



Todd S. Stewart
Office: 717 236-1300 x 242
Direct: 717 703-0806
tsstewart@hmslegal.com

Christopher M. Arfaa
Office: 717 236-1300 x231
Direct: 717-703-0802
cmarfaa@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

October 20, 2014

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor (filing room)
Harrisburg, PA 17120

Re: Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane,
Through the Bureau of Consumer Protection and Tanya J. McCloskey, Acting
Consumer Advocate v. Energy Services Providers, Inc. d/b/a Pennsylvania Gas &
Electric; Docket No. C-2014-2427656; **ENERGY SERVICE PROVIDERS,
INC. d/b/a PENNSYLVANIA GAS & ELECTRIC'S MOTION IN LIMINE
TO RESTRICT INTRODUCTION OF EVIDENCE**

Dear Secretary Chiavetta:

Enclosed please find Energy Service Providers, Inc. d/b/a Pennsylvania Gas & Electric's
Motion *in Limine* to Restrict Introduction of Evidence in the above-captioned matter. Copies
will be provided as indicated on the Certificate of Service

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



Todd S. Stewart
Christopher M. Arfaa

CMA/das
Enclosures

cc: Administrative Law Judge Elizabeth Barnes (by email and first class mail)
Administrative Law Judge Joel H. Cheskis (by email and first class mail)
Certificate of Service

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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).

BY FIRST CLASS U.S. MAIL

John M. Abel, Esquire
Nicole R. Beck, Esquire
PA Office of Attorney General
Bureau of Consumer Protection
15th Floor, Strawberry Square
Harrisburg, PA 17120
jabel@attorneygeneral.gov
nbeck@attorneygeneral.gov

Sharon Webb, Esquire
Office of Small Business Advocate
300 North Second Street, Suite 1102
Harrisburg, PA 17101
swebb@pa.gov

Stephanie Wimer, Esquire
PA Public Utility Commission
Office of The Law Bureau
PO Box 3265
Harrisburg, PA 17105-3265
stwimer@pa.gov

Candis A. Tunilo, Esquire
Brandon J. Pierce, Esquire
Kristine E. Robinson, Esquire
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
ctunilo@paoca.gov
bpierce@paoca.gov
krobinson@paoca.gov

Christopher A. Lewis, Esquire
Charles A. Fitzpatrick, IV, Esquire
Blank Rome, LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19130
Lewis@BlankRome.com
Fitzpatrick-C@BlankRome.com



Todd S. Stewart
Christopher M. Arfaa
*Counsel for Energy Services Providers, Inc.
d/b/a Pennsylvania Gas & Electric*

DATED: October 20, 2014

**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,

v.

ENERGY SERVICES PROVIDERS, INC.
d/b/a PENNSYLVANIA GAS & ELECTRIC,

Respondent.

Docket No. C-2014-2427656

NOTICE

TO: **Candis A. Tunilo**, Assistant Consumer Advocate
Kristine E. Robinson, Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923

John M. Abel, Senior Deputy Attorney General
Nichole R. Beck, Deputy Attorney General
Bureau of Consumer Protection
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

PLEASE TAKE NOTICE that Energy Services Providers, Inc. d/b/a Pennsylvania Gas & Electric (“ESP”) has filed a Motion *In Limine* to Restrict Introduction of Evidence (“Motion”). Pursuant to 52 Pa. Code §§ 5.102 and 5.103, **you are hereby notified that that an answer or other responsive pleading shall be filed within twenty (20) days of service of the Motion.** Your failure to file an answer or other responsive pleading will allow the presiding officer to rule on the Motion without a response from you. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel.

Christopher A. Lewis (Pa. ID No. 29375)
Charles A. Fitzpatrick IV (Pa. ID No. 309113)
BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19130
Telephone: (215) 569-5500
Lewis@BlankRome.com
Fitzpatrick-C@BlankRome.com


Todd S. Stewart (Pa. ID No. 75556)
Christopher M. Arfaa (Pa. ID No. 57047)
HAWKE MCKEON & SNISCAK LLP
100 North Tenth Street
P.O Box 1778
Harrisburg, PA 17105-1778
Telephone: 717-236-1300
Facsimile: 717-236-4841
tsstewart@hmslegal.com
cmarfaa@hmslegal.com

**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,

v.

