



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

October 5, 2016

BY FIRST CLASS MAIL

TO ALL PARTIES OF RECORD:

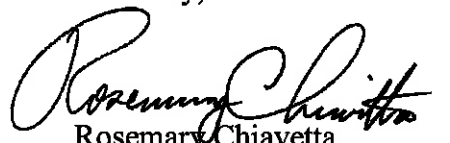
RE: Rodney S. Loose, Complainant
v.
Frontier Utilities Northeast, LLC and
Sunwave Gas & Power Pennsylvania, Inc.
Docket Number C-2016-2564758

This Secretarial Letter will inform all Parties to this Formal Complaint at the above docket number of the enclosed ex-parte email communication sent to the Commission by Laura Jurasek of Sunwave Gas & Power.

Since this matter is still pending before the Commission, Ms. Jurasek's email communication to the Commission's staff is prohibited due to the statutory prohibition on ex-parte communications at 66 Pa. C.S. Section 334(c).

Therefore, please be advised that Ms. Jurasek's email communication, Secretary Chiavetta's email response, and this Secretarial Letter will be placed upon the record at the above docket number to cure the ex-parte communication, and a copy of the entire communication is being served upon all Parties to the complaint under cover of this Secretarial Letter.

Sincerely,


Rosemary Chiavetta
Secretary of the Commission

Enclosure

CC: All Parties of Record
Special Agent Tiffany Hunt, Office of Administrative Law Judge

Reynolds, Doris

From: Chiavetta, Rosemary
Sent: Wednesday, October 05, 2016 3:14 PM
To: 'ljurasek@gosunwave.com'
Cc: Mumford, Daniel; Spunaugle, Shirley A; Reside, Melissa; Aunkst, Kathleen; Hunt, Tiffany
Subject: FW: Rodney Loose v. Frontier Utilities Northeast, LLC and Sunwave Gas & Power Pennsylvania at Docket Number C-2016-2564758
Attachments: Served from the Penns Public Utility Commission.pdf; 2016-09-21 Rosemary Chiavetta.docx; 1478069.docx; Frontier Response Rodney S. Loose PUC_PA Formal Complaint and response (1).pdf

Laura:

This was brought to my attention by Dan Mumford, our Director of OCMO.

First of all, the email chain below in which you discuss the formal complaint now pending before the Commission at Docket Number iC-2016-2564758 is an ex-parte communication which is prohibited in contested proceedings under Section 334(c) of the Pennsylvania Public Utility Code. Therefore, I will be sending a Secretarial Letter to all the Parties of Record in this case in order to cure the ex-parte communication you have created by sending these emails. Please do not email any Commission staff regarding this litigation now pending before the Commission.

Second, Kathleen Aunkst, while a member of my staff, is not responsible for the filing of formal complaints, so please refrain from contacting her again regarding any formal complaints served upon your company by my office.

Third, allow me to explain the formal complaint process utilized by the Pennsylvania Public Utility Commission. It is dictated and codified in 52 Pa. Code Chapters 1 and 5, and I strongly suggest that if you continue to operate in Pennsylvania, you either acquaint yourself with our regulations or hire an attorney licensed in Pennsylvania to represent you in formal complaint proceedings. When a consumer who uses your services is displeased with a billing or service dispute, they may file a formal complaint with the Commission through my office. My staff serves that complaint upon the utility or other entity named in the complaint. Since you are a licensed supplier in Pennsylvania, you are subject to the service of such formal complaints when filed. If you believe the complaint should be dismissed or the allegations are not true, you must file an answer or other responsive pleading to the complaint with my office within 20 days of the date of service of the complaint, and send a copy of your answer to the Complainant. The complaint is then sent to the Office of Administrative Law Judge, and since this matter is before Special Agent Tiffany Hunt, in an effort to mediate this complaint to a resolution without litigation, any filing or other submittals should be made upon the record by submitting your filing with my office, and serving the other parties to the complaint, namely, Mr. Loose and Ryan Thomason of Frontier Utilities Northeast, and of course Special Agent Hunt as the presiding officer. I would also remind you that if this formal complaint does proceed to a hearing before an Administrative Law Judge, both you and Frontier will be required to hire an attorney licensed in Pennsylvania to represent your company's interests at such a formal hearing.

