMISSION, BUREAU OF :  
INVESTIGATION AND ENFORCEMENT, :  
Complainant :

v. :

FAIR VIEW ENERGY, INC., :  
Respondent :

DOCKET NO. C-2016-

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**FORMAL COMPLAINT  
OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT  
(NON-PROPRIETARY VERSION)**

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NOW COMES the Pennsylvania Public Utility Commission's (Commission) Bureau of Investigation and Enforcement (I&E), by its prosecutors, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint against Fair View Energy, Inc. (Fair View Energy or Company or Respondent) alleging violations of the Public Utility Code and Commission regulations and orders. In support of its Formal Complaint, I&E respectfully represents the following:

**Commission Jurisdiction and Authority**

1. The Pennsylvania Public Utility Commission, with a mailing address of P.O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code (Code), 66 Pa.C.S. §§101, *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established to prosecute complaints against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant's attorneys are as follows:

Stephanie M. Wimer  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.772.8839  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

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Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

4. Respondent is Fair View Energy LLC, which maintains a principal place of business at 7782 West Ridge Road, Fairview, PA 16415.

5. Fair View Energy is an electric generation supplier (EGS) that acts as a broker or marketer in that it serves as an agent or intermediary in the sale and purchase of electric energy, but does not take title to electric energy.<sup>1</sup>

6. Fair View Energy is not licensed by the Commission.

7. The Commission regulates EGSs acting as brokers and marketers pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801-2815, and Commission regulations related to EGS licensing, 52 Pa. Code §§ 54.31-54.43.

8. Brokers and marketers are required to hold a license issued by the Commission prior to engaging in the business of an EGS in the Commonwealth of Pennsylvania. *See* 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

9. Licensed brokers and marketers are required to comply with various regulatory requirements including the reporting of gross receipts pursuant to 52 Pa. Code § 54.39, the payment of a minimum annual assessment fee pursuant to 66 Pa.C.S.

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<sup>1</sup> *See* 66 Pa.C.S. § 2803 (related to the definition of “electric generation supplier”) and 52 Pa. Code § 54.31 (related to the definitions of “broker” and “marketer”).

§ 2809(g) and the Commission's order at *Implementation of Act 155 of 2014*, Docket No. M-2014-2448825 (Final Implementation Order entered April 24, 2015), and the furnishing of a bond or other financial security approved by the Commission pursuant to 52 Pa. Code § 54.40.

10. Fair View Energy, as an entity that acts as an intermediary in the sale and purchase of electric energy, is subject to the power and authority of the Commission and must observe, obey and comply with the Commission's regulations and orders pursuant to Sections 501(c) and 2809 of the Code, 66 Pa.C.S. §§ 501(c), 2809.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and actions of Fair View Energy in its capacity as an EGS acting as an intermediary in the sale and purchase of electric energy in Pennsylvania pursuant to Sections 2807 and 2809 of the Code, 66 Pa.C.S. §§ 2807, 2809.

12. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

13. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code, Commission regulations and Commission orders. Section 3301(a) and (b) of the Code, 66 Pa.C.S. § 3301(a)-(b), further allows for the imposition of a separate fine for each violation and each day's continuance of such violation(s).

14. Pursuant to Sections 501, 2802, 2807, 2809 and 3309 of the Code, 66 Pa.C.S. §§ 501, 2802, 2807, 2809 and 3309, the Commission is authorized to order EGSs to provide a refund to customers for rendering unlawful service. *See also Herp v. Respond Power LLC*, Docket No. C-2014-2413756 (Order entered January 28, 2016).

**Background**

15. I&E notified Fair View Energy by letter dated February 25, 2016 that it had initiated an informal investigation of the Company as a result of receiving a complaint from a confidential source that Fair View Energy is acting as an unlicensed EGS broker in the Commonwealth of Pennsylvania.

16. I&E served and Fair View Energy responded to two sets of I&E data requests. The allegations set forth below are the result of I&E's investigation, including the Company's responses to I&E's data requests.

17. Fair View Energy became incorporated in the Commonwealth of Pennsylvania on April 10, 2015 and, shortly thereafter, began acting as an intermediary in the sale and purchase of electric energy in Pennsylvania with its first sale occurring on June 1, 2015.