ENERGY SERVICES PROVIDERS, INC.
d/b/a PENNSYLVANIA GAS & ELECTRIC,

Respondent.

Docket No. C-2014-2427656

**ENERGY SERVICES PROVIDERS, INC. d/b/a PENNSYLVANIA GAS & ELECTRIC'S
MOTION IN LIMINE TO RESTRICT INTRODUCTION OF EVIDENCE**

Christopher A. Lewis (Pa. ID No. 29375)
Charles A. Fitzpatrick IV (Pa. ID No. 309113)
BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19130
Telephone: (215) 569-5500
Lewis@BlankRome.com
Fitzpatrick-C@BlankRome.com

Todd S. Stewart (Pa. ID No. 75556)
Christopher M. Arfaa (Pa. ID No. 57047)
HAWKE MCKEON & SNISCAK LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
Telephone: 717-236-1300
Facsimile: 717-236-4841
tsstewart@hmslegal.com
cmarfaa@hmslegal.com

Attorneys for ENERGY SERVICES PROVIDERS, INC. d/b/a PENNSYLVANIA GAS & ELECTRIC

DATED: October 20, 2014

Pursuant to 52 Pa. Code § 5.103, Respondent, Energy Service Providers, Inc. d/b/a Pennsylvania Gas & Electric (“ESP”), by its undersigned attorneys, respectfully moves the Honorable Presiding Administrative Law Judges (“ALJs”) of the Pennsylvania Public Commission (“Commission”) for entry of an order *in limine* directing that no evidence of the allegations contained in formal complaints against ESP that are the subject of filed, unobjected-to Certificates of Satisfaction (including testimony by the customer-complainants) shall be introduced or admitted into the record of this matter.

I. INTRODUCTION AND BACKGROUND

ESP is an electric generation supplier (“EGS”) licensed by the Commission to supply electric generation services to residential, small commercial, large commercial, industrial, and government consumers throughout Pennsylvania. Consistent with this license, ESP offers variable rate electric generation services to residential consumers throughout Pennsylvania. In January and February of 2014, Pennsylvania experienced abnormally cold weather due to a so-called “polar vortex.” The cold weather contributed to increased and, on some days, record breaking use of electricity. As consumer usage surged to unprecedented levels on those days, so did wholesale prices for electricity. As a result, the retail rates charged to ESP’s residential variable rate customers also sharply increased.

On June 20, 2014, the Office of Attorney General’s Bureau of Consumer Protection (“OAG/BCP”) and the Office of Consumer Advocate (“OCA”) (collectively, “Joint Complainants”) filed the above-captioned Complaint against ESP. The Complaint contains seven counts: Count I – Misleading and Deceptive Promises of Savings; Count II – Slamming; Count III – Misleading and Deceptive Welcome Letter; Count IV – Lack of Good Faith

Handling of Complaints; Count V – Failing to Provide Accurate Pricing Information; Count VI – Prices Nonconforming to Disclosure Statement; and Count VII – Failure to Comply with the Telemarketer Registration Act. The Complaint alleges that, at the time it was filed, twenty-three customers had filed formal complaints against ESP at the Commission (Complaint ¶ 21) (ESP has been served with complaints filed by twenty-two, not twenty-three of these customers).¹ Each of the seven counts of the Complaint is based in part on the allegations of some or all of the alleged formal complaints. (See Complaint ¶¶ 26, 34, 40, 48, 52, 63, 68.)²

To date, the Commission has served ESP with approximately 83 formal complaints relating to the price increases associated with the polar vortex. ESP has satisfied all but the most recently-served of these complaints (which ESP anticipates satisfying as well).³ Pursuant to 52 Pa. Code § 5.24(b), ESP has filed a Certificate of Satisfaction with respect to each satisfied formal complaint. In each case, ESP served a copy of the Certificate and cover letter upon the complainant. Both the cover letters and the Certificates of Satisfaction state that unless the complainant filed an objection within ten (10) days, the formal complaint could be withdrawn

¹ The Joint Complainants have identified the twenty-three alleged complainants in response to ESP's discovery requests. ESP has confirmed that it has been served with, and has satisfied, the formal complaints filed by twenty-two of the identified complainants. (See Exhibit A (listing served and satisfied complaints).) After diligent search, ESP has found no evidence, either in its own records or in the Commission's electronic listing of daily actions, that it was served with a formal complaint filed by the twenty-third alleged complainant.

