



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

KATHLEEN G. KANE  
ATTORNEY GENERAL

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Public Protection Division  
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August 28, 2014

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor (filing room)  
PO Box 3265  
Harrisburg, Pennsylvania 17105-3265

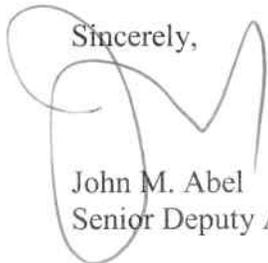
Re: Commonwealth of Pennsylvania and the Office of Consumer Advocate v. IDT  
Energy, Inc.

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of the Commonwealth of Pennsylvania and the Office of Consumer Advocate. Copies of this document have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions related to this filing, please do not hesitate to contact my office.

Sincerely,

  
John M. Abel  
Senior Deputy Attorney General

Enclosures

cc: Honorable Elizabeth H. Barnes (with enclosures)  
Honorable Joel H. Cheskis (with enclosures)  
Certificate of Service (with enclosures)

**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,	:	
Complainants	:	
	:	Docket No. C-2014-2427657
v.	:	
	:	
IDT ENERGY, INC.	:	
Respondent	:	

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MOTION TO COMPEL OF THE COMMONWEALTH OF PENNSYLVANIA  
AND THE OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code § 5.342(g), the Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane through the Bureau of Consumer Protection (Attorney General) and the Acting Consumer Advocate Tanya J. McCloskey (OCA) (collectively Joint Complainants) respectfully moves the Administrative Law Judges to enter an Order compelling Respondent IDT Energy, Inc. (IDT or Respondent) to provide the full and complete answers/responses to Specified Requests for Production of Documents within ten days. In Support of this Motion, Joint Complainants aver as follows:

**I. BACKGROUND**

The Joint Complaint alleges that IDT, through its business practices, misled and deceived consumers as to the price they would pay for their electricity, all to their harm and detriment. On June 20, 2014, Joint Complainants brought a legal action against IDT, for violations of

Pennsylvania law and Pennsylvania Public Utility Commission (Commission) order and regulations. Joint Complainants averred seven separate counts against IDT, including, but not limited to, making misleading and deceptive promises of savings, slamming, lack of good faith handling of complaints and failing to provide accurate pricing information.

**II. MOTION TO COMPEL**

On August 8, 2014, Joint Complainants served their second set of Requests for Production of Documents (“Joint Complainants Set II”) upon IDT. Joint Complainants Set II consists of one request for production of documents. A copy of Joint Complainants Set II is attached hereto as Exhibit A. On August 18, 2014, IDT filed objections to Joint Complainants Set II. IDT did not attempt to resolve its objection with Joint Complainants before filing of its Objections. A copy of IDT’s objection to Joint Complainants Set II is attached hereto as Exhibit

B. Joint Complainants Set II-1 states:

Please produce copies of all call logs, transcripts, or auto-recordings, contracts, and any other documents or records of communication kept or maintained by Respondent and Respondent’s employees, third-party contractors, sub-contractors, representatives or agents for purposes of contract acceptance and third party authorization for switching for the following Pennsylvania consumers:

First Name	Last Name	Business Name
Florence	Alexander	
Brenda	Ansell	
Utkirbek	Ashurov	
Tabitha	Barshinger	
Pernell	Beimel	
Patrick	Blouie	
Grace	Boyd	
George	Broderick	
William	Brush	
Mary Jo	Bulisco	
Angel	Burd	
Phyllis	Burgess	
Donna	Campbell	

