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April 15, 2015

**VIA E-FILING**

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

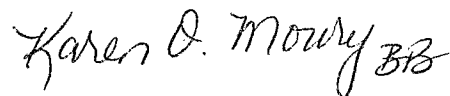
Re: Binh Tran v. Respond Power LLC  
Docket No. C-2014-2417540

Dear Secretary Chiavetta:

On behalf of Respond Power LLC, I have enclosed for electronic filing the Exceptions of Respond Power LLC to Initial Decision in the above-captioned matter.

Copies have been served on all parties as indicated in the attached certificate of service.

Very truly yours,

Handwritten signature of Karen O. Moury in black ink, with the initials 'BB' at the end.

Karen O. Moury

KOM/bb  
Enclosure  
cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>BINH TRAN,</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2014-2417540</b>
	:	
<b>RESPOND POWER LLC,</b>	:	
<b>Respondent</b>	:	

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**EXCEPTIONS OF RESPOND POWER LLC  
TO INITIAL DECISION**

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**Dated: April 15, 2015**

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## **I. INTRODUCTION**

Respond Power LLC (“Respond Power”) urges the Pennsylvania Public Utility Commission (“Commission”) to reverse the Initial Decision (“I.D.”) of Administrative Law Judge Ember S. Jandebaur (“ALJ”) and dismiss the Formal Complaint filed by Binh Tran (“Complainant”) against Respond Power on March 31, 2014. Incorrectly interpreting the Commission’s regulations that govern the process for switching to an electric generation supplier (“EGS”), the I.D. placed unlawful and unnecessary burdens on Respond Power that go well beyond the requirements of the regulations. If affirmed, this outcome would be contrary to the Commission’s regulations, would be completely at odds with decisions by the Bureau of Consumer Services (“BCS”) applying the Commission’s switching regulations and would literally eviscerate the Commission’s policy to promote an efficient and convenient enrollment process for customers.

The Complainant alleged that he did not authorize the switch to Respond Power as his EGS. However, during the hearing, he acknowledged that his sister spoke with Respond Power on March 12, 2013 claiming to be the Complainant and authorizing the switch from PECO Energy Company (“PECO”) to Respond Power. The ALJ specifically questioned the Complainant about this event at the beginning of the hearing. Inexplicably, however, the I.D. omitted any analysis of this crucial fact and its effect on the outcome of this case. Instead, the ALJ improperly interpreted Section 57.175 of the Commission’s regulations, 52 Pa. Code § 57.175, as requiring Respond Power to obtain a signed document from the electric distribution company (“EDC”) identifying those persons who have authority to initiate changes in the Complainant’s EGS. As Section 57.175 does not require—and has never been interpreted by the Commission to require—the EGS to verify with the EDC that the person consenting to an EGS

switch has been authorized by the customer of record to do so, the ALJ's conclusion that Respond Power violated this regulation was in error.

Further, the I.D. unlawfully directed Respond Power to issue a refund to the Complainant. Under the Public Utility Code, 66 Pa.C.S. § 102 *et seq.*, ("Code"), the Commission has no statutory authority to direct an EGS to issue a refund. Even under Section 57.177(b) of the Commission's switching regulations, 52 Pa. Code § 57.177(b), which purport to authorize refunds by EGSs in certain situations, customers are required to file their disputes of unauthorized switches within two billing periods, which did not occur in this case. Therefore, even if there had been an unauthorized switch by Respond Power, which there clearly was not, no basis would exist for directing Respond Power to issue a refund to the Complainant.

The errors of law made by the ALJ warrant reversal of the I.D., and the record demonstrates that the Formal Complaint should be dismissed. Therefore, in accordance with Section 5.533 of Commission regulations, 52 Pa. Code § 5.533, Respond Power submits these Exceptions to the I.D.

## **II. BACKGROUND AND PROCEDURAL HISTORY**

Respond Power is an EGS licensed by the Commission since August 19, 2010 to supply electricity or electric generation services to the public within the Commonwealth of Pennsylvania.<sup>1</sup> On March 12, 2013, the Complainant enrolled in a variable rate plan with Respond Power for electric generation services and began receiving these services on April 10, 2013.<sup>2</sup> At his request, the Complainant was returned to PECO for default service in May 2014.<sup>3</sup>

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<sup>1</sup> *License Application of Respond Power LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2014-2163898 (Order entered August 19, 2010).