² Paragraphs 26, 34, and 48 of the Complaint expressly refer to subsets of the 23 formal complaints in support of the allegations of Counts I, II and IV. Paragraph 40 of Count III incorporates the allegations of paragraphs 21, 26 and 34 by reference, and paragraphs 52, 63, 68 and 78 of Counts V, VI and VII and the prayer for relief, respectively, incorporate the allegations of paragraphs 21, 26, 34 and 48 by reference.

³ A schedule of formal complaints for which ESP has filed Certificates of Satisfaction is attached hereto as Exhibit A.

and the Commission's file closed. To date, no objection to any Certificate of Satisfaction has been received by ESP or listed in the electronic formal complaint dockets.

By relying upon the allegations of the satisfied formal complaints to support their demands for injunctive and monetary relief, the Joint Complainants seek to hold ESP responsible for the matters alleged in therein, thereby effectively reopening the complaint proceedings. However, as argued below, the Public Utility Code bars relitigation of the allegations of satisfied formal complaints. Section 703(a) of the Code provides that when a respondent satisfies a complaint, the Commission "shall dismiss the complaint," and that the respondent is "relieved from further responsibility" for the "specific matter[s] complained of."⁴ Section 316 provides that the Commission's termination of formal complaint proceedings "shall remain conclusive upon all parties affected thereby" in subsequent proceedings.⁵ The introduction of any evidence of the allegations of the satisfied formal complaints in support of Joint Complainants' claims – either directly in testimony by the satisfied complainants or indirectly by references in expert testimony – would contravene the clear command of these provisions.

A ruling on the inadmissibility of such evidence prior to the service of the parties' prepared written testimony will promote efficient use of time and Commission and party resources. ESP therefore respectfully requests entry of an order ruling that evidence of the allegations of any formal complaints for which ESP has filed Certificates of Service without objection shall be inadmissible in this matter, and that no such evidence shall be introduced or admitted, either directly (e.g., via testimony of the formal complainants) or indirectly (e.g., via references in expert testimony, cross examination or briefs).

⁴ 66 Pa. C.S. § 703(a).

⁵ *Id.* § 316.

II. ARGUMENT

A. Motion in Limine

1. Legal standards.

A motion *in limine* is a procedure for obtaining a ruling on the admissibility of evidence prior to or during trial, but before the evidence has been offered.⁶ Motions *in limine* are subject to the general requirements of Section 5.103 of the Commission's rules of practice and procedure.⁷ The Commission has considered such motions in a number of proceedings and has granted them where appropriate.⁸

The Commission's rules provide that relevant and material evidence is generally admissible subject to exclusion on other grounds.⁹ Evidence will be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or considerations of undue delay or waste of time.¹⁰ Presiding officers are empowered to control the receipt of evidence by ruling on the admissibility of evidence and by confining the evidence to the issues in the proceeding, and they are directed to "actively employ these powers to direct and focus the

⁶ *In re PECO Energy Co.*, Docket No. A-00110550F0147, 2000 WL 33963140 (Pa. PUC June 22, 2000) (citing *Commonwealth v. Johnson*, 399 Pa. Superior Ct. 266, 582 A.2d 336 (1990), and *L. Packel & A.B. Poulin*, Pennsylvania Evidence §103.3 (1987)).

⁷ 52 Pa. Code § 5.103.

⁸ See, e.g., *Pa. Pub. Util. Comm'n v. Audubon Water Co.*, 92 Pa. P.U.C. 206 (1999) (motion *in limine* granted in part to limit the scope of intervenor's right to raise issues in the proceeding); *Pa. Pub. Util. Comm'n v. Phila. Gas Works*, 98 Pa. P.U.C. 121 (2003) (motion *in limine* granted to restrict the introduction of testimony and exhibits where party incorrectly attempted to enlarge the scope of the proceeding with such evidence).

⁹ 52 Pa. Code § 5.401(a).

