

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Marion Werle
v.
Respond Power LLC

Public Meeting held January 15, 2015
2429158-ALJ
Docket No. C-2014-2429158

STATEMENT OF COMMISSIONER GLADYS M. BROWN

Before the Commission is the Initial Decision of Administrative Law Judge Ember S. Jandebour (ALJ) pertaining to Marion Werle's Complaint against Respond Power LLC (Respond or the Company). In this proceeding, the Complainant alleges that Respond's charges are "absurd." As relief, Complainant requested the Commission's attention in this matter in effort to resolve the situation. The record in this case shows that Respond billed the Complainant in March and April of 2014 amounts totaling \$944.38 and \$380.98 respectively. This equates to kWh prices of 34.9¢ and 18.39¢.

Respond filed two preliminary objections (POs) alleging lack of jurisdiction and insufficient specificity of pleading. The Office of Consumer Advocate (OCA) filed an Answer to the POs stating that the Commission should overrule Respond's assertions.

OCA first claims that reading Mrs. Werle's request for relief as a request for an adjustment to her bill or refund does not remove her Complaint from the Commission's jurisdiction. Further OCA submits that under the Commission's precedent of liberal construction for *pro se* complaints, this case should be permitted to move forward to hearings. This Commission has often expressed leniency toward *pro se* complainants and acknowledged that they are not expected to be familiar with all Commission procedures. *Geary v. Verizon Pennsylvania Inc.*, Docket No. C-2009-2118625 (September 16, 2010); *see also, Carlock v. The United Telephone Co. of Pennsylvania*, Docket No. F-00163617 (July 14, 1993). Additionally, the Commission has stated that it is in the public interest that all litigants, particularly *pro se* litigants, be afforded a meaningful opportunity to be heard. *Amir V. Williams v. PECO Energy Co.*, Docket No. C-2010-2190024 (Order entered January 13, 2011).

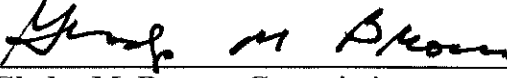
Ultimately the ALJ granted both of Respond's POs. I must respectfully disagree. I find that, though not artfully plead, the Complainant raised a legitimate concern over high bills and the OCA's legal arguments regarding the need for hearing are convincing and accurate. The Commission does have authority over EGS rates as they relate to items such as marketing, disclosure, and enrollments. We have noted this in our decisions in the *Nadav v Respond* case and *Commonwealth of PA v IDT Energy, Inc.* cases.¹ In those cases, we determined that monetary remedies may be appropriately determined by the Commission in certain circumstances. Further, I submit that *pro se* complainants should be given the benefit of having a

¹ Respectively, Docket Nos. Docket Nos. C-2014-2429159 and C-2014-2427657

hearing in instances where one can reasonably infer an accusation of improper marketing or sales activities by an EGS.

Therefore, I must dissent from the ALJ's Initial Decision in this case.

January 15, 2015
Date


Gladys M. Brown, Commissioner