<sup>2</sup> N.T. 15.

<sup>3</sup> N.T. 7.

By a Formal Complaint filed on March 31, 2014, the Complainant alleged that he did not authorize a switch from PECO to Respond Power. On June 2, 2014, Respond Power timely filed an Answer denying the material allegations of the Complaint and averring that the Complainant enrolled in a variable rate plan with Respond Power on March 12, 2013.

A telephonic evidentiary hearing was held before the ALJ on December 18, 2014. At the hearing, the Complainant acknowledged that his sister spoke with Respond Power on March 12, 2013 claiming to be the Complainant and authorizing the switch to Respond Power. The Complainant testified on his own behalf, and Respond Power presented the testimony of Mr. Scott Foreman-Murray, In-House Counsel for Respond Power. The Complainant offered no exhibits, and Respond Power introduced the Disclosure Statement which was sent to the Complainant after enrollment.<sup>4</sup>

On March 26, 2015, the Commission served the ALJ's I.D. on the parties. The I.D. concluded that (i) the Complainant carried his burden of proof in the Complaint;<sup>5</sup> (ii) the Complainant's sister, not the Complainant, authorized the switch from PECO to Respond Power;<sup>6</sup> and (iii) Respond Power should have secured a written document from PECO, the Complainant's EDC, identifying those persons who have authority to initiate changes of the Complainant's EGS.<sup>7</sup> The ALJ further directed Respond Power to issue a full refund to the Complainant.

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<sup>4</sup> N.T. 15; Respondent Exhibit No. 2.

<sup>5</sup> I.D. p. 6, Conclusion of Law No. 7.

<sup>6</sup> I.D. p. 4.

<sup>7</sup> I.D. pp. 4-5.

### III. EXCEPTIONS

A. **Exception Number 1: The I.D. erred in concluding that Respond Power was required by the Commission's regulations to secure a signed document from the EDC identifying the persons who have authority to initiate changes in the Complainant's EGS.**<sup>8</sup>

1. The Commission's regulations contain no requirement to obtain a signed document from the EDC identifying the persons who have authority to initiate EGS changes.

Acknowledging that the parties are in agreement that the Complainant's sister changed the EGS, the I.D. wrongfully concluded that Respond Power "should have followed the regulations and secured a signed document from the EDC identifying those persons who have authority to initiate changes of the Complainant's EGS."<sup>9</sup> The I.D. further inappropriately found that "without a signed document providing the sister's authority, the change was invalid."<sup>10</sup> On the basis of this erroneous interpretation of Section 57.175 of the Commission's regulations, 52 Pa. Code § 57.175, the I.D. concluded that the Complainant had met his burden of proof by successfully showing that Respond Power "is responsible or accountable for the problem described in the Complaint."<sup>11</sup>

Section 57.175 provides as follows:

A customer may identify persons authorized to make changes to the customer's account. To accomplish this, the customer shall provide the EDC with a signed document identifying by name those persons who have the authority to initiate a change of the customer's EGS.

52 Pa. Code § 57.175. When promulgating the switching regulations, the Commission provided a means by which a customer could authorize other persons to switch their account to an EGS, apparently to facilitate the enrollment process. However, the Commission stopped short of

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<sup>8</sup> I.D. pp. 4-5, Conclusions of Law Nos. 5, 6 and 7.

<sup>9</sup> I.D. pp. 4-5.

<sup>10</sup> I.D. p. 5.

<sup>11</sup> I.D. p. 6, Conclusion of Law Nos. 6 and 7.

imposing a requirement on EGSs to obtain this signed document or otherwise verify with the EDC who is authorized to change the customer's EGS. Nothing in Section 57.175 of the Commission's regulations imposes this burden on EGSs and no reported Commission decisions have held that EGSs are required to contact the EDC and obtain a list of persons who are authorized to make changes to a customer's account before processing a customer enrollment. Notably, the I.D. provided no legal authority supporting its interpretation, because there is none.

