

COMMONWEALTH OF PENNSYLVANIA



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May 26, 2015

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
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RE: 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

Secretary Chiavetta:

Enclosed please find the Joint Reply Brief of the Commonwealth of Pennsylvania Bureau of Consumer Protection and the Office of Consumer Advocate to Intervenor Sobiech's *Amicus Curiae* Brief, in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

Handwritten signature of Candis A. Tunilo in black ink.

Candis A. Tunilo
Assistant Consumer Advocate
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Enclosures

cc: Honorable Elizabeth Barnes, ALJ
Honorable Joel Cheskis, ALJ
Certificate of Service

*185180

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania, by Attorney	:	
General KATHLEEN G. KANE, Through the	:	
Bureau of Consumer Protection,	:	
	:	
And	:	Docket No. C-2014-2427656
	:	
TANYA J. McCLOSKEY, Acting Consumer	:	
Advocate,	:	
Complainants	:	
	:	
v.	:	
	:	
ENERGY SERVICES PROVIDERS, INC.	:	
d/b/a PENNSYLVANIA GAS & ELECTRIC	:	
	:	
Respondent	:	

JOINT REPLY BRIEF OF THE COMMONWEALTH OF PENNSYLVANIA BUREAU OF
CONSUMER PROTECTION AND THE OFFICE OF CONSUMER ADVOCATE TO
INTERVENOR SOBIECH'S *AMICUS CURIAE* BRIEF

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Date: May 26, 2015

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Pursuant to the April 23, 2015 Order of Administrative Law Judges Elizabeth Barnes and Joel H. Cheskis (ALJs) in the above-captioned proceeding, the Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane, through the Bureau of Consumer Protection (OAG) and the Acting Consumer Advocate Tanya J. McCloskey (OCA) (collectively Joint Complainants) submit the following Joint Reply Brief to Intervenor Sobiech's *Amicus Curiae*.

I. INTRODUCTION

On June 20, 2014, the Joint Complainants filed a Joint Complaint against Energy Services Providers, Inc. d/b/a Pennsylvania Gas & Electric (PaG&E or Company) with the Public Utility Commission (Commission) pursuant to the Public Utility Code, 66 Pa. C.S. Ch. 28, the Commission's regulations, 52 Pa. Code Ch. 54, 56 and 111, the Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, *et seq.* (Consumer Protection Law), and the Telemarketer Registration Act, 73 P.S. § 2241, *et seq.* (TRA). The Joint Complaint includes seven separate counts as follows: (1) misleading and deceptive promises of savings; (2) slamming; (3) misleading and deceptive welcome letter; (4) lack of good faith handling of complaints; (5) failing to provide accurate pricing information; (6) prices nonconforming to disclosure statement; and (7) failure to comply with the Telemarketer Registration Act. With respect to relief, Joint Complainants requested that the Commission find that PaG&E violated the Public Utility Code, the Consumer Protection Law, the TRA, and the Commission's regulations and Orders; provide restitution to PaG&E's customers; impose a civil penalty; order PaG&E to make various modifications to its practices and procedures; and revoke or suspend PaG&E's EGS license, if warranted. On July 10, 2014, the Office of Small Business Advocate (OSBA)

intervened in this proceeding. On July 31, 2014, the Bureau of Investigation and Enforcement (I&E) intervened in this proceeding.¹

After extensive discovery, both formal and informal, and the exchange of information as part of settlement negotiations, the parties notified the ALJs on February 12, 2015 that a full settlement had been reached. The ALJs suspended the remainder of the procedural schedule. Joint Complainants, PaG&E and I&E (Joint Petitioners)² filed the Joint Petition for Approval of Settlement (Joint Petition), Stipulation of Facts in Support of Settlement and accompanying Statements in Support on March 24, 2015.

Thereafter, on March 27, 2015, Thomas Sobiech, on behalf of himself and all others similarly situated, filed a Petition to Intervene (Sobiech Petition), in which he objected to the settlement and requested oral argument on the same. Pursuant to the ALJs' directive, on April 16, 2015, Joint Complainants filed an Answer to the Sobiech Petition requesting that the ALJs deny the Petition. The Company also filed an Answer in opposition to the granting of the Sobiech Petition.

