

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

UNIFIED ENERGY ALLIANCE, LLC,	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2492473
	:	
RODGER K. WALTER,	:	
ERNIE HORNING,	:	
J. NICK STORCH,	:	
DUANE ALBRIGHT,	:	
ANDY YOUNDT,	:	
DON SHIPP,	:	
FUTURE ENERGY SOLUTIONS, LLC, and	:	
NAVIGATE POWER, LLC,	:	
Respondents		

**MOTION FOR SUMMARY JUDGMENT OF RESPONDENTS
WALTER, ALBRIGHT, YOUNDT, AND SHIPP**

Respondents RODGER K. WALTER, DUANE ALBRIGHT, ANDY YOUNDT, and DON SHIPP, by their counsel, Mette, Evans & Woodside, file the following motion for summary judgment:

1. Complainant, United Energy Alliance, LLC, (“UEA”) is an electric energy consultant. See Exhibit A, written testimony of Ricardo Hernandez II, p. 1, l. 14.¹
2. UEA utilizes the services of independent contractors to solicit and refer potential customers to it. Exhibit A, p.1, l. 20-21.
3. The individuals identified in the caption of this case as Respondents were all independent contractors for UEA. Exhibit A, p. 3, l. 22-24; p. 3, l. 1-24; p. 4, l. 1-24; p. 5, l. 1-24; p. 6, l. 1-8.

¹ The Exhibits referenced are attached to this motion.

4. Complainant filed a Formal Complaint alleging, among other things, that Rodger K. Walter, Duane Albright, Andy Youndt and Don Shipp (“these Respondents”) and others violated various laws and regulations in the course of their sales of electric power contracts to customers.

5. Pursuant to the Order entered following the prehearing conference, the Complainant submitted written testimony and exhibits from the following witnesses: Ricardo Hernandez II and Joseph Mazer who are affiliated with Complainant (“UEA Witnesses”) and Teresa Ledger, Nicholas Porcaro, Jr., and Allen Emmel who are customers (“Customer Witnesses”). See Exhibits B (Mazer written testimony), C (Ledger written testimony), D (Porcaro written testimony) and E (Emmel written testimony).

6. Hernandez’s written testimony addresses the topic of the Respondents raises, generally, the alleged inaccurate and misleading information attributed to the Respondent and the assertion that they engaged in “slamming” without specific attribution to a particularly identified source.

7. Hernandez’s written testimony does not specify the identity of any customer who was provided with inaccurate and misleading information by any Respondent and it does not specify any details with regard to the “slamming.”

8. Hernandez’s written testimony as to the alleged inaccurate and misleading information and “slamming” is hearsay.

9. Complainant has submitted written testimony of three customers, Ledger, who stated that she had been approached by Respondent Horning (Exhibit C), and Porcaro, (Exhibit D) and Emmel (Exhibit E), who stated that they had been approached by Respondent Storch, and persuaded to change their electric power supplier from UEA to another provider.

10. There is no written testimony that specifically states that Respondents Walter, Albright, Youndt and/or Shipp approached any customer and/or what information was provided to them by these Respondents that was untruthful, misleading, or incorrect.

11. Because there is no written testimony from a non-hearsay source that specifically supports the allegations that these Respondents engaged in providing customers false and misleading information and/or "slamming," the Formal Complaint should be dismissed as to these Respondents.

WHEREFORE, for the reasons stated above, this motion for summary judgment should be granted and the Formal Complaint as to Respondents Walter, Albright, Youndt and Shipp should be dismissed.

Respectfully submitted,

METTE, EVANS & WOODSIDE



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CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing document upon the person(s) by U.S. First Class mail addressed as follows, which service satisfies the requirements of the Commissions formal rules at 52 Pa. Code Section 1.1:

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Date: March 3, 2016