In fact, the Commission's BCS has repeatedly reached findings to the contrary, *i.e.*, that an EGS enrollment is valid when initiated by a sibling or relative of the customer. *See, e.g., Pham v. Respond Power, LLC*, BCS Case No. 3198928 ("*Pham*") (Closing Report issued July 21, 2014); *Bosley v. Respond Power, LLC*, BCS Case No. 3211780 ("*Bosley*") (Closing Report issued August 14, 2014); and *Hare v. Respond Power, LLC*, BCS Case No. 3204601 ("*Hare*") (Closing Report issued August 26, 2014). Copies of these decisions are attached to these Exceptions as Appendix A for the convenience of the Commission and the Complainant.<sup>12</sup> In those cases, BCS found that when the family member stated to an EGS that he or she was over 18 years of age and authorized to make decisions on the account (even though they were not the customer of record), the EGS did not violate the switching regulations when processing the enrollment.

For example, in *Pham*, the BCS found slamming had not occurred where the customer's brother signed the enrollment and the EGS sent a verification letter to the customer following the enrollment. In that case, the customer did not dispute the EGS enrollment until six months later when the rates increased.<sup>13</sup>

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<sup>12</sup> *See* Attachments 1-3. Respond Power submits that the Commission may take official notice of these BCS decisions pursuant to Section 5.408 of the Commission's regulations, 52 Pa. Code § 5.408.

<sup>13</sup> *Pham*, at Attachment 1.

In *Bosley*, the BCS also found no violation when a customer's granddaughter authorized the enrollment, stating to the EGS that she was over 18 years of age and was authorized to make decisions on the account. Again, the customer did not dispute the EGS until six months later.<sup>14</sup> Likewise, in *Hare*, the BCS dismissed a customer complaint about an EGS enrollment where a person named "Sarah Hare" enrolled in a variable rate EGS plan by signing a sales agreement and representing that she was authorized to make decisions on the account for "Theodore Hare."<sup>15</sup>

The result here should be no different than the BCS decisions cited above. Here, a valid enrollment request was authorized and a Disclosure Statement was sent to the Complainant.<sup>16</sup> Like the BCS cases cited above, the Complainant did not dispute the change until many months later when the rate increased.<sup>17</sup> In each of those BCS complaints, no regulatory violation was found regarding the enrollment authorized by a sibling or family member. Likewise, no violation has occurred here.

2. The practical effect of an additional authorization step as contemplated by the I.D. would be contrary to the Commission's stated policy of streamlining the enrollment process.

Even aside from the lack of any existing regulatory requirement for an EGS to verify with the EDC who is authorized to make changes to a customer's account, the practical effect of such a burden would be the creation of an inappropriate obstacle to the EGS enrollment process. Inserting the "authorization step" contemplated by the I.D. would be disruptive to the EGS enrollment process and be contrary to the Commission's policy of streamlining and easing the

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<sup>14</sup> *Bosley*, at Attachment 2.

<sup>15</sup> *Hare*, at Attachment 3.

<sup>16</sup> N.T. 15. It is further noted that under Section 57.173 of the Commission's regulations, EDCs are required to send confirmation letters to customers upon receipt of the EGS' notice of enrollment. 52 Pa. Code § 57.173(2).

<sup>17</sup> N.T. 11-12.

enrollment process for consumers. Further, Respond Power notes that the I.D. did not explain (i) the process by which an EGS should follow to obtain the list of persons authorized to make changes on a customer's account from the EDC; or (ii) how the EDC would satisfy this new expectation. As the Commission is aware, communications between the EDC and EGS regarding the switching of customers occurs through the electronic data interexchange process, which would need to have a transaction developed to implement this requirement. *See, e.g., Guidelines for Electronic Data Interexchange*, Docket No. M-00960890, F0015 (Order entered July 13, 2000).