¹⁰ *Id.* § 5.401(b)(2).

proceedings consistent with due process.”¹¹ This authority includes “imposition of limitations on the scope of evidence to be presented on issues raised in a proceeding.”¹²

2. Evidence of the specific conduct alleged in formal complaints that have been terminated pursuant to filed Certificates of Satisfaction should be ruled inadmissible.

It is plain from the allegations of the Complaint and their prehearing memorandum that Joint Complainants intend to prove their claims in part through evidence of conduct alleged in formal complaints filed against ESP.¹³ Pursuant to Sections 703 and 316 of the Public Utility Code,¹⁴ ESP’s satisfaction of formal complaints relieves ESP of responsibility for the conduct alleged and conclusively resolves the complaints in ESP’s favor. Therefore, evidence of ESP’s dealings with the customers who filed formal complaints cannot be introduced in support of Joint Complainants’ claims in this proceeding.

Section 703 provides that the satisfaction of a formal complaint relieves the respondent of further responsibility for the matters complained of:

If any party complained against, within the time specified by the commission, shall satisfy the complaint, the commission shall dismiss the complaint. Such party shall be relieved from responsibility only for the specific matter complained of.¹⁵

¹¹ *Id.* § 5.403(a)-(b).

¹² *Pa. Pub. Util. Comm’n. v. Pa. Pub. Util. Comm’n. – Pub. Water Div.*, 95 Pa. P.U.C. 76 (Feb. 9, 2001); *see* 52 Pa. Code § 5.403(b).

¹³ Counts I, II and IV of the Complaint expressly rely on the allegations of a number of satisfied formal complaints in support of their claims, and Counts III, V, VI and VII and the demand for relief incorporate those allegations by reference. (*See* Complaint ¶¶ 21, 26, 34, 40, 46, 48, 52, 63, 68, 78.)

¹⁴ 66 Pa. C.S. §§ 703, 316.

¹⁵ 66 Pa. C.S. § 703(a).

Having satisfied the formal complaints, ESP has been “relieved from further responsibility” by Section 703(a) with respect to the “specific matter[s] complained of” in each of the formal complaints.¹⁶

Under Section 316 of the Public Utility Code, the filing of a Certificate of Satisfaction which is not objected to and results in the closing of a complaint case conclusively resolves the issues raised in the complaint and thus bars subsequent claims on the same issues. Section 316 provides as follows, in pertinent part:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be prima facie evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.¹⁷

The Commission has repeatedly applied this provision to dismiss complaints raising matters previously resolved through a Certificate of Satisfaction. A recent opinion by ALJ Melillo provides a succinct summation of the Commission’s approach:

¹⁶ The intent of Section 703(a) plainly is to encourage the timely satisfaction of complaints by offering to relieve respondents from responsibility for the specific acts and omissions alleged. *See Delmarva Power & Light Co. v. Com.*, 582 Pa. 338, 351, 870 A.2d 901, 909 (2005) (“[I]t is a well established principle of statutory construction that when ‘the language of [a] statute is clear and unambiguous, a court need go no further to discern the legislature's intent.’”) (citations omitted); *Elite Indus., Inc. v. Public Utility Comm'n*, 574 Pa. 476, 832 A.2d 428, 431 (2003) (“Further, the plain words of the statute may not be ignored, and each word should be given effect.”) (citation omitted). Section 703 thus represents a policy choice by the Legislature to place the public interest in making individual complainants whole without delay or excessive litigation costs over the public interest in further investigation of the specific allegations of satisfied complaints. This is not to say that Section 703 insulates a respondent’s practices from Commission oversight. The relief from responsibility only applies to the “specific matter” that is the subject of a satisfied complaint. 66 Pa. C.S. § 703(a). While a respondent no longer must answer for its specific dealings with satisfied complainants, the Commission of course may consider the respondent’s dealings with *other* customers when investigating matters falling within the Commission’s jurisdiction.

¹⁷ 66 Pa. C.S. § 316.

In *Lorrie Reynolds v. PPL Electric Utilities Corporation*, Docket No. C-2011-2255268, Opinion and Order entered January 5, 2012 (*Reynolds*), the Commission reviewed an Initial Decision which had dismissed a complaint on the grounds of res judicata, for raising matters previously resolved through a Certificate of Satisfaction. While ruling that res judicata was not an appropriate ground for dismissal, as there had been no final judgment on the merits, the Commission found that Section 316 of the Public Utility Code (Code), 66 Pa. C.S. § 316, prohibited a complainant from raising the same issues before the Commission a second time. . . .

