

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH J. WOITKO, JR. : NO. C-2014-2413734
COMPLAINANT :
 :
V. :
 :
IDT ENERGY INC. :
RESPONDENT :
 :

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OBJECTIONS TO CERTIFICATE OF SATISFACTION

AND NOW, comes the complainant, Joseph J. Woitko, Jr., by and through his attorney Joseph A. Woitko, Esq., and hereby files the following OBJECTIONS to the respondent IDT ENERGY, INC.'s Certificate of Satisfaction as follows:

1. The Certificate of Satisfaction was filed in violation of 52 Pa. Code § 5.24 (b) in the following particulars:

- (1) The complainant has not acknowledged satisfaction to the respondent;
- (2) The complainant has not acknowledged to the respondent that the complainant no longer wishes to pursue the complaint.

2. The Respondent, by and through an authorized agent of Respondent specifically and unequivocally orally represented during two telephone conversations upon repeated and specific questioning that the offer to refund to the Complainant a total amount of \$305.42 as a unilateral refund was not contingent upon withdrawal of the complaint before the Public Utility Commission, or upon any act of the Complainant, other than acceptance of the refund itself. The first telephone conversation in which the unconditional refund was offered took place on or about March 27, 2014. A written acceptance of the unconditional offer of refund, specifically stating "I, Joseph Woitko,

hereby ACCEPT your OFFER to refund to me **without any condition(s):** [emphasis added] [a total refund of \$305.42]” was sent to the respondent on March 29, 2014, and a second telephone conversation confirming the unconditional refund took place on or about March 31, 2014. See correspondence of Joseph Voitko dated March 29, 2014, attached hereto, incorporated herein, and labeled Exhibit A.

3. The Complainant specifically memorialized this agreement of no-conditions for receipt of the \$305.42 unconditional refund in correspondence dated March 29, 2014.

4. The Respondent later sent the Complainant written correspondence, dated April 2, 2014, characterizing the offer to refund some of the Complainant’s money to the Complainant as only a “goodwill gesture,” not contingent upon withdrawal on any claims before the Public Utilities Commission. See correspondence of IDT Energy dated April 2, 2014, attached hereto, incorporated herein, and labeled Exhibit B.

5. The Respondent, by and through their attorney, Michael A. Gruin, Esq. in correspondence of April 18, 2014, misrepresented the amount of the unconditional refund to the Complainant as \$134.86, when the amount was \$305.42, and also misrepresented the terms of the unconditional refund to the Complainant in correspondence of April 18, 2014, and instead unilaterally added terms to the unconditional refund when there were no terms for the acceptance of the unconditional offer of refund. See correspondence of Michael A. Gruin, Esq., dated April 18, 2014, but not received by Complainant until April 23, 2014, attached hereto, incorporated herein, and labeled Exhibit C.

6. The Respondent, IDT Energy, Inc. has acted in bad faith in misrepresenting the satisfaction of the Complainant’s complaint to the Public Utilities Commission by filing a Certificate of Satisfaction when no such satisfaction existed.

7. The Respondent, IDT Energy, Inc. has been previously fined by the Public Utilities Commission in the amount of \$39,000 for prior misconduct of a similar nature involving customers.

8. The Respondent, IDT Energy, Inc.'s actions in attempting to unilaterally dismiss Complainant's complaint with the Public Utilities Commission in violation of 52 Pa. Code § 5.24 are in bad faith by making material misrepresentations of fact to the Public Utilities Commission and continuing misconduct against customers, including the complainant in the following particulars:

- (1) by manufacturing terms of a settlement when there was no settlement;
- (2) by reducing a promised unilateral unconditional refund not conditioned on settlement of the complainant's complaint;
- (3) by promising a unilateral unconditional refund and then misstating the amount of the refund;
- (4) by unilaterally later creating terms for that unconditional refund which were never agreed upon;
- (5) by representing to this commission that the respondent has settled complainant's complaint, when it has not done so.