In fact, this authorization step proposed by the I.D. directly conflicts with Commission's recent pronouncements that were designed to promote efficiency and reduce delays in EGS enrollments. Specifically, in *Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 57 Regulations Regarding Standards for Changing a Customer's Electricity Generation Supplier*, Docket No. L-2014-2409383 (Final-Omitted Rulemaking Order adopted April 3, 2014), the Commission accelerated the switching process so that consumers may be switched to an EGS within 3 business days. No consideration was given at that time to the need for any additional verification step for EGSs to communicate with EDCs and ensure that customers authorizing switches were listed on written documents on file with the EDC.

Similarly, the requirement contemplated by the I.D. is at odds with prior Commission decisions declining to place the EDC in a gatekeeper role during enrollments. In an effort to more easily enable customers to make switches when they do not have their account numbers readily available, the Commission established a process for EGSs to obtain this information directly from EDCs in *EDC Customer Account Number Access Mechanism for EGSs*, Docket No. M-2013-2355751 (Final Order entered July 16, 2013) ("*2013 Account Number Order*").

While requiring the EGSs to obtain letters of authorization from customers to request this information, the Commission expressly declined to place the EDC in a gatekeeper role of verifying these authorizations, noting that it is unacceptable to have EDCs policing EGS actions. *2013 Account Number Order* at pp. 38-39. The Commission further explained that use of a web-based portal for exchange of customer information between EDCs and EGSs will benefit customers because their “choice of supplier will not be delayed simply because the EGS is waiting to hear back from the EDC as to the customer’s account number.” *2013 Account Number Order* at p. 21. Clearly, the Commission favors removing obstacles that delay switches to EGSs; in contrast, the I.D. would create a new barrier by disrupting the whole process for the EGS to request and the EDC to provide a list of people authorized to make changes to the account.

3. Even if the regulations required an additional authorization step, it would have been inapplicable here because the Complainant’s sister falsely claimed to be the Complainant.

Notably, in this case, even if Section 57.175 had required or ever been interpreted to require an EGS to verify with the EDC who is authorized to make changes on the account, such a requirement would be inapplicable because Respond Power was never placed on notice that someone other than the Complainant was requesting the EGS enrollment. As the record demonstrates, the Complainant’s sister falsely claimed to be the Complainant during the March 12, 2013 enrollment call and stated that she was authorized to make change on the account. On that basis alone, the ALJ wrongfully concluded that Respond Power had any requirement or reason to obtain a list of individuals authorized to make changes to a customer’s account. In reaching that conclusion, the I.D. completely ignored the fact that the person that spoke to the Respond Power representative on March 12, 2013 call claimed to be the Complainant and never

identified herself as the Complainant's sister. The I.D. erred in ignoring this case-dispositive fact and erroneously concluding that Respond Power should have obtained a document signed by the Complainant listing the persons authorized to make changes to the account. Therefore, even if there had been a regulatory requirement to seek written authorization from the EDC, it would not have been applicable here.

Contrary to the I.D.'s conclusion, Respond Power is not responsible for the problem raised in the Complaint; the Complainant's sister is responsible for that problem. Respond Power prepared two exhibits for hearing: Exhibit No. 1, which was a recording of the March 12, 2013 telephone call evidencing the EGS supplier change from PECO to Respond Power; and Exhibit No. 2, a copy of the Disclosure Statement. The ALJ reviewed these materials prior to the hearing. At the start of the December 18, 2014 hearing, the ALJ recognized that the person claiming to be "Binh Tran" on the recording of the March 12, 2013 telephone call sounded different than the person who appeared at hearing claiming to be "Binh Tran":

THE COURT: ...Now, Ms. Tran, have you been through one of our hearings before?

MR. TRAN: This is the first time.

THE COURT: This is who?

MR. TRAN: First time.

THE COURT: Spell your name for me, please.

MR. TRAN: B-i-n-h.

THE COURT: Okay. Now, I'm having trouble between the Respondent's Exhibit 1, *which has Binh Tran as a female voice, and your voice sounds like a male voice, so explain to me what's going on.*

MR. TRAN: The person who answered the phone [on March 12, 2013] was my sister.

THE COURT: Okay. And I assume that's a different name?

MR. TRAN: She - - her name is Sam Tran (phonetic).

THE COURT: Okay. So you are Mr. Binh Tran?

