|  |  |  |
| --- | --- | --- |
|  | **PENNSYLVANIA****PUBLIC UTILITY COMMISSION****Harrisburg, PA 17105-3265** |  |
|  |  |  |
|  |  |  |
|  |  Public Meeting held July 16, 2013 |
|  |  |
| Commissioners Present: |  |
|  |  |
| Robert F. Powelson, ChairmanJohn F. Coleman, Jr., Vice ChairmanWayne E. GardnerJames H. CawleyPamela A. Witmer |
|  |
|  |
| Status Report of Just Energy Pennsylvania Corporation | Docket Number:A-2009-2098011 |
|  |  |
|  |  |

**ORDER**

**BY THE COMMISSION:**

 On April 9, 2013, Just Energy Pennsylvania Corporation (Just Energy or the Applicant) filed the Status Report as directed by the Commission Orders entered December 28, 2009, and January 10, 2013, at Docket No. A-2009-2098011.

**Background and Discussion**

 By Order adopted December 17, 2009, the Commission approved a natural gas supplier license for Just Energy at Docket No. A-2009-2098011 (Licensing Order). Per Ordering Paragraph 3 of the Licensing Order, which was entered December 28, 2009, a license was issued authorizing Just Energy to operate as a supplier, broker/marketer and aggregator, subject to a set of conditions which would apply for a term of eighteen (18) months (Term) from the date of entry of the Licensing Order. Ordering Paragraph No. 3 included a set of fourteen (14) conditions and stated:

“….subject to the following conditions, which will apply for a term of eighteen months from the date of entry of this Opinion and Order (Term). To the maximum extent possible, these conditions shall be construed to be consistent with the Commission’s regulations. In the event of a conflict, the following conditions shall control:

a. Just Energy will only use employees, not independent contractors, when conducting door-to-door sales;

b. All Just Energy marketing materials to be used, including contracts and customer facing materials will be provided to Commission staff for comment five days prior to use;

c. Just Energy will meet monthly with the relevant Commission staff and provide a monthly reporting requirement to staff capturing: (i) the complaints by category; (ii) complaint rate against sales volumes and (iii) customer service level reporting as defined in Section G of the Appendix hereto;

d. Just Energy will conduct background checks on all potential employees and will provide the background check criteria to staff;

e. Just Energy will provide a single point of contact and escalation contacts for Commission staff for resolution of consumer inquiries and/or complaints received by the Commission's Bureau of Consumer Services (BCS) and will respond to all consumer inquiries and complaints in accordance with the Appendix hereto and any other BCS requirements, including providing all information regarding the customer and complaint as requested by Commission staff (including a copy of the contract and any audio recordings of the verification call). Just Energy will also provide the Commission with the resolution of the complaint by the Company.

f. Just Energy will provide an extended cancellation period of up to 30 days after the issuance of the first bill on the Company's supply service during which the customer will not pay a termination fee;

g. Just Energy will hire an employee whose role is to oversee and ensure compliance of the sales office(s) and employees with these license conditions as well as applicable law and company policies;

h. Any early termination or exit fee imposed by Just Energy will not exceed $50.00 per contract;

i. Just Energy will operate under the commitments outlined in the Appendix hereto;

j. Just Energy will use the disclosure statement developed in cooperation with the Commission’s BCS;

k. Just Energy sales representatives will be prohibited from wearing blue clothing;

l. With regard to any condition that has been released by the Commission, for a period of three years following the condition’s release, Just Energy will provide the Commission with written notice of any change to the Company’s practices and procedures that was the subject of the released condition; and

m. Not less than sixty days before the expiration of the Term, Just Energy Pennsylvania Corp. shall file a status report with the Commission describing its compliance with the Public Utility Code, Commission Orders and Regulations, and the conditions set forth herein. The status report shall also include updated information regarding lawsuits, investigations, and state commission proceedings involving its affiliates in other jurisdictions. A copy of this status report shall be provided to Paul Diskin in the Commission’s Bureau of Fixed Utility Services and to David Mick in the Commission’s Bureau of Consumer Services.

n. Just Energy will annually send a letter to each of its customers stating that the customer has selected Just Energy as his or her supplier of natural gas supply services and that Just Energy has no affiliation with the customer’s public utility. This annual correspondence shall also provide Just Energy’s contact information (including address, phone number and website) and the Commission’s contact information (including the website and the toll-free number for consumer complaints).”