* * *

In its ruling that Section 316 of the Code was applicable, the Commission essentially concluded that a Certificate of Satisfaction, which was not objected to, and resulted in the closing of the case, conclusively determined that the issues had been resolved to the satisfaction of the complainant. Accordingly, the filing of another complaint on the same issues could not be permitted because the issues had already been, through the Certificate of Satisfaction, conclusively resolved.

Similarly, in *James E. Creehan v. Duquesne Light Company*, Docket No. C-2012-2297124, Opinion and Order entered May 23, 2013 (*Creehan*), the Commission affirmed its prior ruling in *Reynolds*, and agreed with Administrative Law Judge Hoyer that Section 316 of the Code precluded the complainant from raising the same issues a second time. In *Creehan*, as in the instant case, the complainant was attempting to relitigate the same issues that he had raised in a prior case, and this relitigation became evident during the hearing. Just as in this case, the complainant in *Creehan* testified that he became dissatisfied with his prior settlement of the issues, but did not object within the ten-day period provided by the Certificate of Satisfaction. In addition, as in the instant case, the complainant accepted a prior settlement credit. The Commission ruled in *Creehan* that a complainant cannot accept the prior settlement credit, fail to object to the Certificate of Satisfaction, and then file a second complaint to pursue the same claims.¹⁸

¹⁸ *Wright v. Philadelphia Gas Works*, C-2013-2368462, Initial Decision, slip op. at 8-9 (June 10, 2014) (Melillo, ALJ) (concluding, consistent with *Reynolds* and *Creehan*, that complainant could not pursue claims that were resolved in prior cases through an unobjected-to Certificate of Satisfaction); see also *Thomas M. Hartnett v. PPL Electric Utilities Corporation*, Docket No. F-2012-2329578, slip op. at 7 (Opinion and Order entered November 14, 2013)

This line of decisions also establishes that, contrary to August 20 Order, the judicial doctrine of *res judicata* does not determine the conclusive, *statutory* effect of the filing of a Certificate of Satisfaction without objection. In *Reynolds v. PPL*, the ALJ had dismissed a second complaint with prejudice pursuant to the doctrine of *res judicata*. The Commission found that while the case did not meet the criteria for *res judicata*, dismissal was nevertheless appropriate in light of the filed Certificate of Satisfaction:

Although we agree with the ALJ's dismissal of the Complaint with prejudice in this proceeding, we disagree with the ALJ's basis for the dismissal. We find that the doctrine of *res judicata* does not apply in this case because there was never a decision by the Commission on the merits of the case with regard to the May 2009 Complaint proceeding. Rather, the Certificate, which resolved the May 2009 Complaint and was approved by the Commission, has precluded the Complainant from raising the same claims before the Commission a second time.¹⁹

It is thus absolutely clear that the filing of a Certificate of Satisfaction without objection precludes *any* further litigation of the specific issues and claims raised in a formal complaint. Pursuant to Section 703(a), the respondent is relieved of *all* further responsibility for those issues and claims. Pursuant to Section 316, the issues and claims are conclusively resolved with respect to *all* affected parties, and therefore cannot be raised in a subsequent complaint. In this case, this means that liability cannot be imposed on ESP on the basis of the facts alleged and claims asserted in the satisfied formal complaints. The Public Utility Code thus places the allegations of ESP customers who filed formal complaints that were then satisfied beyond the scope of any subsequent complaint proceedings against ESP, including this one.

("When, as is the case here, a Certificate of Satisfaction has been filed resolving a complaint, the complainant is precluded from raising the same claims before the Commission a second time.") (citing *Creehan*).

¹⁹ *Reynolds*, slip op. at 5 (citing 66 Pa. C.S. § 316); see also *Wright*, slip op. at 8-9 (discussing *Reynolds*).