On April 23, 2015, the ALJs issued an Order granting the Sobiech Petition (Order). In their Order, the ALJs concluded that Thomas Sobiech, a former PaG&E customer, had a "substantial, immediate and direct" interest in this proceeding sufficient to warrant granting his intervention. Order at 5. The ALJs also determined, however, that Mr. Sobiech must accept the record as it currently stands, may not introduce additional evidence and is not be permitted to significantly broaden the issues, in order to maintain the orderly progress of the case. *Id.* at 6. The ALJs also held that Mr. Sobiech, as an intervenor, is not permitted to represent the interests of other consumers in this proceeding and is only permitted to intervene on his own behalf. *Id.*

¹ A full procedural history of this proceeding is included in the Joint Petition for Approval of Settlement.

² OSBA did not join the Joint Petition but did not oppose the settlement.

The ALJs limited Mr. Sobiech's participation as an intervenor to the submission of an "amicus brief" and exceptions or reply exceptions in response to the Initial Decision. *Id.* In the Order, the ALJs also set a date for Reply Briefs by Joint Petitioners. On May 13, 2015, Mr. Sobiech submitted his *Amicus Curiae* Brief in Opposition to the Joint Petition for Approval of Settlement (Sobiech Brief). Pursuant to the Order, Joint Complainants submit this Reply Brief to the Sobiech Brief.

II. DISCUSSION

A. Introduction.

In his Brief, Intervenor Sobiech references the Commission's Statement of Policy, codified at 52 Pa. Code § 69.1201(a)-(c) (Rosi Factors), and argues that several of the factors support his contention that the Joint Petition is not in the public interest and should be rejected. Sobiech Brief at 2-15. Joint Complainants submit that many of Intervenor Sobiech's assertions, such as his assertion that Joint Complainants entered into the settlement without knowing PaG&E's charges or the number of customers affected, lack foundation and are therefore, without merit. Joint Complainants further submit that Intervenor Sobiech's other assertions, such as PaG&E be prohibited from offering variable rate plans indefinitely and be required to fully reimburse all customers for all losses, do not reflect the comprehensive nature of the settlement provisions or reflect the current state of Pennsylvania law. Additionally, Intervenor Sobiech's assertions regarding the release language in the Joint Petition reach beyond his permitted intervention in this proceeding and show a fundamental misunderstanding of Joint Complainants' role in this proceeding and their statutory obligations.

The Joint Petition, as with all settlements, is the result of compromise after extensive discovery, both formal and informal, and the exchange of information during settlement negotiations. Joint Complainants, who are charged by statutes to represent the interests of the public and consumers,³ have discussed at length in their Joint Statement in Support of the Joint Petition the reasons why the Joint Petition is in the public interest. See Joint Petition at App. A. Additionally, I&E, who is charged by statute with representing the public interest before the Commission,⁴ submitted a Statement in Support of the Joint Petition asserting that it is in the public interest. See Joint Petition at App. C. Joint Complainants submit that the settlement of the Joint Complaint adequately protects the interests of consumers through: (1) continued government monitoring of the Company; (2) comprehensive injunctive relief that requires PaG&E to implement various modifications to its business practices; (3) a swift resolution of this matter; and (4) significant relief to eligible customers in the form of refunds. As such, Joint Complainants submit that Intervenor Sobiech's assertions in opposition of the Joint Petition should be rejected, and the Joint Petition should be approved without modification on an expedited basis.

³ The Office of Consumer Advocate is the agency authorized by law to represent the interests of utility consumers before the Commission, as provided in 71 P.S. § 309-1, *et seq.* Additionally, the Attorney General may bring an action in the name of the Commonwealth to restrain by temporary or permanent injunction, any act or practice declared unlawful by the Consumer Protection Law, when she determines that the proceeding would be in the public interest, as authorized by 73 P.S. § 201-4.

⁴ See 66 Pa. C.S. § 306(b)(1).