Frankie	Carson	
Bonita	Chamberlain	
Carla	Chamberlain	
Karen	Christenson	
Jay	Conzemius	
Adrian	Corcoran	
Donna	Cornetto	
Sandra	Cox	
Bettie	Coyne	
Dan	Creehan	
Gregory	Dalle-Tezze	
Loretta	Daniels	
Thomas R.	Davis	Braintrim Baptist Church
Connie	Dean	
Philip	DeFabio	
Donald	Delamater	
Herbert	Dice	
Gary	Dieffenbach	
Ronald & Shirley	Dienes	
Joshua	Dixon	
Cynthia	Dixon	
Ann	Eastman	
Ellen	Ebersole	
Amanda	Eck	
George	Ferree	
Tammy	Ferrell	
William	Forringer III	
William	Foster	
Mary	Frengel	
Lori	Freyer	
Heather	Fridinger	
Christopher	Fry	
Bonita	Gahagan	
James	Galloway Jr	
John	Gibson	
Elsie	Gonsman	Roaring Springs Mennonite Church
Gerald	Good	

Ryan	Gross	
Leonard	Guiher Jr	
James	Hall	
Thomas	Hall	
April	Harris	
Richard	Heister	
Chris	Helsel	
Donna	Henderson	
Joey	Hershey	
Lida	Horn	
Patricia	Hutchison	
Michael	Iskey	
Harold	Jones	
Joseph	Jurczak	
Michael	Kelley	
Heather & Travis	Kennedy	
Karen	Killinger - Humes	
Dusti	Kimberling	
Gary	Kisko	
Chris	Kline	
Michael	Koehler	
David	Konopisos	
Joe	Kosisko	
Catherine	Kruckvich	
William	Lane	
Jerry & Linda	Lauver	
John	Lee	
Patrick	Leonard Sr	
Dana	Lewis	
Bruce	Lilley	
Fred	Lint	The Country Store
Ruth	Loffredi	Clearfield Arts Studio Theatre, Inc.
Robert	Lytle	
Renee	Mallory	
Louis	Mascaro	
Lisa	Maskowitz	
Frank	McClain	
Timothy	McClure	

Brandon	McCombs	
Darlene	Merrone	
Timothy	Meyer	
David	Miller	
John	Miller	
C Richard	Miller	
Jesse	Miller	
Richard & Carol	Miller	
Lydia	Mulhollen	
Anna	Musser	
Samuel	Muto	
Lam	Nguyen	
Sondra	Nolf	
Penney	Noss	
Gerard	O'Leary	
Elsie	O'Neill	
Shirley	Patrylak	
John	Peleschak	
JoAnna	Perkins	
Randy	Phillips	
Warner	Piatt	
Lois	Powers	
Troy	Ramsey	
Rudolph & Lisa	Redilla	
June	Renninger	
Michael & Sheila	Reynolds	
Nathan & Layla	Robbins	
William	Robinson	
Sandra	Rodenheaver	
Joanie	Salchli	
Cornelius & Helen	Schachte	
Jason	Schetrompf	
Rose	Schnader	
Paul	Shaffer	
Rodger	Shimmel	
James	Shively Jr.	
Larry	Show	
Troy	Smith	
Shawn	Smith	

Joseph	Smith	
Joel & Susan	Sollenberger	
Clyde & DJ	Sollenberger	
Mark	Spaid	
Kathleen	Spencer	
Tammy	Starr	
Leanna	Stasiulatis	
Loren	Stutzman	
Tracy	Sullivan	
Mary Jane	Tanner	
Eric	Todd	
Damon	Villella	
Robert	Wakeley Jr	
Celina	Weaver	
Arlene	Wilt	
Randall	Wood	
Tiffany	Yesavage	
Leon	Yoder	
Melissa	Ziegler	
Zygmunt	Zielinski	
		Todd Township Supervisors

In its Objections, IDT asserts that the information requested is irrelevant to the issues in this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. See Exhibit B, p. 6. IDT claims that to the extent the information requested concerns customers who previously filed complaints against IDT with the Commission and the Attorney General and that have been “resolved,” such complaints cannot be “re-opened in the context of the current proceeding.” Id. IDT further claims that the Attorney General is precluded from relying on these “settled customer complaints for its prosecution of this matter, under principles of res judicata and accord and satisfaction.” Id.

