

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Towne

v.

Great American Power, LLC

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C-2012-2307991

**MOTION TO COMPEL:
RELATED TO COMPLAINANT'S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

I, William B Towne, am writing to follow up on the FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS that was sent on August 4, 2012, and is attached here. I am writing to report that I have not yet received any response, and to move that the Commission act to compel timely response.

52 Pa. Code § 5.342(d) requires that the answering party serve answers on the parties within 20 days after the service of the interrogatories for cases that are not rate proceedings, and section (e) requires that any objections be served within 10 days. The interrogatories were mailed on 4 August 2012. Allowing time for mailing and extra patience, I called Atty. Julius (representing Great American Power) on August 30 at 12:20pm and again in the morning of Aug. 31, in advance of sending a follow-up letter prepared to go out that day. Before any follow-up was mailed, Atty. Julius called back. He stated that he had received the questions and given his client Great American Power 30 days to respond, and that he was planning to have answers sent to me the following Tuesday, September 4. Having not received anything by the close of business then, I called and politely followed up. On the morning of the 5th while departing from Pittsburgh airport, I exchanged several phone calls with Mr. Julius' office, starting when he called back to note that some of the answers were taking longer than expected because Great American Power had contracted out the telemarketing and that they needed to get answers from that party. I understood and noted that if the materials were not in yet, I would not have sufficient time to review them for the hearing scheduled September 11. We readily agreed that it was appropriate to allow more time for the discovery responses, agreed on alternative dates, and agreed that Atty. Julius would compose and send the extension request to you, which he did, and which was granted. I again reached Mr. Julius (and the PUC) on the 10th of September in order to confirm that the hearing had been rescheduled. He again asserted that they were still gathering responses from GAP and its telemarketing partner(s) but that I should look for something in the mail in the next few days. Nothing has arrived. A message left on the 18th of September at 9:53am and another on the evening of the 26th have not been responded to. The postponed hearing date of October 11 is approaching, and I would like sufficient time to review the responses before the evidence deadline of one week prior.

Thank you,

CERTIFICATE OF SERVICE

I, William B Towne, served the reverse MOTION TO COMPEL RELATED TO COMPLAINANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS, together with a copy of the original referenced document, upon the following parties by first class mail, postage pre-paid, for postmark on the 28th of September, 2012, as follows. One (1) copy has been sent by certified mail to:

Chad J. Julius Esquire
Jacobson Julius & McRartland
8150 Derry Street
Harrisburg, PA 17111
(717)-909-5858

One copy has been sent to:

Pennsylvania Public Utility Commission
Office of Administrative Law Judge Mary Long
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222
(412)-565-3550

One copy has been e-Filed and another has been sent by mail to:

Secretary of the Commission
P.O. Box 3265
Harrisburg, PA 17105

William Towne
4243 Glen Lytle Road
Pittsburgh PA 15217
(412)-256-8236

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**COMPLAINANT’S FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to paragraph 6 of the Prehearing Order dated July 30, 2012, and 52 Pa. Code § 5.321-364, Complainant submits to Great American Power the following requests for discovery of relevant information. The complainant believes that the questions below fall under the scope of discovery as described in §5.321, § 5.322, and §5.323.

Towne requests that Great American Power, through its officer(s) and/or agent(s), answer the following questions in letter and spirit, in the form required by 52 Pa Code §5.342. Towne also requests that Great American Power provide relevant records or reports that back up answers given to questions, pursuant to verification and §1.36, as well as specific documents described below.

An electronic version of this request, in Microsoft Word or PDF format, is available from Complainant on request, to aid preparation of responses.

I. Access to Information

1. Phone number

- a. How did Great American Power obtain Mr. Towne’s phone number?
- b. How many phone numbers were obtained in this way?
- c. Over what period of time were phone numbers obtained in this way?

2. Electric account number

- a. How did Great American Power obtain Mr. Towne’s electric account number?
- b. How many account numbers were obtained in this way?
- c. Over what period of time were account numbers obtained in this way?

3. Electric usage information

- a. How did Great American Power obtain Mr. Towne’s electric usage information?
- b. How many household’s usage information statistics were obtained in this way?
- c. Over what period of time were usage information statistics obtained in this way?

4. Address information

- a. How did Great American Power obtain Mr. Towne’s address?

- b. How many addresses were obtained in this way?
 - c. Over what period of time were addresses obtained in this way?
- 5. Contact permissibility verification
 - a. How did Great American Power check Mr. Towne's phone number or other information against databases of individuals who did not wish to be contacted about changing energy supplier?
 - b. Which databases were used?