18. Fair View Energy brokers or markets EGS service to commercial customers in all electric distribution company (EDC) service territories in the Commonwealth of Pennsylvania.

19. Based on information provided by the Company, Fair View Energy has earned at least BEGIN CONFIDENTIAL [ ] END CONFIDENTIAL in



gross intrastate operating revenues since initiating service as an EGS broker or marketer in Pennsylvania on June 1, 2015 up to and including March 2016. Upon information and belief, I&E alleges that these revenues were derived from either commissions paid to Fair View Energy by other EGSs and/or fees for brokerage service collected from commercial customers.

20. Two of the corporate officers of Fair View Energy, Michael P. McCormick and Jay A. Snyder,<sup>2</sup> were previously employed by other EGSs who are or were licensed by the Commission.

21. Mr. McCormick was employed at Glacial Energy Holdings, Inc. from May 2009 until September 2013, where he was responsible for working in all deregulated markets. Mr. Snyder was also employed at Glacial Energy Holdings, Inc. as the business development manager in Pennsylvania from August 2010 to March 2011. Glacial Energy of Pennsylvania, Inc. became a licensed EGS in Pennsylvania on July 23, 2009 at A-2009-2109572. The Commission approved the abandonment of Glacial Energy of Pennsylvania, Inc.'s EGS license by Secretarial Letter dated February 17, 2016 at Docket No. A-2015-2505175.

22. Mr. Snyder was employed at Front Line Power Solutions, LLC between October 2014 and February 2015, where he performed work for the Mid-Atlantic region, including Pennsylvania. Upon information and belief, I&E avers that Mr. McCormick was also employed at Front Line Power Solutions, LLC between October 2013 and April

2015 as the president of sales.<sup>3</sup> Front Line Power Solutions, LLC became licensed to offer EGS services to commercial customers in Pennsylvania on August 15, 2013 at A-2013-2360865.

23. Fair View Energy is regulated by the Public Utilities Commission of Ohio as an EGS broker.<sup>4</sup>

24. Given the aforementioned history of its corporate officers and regulatory compliance in other jurisdictions, Fair View Energy knew or should have known that it was required to be licensed by the Commission prior to brokering EGS service in Pennsylvania.

25. Fair View Energy made no effort to obtain an EGS license as a broker or marketer from the Commission prior to offering and/or providing EGS services to customers in Pennsylvania. Not until I&E initiated its informal investigation on February 25, 2016 did Fair View Energy allegedly begin to complete an EGS license application.<sup>5</sup> Fair View Energy also purportedly obtained a surety bond in the amount of \$10,000 as of March 9, 2016; However, this bond has not yet been approved by the Commission pursuant to 52 Pa. Code § 54.40(a).

26. Fair View Energy continues to act as an unlicensed EGS broker or marketer despite the initiation of I&E's informal investigation. Fair View Energy's website states

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<sup>2</sup> In the responses to I&E's data requests, Mr. McCormick and Mr. Snyder are listed as being the Presidents of Fair View Energy, Inc. and Amy K. Snyder is identified as being the Secretary.

<sup>3</sup> Mr. McCormick's employment with Front Line Power Solutions, LLC was not disclosed in the Company's responses to I&E's data requests.

that the Company “offers energy supply service for electric and natural gas in all deregulated markets within North America.”<sup>6</sup>

### **Violations**

27. I&E alleges that from June 1, 2015 through the present time, Fair View Energy operated and continues to operate as an unlicensed EGS in that it has acted and continues to act as an intermediary in the sale and purchase of electric energy in Pennsylvania without having first obtained a license granted by the Commission.

28. Fair View Energy admitted in its responses to I&E’s data requests that from June 2015 through March 2016, Fair View Energy brokered electric energy in Pennsylvania to commercial customers using three EGSs that would then supply the electricity to the commercial customers solicited by Fair View Energy.

**a. Sales to ConEdison Solutions, Inc.**

29. Between June 2015 and January 2016, Fair View Energy brokered electric energy to commercial customers resulting in the sale of numerous commercial customer accounts to a company designated by Fair View Energy in its responses to I&E’s data requests as “ConEd.” Upon information and belief, I&E alleges that the aforementioned EGS is ConEdison Solutions, Inc. (ConEd).