B. Intervenor Sobiech's Assertions that the Joint Petition Is Not in the Public Interest Should Be Rejected.

Before discussing Intervenor Sobiech's specific assertions, Joint Complainants submit that the settlement provisions in the Joint Petition must be read as a whole in determining whether the Joint Petition is in the public interest. The Refund Pool provisions, which Intervenor Sobiech singles out in his Brief, are but one component of a settlement that addresses a Joint Complaint containing multiple, interrelated Counts. The Joint Petition as a whole is extensive and designed to fully address all of the allegations in the Joint Complaint to the benefit of PaG&E's past, present and future customers. Additionally, as a settlement, the Joint Petition is the result of compromise by the Joint Petitioners and intended to resolve the allegations in the Joint Complaint in order to avoid the inherent uncertainty of litigation and preserve the resources of the Joint Petitioners and the Commission.

With regard to the specific assertions in the Sobiech Brief, Intervenor Sobiech discusses each of the Rosi Factors⁵ and how they support his contention that the Joint Petition is not in the public interest and should be rejected. The Rosi Factors and standards that will be considered by the Commission in determining whether to approve a settlement include the following:

(1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.

(2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.

(3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

⁵ Intervenor Sobiech does not discuss the third Rosi Factor because it is a factor to be considered only in litigated proceedings. Sobiech Brief at 8.

(4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

See 52 Pa. Code § 69.1201(b).

1. Analysis of the first and second Rosi Factors support a finding that the Joint Petition is in the public interest.

Intervenor Sobiech states that with regard to the first Rosi Factor, he and the Joint Petitioners agree that the conduct at issue was serious. Sobiech Brief at 6. Intervenor Sobiech states that with regard to the second Rosi Factor, while he and the Joint Complainants agree that the consequences of PaG&E's conduct as issue were serious, the Company does not recognize that the consequences were serious. Sobiech Brief at 6-8. Additionally, Intervenor Sobiech asserts that the Joint Petitioners failed to disclose the total overcharges and total customers

affected by PaG&E's conduct. Sobiech Brief at 8. Intervenor Sobiech, therefore, asserts that PaG&E should be severely punished and directed to fully reimburse customers for their losses. Sobiech Brief at 7-8.

Joint Complainants submit that Intervenor Sobiech's assertions regarding the second Rosi Factor should be rejected. The Joint Petition specifically states: "[t]he refunds, penalties, contributions and injunctive measures described herein are not and should not be considered to be or construed as admissions of liability or wrongdoing on the part of the Company." Joint Petition at ¶ 32. Because there is no admission of liability or wrongdoing by PaG&E, there is no obligation that the Company admit to any particular alleged consequences in its Statement in Support. As recognized by Intervenor Sobiech,⁶ Joint Complainants and PaG&E, however, submitted a Stipulation of Facts with the Joint Petition that details the consequences of the conduct alleged in the Joint Complaint. See Joint Petition at Exh. A. As summarized in Joint Complainants' Statement in Support:

Many consumer witnesses detailed their hardships in the consumer testimony preserved by Joint Complainants. Specifically, approximately 9 Customer Witnesses averred that they received Shut-Off Notices from their EDCs after receiving PaG&E's charges; approximately 35 Customer Witnesses averred that they entered into a payment plan or paid off the charges over several months; approximately 5 Customer Witnesses averred that they borrowed money in order to pay the charges; and approximately 38 Customer Witnesses averred that they were on a limited or fixed income or generally had difficulty paying the charges. See Joint Petition at Exh. A, ¶ 28.

See Joint Petition at App. A at 11-12 (Jt. Compl. SIS).

With regard to PaG&E's total charges and the number of customers affected, Joint Complainants submit that such level of detail is not required in the Joint Petition. Joint Complainants submit that, as stated in their Statement in Support, extensive discovery regarding the allegations in the Joint Complaint was served and responses were received. Additionally,

⁶⁶ See Sobiech Brief at 6-7.

informal discovery conferences were convened and additional information was provided during settlement negotiations. Joint Petition at App. A at 14 (Jt. Compl. SIS). Based on Joint Complainants' own investigation and the review and analysis of the information provided by the Company, Joint Complainants submit that the majority, if not all, of PaG&E's customers on variable rate plans in early 2014 were affected by PaG&E's alleged actions. Joint Petition at App. A at 13 (Jt. Compl. SIS).