II. Extent

1. How many sales calls has Great American Power made over each of the last 12 months?
2. How many unique individuals have these calls been made to, over each of the last 12 months?
3. How many unique individuals were reached (as opposed to abandoned, unavailable, etc.), over each of the last 12 months?
4. How many of these individuals were switched to using Great American Power as their energy supplier, over each of the last 12 months?
5. What is the average annual revenue Great American Power receives per new customer?
6. When did Great American Power start making sales calls related to supplying energy?
7. Does Great American Power continue to make sales calls? If not, when did they stop?
8. As of May 24, 2012, how many people were currently employed by Great American Power to make sales calls? *If records for this exact date are not available, the closest date for which information is available should be selected and noted.*
9. How many person-hours per week of employee time did Great American Power or its contractors and subsidiaries devote to making sales calls in May 2012?

III. Scripts and call materials

1. Please provide an example copy of the "welcome packet" sent to customers after they have been switched to use Great American Power as an energy supplier.
2. Please verify or refute the following statement: "After a sales call in which a customer has been switched to Great American Power as an energy supplier, the customer receives energy from Great American Power for free for an initial (e. g. billing) period and will incur an obligation to pay Great American Power for the energy if he or she does not take affirmative action to cancel before the end of that period." If this statement is not true as written, please indicate what aspects of it are incorrect and why.
3. Please provide a copy of all [substantially different] scripts used by Great American Power representatives when making sales calls to electric consumers, over the last 24 months.
4. Please provide a copy of all [substantially different] training documents or other guidance given to sales callers and their supervisors.
5. How much flexibility do Great American Power representatives have when placing these calls, to invent their own scripts or deviate from those given above?
6. What is the incentive structure for Great American Power phone sales representatives?

- a. Do they receive an hourly rate?
 - i. If so, how much?
 - b. Do they receive any compensation or evaluation, direct or indirect, based on the number or percentage of called individuals converted to new customers?
 - i. If so, how is this measured and evaluated?
 - ii. How does the metric described in (i) affect callers' employment status, promotion, and compensation?
7. Please provide a list of outgoing telephone numbers which may appear on callees' "caller ID" indicators when receiving calls from Great American Power.
 8. Please indicate which if any of the numbers disclosed in #5 can be called during regular business hours to reach a representative of Great American Power.
 9. Please define "regular business hours" as used in context of the answer to #8.

IV. Telemarketing rules compliance

1. Please describe Great American Power's procedure(s) for ensuring compliance with FCC guidelines and other regulations relevant to telemarketing, if such procedure(s) exist. Include specific identification of which guidelines and regulations are addressed by each procedure described.
2. Please describe Great American Power's procedure for dialing numbers, including how a representative or system chooses which number to dial, if such a procedure exists.
3. Please describe Great American Power's procedure and policies for determining when to abandon a call after dialing a number, if such a procedure and/or policies exist.
4. Please describe Great American Power's procedures for recording information about an individual's expressed desire to not change suppliers or not be contacted, and for following that request, if such procedures exist.
5. Please describe Great American Power's procedures for contacting consumers again after a call did not result in a change of the consumer's energy supplier to Great American Power.
6. Please describe Great American Power's procedure(s) for monitoring and enforcing the procedures described in 1-5, if such procedures exist.
7. Request for production of documents:
 - a. If formal procedures are used in the process described in 1-6, please provide a copy of the formal procedures. If formal written procedures are not available for any of these questions, please indicate this.
 - b. If computer software is used in the procedures described in 1-6, provide the name and author of the software, and include screenshots of computer interfaces which illustrate answers to the above questions.
 - c. Please provide records showing the number of abandoned calls and number of total calls placed, over the 30-day record-keeping period(s) which cover the time span May 18-June 13.
 - d. Please provide records produced by the monitoring and enforcing procedures described in (6), indicating the frequency, extent, and where possible the number of individuals affected by, violations of the procedures described in 1-5.

PROOF OF SERVICE

I, William B Towne, served the within COMPLAINANT'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS upon the following parties by first class mail, postage pre-paid, for postmark on the 4th of August, 2012, as follows. One (1) copy has been sent to:

Chad J. Julius Esquire
Jacobson Julius & McRartland
8150 Derry Street
Harrisburg, PA 17111
(717)-909-5858

I have also submitted three (3) copies enclosed in a single envelope to:

Pennsylvania Public Utility Commission
Office of Administrative Law Judge Mary Long
301 Fifth Avenue
Suite 220, Piatt Place
Pittsburgh, PA 15222
(412)-565-3550

William Towne
4243 Glen Lytle Road
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