MR. TRAN: Yes.<sup>18</sup>

This exchange shows that the Complainant's sister claimed to be "Binh Tran" on March 12, 2013 when the EGS enrollment was made. When Respond Power's counsel later reiterated and clarified this point, the Complainant confirmed it to be true:

[Counsel for  
Respond  
Power]:

I apologize for referring to you as "Ms. Tran" in the letter that we sent to the judge. I just made that assumption because I listened to the third-party verification recording *and heard the woman's voice, identifying herself as "Binh Tran,"* so I apologize to you for that.

MR. TRAN: Okay.<sup>19</sup>

Review of the record as a whole establishes that the person who authorized the change on March 12, 2013 claimed to be "Binh Tran." The Complainant admitted this at hearing, and freely acknowledged that his sister authorized the change.<sup>20</sup> Because the Complainant's sister claimed to be "Binh Tran" when speaking with Respond Power on March 12, 2013, Respond Power was given no indication that the EGS change was initiated by someone other than the customer of record.

As a result, Respond Power was not aware that the person claiming to be "Binh Tran" on March 12, 2013 was not the Complainant. Objectively, the person conducting the sales or

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<sup>18</sup> N.T. 4-5 (emphasis added).

<sup>19</sup> N.T. 10 (emphasis added).

<sup>20</sup> N.T. 5-6, 10.

verification call would have no way of knowing whether a customer account showing the customer's first name as "Binh" is supposed to denote a male customer rather than a female customer. Therefore, Respond Power did not know that on March 12, 2013, the Complainant's sister falsely identified herself as "Binh Tran" when making the change from PECO to Respond Power. Without any reason to suspect that the caller was not who they claimed to be, Respond Power processed the EGS switch in conformity with the Code and applicable regulations. These facts clearly establish that Respond Power did nothing wrong, and the Complaint should have been dismissed.

Further, the record in this case clearly established that Respond Power's verification process inquired if the customer was authorized to change the EGS for the Complainant's account. Respond Power's witness, Scott Foreman-Murray, testified that the person who approved the March 12, 2013 enrollment stated that they were authorized to switch the electric generation supply service to Respond Power.<sup>21</sup> This statement satisfied any obligations Respond Power had regarding consent.

**B. Exception Number 2: The Commission does not have jurisdiction to direct the issuance of refunds by an EGS to customers.**<sup>22</sup>

Even if the March 12, 2013 change of EGS provider had been unauthorized (which it clearly was not), the I.D. improperly directed Respond Power to issue a refund for the difference between the rate the Respond Power charged the Complainant and PECO's rates for all of the months the Complainant was enrolled with Respond Power.<sup>23</sup> The Commission has no statutory authority to direct an EGS to issue such a refund, and any limited refund power available to the Commission does not apply here. This direction was therefore inappropriate and unlawful.

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<sup>21</sup> N.T. 15.

<sup>22</sup> I.D. p. 6; Ordering Paragraph No. 2.

<sup>23</sup> I.D. p. 5.

1. The Commission lacks statutory authority to direct the issuance of a refund by an EGS.

It is a basic tenet of public utility law that the Commission only has those powers that are enumerated to it by the General Assembly. *Feingold v. Bell Tel. Co. of Pa.*, 477 Pa. 1, 383 A.2d 791 (1977). The Commission's jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Id.* The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa. Super. 1945). Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967) ("*Roberts*"). Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa. Cmwlth. 1992), alloc. denied, 637 A.2d 293 (Pa. 1993).

Section 1312 of the Public Utility Code provides the Commission's only statutory authority to direct the issuance of refunds. Under the express terms of Code Section 1312, the Commission may direct a *public utility* to refund rates that are determined to be "unjust or unreasonable." 66 Pa.C.S. § 1312 (emphasis supplied). Because EGSs are not public utilities for the purposes of pricing, these provisions are not applicable to the charges they impose on their customers. Moreover, since the Commission does not have jurisdiction to review, set or regulate EGS prices, it cannot determine whether the prices charged were unjust or unreasonable, which is the statutory standard governing refunds by public utilities. *See* 66 Pa.C.S. § 2806(a) (generation of electricity is no longer regulated as a public utility service or function); *Commonwealth of Pennsylvania, et al. v. Blue Pilot Energy, LLC*, Docket No. C-2014-2427655

(Order entered December 11, 2014) (Commission does not have traditional ratemaking authority over EGSs and does not regulate competitive supply rates).