With regard to Intervenor Sobiech's assertion that the Refund Pool is not adequate to fully reimburse customers for their losses, Joint Complainants submit that as a settlement, the Joint Petition is a compromise, and customers eligible for an offer of a refund from the Refund Pool will receive refunds, which result is not a certainty if the Joint Petitioners fully litigate the Joint Complaint. Further, eligible customers will receive refunds much sooner than if refunds were directed as a result of full litigation of the Joint Complaint. Additionally, the Joint Petition provides an alternate refund process for customers not eligible for a refund from the Refund Pool or who reject an offer of refund from the Refund Pool. If customers that pursue the alternate refund process are not satisfied with the offer of refund from the Company or if customers choose not to pursue the alternate refund process, the customers may pursue a Formal Complaint with the Commission or file an action at law or in equity in court.

Based on the foregoing, Joint Complainants are, therefore, satisfied that the settlement provisions in the Joint Petition are adequate to resolve the allegations in the Joint Complaint and are in the public interest.

2. Analysis of the fourth Rosi Factor supports a finding that the Joint Petition is in the public interest.

In his Brief with regard to the fourth Rosi Factor, Intervenor Sobiech asserts that it appears that PaG&E made efforts to modify its internal practices and procedures to address the conduct at issue and prevent similar conduct in the future, the Company should be prohibited from offering variable rates indefinitely. Sobiech Brief at 9. Joint Complainants submit that Intervenor Sobiech's assertion does not support a finding that the Joint Petition is not in the public interest. Currently, the law in the Commonwealth permits the offering of variable rate electric supply plans. See 66 Pa. C.S. Ch. 28; 52 Pa. Code Ch. 54 and 111. The Joint Petition, however, requires that PaG&E not offer variable rate plans for 18 months and contains specific requirements regarding, *inter alia*, disclosures, third party verifications, training, compliance monitoring and reporting should PaG&E offer variable rate plans after the stay-out. See gen'ly Joint Petition at ¶ 47. Joint Complainants submit that these provisions in the Joint Petition, taken together, adequately and appropriately address the allegations in the Joint Complaint, and as such, the Joint Petition is in the public interest.

3. Analysis of the fifth Rosi Factor supports a finding that the Joint Petition is in the public interest.

In his Brief with regard to the fifth Rosi Factor, Intervenor Sobiech again asserts that the Joint Petitioners have not provided sufficient information regarding the number of PaG&E customers affected by the conduct alleged in the Joint Complaint, and therefore, "any settlement would be based on a blind bargain where the Company has all the information and the Joint Complainants have next to no information."⁷ Sobiech Brief at 9-10. Intervenor Sobiech also

⁷ With regard to the seventh Rosi Factor, Intervenor Sobiech again states that while he is not aware if the Company has cooperated "with the Commission's investigation," it appears that the Company did not disclose the

asserts that there is a fundamental disconnection between Joint Complainants and the Company with regard to the scope of the Joint Petition. Intervenor Sobiech asserts that Joint Complainants view the Joint Petition as being related to PaG&E's conduct in January through March 2014, and PaG&E views the Joint Petition as being related to the Company's conduct from the time it began offering electric supply in the Commonwealth. Id. At 10.

Joint Complainants submit that Intervenor Sobiech's assertions are based on assumptions that lack merit. As discussed above, the Joint Petition was reached after extensive discovery, both formal and informal, and information exchanged during settlement negotiations. Joint Petitioners utilized the information exchanged and the information obtained from PaG&E's customers to tailor the provisions in the Joint Petition to fully resolve the allegations in the Joint Complaint. As such, there is no "blind bargain."

Additionally, Joint Complainants submit that there is no disconnect between the Joint Complainants and the Company regarding the scope of the Joint Petition, as Intervenor Sobiech focuses only on the Refund Pool provisions in the Joint Petition and takes them out of context of the Joint Petition as a whole. Joint Complainants submit that the refund provisions focused on the time period that drove the large volume of complaints to the OAG and OCA and were the focus of the complaint and information developed by the Joint Complainants in their investigation.