In their Set II, Joint Complainants seek information directly related to the slamming count in the Joint Complainants’ lawsuit against IDT. See Joint Complaint at Count III. The

information sought is clearly relevant to whether IDT has violated and continues to violate the Commission's regulations and Orders by switching customers to Respondent without the customers' consent and is, consequently, reasonably calculated to lead to the discovery of admissible evidence regarding IDT's compliance with the Commission's regulations prohibiting deceptive or misleading conduct. See Joint Complaint at Count III.

The principles of accord and satisfaction and res judicata are not applicable in this action. Joint Complainants are not bringing this action on behalf of individual consumers. Rather, Joint Complainants merely used information provided by individual consumers to formulate the Joint Complaint. The Commission has recognized that where there is one complaint made to the Commission, there are likely substantially more of the same nature that have not been formally made. See e.g. Arthur Rand v. GTE North, 1999 Pa. PUC LEXIS 55, \*9-10 (March 19, 1999). In this action, Joint Complainants seek to represent the interests of consumers and the public interest at large, as they have been authorized to do pursuant to Pennsylvania Law, 71 P.S. § 309-1, *et seq.*; Pennsylvania Constitution Article IV § 4.1; the Consumer Protection Law, 73 P.S. § 201-4;.

The OCA statute states: "it shall be [the Consumer Advocate's] duty, in carrying out the responsibilities under this act, to ... initiat[e] proceedings if in his judgment such may be necessary ..." 71 P.S. Sec. 309-4(a). Further, subpart (b) states that "[t]he Consumer Advocate may exercise discretion in determining the interests of consumers which will be advocated in any particular proceeding and in determining whether or not ... to initiate any particular proceeding and, in so determining, shall consider the public interest, the resources available and the substantiality of the effect of the proceedings on the interest of consumers." The Constitution of the Commonwealth of Pennsylvania established the Office of Attorney General as the "chief law

officer,” an elected position and an independent office of the Commonwealth. Pennsylvania Constitution Article IV, § 4.1. The Attorney General is vested with the authority to bring an action “in the name of the Commonwealth” when she deems it to be “in the public interest” against “any person” engaging in any method, act or practice declared unlawful by the Consumer Protection Law. 73 P.S. § 201-4.

The satisfaction, settlement, or dismissal of customer complaints cannot impact the Joint Complainants’ authority to obtain the full scope of relief in proceedings brought on behalf of the public. This action by Joint Complainants is controlled by different considerations than the private concerns in any satisfaction, settlement, or dismissal of customer complaints. See Weinberg v. Sun Co., Inc., 565 Pa. 612, 617, 777 A. 2d 442, 445-446 (2001) (differentiating between a private suit and an action brought by the Attorney General in the name of the Commonwealth where certain elements of proof are appropriate for a high public official responsible for protecting the public interest).

Similarly, in Commodity Future Trading Commission v. Commercial Hedge Services, Inc., 422 F. Supp. 2d 1057 (D. Neb. 2006), a federal district court held that a federal agency was not barred from seeking restitution from a company despite the fact that some of the private victims had entered into settlement agreements with the company and received money. The court found that when private parties settle their disputes without the consent of the government agency, those settlements cannot preclude the government agency from later seeking additional or more full restitution or any other remedy. Id at 1061. See also, Herman v. South Carolina National Bank, 140 F.3d 1413, 1425 (11<sup>th</sup> Cir. 1998) (recognizing “well-established general principle that the government is not bound by private litigation when the

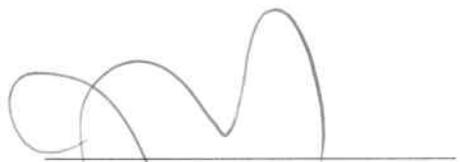
government's action seeks to enforce a federal statute that implicates both public and private interests").