2. The limited circumstances under which the Commission has suggested that it may direct an EGS to issue a refund are not applicable here.

Despite the Commission's lack of statutory authority to regulate EGS prices or direct an EGS to issue a refund to customers, the Commission has suggested that it may be able to direct the issuance of a refund to retail customers in appropriate circumstances, including situations involving unauthorized switches, pursuant to Section 57.177 of the Commission's regulations, 52 Pa. Code § 57.177. Noting that the Independent Regulatory Review approved this regulation, the Commission has concluded that it enjoys a presumption of reasonableness. *See Nadav v. Respond Power LLC*, Docket No. C-2014-2429159 (Order entered December 12, 2014) ("*Nadav Order*"). However, the appellate courts have not examined those regulations, and in the absence of express statutory authority for the Commission to direct the issuance of refunds by EGS, it is far from clear whether they would withstand appellate scrutiny.

Even assuming the refund provisions of Section 57.177 are valid, they do not apply in this case. Section 57.177(b) provides as follows:

When the customer's dispute has been filed within the first two billing periods since the customer should reasonably have known of a change of the EGS and the dispute investigation establishes that the change occurred without the customer's consent, the customer is not responsible for EGS bills rendered during that period. If the customer has made payments during this period, the company responsible for initiating the change of supplier shall issue a complete refund within 30 days of the close of the dispute. The refund or credit provision applies only to the generation charges.

Here, the Complainant's account was switched to Respond Power on March 21, 2013, a full year before the switch was disputed. As the Complainant did not raise any dispute about the switch

during the first two billing cycles, no basis exists for directing the issuance of a refund by Respond Power. In promulgating the original switching regulations in 1998, the Commission reasoned that within two billing cycles, a customer should be aware of a switch to an EGS since he or she would have received at least one bill during that time. The Commission even reduced the period from three to two billing cycles to avoid customers gaming the system to obtain refunds. *See Final Revised Rulemaking Order Ensuring Customer Consent to a Change of Electric Supplier (Antislamming)*, Docket No. L-970121 (Order adopted May 21, 1998), 28 Pa.B. 5770. It is further noted that under Section 57.173 of the Commission's regulations, EDCs are required to send confirmation letters to customers upon receipt of the EGS' notice of enrollment, which is also intended to avoid unauthorized switches and ensure that consumers are aware of changes made to their accounts. 52 Pa. Code § 57.173(2).

In addition, Respond Power sent the Complainant a Disclosure Statement explaining the terms and conditions upon enrollment.<sup>24</sup> Respond Power began providing electric generation service to the Complainant on April 10, 2013.<sup>25</sup> The Complainant testified that he knew that his rates for electric generation increased in the winter of 2014.<sup>26</sup> The Complainant accepted and paid for service from Respond Power without any complaints until March 2014, when he began disputing the amount of his bills.<sup>27</sup> The Complainant should have reasonably known that of the change in EGS provider in 2013 when the Disclosure Statement was sent to him and Respond Power began providing EGS service to him as evidenced in his bills for electric service. March 2014 was a year after enrollment and clearly not "within the first two billing periods since the

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<sup>24</sup> N.T. 15-16, 23-25.

<sup>25</sup> N.T. 15.

<sup>26</sup> N.T. 12,15-16.

<sup>27</sup> N.T. 11-12.

customer should have reasonably known of a change of the EGS,” and therefore, the refund provision of 52 Pa. Code § 57.177(b) does not apply here.


The Initial Decision should be reversed because the Commission does not have authority to direct EGS refund, and the narrow regulatory provision purporting to authorize such refunds does not apply here.

**IV. CONCLUSION**

For the reasons set forth above, Respond Power LLC respectfully requests the Commission grant these Exceptions and reverse the Initial Decision.