The Refund Pool provisions of the Joint Petition provide that the Joint Complainants "shall determine which customers were affected by the Company's conduct as alleged in the

total amount of overcharges, total customers affected or length of time of the overcharges. Sobiech Brief at 13. Joint Complainants' submit that it was their investigation, not a Commission investigation that is at issue with regard to the Joint Petition. As already discussed in this Reply Brief, Joint Complainants submit that PaG&E provided extensive information to the Joint Complainants both in responses to formal discovery requests and informally in discovery conferences. Additionally, the Company provided information during settlement negotiations. As such, Intervenor Sobiech's assumptions in this regard lack merit and should be rejected.

Joint Complaint and shall determine how much restitution to offer any individual customer.” See Joint Petition at ¶ 34. In their Statement in Support, however, Joint Complainants detail that they have determined to provide some level of refund to all PaG&E customers on variable rate plans and billed for usage in January, February or March 2014 and that the refund determinations will be designed to fully utilize the Refund Pool. Joint Petition at App. A at 8-9 (Jt. Compl. SIS).

Additionally, there is an alternate refund method provided in the Joint Petition for customers that are not offered or do not accept a refund from the Refund Pool. See Joint Petition at ¶ 42. Joint Complainants submit that such alternate refund methods may be, for example, pursued by customers with slamming allegations in order to pursue refunds spanning time periods other than January through March 2014, and the Company is obligated in the Joint Petition to use its best efforts to investigate and negotiate individual resolutions with the customers. Customers may also elect to pursue a Formal Complaint at the Commission or file an action at law or in equity in court.

Joint Complainants submit that, based on the foregoing, the Joint Petition, taken as a whole, resolves the allegations in the Joint Complaint, which allegations span PaG&E’s provision of electric supply in Pennsylvania, and benefits PaG&E’s past, present and future customers. There is no fundamental disconnect between the Joint Complainants and the Company with regard to the provisions in the Joint Petition and their resolution of the allegations in the Joint Complaint. As such, Intervenor Sobiech’s assertions to the contrary lack merit and should be rejected.

4. Analysis of the sixth and ninth Rosi Factors support a finding that the Joint Petition is in the public interest.

In his Brief, Intervenor Sobiech asserts that the Company's compliance history is a barrier to the approval of the Joint Petition. Sobiech Brief at 12, 14. Specifically, Intervenor Sobiech asserts that the Commission's approval of a settlement between PaG&E and I&E, which resolved allegations of slamming, at Docket No. M-2013-2325122 is a barrier to approval of the Joint Petition because the Joint Complaint also contains allegations of slamming, and PaG&E is therefore, a repeat offender. Id. Additionally, Intervenor Sobiech asserts that the civil penalty in the Joint Petition should, therefore, exceed the civil penalty in the settlement at Docket No. M-2013-2324122. Id. at 14.

Joint Complainants submit that, as stated in their Statement in Support, the Company's compliance history does not impose a barrier to the approval of the Joint Petition. See Joint Petition at App. A at 14 (Jt. Compl SIS). Joint Complainants further submit that the settlement at Docket M-2013-2325122 was, like the Joint Petition, a compromise. The settlement did not contain an admission of wrongdoing by PaG&E. Additionally, the settlement specifically stated that it is not admissible in any future proceeding as evidence of wrongdoing. See Sobiech Brief at Exh. A at 15 ¶ k. As such, Intervenor Sobiech's assertions that the Joint Petition should not be approved lack merit and should be rejected.

5. Analysis of the eighth Rosi Factor supports a finding that the Joint Petition is in the public interest.

In his Brief, Intervenor Sobiech asserts that the \$25,000 civil penalty in the Joint Petition is not adequate to deter PaG&E from engaging in similar conduct in the future, and therefore, the civil penalty should be substantially increased, and the Company should be prohibited from

selling variable rate electric supply plans in Pennsylvania. Sobiech Brief at 13. Intervenor Sobiech again refers to the settlement between I&E and PaG&E at Docket No. M-2013-2325122 as precedent that requires a more substantial civil penalty in this matter.

As stated above, the settlement between I&E and PaG&E specifically stated that it is not admissible in any future proceeding as evidence of wrongdoing. See Sobiech Brief at Exh. A at 15 ¶ k. Further, it is not appropriate to consider a settlement, which is inherently a compromise of disputed claims, as precedent in any subsequent proceeding. Any contention to the contrary by Intervenor Sobiech should be rejected. The Joint Petition in this proceeding must be considered on its own merits. Joint Complainants submit that the civil penalty provision in the Joint Petition, along with the contributions to the EDCs' hardship funds, the refunds to customers and the injunctive relief in the form of modifications to PaG&E's business practices are sufficient to deter similar future conduct. As such, Intervenor Sobiech's assertions lack merit and should be rejected.