IDT's objections are not a reason to deny the Joint Complainants information plainly relevant to this action. Joint Complainants are seeking documents or records of communications showing IDT's policies, procedures, or practices related to contract acceptance and third party authorization for switching Pennsylvania consumers. Joint Complainants submit that the request for production of documents specified and requested above should be produced, and IDT's objection should be overruled.

### III. CONCLUSION

For the foregoing reasons, the Joint Complainants' request for information in Joint Complainants Set II is relevant, reasonable and sought in good faith. The Joint Complainants respectfully request that the Administrative Law Judge enter an Order compelling IDT to provide full and complete answers/responses to Joint Complainants Set II within ten days.

Respectfully submitted,



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Senior Deputy Attorney General  
PA Attorney I.D. 47313

Margarita Tulman  
Deputy Attorney General  
PA Attorney I.D. 313514

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ctunilo@paoca.org  
krobinson@paoca.org

Counsel for:

Kathleen G. Kane, Attorney General  
Bureau of Consumer Protection

Date: August 28, 2014

Counsel for:

Tanya J. McCloskey  
Acting Consumer Advocate

# **EXHIBIT A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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COMMONWEALTH OF PENNSYLVANIA, by  
Attorney General KATHLEEN G. KANE,  
Through the Bureau of Consumer Protection

And

Docket No. C-2014- 2427657

TANYA J. McCLOSKEY, Acting Consumer  
Advocate

Complainants

v.

IDT ENERGY, INC.

Respondent

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**REQUESTS FOR PRODUCTION OF DOCUMENTS OF JOINT COMPLAINANTS**

**COMMONWEALTH OF PENNSYLVANIA AND THE OFFICE OF CONSUMER**

**ADVOCATE DIRECTED TO IDT ENERGY, INC.**

**SET II**

The Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane through the Bureau of Consumer Protection (Attorney General) and the Acting Consumer Advocate Tanya J. McCloskey (OCA) (collectively referred to as Joint Complainants), pursuant to 52 Pa. Code § 5.349, hereby propound the following requests for production of documents upon IDT Energy, Inc. (Respondent). In accordance with 52 Pa. Code § 5.349(d), the documents are to be furnished and served in-hand upon the undersigned within the time period prescribed by the Commission for this docket.

## INSTRUCTIONS

1. These data requests shall be construed as a continuing request. The Respondent is obliged to change, supplement and correct all answers to data requests to conform to available information; including such information as first becomes available to the Respondent after the answers hereto are filed.
2. If after exercising due diligence to secure the information requested by any one of the following data requests the Respondent cannot answer or provide the information requested, so state and answer to the extent possible specifying Respondent's inability to answer the remainder, providing whatever information or knowledge Respondent has concerning the unanswered portion and detailing what attempts Respondent made to secure the unknown information.
3. Restate the data request immediately preceding each response and begin each data request and response on a new page.
4. Identify the name, title, and business address of each person(s) providing each response.
5. Provide the date on which the response was created.
6. Divulge all information that is within the knowledge, possession, control, or custody of Respondent or may be reasonably ascertained thereby. The term "IDT Energy, Inc." or "IDT Energy," or "you," as used herein includes IDT Energy Inc., its attorneys, agents, employees, contractors, or other representatives, to the extent that the Respondent has the right to compel the action requested herein.
7. Provide verification by the responsible witness that all facts contained in the response are true and correct to the best of the witness' knowledge, information and belief.

8. As used herein, but only to the extent not protected by 52 Pa. Code Section 5.323, the word "document" or "workpaper" includes, but is not limited to, the original and all copies in whatever form, stored or contained in or on whatever media or medium including computerized memory, magnetic, electronic, or optical media, regardless of origin and whether or not including additional writing thereon or attached thereto, and may consist of:

- a) notations of any sort concerning conversations, telephone calls, meetings or other communications;
- b) bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys;
- c) worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing.