Since satisfaction of the formal complaints has conclusively relieved ESP of responsibility for the conduct alleged in those complaints, admission of evidence of that conduct, including testimony of the satisfied complainants, would deprive ESP of the protections afforded by Sections 703 and 316 of the Public Utility Code, frustrate the plain intent of the legislature to encourage satisfaction of individual customer complaints, undermine the finality of the Commission's complaint satisfaction procedures, and confuse the issues to be decided. Furthermore, admission of complainants' testimony regarding the allegations of their satisfied complaints will require ESP to cross examine each complainant and rebut their allegations, thus unduly delaying delay resolution of this proceeding and consuming substantial party and Commission resources. Therefore, an order should be issued ruling *in limine* that evidence of the specific conduct alleged in formal complaints against ESP that are the subject of unobjected-to Certificates of Satisfaction, including the testimony of the individual complainants and references in expert testimony, shall not be introduced or admitted into the record of this proceeding.

III. CONCLUSION

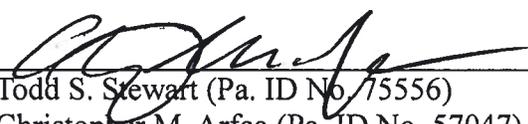
For all of the foregoing reasons, ESP respectfully requests the entry of an Order providing –

1. That ESP's Motion in Limine is granted;
2. That evidence of the allegations of the satisfied formal complaints identified in Exhibit A attached to ESP's motion is inadmissible in this matter, and no such evidence shall be introduced or admitted either directly (e.g., testimony of the formal complainants) or indirectly (e.g., referenced in expert testimony, cross examination or briefs);
3. That evidence of the allegations of any other formal complaints for which ESP has filed Certificates of Service without objection is inadmissible in this matter, and no such evidence shall be introduced or admitted either directly (e.g., testimony of the formal complainants) or indirectly (e.g., referenced in expert testimony, cross examination or briefs); and
4. Such other relief as may be just.

Dated: October 20, 2014

Respectfully submitted,

Christopher A. Lewis (Pa. ID No. 29375)
Charles A. Fitzpatrick IV (Pa. ID No. 309113)
BLANK ROME LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19130
Telephone: (215) 569-5500
Lewis@BlankRome.com
Fitzpatrick-C@BlankRome.com


Todd S. Stewart (Pa. ID No. 75556)
Christopher M. Arfaa (Pa. ID No. 57047)
HAWKE MCKEON & SNISCAK LLP
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778
Telephone: 717-236-1300
Facsimile: 717-236-4841
tsstewart@hmslegal.com
cmarfaa@hmslegal.com

Attorneys for ENERGY SERVICES PROVIDERS, INC. d/b/a PENNSYLVANIA GAS & ELECTRIC

**ENERGY SERVICE PROVIDERS, INC.
d/b/a
PENNSYLVANIA GAS & ELECTRIC**

Satisfied Formal Complaints as of October 20, 2014

“*” indicates the complainants identified in discovery by the OCA has having filed the formal complaints referenced in the Joint Complaint.

COMPLAINANT(S)	DOCKET NO.	Certificate of Satisfaction Filed and Served
Abas, Barbara	C-2014-2436197	8-15-14
Angelotti, Marilou F.	F-2014-2433253	8-1-14
Audia, Darryl J. for Audia Real Estate	C-2014-2417533	7-3-14
Audia, Sr., Darryl J.*	C-2014-2417532	7-3-14
Baker, Terry L.	C-2014-2409845	4-1-14
Batdorf, James	C-2014-2419112	6-10-14
Beard Enterprises, LLC*	C-2014-2412332	4-10-14
Beard, Heather*	C-2014-2412333	4-10-14
Bell, Andrew	C-2014-2409308	4-30-14
Bethel, Joseph	C-2014-2410083	3-28-14
Bigham, Roger R.	C-2014-2420292	5-20-14
Blososky, Anthony*	C-2014-2410851	3-31-14
Brown, Derek	F-2014-2430717	7-16-14
Buzzerd, Carol*	C-2014-2411123	5-7-14
Cashner, Iva June*	C-2014-2410846	3-28-14
Cochran, Richard L.*	C-2014-2410852	4-3-14
Connolly, Kyle A.	C-2014-2409665	4-1-14
Cottrill, Linda*	C-2014-2411129	4-1-14
Creshine, Tracy	C-2014-2440447	9-15-14
Crider, Harlan	C-2014-2409857	3-31-14
Daniels, Tanya*	C-2014-2415342	5-2-14
Deflin, Sarah A.*	C-2014-2419107	5-14-14
Elion, Katherine	C-2014-2409874	4-14-14
Funston, Jeff	C-2014-2408919	5-7-14
Graff, Shawn	C-2014-2408517	4-29-14
Hammer, Mark	C-2014-2412329	4-11-14
Hoffman, Shelli & Justin*	C-2014-2412327	5-6-14
Johnson, Martin & Elsie	C-2014-2409685	4-8-14
Johnston, Thomas F.*	C-2014-2415287	5-27-14
Keller, Jr., Richard E.*	C-2014-2417534	6-6-14
Lint, Edward W.*	C-2014-2410847	4-4-14