30. In June 2015, 22 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy’s unlicensed brokering.

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<sup>4</sup> Fair View Energy appears on the list of regulated competitive retail electric supplier brokers/aggregators on the Public Utilities Commission of Ohio’s website. See <http://www.puco.ohio.gov/puco/index.cfm/docketing/regulated-company-list/?IndId=68#sthash.5Vm4Y91i.dpbs>

<sup>5</sup> No such application was submitted to the Commission prior to the filing of the instant Complaint.

I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (22) or \$200 for each account enrolled to be served and/or served by ConEd in June 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

31. In July 2015, 22 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (22) or \$200 for each account enrolled to be served and/or served by ConEd in July 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

32. In August 2015, 26 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (26) or \$200 for each account enrolled to be served and/or served by ConEd in August 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

33. In September 2015, 31 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty violation pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (31) or \$200 for each account enrolled to be served and/or served by ConEd in September 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

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<sup>6</sup> <http://fairview-energy.com/faqs.html>

34. In October 2015, 35 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (35) or \$200 for each account enrolled to be served and/or served by ConEd in October 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

35. In November 2015, 34 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (34) or \$200 for each account enrolled to be served and/or served by ConEd in November 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

36. In December 2015, 38 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (38) or \$200 for each account enrolled to be served and/or served by ConEd in December 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

37. In January 2016, 43 commercial customer accounts were enrolled to be served and/or were served by ConEd as a result of Fair View Energy's unlicensed

brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (43) or \$200 for each account enrolled to be served and/or served by ConEd in January 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

**b. Sales to NextEra Energy Services Pennsylvania, LLC**

38. Between November 2015 and March 2016, Fair View Energy brokered electric energy to commercial customers resulting in the sale of numerous commercial customer accounts to a company designated by Fair View Energy in its responses to I&E's data requests as "NextEra." Upon information and belief, I&E alleges that the aforementioned EGS is NextEra Energy Services Pennsylvania, LLC (NextEra).

39. In November 2015, 3 commercial customer accounts were enrolled to be served and/or were served by NextEra as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (3) or \$200 for each account enrolled to be served and/or served by NextEra in November 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

40. In December 2015, 8 commercial customer accounts were enrolled to be served and/or were served by NextEra as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (8) or \$200 for each account enrolled to be served and/or served by NextEra in December 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code

§ 54.32(a).

41. In January 2016, 8 commercial customer accounts were enrolled to be served and/or were served by NextEra as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (8) or \$200 for each account enrolled to be served and/or served by NextEra in January 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

42. In February 2016, 12 commercial customer accounts were enrolled to be served and/or were served by NextEra as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (12) or \$200 for each account enrolled to be served and/or served by NextEra in February 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

43. In March 2016, 23 commercial customer accounts were enrolled to be served and/or were served by NextEra as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (23) or \$200 for each account enrolled to be served and/or served by NextEra in March 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

**d. Sales to SFE Energy**

44. Between August 2015 and March 2016, Fair View Energy brokered electric energy to commercial customers resulting in the sale of numerous commercial customer accounts to a company designated by Fair View Energy in its responses to I&E's data requests as "SFE ELEC-COM." Upon information and belief, I&E alleges that the aforementioned EGS is SFE Energy.

45. In August 2015, 4 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (4) or \$200 for each account enrolled to be served and/or served by SFE Energy in August 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

46. In September 2015, 4 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (4) or \$200 for each account enrolled to be served and/or served by SFE Energy in September 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

47. In October 2015, 4 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S.



§ 3301, is \$200 per violation (4) or \$200 for each account enrolled to be served and/or served by SFE Energy in October 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

48. In November 2015, 19 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (19) or \$200 for each account enrolled to be served and/or served by SFE Energy in November 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

49. In December 2015, 23 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (23) or \$200 for each account enrolled to be served and/or served by SFE Energy in December 2015, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

50. In January 2016, 44 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (44) or \$200 for each account enrolled to be served and/or served by SFE Energy in January 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

51. In February 2016, 23 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (23) or \$200 for each account enrolled to be served and/or served by SFE Energy in February 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

52. In March 2016, 23 commercial customer accounts were enrolled to be served and/or were served by SFE Energy as a result of Fair View Energy's unlicensed brokering. I&E's proposed civil penalty pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, is \$200 per violation (23) or \$200 for each account enrolled to be served and/or served by SFE Energy in March 2016, in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a).