9. If Respondent claims any information requested herein is protected pursuant to 52 Pa. Code Section 5.323 or pursuant to any other rule of discovery, provide a general description of the information sought to be protected and the exact nature of the protection claimed.

10. The singular of any word used here in shall be deemed to include the plural of such word, and the plural shall include the singular.

#### DEFINITIONS

1. In answering these data requests, assume that all words used have their ordinary meanings in normal English usage, except as provided below or where context requires other interpretation.

2. "Document" or "documents" means all writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on

such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, summaries, pamphlets, books, inter-office and intra-office communication, notation of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, fax, work sheets, all drafts, alterations, modifications, changes and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, records) and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, records, and computer memories) now in the possession, custody or control of the Respondent, his agents, employees, attorneys and all other persons action on their behalf.

3. "Communication" means any transmission or exchange of information or meaning between two or more persons in any form.

4. "You" or "Your" shall refer to IDT Energy, Inc.; and all other names under which IDT Energy, Inc. does business or trades, any subsidiaries, agents, employees, representatives, attorneys and all other persons acting on their behalf.

#### **REQUESTS FOR PRODUCTION**

1. Please produce copies of all call logs, transcripts, or auto-recordings, contracts, and any other documents or records of communication kept or maintained by Respondent and Respondent's employees, third-party contractors, sub-contractors, representatives or agents for purposes of contract acceptance and third party authorization for switching for the following Pennsylvania consumers:

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Timothy	Meyer	
David	Miller	
John	Miller	
C Richard	Miller	
Jesse	Miller	
Richard & Carol	Miller	
Lydia	Mulhollen	
Anna	Musser	
Samuel	Muto	
Lam	Nguyen	
Sondra	Nolf	
Penney	Noss	
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John	Peleschak	
JoAnna	Perkins	
Randy	Phillips	
Warner	Piatt	
Lois	Powers	
Troy	Ramsey	
Rudolph & Lisa	Redilla	

June	Renninger	
Michael & Sheila	Reynolds	
Nathan & Layla	Robbins	
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Arlene	Wilt	
Randall	Wood	
Tiffany	Yesavage	
Leon	Yoder	
Melissa	Ziegler	
Zygmunt	Zielinski	
		Todd Township Supervisors

# **EXHIBIT B**



<i>Brenda</i>	<i>Ansell</i>	
<i>Utkirbek</i>	<i>Ashurov</i>	
<i>Tabitha</i>	<i>Barshinger</i>	
<i>Pernell</i>	<i>Beimel</i>	
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<i>Angel</i>	<i>Burd</i>	
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<i>Donna</i>	<i>Campbell</i>	
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<i>Gregory</i>	<i>Dalle-Tezze</i>	
<i>Loretta</i>	<i>Daniels</i>	
<i>Thomas R.</i>	<i>Davis</i>	<i>Braintrim Baptist Church</i>
<i>Connie</i>	<i>Dean</i>	
<i>Philip</i>	<i>DeFabio</i>	
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<i>Herbert</i>	<i>Dice</i>	
<i>Gary</i>	<i>Dieffenbach</i>	
<i>Ronald &amp; Shirley</i>	<i>Dienes</i>	
<i>Joshua</i>	<i>Dixon</i>	
<i>Cynthia</i>	<i>Dixon</i>	
<i>Ann</i>	<i>Eastman</i>	
<i>Ellen</i>	<i>Ebersole</i>	
<i>Amanda</i>	<i>Eck</i>	
<i>George</i>	<i>Ferree</i>	
<i>Tammy</i>	<i>Ferrell</i>	