Respectfully submitted,

Dated: April 15, 2015

  
\_\_\_\_\_  
Karen O. Moury  
BUCHANAN INGERSOLL & ROONEY PC  
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(717) 237-4820

*Attorney for Respond Power LLC*

# APPENDIX A

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 7/21/2014

**BCS CASE NUMBER:** 3198928  
**CUSTOMER NAME:** AHOA PHAM  
**SERVICE ADDRESS:** 1089 MANROCK DRIVE  
MECHANICSBURG, PA 17055  
**MAILING ADDRESS:**

**DATE CASE OPENED:** 3/4/2014 11:17

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**INCOME LEVEL:** 8

**PRIOR CASE NO:**

**PRIOR CASE CLOSED DATE:**

**RESOLUTION:**

DISMISS SLAMMING DISPUTE. NO SLAMMING IDENTIFIED. CUST DISPUTED CO ENROLLMENT THAT WAS INITIATED BY HIS BROTHER. HIS BROTHER SIGNED THE CONTRACT ON 8/31/2013 UNDER A VARIABLE RATE . PPL AND RESPOND POWER BOTH SENT LETTERS TO VERIFY THE ENROLLMENT. CUST DID NOT DISPUTE THE ENROLLMENT UNTIL 2/19/2014 AFTER THE RATE INCREASED. SERVICE WAS CANCELLED/STOPPED APPROXIMATELY 3/31/2014. CO WILL NOT ADJUST ITS BILLING HISTORY. CUSTOMER NOT PLEASED, BUT UNDERSTANDS.

**AMOUNT MONEY  
SAVED:**

**DECISION ISSUED:** Y

**ORAL / WRITTEN:** W

**INVESTIGATOR:** BRANDON THOMAS

**CLOSING DATE:** 7/21/2014

**UTILITY NAME:** PPL (EDC - ELECTRIC)  
**ACCOUNT #:** 7920129172  
**TOTAL / FINAL ACCOUNT BALANCE:** \$468.20  
**COMPANY CAP AGREEMENT  
AMOUNT:**  
**COMPLIANCE**  
**VIOLATION (ALLEGED, ACTUAL, NO):**NO  
**CHAP 56 / 64 / OTHER:**

**UTILITY CODE:** 0010  
**PRIMARY COMPANY:** No

**SECTION / RULE:**

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**UTILITY NAME:** RESPOND POWER (EGS)  
**ACCOUNT #:** 7920129172  
**TOTAL / FINAL ACCOUNT BALANCE:**  
**COMPANY CAP AGREEMENT  
AMOUNT:**  
**COMPLIANCE**  
**VIOLATION (ALLEGED, ACTUAL, NO):**NO  
**CHAP 56 / 64 / OTHER:**

**UTILITY CODE:** 2106  
**PRIMARY COMPANY:** No

**SECTION / RULE:**

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 7/21/2014

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 7/21/2014

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 8/26/2014

**BCS CASE NUMBER:** 3204601  
**CUSTOMER NAME:** THEODORE HARE  
**SERVICE ADDRESS:** 644 ZANE AVE  
LOWER BURRELL, PA 15068  
**MAILING ADDRESS:**

**DATE CASE OPENED:** 3/12/2014 10:15

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**INCOME LEVEL:** 8

**PRIOR CASE NO:**

**PRIOR CASE CLOSED DATE:**

**RESOLUTION:**

CASE CLOSED - ISSUED DECISION. ON 10/31/2013 SARAH HARE ENROLLED ACCT WITH RESPOND POWER IN THE VARIABLE RATE PROGRAM. SHE SIGNED THE SALES AGREEMENT ON 10/31/2013 AND INDICATED SHE WAS AUTHORIZED TO MAKE ACCT DECISIONS. THE ACCT WAS CANCELLED ON 3/11/2014 AND PROCESSED BY THE UTILITY CO ON 3/31/2014.