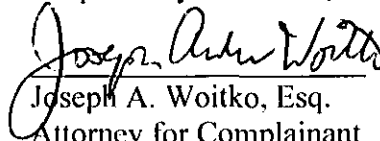
9. The Respondent, IDT energy, Inc. as of the date of filing of these OBJECTIONS, has not refunded any of the money promised.

WHEREFORE, the complainant's OBJECTIONS to the respondent's CERTIFICATE OF SATISFACTION should be SUSTAINED, the CERTIFICATE OF SATISFACTION STRICKEN, and take any other action or relief that the Pennsylvania Public Utilities Commission deems fair and just, pursuant to law, and FURTHERMORE;

The Pennsylvania Public Utilities Commission is also requested to INVESTIGATE AND SCRUTINIZE ALL SUBMISSIONS OF CERTIFICATES OF SATISFACTION BY IDT ENERGY, INC. TO DETERMINE WHETHER THE RESPONDENT, IDT

ENERGY, INC., HAS BEEN MISREPRESENTING CERTIFICATES OF SATISFACTION WITH OTHER CONSUMERS IN ORDER TO UNILATERALLY DISMISS CONSUMER COMPLAINTS UNDER FALSE PRETENSES AND EITHER ALTER, REDUCE, OR ELIMINATE PROMISED UNILATERAL UNCONDITIONAL CONSUMER REFUNDS, JUST AS THEY HAVE DONE IN THIS CASE.

Respectfully submitted,



Joseph A. Woitko, Esq.

Attorney for Complainant

Joseph J. Woitko, Jr.

ID #PA 76291

1199 Berwick Street, Beaver Meadows, PA

18216 (570) 455-9640/9641 FAX

BY:

DATED: April 25, 2014

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SECRETARY'S BUREAU

EXHIBIT A

Joseph Voitko
RR#1 Box 27
Beaver Meadows, PA 18216
(570) 455-5286

IDT ENERGY
CUSTOMER SERVICES
20 West Third Street, Suite 10
Jamestown, NY 14702

March 29, 2014

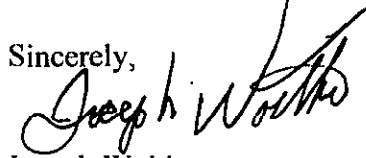
To Whom It May Concern:

I, Joseph Voitko, hereby ACCEPT your OFFER to refund me without any condition(s):

**-\$170.56 for Account #14960-31005; and,
-\$134.86 for Account: #20560-31006,**

**for a total refund of \$305.42. Please make the refund check(s) payable to me and
sent to me at the above address.**

Sincerely,



Joseph Voitko

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

EXHIBIT B



April 2, 2014

Joseph Woitko
RR#1 Box 27
Beaver Meadows PA 18216

Account Number: 1496031005 and 2056031006 (Pennsylvania Power and Light)

Dear Joseph,

I am writing in response to the letter requesting to accept the good will credit adjustment of \$170.56 and \$134.86.

To assist you with the burden of the high energy rates for this past billing cycle, in goodwill, IDT Energy is offering a onetime rate adjustment in the form of a rebate in the total amount of \$305.42. This rebate will be received in the form of a check within the next 6-8 weeks.

If you have any questions or need any further assistance, please feel free to contact our customer service at 1-877-887-6866 Monday through Friday 8am-7pm.

Sincerely,

Kristin (601991)
Account Specialist
IDT Energy, Inc.

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SECRETARY'S BUREAU

EXHIBIT C

STEVENS & LEE
LAWYERS & CONSULTANTS
17 North Second Street
16th Floor
Harrisburg, PA 17101
www.stevenslee.com

Direct Dial: (717) 255-7365
Email: mag@stevenslee.com

April 18, 2014

Joseph J. Voitko, Jr.
1199 Berwick Street
Beaver Meadows, PA 18216

RE: Joseph J. Voitko, Jr. v. IDT Energy, Inc.
Docket No. C-2014-2413734

Dear Mr. Voitko:

I am the attorney representing IDT Energy, Inc. ("IDT") in connection with the above-referenced *Formal Complaint* filed by you at the *Pennsylvania Public Utility Commission* ("PUC"). The PUC's regulations require PUC-regulated companies to be represented by attorneys in any formal complaint filed against them.