<i>William</i>	<i>Forringer III</i>	
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<i>Mary</i>	<i>Frengel</i>	
<i>Lori</i>	<i>Freyer</i>	
<i>Heather</i>	<i>Fridinger</i>	
<i>Christopher</i>	<i>Fry</i>	
<i>Bonita</i>	<i>Gahagan</i>	
<i>James</i>	<i>Galloway Jr</i>	
<i>John</i>	<i>Gibson</i>	
<i>Elsie</i>	<i>Gonsman</i>	<i>Roaring Springs Mennonite Church</i>
<i>Gerald</i>	<i>Good</i>	
<i>Ryan</i>	<i>Gross</i>	
<i>Leonard</i>	<i>Guiher Jr</i>	
<i>James</i>	<i>Hall</i>	
<i>Thomas</i>	<i>Hall</i>	
<i>April</i>	<i>Harris</i>	
<i>Richard</i>	<i>Heister</i>	
<i>Chris</i>	<i>Helsel</i>	
<i>Donna</i>	<i>Henderson</i>	
<i>Joey</i>	<i>Hershey</i>	
<i>Lida</i>	<i>Horn</i>	
<i>Patricia</i>	<i>Hutchison</i>	
<i>Michael</i>	<i>Iskey</i>	
<i>Harold</i>	<i>Jones</i>	
<i>Joseph</i>	<i>Jurczak</i>	
<i>Michael</i>	<i>Kelley</i>	
<i>Heather &amp; Travis</i>	<i>Kennedy</i>	
<i>Karen</i>	<i>Killinger - Humes</i>	
<i>Dusti</i>	<i>Kimberling</i>	
<i>Gary</i>	<i>Kisko</i>	
<i>Chris</i>	<i>Kline</i>	
<i>Michael</i>	<i>Koehler</i>	
<i>David</i>	<i>Konopisos</i>	
<i>Joe</i>	<i>Kosisko</i>	
<i>Catherine</i>	<i>Kruckvich</i>	
<i>William</i>	<i>Lane</i>	
<i>Jerry &amp; Linda</i>	<i>Lauver</i>	
<i>John</i>	<i>Lee</i>	

<i>Patrick</i>	<i>Leonard Sr</i>	
<i>Dana</i>	<i>Lewis</i>	
<i>Bruce</i>	<i>Lilley</i>	
<i>Fred</i>	<i>Lint</i>	<i>The Country Store</i>
<i>Ruth</i>	<i>Loffredi</i>	<i>Clearfield Arts Studio Theatre, Inc.</i>
<i>Robert</i>	<i>Lytle</i>	
<i>Renee</i>	<i>Mallory</i>	
<i>Louis</i>	<i>Mascaro</i>	
<i>Lisa</i>	<i>Maskowitz</i>	
<i>Frank</i>	<i>McClain</i>	
<i>Timothy</i>	<i>McClure</i>	
<i>Brandon</i>	<i>McCombs</i>	
<i>Darlene</i>	<i>Merrone</i>	
<i>Timothy</i>	<i>Meyer</i>	
<i>David</i>	<i>Miller</i>	
<i>John</i>	<i>Miller</i>	
<i>C Richard</i>	<i>Miller</i>	
<i>Jesse</i>	<i>Miller</i>	
<i>Richard &amp; Carol</i>	<i>Miller</i>	
<i>Lydia</i>	<i>Mulhollen</i>	
<i>Anna</i>	<i>Musser</i>	
<i>Samuel</i>	<i>Muto</i>	
<i>Lam</i>	<i>Nguyen</i>	
<i>Sondra</i>	<i>Nolf</i>	
<i>Penney</i>	<i>Noss</i>	
<i>Gerard</i>	<i>O'Leary</i>	
<i>Elsie</i>	<i>O'Neill</i>	
<i>Shirley</i>	<i>Patrylak</i>	
<i>John</i>	<i>Peleschak</i>	
<i>JoAnna</i>	<i>Perkins</i>	
<i>Randy</i>	<i>Phillips</i>	
<i>Warner</i>	<i>Piatt</i>	
<i>Lois</i>	<i>Powers</i>	
<i>Troy</i>	<i>Ramsey</i>	
<i>Rudolph &amp; Lisa</i>	<i>Redilla</i>	
<i>June</i>	<i>Renninger</i>	
<i>Michael &amp; Sheila</i>	<i>Reynolds</i>	