**AMOUNT MONEY  
SAVED:**

**DECISION ISSUED:** Y

**ORAL / WRITTEN:** W

**INVESTIGATOR:** BARBARA BARBUSH

**CLOSING DATE:** 8/26/2014

**UTILITY NAME:** WEST PENN POWER (FIRST ENERGY) FKA ALLEGHENY PWR

**UTILITY CODE:** 0024

**ACCOUNT #:** 100091871002

**PRIMARY COMPANY:** No

**TOTAL / FINAL ACCOUNT BALANCE:** \$88,888.88

**COMPANY CAP AGREEMENT**

**AMOUNT:**

**COMPLIANCE**

**VIOLATION (ALLEGED, ACTUAL, NO):**NO

**CHAP 56 / 64 / OTHER:**

**SECTION / RULE:**

**UTILITY NAME:** RESPOND POWER (EGS)

**UTILITY CODE:** 2106

**ACCOUNT #:** 8888888888

**PRIMARY COMPANY:** No

**TOTAL / FINAL ACCOUNT BALANCE:**

**COMPANY CAP AGREEMENT**

**AMOUNT:**

**COMPLIANCE**

**VIOLATION (ALLEGED, ACTUAL, NO):**NO

**CHAP 56 / 64 / OTHER:**

**SECTION / RULE:**

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 8/26/2014

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 8/26/2014

PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA

PRINT DATE: 8/14/2014

BCS CASE NUMBER: 3211780  
CUSTOMER NAME: WILLIAM BOSLEY  
SERVICE ADDRESS: 1538 SPRUCE ROAD  
NEW FREEDOM, PA 17349  
MAILING ADDRESS:

DATE CASE OPENED: 3/26/2014 10:52

INCOME LEVEL: 8

PRIOR CASE NO:

PRIOR CASE CLOSED DATE:

RESOLUTION:

closed no decision. no letter verbal with customer. dismissed. cu's granddaughter shannon graf authorized enrollment in tpy. she represented herself as being over 18 and authorized to make decisions on acct. cu was enrolled by shannon on 8.1.2013 at variable rate. acct cancelled and dropped back to edc 4.10.14. complainant james dickerson contacted and it was explained that granddaughter shannon represented herself as authorized and enrolled acct. he acknowledge her action and agreed ok to close out without further action. cu to contact met ed to discuss co pa on any remaining past due balance. cu appears puc eligible.

AMOUNT MONEY  
SAVED:

DECISION ISSUED:

N

ORAL / WRITTEN: O

INVESTIGATOR:

TIMOTHY PLATT

CLOSING DATE:

8/14/2014

UTILITY NAME: MET ED (FIRST ENERGY)

UTILITY CODE: 0006

ACCOUNT #: 100018767283

PRIMARY COMPANY: No

TOTAL / FINAL ACCOUNT BALANCE: \$527.16

COMPANY CAP AGREEMENT

AMOUNT:

COMPLIANCE

VIOLATION (ALLEGED, ACTUAL, NO):NO

CHAP 56 / 64 / OTHER:

SECTION / RULE:

UTILITY NAME: RESPOND POWER (EGS)

UTILITY CODE: 2106

ACCOUNT #:

PRIMARY COMPANY: No

TOTAL / FINAL ACCOUNT BALANCE:

COMPANY CAP AGREEMENT

AMOUNT:

COMPLIANCE

VIOLATION (ALLEGED, ACTUAL, NO):NO

CHAP 56 / 64 / OTHER:

SECTION / RULE:

**PA PUBLIC UTILITY COMMISSION  
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PRINT DATE: 8/14/2014

**PA PUBLIC UTILITY COMMISSION  
BUREAU OF CONSUMER SERVICES  
CLOSING DATA**

PRINT DATE: 8/14/2014

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**BINH TRAN**

v.

**RESPOND POWER LLC**

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:  
:  
:  
:

**Docket No. C-2014-2417540**

**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 § 1.54 (relating to service by a party).

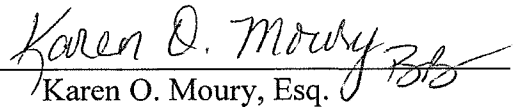
**Via First-Class Mail**

Binh Tran  
248 Flourtown Road  
Lafayette Hill, PA 19444

**Via Email and First-Class Mail**

Administrative Law Judge Ember S. Jandebour  
Room 317  
Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503

Dated this 15<sup>th</sup> day of April, 2015.

  
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Karen O. Moury, Esq.