### **Requested Relief**

53. Pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, I&E proposes that Fair View Energy pay a civil penalty of \$200 for each of the 449 violations of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a), as set forth, *supra*, for a civil penalty of Eighty-Nine Thousand Eight Hundred Dollars (\$89,800).

54. Pursuant to Sections 501, 2802, 2807, 2809 and 3309 of the Code, 66 Pa.C.S. §§ 501, 2802, 2807, 2809 and 3309, I&E proposes that Fair View Energy refund the commissions paid by other EGSs and/or fees paid by commercial customers for the unlawful EGS brokering or marketing service it provided, including the refund of the

BEGIN CONFIDENTIAL [ ] END CONFIDENTIAL in gross intrastate operating revenues the Company earned since initiating service as an EGS broker or marketer in Pennsylvania on June 1, 2015 up to and including March 2016.

55. Pursuant to 66 Pa.C.S. § 2809(g) and the Commission's order at *Implementation of Act 155 of 2014*, Docket No. M-2014-2448825 (Final Implementation Order entered April 24, 2015), I&E proposes that Fair View Energy pay the minimum annual assessment fee of \$350 for operating as a broker or marketer during the 2015 calendar year.

56. I&E proposes that the Commission order such other remedy as the Commission may deem to be appropriate including the addition of a "per-violation" civil penalty during each month that each electricity account was served retail electric supply resulting from Fair View Energy's unlicensed brokering from April 1, 2016 and until Fair View Energy secures the requisite license from the Commission.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Respondent to be in violation of 66 Pa.C.S. § 2809 and 52 Pa. Code § 54.32(a) for each of the multiple counts set forth herein; (2) impose a cumulative civil penalty upon Respondent in the amount of Eighty-Nine Thousand Eight Hundred Dollars (\$89,800); (3) direct Respondent to provide a refund to commercial customers and/or other EGSs for money received in exchange for the unlawful brokerage service it rendered, including the refund of the BEGIN CONFIDENTIAL [ ] END CONFIDENTIAL in gross

intrastate operating revenues the Company earned since initiating service as an EGS broker or marketer in Pennsylvania on June 1, 2015 up to and including March 2016; (4) pay the minimum annual assessment fee of \$350 related to its brokering and/or marketing operations during the 2015 calendar year; and (5) order such other remedy as the Commission may deem to be appropriate, including the addition of a "per-violation" civil penalty during each month that each electricity account was served retail electric supply resulting from Fair View Energy's unlicensed brokering from April 1, 2016 and until Fair View Energy secures the requisite license from the Commission.

Respectfully submitted,



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
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[komyers@pa.gov](mailto:komyers@pa.gov)  
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Dated: May 25, 2016

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PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
INVESTIGATION AND ENFORCEMENT,  
Complainant

v.

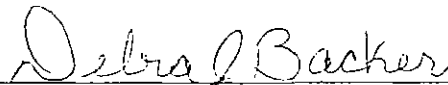
FAIR VIEW ENERGY, INC.,  
Respondent

DOCKET NO. C-2016-

**VERIFICATION**

I, Debra J. Backer, Fixed Utility Financial Analyst, Energy Division, Bureau of Technical Utility Services, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: May 25, 2016



Debra J. Backer, Fixed Utility Financial Analyst  
Energy Division  
Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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PENNSYLVANIA PUBLIC UTILITY  
COMMISSION, BUREAU OF  
INVESTIGATION AND ENFORCEMENT,  
Complainant

v.

FAIR VIEW ENERGY, INC.,  
Respondent

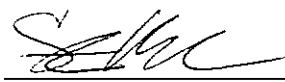
DOCKET NO. C-2016-

### 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:

Jay A. Snyder  
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Fairview, PA 16415  
[jsnyder@fairview-energy.com](mailto:jsnyder@fairview-energy.com)



Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
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Date: May 25, 2016

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