First of all, I regret any dissatisfaction and inconvenience that you have experienced as a result of this situation, and I am glad that IDT Energy has been able to resolve your complaint. Based on your discussion with IDT Energy, it is my understanding that you and IDT Energy have agreed to resolve your Complaint on the following terms:

- IDT will issue you a onetime refund in the total amount of \$134.86. You can expect to receive, or may have already received, a check (or checks) totaling \$134.86 via US Postal Mail within the next few weeks.
- **PLEASE NOTE: you will still need to pay your utility bill, including the IDT Energy charges that appear on that bill.**

Acceptance of this refund will act as release of IDT Energy from any and all legal, equitable or other claims arising out of the facts alleged in your *Formal Complaint*, and by participating in this settlement, IDT Energy does not admit to a violation of any law or regulation.

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

STEVENS & LEE
LAWYERS & CONSULTANTS

Joseph J. Woitko, Jr.
April 18, 2014
Page 2

In accordance with the PUC's regulations, I have filed the enclosed Certificate of Satisfaction with the PUC to mark the Complaint closed. As stated in the Certificate, if you do not agree that you are satisfied, you should notify the PUC in writing within 10 days, and provide me with a copy. If you are satisfied, you do not need to do anything, and the Complaint will be marked closed.

Thank you, and if you have any questions or concerns, please do not hesitate to contact me at the number listed above.

Best Regards,

STEVENS & LEE



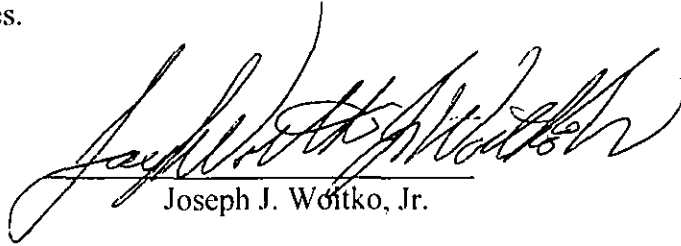
Michael A. Gruin

Encl.

VERIFICATION

Joseph J. Wofko, Jr.

hereby states that he is the Complainant in this action and verifies that the statements made in the foregoing document are true and correct to the best of his knowledge, information, and belief, and that I expect to be able to prove the same at a hearing held in this matter. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. section 4904 relating to unsworn falsification to authorities.


Joseph J. Wofko, Jr.

DATE: 4/25/14

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH J. WOITKO, JR.	:	NO. C-2014-2413734
COMPLAINANT	:	
	:	
V.	:	
	:	
IDT ENERGY INC.	:	
RESPONDENT	:	

CERTIFICATE OF SERVICE

AND NOW, comes the complainant, Joseph J. Woitko, Jr., by and through his attorney Joseph A. Woitko, Esq., and certifies that he served the foregoing OBJECTIONS to the respondent IDT ENERGY, INC.'s Certificate of Satisfaction, attached Exhibits A,B,C, Verification, and this Certificate of Service as follows, in accordance with the requirements of 42 Pa. Code §1.55 (relating to service on an attorney who has entered an appearance on behalf of a party):

VIA FIRST CLASS MAIL:


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

Michael A. Gruin, Esq.
Stevens & Lee
17 North Second Street, 16th Floor
Harrisburg, PA 17101

Attorney General Kathleen Kane
Department of Consumer Protection
15th Floor Strawberry Square
Harrisburg, PA 17120

BY:

DATED: 4/25/14


Joseph A. Woitko, Esq.
Attorney for Complainant

Joseph J. Woitko, Jr.
ID #PA 76291
1199 Berwick Street, Beaver Meadows, PA
18216 (570) 455-9640/9641 FAX

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JOSEPH A. WOITKO, ESQ.
1199 BERWICK STREET
BEAVER MEADOWS, PA 18216



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