Finally, your tone of the email below is not appreciated. All Formal complaints are filed with my office, and do not get to a "Rosemary stage." Hopefully, my explanation of the formal complaint process has educated you on the proper procedure and your responsibilities as a licensed supplier in Pennsylvania when litigation of this nature is pending before the Commission.

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building

400 North Street
Harrisburg, Pennsylvania 17120
rchiavetta@pa.gov
717-787-8009



From: Laura Jurasek [<mailto:ljurasek@gosunwave.com>]
Sent: Wednesday, October 05, 2016 1:03 PM
To: Mumford, Daniel
Subject: RE: Pennsylvania Utilities Consumer complaints process

C-2016-2564758

It never should have been a formal complaint. This should have been caught before it went to a formal complaint. The guy just either got confused or it's against Frontier and Sunwave should not have been involved. We spoke to him, the conversation is in blue below: I am hoping that someone from Rosemary's office called him and asked him if he was satisfied (I'd love to hear what he said) after he received both of our responses. We have nothing to settle with him as far as we are concerned.

But thanks for the link.

Hi all,

I spoke to Mr. Loose yesterday evening regarding the complaint. He did say that it was over a month ago that the incident occurred so his memory was a little fuzzy. I apologized that he had a clearly frustrating experience. When I asked him to walk me through what he was doing it appeared to me that perhaps he linked to a different retailer website. He did not seem familiar with how I described our site. We went on to talk about the calls he made and asked him if he called from his landline or mobile phone as we had no record of his call, he said he may have called from his cell phone, he wasn't sure and he was not interested in providing me with the number to check.

I tried to explain to Mr. Loose that we strive to be transparent in our dealings with our customers, that we strive to make "energy simplified" and that I would love to have him as a customer. I provided him with my direct contact information and asked him to reach out to me directly if he wishes to enroll with a retailer to let me have first shot at providing a cost solution to him. He appeared to be satisfied with our conversation.

Thanks,
Jason

From: Mumford, Daniel [<mailto:DMUMFORD@pa.gov>]
Sent: Wednesday, October 05, 2016 12:39 PM
To: Laura Jurasek <ljurasek@gosunwave.com>; Aunkst, Kathleen <kaunkst@pa.gov>
Subject: RE: Pennsylvania Utilities Consumer complaints process

If Secretary Chiavetta is involved – it is likely a FORMAL COMPLAINT.

Is there a docket number on the correspondence?

It sounds like a FORMAL COMPLAINT (not an informal complaint). Here is a weblink re: formal and informal complaints here at the PA PUC:

http://www.puc.pa.gov/filing_resources/filing_complaints.aspx

Dan Mumford
Director - Office of Competitive Market Oversight
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120
dmumford@pa.gov
717 783 1957



From: Laura Jurasek [<mailto:ljurasek@gosunwave.com>]
Sent: Tuesday, October 04, 2016 4:47 PM
To: Aunkst, Kathleen; Mumford, Daniel
Subject: Pennsylvania Utilities Consumer complaints process

Kathleen, Daniel, I was wondering if you could help me.

I have received a formal complaint order from the PUC about a consumer complaint and filed our response to Rosemary Chiavetta, couriered a copy to the other retailer, and the complainant and as well to Rosemary Chiavetta.

I then today received another order to have a conference call with the other party listed (frontier utilities), the complainant, and us.

Is this normal procedure in Pa whenever a consumer complains about a Retailer? or does it take a specific complaint type to get to the Rosemary Chiavetta stage?



Laura Jurasek
Regulatory Compliance and Operations

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