

GABRIELLE A. FIGUEROA  
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March 16, 2015

**VIA OVERNIGHT MAIL**

Pennsylvania Public Utility Commission  
Rosemary Chiavetta  
Secretary  
Keystone Building, 2<sup>nd</sup> Floor Room N201  
Harrisburg, PA 17120

RECEIVED

MAR 16 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

***Re: Choice Energy LLC d/b/a 4 Choice Energy, A-2012-2337893  
Updates to EGS Application Granted July 16, 2013***

Dear Ms. Chiavetta:

On behalf of Choice Energy, LLC d/b/a 4 Choice Energy ("Choice"), and pursuant to 52 Pa. Code § 54.34, we are providing additional materials to the Pennsylvania Public Utility Commission ("PUC") to update Choice's previously approved license application. The following information updates Section 5 of the Application, pertaining to Compliance.

a. **CRIMINAL/CIVIL PROCEEDINGS**

TERRY MURRAY, individually and on behalf of all others similarly situated, v. CHOICE ENERGY, LLC d/b/a 4 Choice Energy, an Iowa limited liability company, and PREMIERE BUSINESS SOLUTIONS, LLC, an Iowa limited liability company.

United States District Court for the Southern District of Ohio, Western Division, Case No. 1:15-cv-00060-TSB (the "Litigation")

b. **SUMMARY:**

The Litigation, a purported class action, was filed on January 28, 2015. As of this writing, Choice has not filed a responsive answer, but will do so within applicable court rules. The pleading alleges that Choice, as well as Premiere Business Solutions, LLC ("Premiere") has violated the Telephone Consumer Protection Act, codified at 47 U.S.C. § 227 et seq. Choice received formal notification of the Litigation on or about February 23, 2015, from its Ohio

registered agent. Choice will vigorously contest this case and challenge the request for class action certification. In addition, while there is a partial overlap in management of Choice and Premiere, the Company is engaging separate counsel and may seek cross claims against Premiere if deemed appropriate and necessary. At this time, due to the early stage of the Litigation, the degree of Choice's liability, if any, cannot be determined. A copy of the complaint is attached.

**c. CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:**

PUCO Case No. 14-01-AU-RPT – Annual Report Filing for Calendar 2013 (the "Filing")

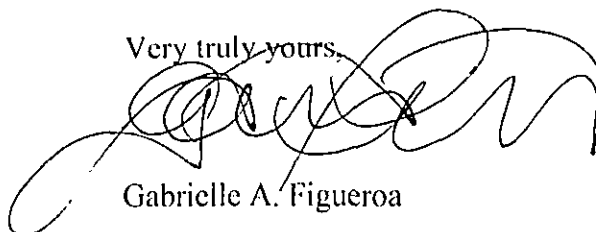
**d. SUMMARY:**

The Public Utility Commission of Ohio ("PUCO") assessed a \$1,000 penalty against Choice for failure to file an annual report for calendar year 2013, and Choice faced the possibility of revocation of its license to engage in retail sale of electricity if a late filing was not made by a specific deadline. Choice immediately responded to PUCO's August 20, 2014 letter; Choice, while licensed, did not serve any customers in Ohio during calendar year 2013 and therefore did not file an annual report. Choice immediately made a retroactive filing. On August 28, 2014, Choice issued a written request to PUCO that the \$1,000 penalty be waived. PUCO granted the waiver request on December 10, 2014. Choice has no further liability in this matter.

Choice takes the allegations in the Litigation very seriously and intends to vigorously defend the lawsuit and the allegations contained in the complaint. Choice will provide updates to the PUC as needed regarding the status of this litigation.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gabrielle A. Figueroa', written over a horizontal line.

Gabrielle A. Figueroa

Pennsylvania Public Utility Commission  
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Enclosures

cc: Dan Mumford (via electronic mail only w/enc.)  
Theresa Mingarell (via electronic mail only w/enc.)  
Moses Cheung, Co-Managing Member, Choice Energy (via electronic mail only, w/enc.)

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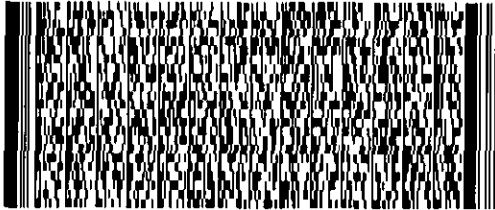
BILL SENDER

Rosemary Chiavetta  
Penn. Public Utility Commission  
Keystone Building  
2nd Floor Room N201  
HARRISBURG, PA 17120

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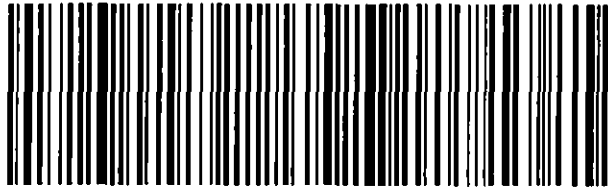
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