<i>Nathan &amp; Layla</i>	<i>Robbins</i>	
<i>William</i>	<i>Robinson</i>	
<i>Sandra</i>	<i>Rodenheaver</i>	
<i>Joanie</i>	<i>Salchli</i>	
<i>Cornelius &amp; Helen</i>	<i>Schachte</i>	
<i>Jason</i>	<i>Schetrompf</i>	
<i>Rose</i>	<i>Schnader</i>	
<i>Paul</i>	<i>Shaffer</i>	
<i>Rodger</i>	<i>Shimmel</i>	
<i>James</i>	<i>Shively Jr.</i>	
<i>Larry</i>	<i>Show</i>	
<i>Troy</i>	<i>Smith</i>	
<i>Shawn</i>	<i>Smith</i>	
<i>Joseph</i>	<i>Smith</i>	
<i>Joel &amp; Susan</i>	<i>Sollenberger</i>	
<i>Clyde &amp; DJ</i>	<i>Sollenberger</i>	
<i>Mark</i>	<i>Spaid</i>	
<i>Kathleen</i>	<i>Spencer</i>	
<i>Tammy</i>	<i>Starr</i>	
<i>Leanna</i>	<i>Stasiulatis</i>	
<i>Loren</i>	<i>Stutzman</i>	
<i>Tracy</i>	<i>Sullivan</i>	
<i>Mary Jane</i>	<i>Tanner</i>	
<i>Eric</i>	<i>Todd</i>	
<i>Damon</i>	<i>Villella</i>	
<i>Robert</i>	<i>Wakeley Jr</i>	
<i>Celina</i>	<i>Weaver</i>	
<i>Arlene</i>	<i>Wilt</i>	
<i>Randall</i>	<i>Wood</i>	
<i>Tiffany</i>	<i>Yesavage</i>	
<i>Leon</i>	<i>Yoder</i>	
<i>Melissa</i>	<i>Ziegler</i>	
<i>Zygmunt</i>	<i>Zielinski</i>	
		<i>Todd Township Supervisors</i>

### **IDT's Objection to Set II-1**

IDT objects to this Request for Production to the extent that it seeks information regarding customers who previously filed complaints against IDT which have already been resolved. Many of these customers had previously filed formal or informal complaints against IDT with the Commission and/or the Attorney General in 2014. To the extent that IDT has satisfied or settled complaints filed with the PUC or such complaints have been dismissed, such complaints cannot be re-opened in the context of the current proceeding. See 66 Pa.C.S.A §§ 316 and 703(a). Similarly, all customer complaints that were filed with the Attorney General (that were actually provided to IDT) included a directive to IDT to attempt to satisfy the customer's complaint amicably via a mediation process. IDT relied upon these requests by the Attorney General in reaching amicable resolutions with complainants in all such cases, which resolutions were documented in written submissions to the Attorney General. Therefore, the Attorney General is precluded from relying on these settled customer complaints for its prosecution of this matter, under principles of res judicata and accord and satisfaction. As such, information requested about these customers and their enrollments are irrelevant to the case at bar, and therefore the request is not reasonably calculated to lead to the discovery of admissible evidence.

IDT will respond to this Request by providing materials related to customers who did not file complaints with the Commission, whose complaints were not served on IDT by the Attorney General, or whose complaints have not yet been resolved.

Respectfully submitted,

STEVENS & LEE

A handwritten signature in cursive script that reads "Michael A. Gruin".

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DATE: August 18, 2014



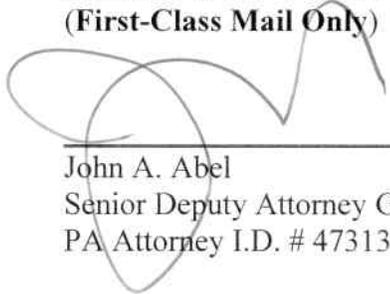
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