 Based on the order entry date of December 28, 2009, for the Licensing Order the Term referenced above ended on June 28, 2011. The Status Report would have been due on April 28, 2011. However, Just Energy did not file the Status Report directed by the Licensing Order until December 10, 2012, noting that Just Energy had no customers until December 9, 2011.

By Order entered January 10, 2013, the Commission approved an amendment to Just Energy’s license to include additional territories (Amendment Order). In the Amendment Order the Commission also modified the start date for the set of conditions that would apply for the term of eighteen (18) months. The revised start date was based on the date Just Energy acquired its first gas customer, which Just Energy stated was December 9, 2011. Based on that date, the term would end on June 9, 2013, with the status report due April 9, 2013.

Just Energy filed the status report on April 9, 2013. In the first section of the status report, Just Energy described how it has complied with all requirements under the Public Utility Code, applicable Commission Orders, Regulations and the conditions set forth in the Licensing Order. Just Energy provided statements regarding its compliance with various sections of Ordering Paragraph 3 of the Licensing Order; as well as the conditions specified in the Appendix to the Licensing Order, titled “Attachment E to the Petition for Reconsideration” (Attachment E). As one example, Just Energy stated that it has utilized employees, not independent contractors, as sales representatives for door to door marketing and that the company conducted back ground checks on the door to door sales representatives. (Ordering Paragraphs 3.a. & d. of the Licensing Order). As another example, Just Energy affirmed that its sales representatives are prohibited from wearing blue clothing. (Ordering Paragraph 3.k. of the Licensing Order). Just Energy also made numerous statements regarding its compliance with other sections of the Ordering Paragraphs of the Licensing Order; as well as, Attachment E. In the second section of the status report, Just Energy provided updated information regarding lawsuits, investigations, and state commission proceedings involving its affiliates in other jurisdictions.

Ordering Paragraph No. 5 of the Commission’s Licensing Order states:

“Upon receipt of the status report directed in Paragraph 3.m. above, the Bureau of Fixed Utility Services, with assistance from the Bureau of Consumer Services and the Law Bureau, shall prepare a Staff recommendation regarding appropriate license conditions after the expiration of the Term. The Commission shall consider the recommendation at a subsequent Public Meeting. In making their recommendation, Commission staff shall consider all relevant factors, including whether Just Energy Pennsylvania Corp.:

a. Operated in good faith and compliance with the Conditions set forth in Paragraph 3 and applicable Laws;

b. Maintained a Complaint Ratio of less than 2% of sales over the 18- month period; and

c. Maintained the customer service level commitments based on the 18-month period (averaged across the period).”

**Disposition**

After review of Just Energy’s Status Report, we believe that the Company has operated in good faith and compliance with the Conditions contained in Paragraph No. 3 of the Licensing Order and has maintained the appropriate complaint ratio and customer service level commitments.

Upon full consideration of all matters of record, we believe that it is appropriate to release Just Energy from the conditions imposed in Ordering Paragraph No. 3 of our Order, entered December 28, 2009, at Docket No. A-2009-2098011, except for the condition stated in Ordering Paragraph 3(l) of the Licensing Order. However, this does not relieve Just Energy from the requirement to comply with the Commission’s regulations, including those at Chapters 56 and 62 of Title 52 of the Pennsylvania Code; **THEREFORE,**

**IT IS ORDERED:**

1. That Just Energy Pennsylvania Corporation is released from the conditions imposed in Paragraph No. 3 a. – k., m. and n. of the Commission’s Order, entered December 28, 2009, at Docket No. A-2009-20980211, consistent with the discussion in this Order.

2. That this proceeding at Docket No. A-2009-2098011 be closed.

 **BY THE COMMISSION,**

 Rosemary Chiavetta

 Secretary

(SEAL)

ORDER ADOPTED: July 16, 2013

ORDER ENTERED: July 16, 2013