EXHIBIT A

COMPLAINANT(S)	DOCKET NO.	Certificate of Satisfaction Filed and Served
Lutz, Michael*	C-2014-2412330	4-11-14
Mandarino, Carolyn	C-2014-2409679	4-2-14
Masonic Hall Assoc.	C-2014-2410853	3-31-14
Maus, Diane & Gerald*	C-2014-2410850	4-4-14
Mentzer, Ronald B. & Gloria Ann	C-2014-2409842	4-8-14
Merrick, William and Olga for Igor Merrick	C-2014-2422716	09-8-14
Miller, Kathryn	C-2014-2409873	4-1-14
Moriarty, Brian & Natale	C-2014-2409863	3-31-14
Mosier, Henry	C-2014-2409870	4-14-14
Neel, Richard & Nancy	C-2014-2409859	4-9-14
Nesby, Geraldine	F-2014-2431569	8-15-14
Nevitt, Kevin	C-2014-2409840	4-1-14
Nolan, Jr., Joseph	F-2014-2431567	7-24-14
Offenderlein, June*	C-2014-2407473	4-2-14
Pagano, Joseph & Christine	C-2014-2409330	5-1-14
Parsons, Cleaven	C-2014-2409682	3-28-14
Pocono Waterworks	C-2014-2431566	8-25-14
Polek, Richard	C-2014-2409673	4-4-14
Preun, Louis G.	C-2014-2409655	4-2-14
Randa, Albert & Josephine*	C-2014-2415288	5-2-14
Reed, Shelly	C-2014-2419111	5-19-14
Richards, Angela*	C-2014-2410849	4-3-14
Richardson, C. Ann	C-2014-2443711	10-14-14
Riglin, II, James B.	C-2014-2443710	10-3-14
Sanderson, Curtis*	C-2014-2410831	4-2-14
Savidge, Deborah	C-2014-2409864	4-7-14
Sexton, Stephanie	F-2014-2426225	6-26-14
Shull, Edward L.	F-2014-2443204	10-1-14
Small, Marian	C-2014-2409868	4-7-14
Stampler, Barry	C-2014-2409298	5-7-14
Suders, Joan & Daniel	C-2014-2409843	4-2-14
Swingle, Barbara	F-2014-2439873	9-9-14
Tait, Christopher	C-2014-2409299	5-8-14
Taylor, Margaret E.	F-2014-2433191	7-30-14
Treat, Denise M.*	C-2014-2412334	4-11-14
Trimmer, Patricia	C-2014-2409865	4-7-14
Turtzo Professional Associates	C-2014-2411128	4-1-14
Tym, Deborah A.	C-2014-2409872	3-31-14
Urso, Terry L.	C-2014-2439876	9-8-14
Vanfleet, Kay	C-2014-2419110	5-27-14

EXHIBIT A

COMPLAINANT(S)	DOCKET NO.	Certificate of Satisfaction Filed and Served
Vanfleet, Walton*	C-2014-2410854	3-28-14
Viola, Frank & Judy	F-2014-2429801	7-28-14
Wallace, Norman W.	C-2014-2409867	4-1-14
Whitcomb, Dave & Laura	C-2014-2409862	3-28-14
Wilkins, Dolly C.	C-2014-2421345	6-6-14
Witcoski, Gerald & Susan	C-2014-2409848	4-1-14
Witmer, Robert E. & Lois	C-2014-2409882	4-21-14
Woods, Charles E.	C-2014-2422541	7-30-14
Workman, Donna	C-2014-2409821	4-25-14
Yustat, Diane	C-2014-2409666	3-28-14