



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

July 18, 2016

BY EMAIL AND FIRST CLASS MAIL

TO ALL PARTIES OF RECORD:

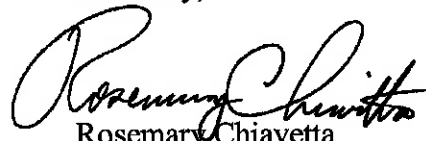
RE: PUC Bureau of Investigation & Enforcement
v.
Fair View Energy, Inc.
Docket Number C-2016-2547502

This Secretarial Letter will inform all Parties to this Formal Complaint at the above docket number of the enclosed ex-parte email communication sent to the Secretary of the Commission dated July 16, 2016, by a non-party to the proceeding, John Holmes, CEO of Frontline Power Solutions.

Since this matter is still pending before the Commission, Mr. Holmes' email communication to the Secretary is prohibited due to the statutory prohibition on ex-parte communications at 66 Pa. C.S. Section 334(c).

Therefore, please be advised that Mr. Holmes' entire email communication, and the Secretary's entire response will be placed upon the record at the above docket number to cure the ex-parte communication. Furthermore, a copy of the entire email communication is being served upon all Parties to the complaint under cover of this Secretarial Letter.

Sincerely,


Rosemary Chiavetta
Secretary of the Commission

Enclosure

CC: All Parties of Record
Mr. John Holmes, CEO, Frontline Power Solutions
Office of Administrative Law Judge

Chiavetta, Rosemary

To: John Holmes
Subject: FW: Fairview Energy
Attachments: Letter to OH by Fairview energy.pdf

Mr. Holmes:

Any comment or other filing you wish to make regarding the complaint at C-2016-2547502 must be made on the record to all parties to this litigation.

From: John Holmes [<mailto:johnholmes@frontlinepowersolutions.com>]
Sent: Saturday, July 16, 2016 6:59 AM
To: Chiavetta, Rosemary
Subject: Fairview Energy

Hello Rosemary,

I hope your summer is going well.

Can you please send this email to the appropriate people.

Please see the letter below addressed to the OHIO Puc. from Fairview Energy's legal team. This letter is completely false and an outright lie.

Jay Snyder and Mike McCormick new without a shadow of a doubt that they needed a broker licenses to sell energy in the State of Pa. The letter states that they did not know. Please remember that they held the positions of President and Senior Vice President of my company Frontline Power Solutions. Licencing within all states was a constant issue with us an I was strict about it. They knew for-sure that it was required, so this letter is a false.

Also, it states that no one was harmed and all clients got what they deserved. This is not true. They have been attacking Frontline's book of business which is against our settlement agreement with Fairview. They have caused existing Frontline customers to terminate their contracts early, causing early termination fees for the client. In one case our customer was hit with a \$60 thousand dollar early termination fee (EFT) and are being held to it. All of this is documented. Our clients are very upset about this. I can only imagine that they did this because of upfront payments made by suppliers. In other words they got paid a years commission upfront and will worry about the (EFT) problem later.

As a result of this, Frontline Power has re opened its case against them. We are going after damages is access of \$3,000,000.00 dollars.

I hope the PA PUC never allows these people to operate in the state and goes after all penalties and fees and more that were outlined in PUC's complaint against them.

Please send this email to the people that are deciding wheather or not to allow them to receive a license and also deciding on the fate of Fairview and the penalties they are going after for operating without a licenses.

Thank you

I can be reached at any time at the number below.

Sincerely
John

John T. Holmes
CEO
Frontline Power Solutions
c.401-474-4776
f.401-223-6937

Confidentiality Notice: This email and any attachments may contain information that is privileged and confidential. It is intended for use only by the person to whom it is addressed. If you are not the intended recipient, please delete the message and notify the sender. Thank you.



fpsenergy.com

Karen O. Moury
717 237 4820
karen.moury@bipc.com

409 North Second Street
Suite 500
Harrisburg, PA 17101-1357
T 717 237 4800
F 717 233 0852
www.bipc.com

June 23, 2016

Barcy F. McNeal, Secretary
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

Re: Case No. 15-1253-EL-AGG (Certificate 15-998E) and
Case No. 15-1663-GA-AGG (Certificate 15-472G)

Dear Secretary McNeal:

Pursuant to Rules 4901:1-24-11(B) and 4901:1-27-11(B) of the Ohio Administrative Code, Fair View Energy, Inc. ("Fair View" or "Company") hereby provides notice of a material change in the information presented in its applications for electric and natural gas power broker certificates, which the Public Utilities Commission of Ohio ("PUCO") issued on August 7, 2015 and October 26, 2015, respectively. In those applications, Fair View disclosed no prior or pending compliance actions by a regulatory agency.

Since that time, the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("PaPUC") filed a Complaint against Fair View on May 25, 2016. In the Complaint, I&E alleged that Fair View engaged in the unlicensed brokering of electric generation services in Pennsylvania between April 2015 and March 2016. I&E has requested that the PaPUC: 1) impose a civil penalty of \$89,800 on Fair View, and 2) direct Fair View to refund all commissions paid by licensed electric generation suppliers ("EGSs"). This Complaint is docketed at Docket No. C-2016-2547502.

Fair View timely filed an Answer and New Matter to the Complaint on June 15, 2016. By the Answer and New Matter, Fair View explained that it was previously unaware of a legal requirement in Pennsylvania for entities engaged in brokering activities to obtain an EGS license. Fair View further noted that none of the affected 27 commercial customers or the licensed EGSs have complained to the PaPUC and that it is in the process of filing an application to lawfully operate as a broker in Pennsylvania. The Company also raised jurisdictional issues regarding private contracts between Fair View and licensed EGSs, who got exactly what they paid for.

June 23, 2016
Page - 2 -

Although Fair View expects to amicably resolve this matter with the PaPUC and does not view the allegations of the Complaint as affecting its fitness to continue operating as a power broker in Ohio, the Company is providing this notification to PUCO to ensure compliance with the regulations. Fair View will furnish an update to PUCO upon completion of this proceeding. If you have any questions, please direct them to me at 717-237-4820 or karen.moury@bipc.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen", with a long, sweeping horizontal stroke extending to the right.

Karen O. Moury

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/23/2016 2:30:56 PM

in

Case No(s). 15-1253-EL-AGG, 15-1663-GA-AGG

Summary: Letter of Notification Notice of a material change in the information presented in applications of electric and natural gas power broker certificates, issued on August 7, 2015 and October 26, 2015 electronically filed by Ms. Karen O. Moury on behalf of Fair View Energy, Inc.