



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

July 30, 2014

**Via E-Filing**

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

Re: Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane, through the Bureau of Consumer Protection, and Tanya J. McCloskey, Acting Consumer Advocate v. HIKO Energy, LLC  
Docket No. C-2014- 2427652

**Notice of Intervention**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Notice of Intervention of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement in the above-captioned matter.

Copies have been served on the parties of record in accordance with the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Stephanie M. Wimer  
Prosecutor  
PA Attorney I.D. No. 207522

Enclosure

cc: Honorable Joel H. Cheskis  
Honorable Elizabeth H. Barnes  
As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Commonwealth of Pennsylvania, by	:	
Attorney General Kathleen G. Kane,	:	
through the Bureau of Consumer Protection,	:	
and Tanya J. McCloskey, Acting Consumer	:	
Advocate	:	
	:	
	:	
v.	:	Docket No. C-2014-2427652
	:	
	:	
HIKO Energy, LLC	:	

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**NOTICE OF INTERVENTION OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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Pursuant to 52 Pa. Code §§ 5.71-76, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) hereby gives Notice of Intervention in the above-captioned proceeding. In support thereof, I&E states as follows:

**INTRODUCTION:**

1. Act 129 of 2008, 66 Pa.C.S. § 308.2, authorizes the Commission to establish bureaus, offices and positions to, *inter alia*, take appropriate enforcement actions that are necessary to insure compliance with the Public Utility Code and Commission regulations and orders. 66 Pa.C.S. § 308.2(a)(11).

2. In accordance with Act 129, the Commission established I&E to serve as the prosecutory bureau for the purposes of representing the public interest in ratemaking and service matters, and enforcing compliance with the Public Utility Code, 66 Pa.C.S. §§ 101 *et seq.*, and Commission regulations, 52 Pa. Code §§ 1.1

*et seq.* See *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011).

3. I&E, through its prosecutors, has standing and authority to participate in all Commission proceedings and to initiate enforcement actions and prosecutions in the public interest. *Id.* at 5.

4. The names and contact information for I&E's prosecutors are as follows:

Michael L. Swindler  
PA Attorney ID No. 43319  
[mswindler@pa.gov](mailto:mswindler@pa.gov)

Stephanie M. Wimer  
PA Attorney ID No. 207522  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

Wayne T. Scott  
PA Attorney ID No. 29133  
[wascott@pa.gov](mailto:wascott@pa.gov)

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

**BACKGROUND:**

5. On June 20, 2014, the Office of Attorney General (OAG), through its Bureau of Consumer Protection, and the Office of Consumer Advocate (OCA) filed a Joint Complaint against HIKO Energy, LLC (HIKO or Company) alleging multiple violations of Pennsylvania law and Commission regulations and orders.

6. The OAG and OCA alleged, *inter alia*, that HIKO engaged in

misleading and deceptive acts or practices, switched customers to receive its electric generation supply service without their authorization, failed to handle customer complaints in good faith, failed to provide rate information, failed to provide accurate pricing information, charged prices that did not conform to the Company's disclosure statement, failed to follow Purchase of Receivables program parameters and failed to comply with the Telemarketer Registration Act.

7. HIKO sought and received an extension of time to answer the Joint Complaint. The Company's Answer is due by July 30, 2014.

8. At the time that the OAG and OCA filed a Joint Complaint against HIKO, I&E was actively investigating HIKO as a result of customer complaints received by the Commission's Bureau of Consumer Services related to allegations that the Company billed rates that were higher than the rates promised by the Company.

9. On July 11, 2014, I&E filed a Formal Complaint against HIKO alleging that the Company billed a large number of customers in several Electric Distribution Company service territories a rate for electricity supply that exceeded the discounted introductory rate that was guaranteed at the time of each customer's enrollment as a HIKO supply customer. I&E alleged that HIKO violated 52 Pa. Code § 54.4(a) by overbilling customer accounts on 14,780 occasions. I&E is seeking a civil penalty in the amount of \$14,780,000, rescission of HIKO's license authorizing it to do business as an Electric Generation Supplier in Pennsylvania and an order directing HIKO to provide refunds to customers.

10. HIKO's Answer to I&E's Complaint is due by July 31, 2014.

**INTERVENTION:**

11. As the bureau within the Commission that is responsible for ensuring compliance with the Public Utility Code and Commission regulations and orders, I&E is intervening in this proceeding to protect the public interest. I&E will seek to determine whether HIKO violated provisions of the Public Utility Code, Commission regulations and orders set forth in the OAG and OCA Joint Complaint that were not alleged in I&E's Complaint against HIKO. Further, if HIKO violated the Public Utility Code and Commission regulations and orders, I&E will seek to determine the civil penalty and other relief that should be imposed upon the Company.

Respectfully submitted,



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Michael L. Swindler  
Prosecutor  
PA Attorney ID No. 43319

Wayne T. Scott  
First Deputy Chief Prosecutor  
PA Attorney ID No. 29133

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000  
Date: July 30, 2014

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

### Service by First Class Mail and Email:

Motty Shulman, Esq.  
William Marsillo, Esq.  
Andrew Dressel, Esq.  
Boies, Schiller & Flexner LLP  
333 Main Street  
Armonk, NY 10504  
[mshulman@bsfllp.com](mailto:mshulman@bsfllp.com)  
[wmarsillo@bsfllp.com](mailto:wmarsillo@bsfllp.com)  
[adressesel@bsfllp.com](mailto:adressesel@bsfllp.com)

Candis A. Tunilo, Esq.  
Kristine E. Robinson, Esq.  
Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor Forum Place  
Harrisburg, PA 17101-1923  
[ctunilo@paoca.org](mailto:ctunilo@paoca.org)  
[krobinson@paoca.org](mailto:krobinson@paoca.org)

Vincent E. Gentile, Esq.  
Drinker Biddle & Reath LLP  
105 College Road East  
P.O. Box 627  
Princeton, NJ 08542-0627  
[vincent.gentile@dbr.com](mailto:vincent.gentile@dbr.com)

Sharon E. Webb, Esq.  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101  
[swebb@pa.gov](mailto:swebb@pa.gov)

Ginene A. Lewis, Esq.  
Drinker Biddle & Reath LLP  
One Logan Square, Suite 2000  
Philadelphia, PA 19103-6996  
[Ginene.lewis@dbr.com](mailto:Ginene.lewis@dbr.com)

Shevy Simins, Supervisor  
HIKO Energy, LLC  
12 College Road  
Monsey, NY 10952  
[ssimins@hikoenergy.com](mailto:ssimins@hikoenergy.com)

John M. Abel, Esq.  
Nicole Beck, Esq.  
Bureau of Consumer Protection  
Office of Attorney General  
Strawberry Square, 15<sup>th</sup> Floor  
Harrisburg, PA 17120  
[jabel@attorneygeneral.gov](mailto:jabel@attorneygeneral.gov)  
[nbeck@attorneygeneral.gov](mailto:nbeck@attorneygeneral.gov)



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Stephanie M. Wimer  
Prosecutor  
PA Attorney ID No. 207522

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000  
[stwimer@pa.gov](mailto:stwimer@pa.gov)

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