

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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November 8, 2021

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

Re: Electric Generation Supplier License  
Cancellation for Failure to Maintain  
an Adequate Financial Security  
Docket Nos. M-2015-2490383  
A-2011-2223888

Dear Secretary Chiavetta:

On October 7, 2021, the Commission issued its Tentative Order proposing to cancel Blue Pilot Energy LLC's (Blue Pilot) Electric Generation Supplier (EGS) license at Docket No. A-2011-2223888. The Commission's Order was published on October 23, 2021 in the *Pennsylvania Bulletin*. The Order provided that adverse comments should be filed within fifteen (15) days of the publication in the *Pennsylvania Bulletin*, or by November 8, 2021. In lieu of comments, the Office of Consumer Advocate (OCA) and the Office of Attorney General (OAG) submit this letter in support of the cancellation of the Blue Pilot EGS license.

The Commission's Tentative Order identifies several important reasons for the cancellation of Blue Pilot's license, including failure to maintain its security bond and violation of the Commission's regulations regarding the service provided to electric generation supplier customers. Blue Pilot's bond expired as of August 2015. The Commission previously tentatively approved the cancellation of Blue Pilot's license in a December 17, 2015 Order at Docket No. M-2015-2490383 for non-compliance with 52 Pa. Code Sections 54.40(a) and (d). Blue Pilot also petitioned to abandon its customers on May 4, 2015. Blue Pilot's license was suspended, and the proposed cancellation and abandonment was stayed in the Commission's March 14, 2016 Order, due to the pendency of the OCA's and OAG jointly filed Formal Complaint at Docket No. C-2014-2427655 and other individual residential and commercial complaints. The stay was to ensure that all obligations of Blue Pilot to Pennsylvania consumers and the Commonwealth were met during the pendency of the complaint dockets.

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The OCA and OAG Formal Complaint was resolved by Order of the Commonwealth Court on October 27, 2020. The Commonwealth Court affirmed the Commission's Order which concluded that Blue Pilot has violated the Commission's regulations and Orders. In addition, Blue Pilot has also failed to pay the civil penalty ordered by the Commission and affirmed by the Commonwealth Court. As a result of these violations of the law, the OCA and OAG agree with the Commission's determination that Blue Pilot's license should not be maintained. For the reasons set forth above, the OCA and OAG support the Commission's decision to cancel Blue Pilot's license.

Copies of this letter have been served per the attached Certificate of Service.

Respectfully Submitted,

*/s/ Christy M. Appleby*

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*/s/ John M. Abel*

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Enclosures:  
cc: Certificate of Service  
\*319430

CERTIFICATE OF SERVICE

Re: Electric Generation Supplier License : Docket Nos. M-2015-2490383  
Cancellation for Failure to Maintain : A-2011-2223888  
an Adequate Financial Security :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's and the Office of Attorney General's Letter Re: In Lieu of Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 8<sup>th</sup> day of November 2021.

**SERVICE BY E-MAIL ONLY**

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