6. Analysis of the tenth Rosi Factor supports a finding that the Joint Petition is in the public interest.

With regard to his discussion of the tenth Rosi Factor, Intervenor Sobiech asserts that the "other relevant factor" that supports rejection of the Joint Petition is the release language in the Joint Petition. Sobiech Brief at 15-19. The Joint Petition provides that customers accepting any funds from the Refund Pool execute a release that discharges PaG&E "from any and all claims arising from or related to the conduct alleged in the Joint Complaint." See Joint Petition at ¶ 43. Intervenor Sobiech asserts that the release is outside the scope of the Commission's jurisdiction to approve because it would effectively include private causes of action including actions for breach of contract. Sobiech Brief at 17. Intervenor Sobiech also claims that the release

provision is likely to lead to “mass malpractice” by Joint Complainants if not adequately explained to PaG&E’s customers offered a refund from the Refund Pool. Id. at 16.

First, Joint Complainants submit that to the extent Intervenor Sobiech’s assertions regarding the release in the Joint Petition are suited to be made on behalf of all PaG&E customers, they must be rejected pursuant to the ALJs’ Order granting the Sobiech Petition to Intervene, wherein the ALJs held that Mr. Sobiech was permitted to intervene on his own behalf only. Second, it appears based solely on the Joint Petition, Stipulation of Facts and Statements in Support, all documents available to the public, that Intervenor Sobiech has the information necessary to determine whether to accept a refund from the Refund Pool, if offered.

Third, the Commission has the jurisdiction to approve a settlement that contains a general release. See e.g. Pa. PUC v. Bell Telephone Co. of Pa., Docket No. R-811819, Order (Nov. 14, 1988); Pa. PUC v. Verizon Pennsylvania, Inc., Docket No. M-00021592, Order (Jan. 25, 2002). Although some settlements that the Commission has approved do not contain general releases, Joint Complainants submit that does not support a finding that the Commission lacks jurisdiction to do so.

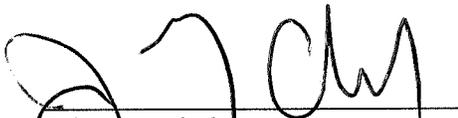
Last, with regard to the Joint Complainants’ provision of adequate information to consumers offered a refund from the Refund Pool, Joint Complainants submit that they both have decades of experience in educating consumers and providing consumers with information regarding their rights and obligations on various issues. Further, Joint Complainants’ zealous representation of consumers and the public interest in this proceeding does not end with the filing of the Joint Petition. Intervenor Sobiech’s intimation that Joint Complainants would bring this action, vigorously pursue it, achieve a settlement they support as in the public interest and

then fail to provide consumers with adequate information regarding their rights and obligations therein is completely unsupported and should be rejected.

III. CONCLUSION

For all of the foregoing reasons, Joint Complainants submit that Intervenor Sobiech's assertions that the Joint Petition is not in the public interest and should be rejected lack merit. Intervenor Sobiech's objection to the Joint Petition should be rejected. Joint Complainants respectfully request that the Public Utility Commission approve the Joint Petition for Approval of Settlement on an expedited basis without modification.

Respectfully submitted,



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CERTIFICATE OF SERVICE

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: :
And : Docket No. C-2014-2427656
: :
TANYA J. McCLOSKEY, Acting Consumer :
Advocate, :
Complainants :
: :
v. :
: :
ENERGY SERVICES PROVIDERS, INC. :
d/b/a PENNSYLVANIA GAS & ELECTRIC :
Respondent :

I hereby certify that I have this day served a true copy of the foregoing document, the Joint Reply Brief of the Commonwealth of Pennsylvania Bureau of Consumer Protection and the Office of Consumer Advocate to Intervenor Sobiech's *Amicus Curiae* Brief, in the manner and upon the persons listed below:

Dated this 26th day of May 2015.

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