

Pennsylvania Public Utility Commission- Secretary

400 North Street, Keystone Building

Harrisburg, PA 17120

Re: Krain vs Choice Energy LLC

Docket No. C-2016-2581006

Gentlemen:

Choice Energy's response dated January 11, 2017 is incorrect as to the number of telephone calls that were made to my residence. They called almost every day and sometimes twice a day.

It does not address the number of times I tried to contact them to request that they stop calling. I called whatever number they originally called on plus another number that I located on the internet as their corporate telephone number.

My caller ID only shows the following telephone numbers from Choice Energy at this time because we kept on deleting them. The caller ID only shows the latest calls from any telephone number.

732-807-5614 1:49PM 12/28/16

201-603-2805 4:06PM 12/21/16

908-428-4714 11:05AM 12/14/16

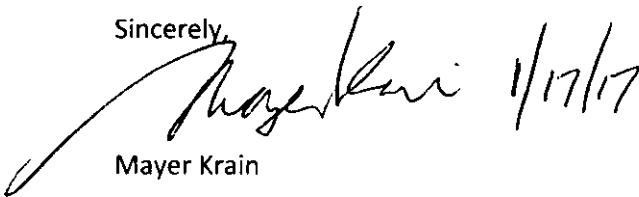
610-628-9792 6:36PM 12/6/16

Do these calls appear to represent any of their statements on their response?

Their telephone scripts are deceptive and attempt to make the person believe that they are associated with PECO don't tell you they are with another company (Choice Energy).

I believe the Pennsylvania PUC should investigate this company and determine which party is telling the truth.

Sincerely,



Mayer Krain

3650 Salina Road

Philadelphia PA 19154

RECEIVED
2017 JAN 19 AM 9:55
PA P.U.C.
SECRETARY'S BUREAU

Verizon Message Center

Monday, Jan 9 at 2:05 PM

From:Gabrielle Figueroa <gfigueroa@bmg.law>
To:"krain@verizon.net" krain@verizon.net
Subject:Krain v. Choice Energy - PA PUC Formal Complaint

Mr. Krain:

My name is Gabrielle Figueroa and I am an attorney representing Choice Energy, LLC. We are in receipt of your formal complaint filed with the Pennsylvania Public Utility Commission. After reviewing Choice Energy's files and reviewing your complaint, Choice Energy immediately placed your home phone number and your cellular phone number on its internal Do Not Call list.

As this is the specific relief you requested in your petition, Choice Energy requests that you withdraw your formal petition. I would be happy to discuss this with you at your convenience.

Please be aware that Choice Energy must file a response to your petition by Thursday, January 12, if you do not withdraw your petition. As Choice has complied with your request, we hope that we can avoid the continuation of this process and close this matter amicably.

I am available at this email address, or you can call me at 908-848-5920 if you have any questions or would like to discuss this matter.

Thank you,

Gabrielle A. Figueroa
Bevan, Mosca & Giuditta, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
E-mail: gfigueroa@bmg.law
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MURRAY E. BEVAN
mbevan@bmg.law

January 11, 2017

Pennsylvania Public Utility Commission
Secretary
400 North Street, Keystone Building
Harrisburg, PA 17120

Re: *Krain v. Choice Energy, LLC*
Docket No. C-2016-2581006

To Whom it May Concern:

On behalf of our client Choice Energy, LLC ("Choice"), please accept this letter answer, in lieu of a more formal answer, in response to the above referenced complaint filed by Mayer Krain (the "Petitioner") and served on December 23, 2016. Choice did attempt to contact the Petitioner to resolve this dispute, but as of this writing, the Petitioner has not responded.

Petitioner's complaint states as follows:

- 1. They have been calling our home telephone number at least once everyday and very frequently twice a day. We have repeatedly asked them to stop calling and take us off their listing. Some employees have been ride and kept [ILLEGIBLE], while others have said they would [ILLEGIBLE] of it. It has not stopped.¹**

In addition, Petitioner requests the following relief:

- 2. We don't want them to contact us again.**

Choice Energy response to Petitioner's complaint as follows:

- Choice admits in part and denies in part the Petitioner's allegations. By way of explanation, Choice's records indicate that Petitioner's home phone number was not listed on any state or Federal do-not-call list. Choice admits that it did call Petitioner's home phone number to discuss its electric and gas products. Choice denies that it called Petitioner "at least once everyday" and further denies that it called Petitioner "twice a day."

¹ Unfortunately, the copy of the Petition received by Choice was cut off on the bottom and some of Petitioner's complaint was not visible. Choice believes it has enough information to respond to the Petition. Choice reserves the right to amend its answer if the illegible portions of the Petition reveal additional facts or information which warrant a further response.

MAYBE
FROM
ONLY
ONE
TELEPHONE

THEY USED
AT LEAST 4

Choice proffers that there were eight (8) call attempts made on eight separate days over a span of 55 days to Petitioner's home phone number. Choice further explains that only two (2) of the eight call attempts actually connected with the Petitioner. The remaining six (6) calls went to an answering machine. Of the two calls on which Choice and Petitioner connected, Choice's records show the Petitioner was "not interested" and that no indication was made that the Petitioner did not want to be called. No other call attempts were made in between these two calls, and there was a three-week gap between the phone calls.

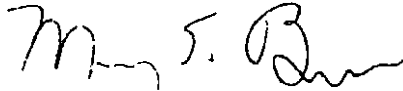
Choice responds to Petitioner's request for relief as follows:

- Choice placed Petitioner's home and cellular phone numbers on its internal do-not-call list immediately upon receipt of the complaint.

WHAT DATE?
WE RECEIVED AT LEAST
ONE MORE CALL AFTERWARDS

In light of Choice's immediate grant of Petitioner's requested relief, Choice respectfully requests that the Public Utility Commission close this matter.

Very truly yours,



Murray E. Bevan

Enclosures

- cc: Moses Cheung (via electronic mail only)
Mayer Krain, Petitioner (via electronic and overnight mail)

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

_____	X	
Mayer Krain,	:	
Petitioner	:	Docket No. C-2016-2581006
	:	
v.	:	
	:	
Choice Energy, LLC	:	CERTIFICATION OF
Respondent	:	MOSES CHEUNG
	:	
_____	X	


MOSES CHEUNG, being of full age, certifies as follows:

1. I, MOSES CHEUNG, make this Certification in support of Choice Energy, LLC's ("Choice's") Answer in the above captioned matter. I am the managing member of Choice and I have knowledge of the facts set forth herein.
2. Choice received a copy of the Petition on December 28, 2016.
3. Choice immediately placed the Petitioner's home and cellular phone numbers on its do-not-call list upon receipt of Petitioner's complaint.
4. Choice's records indicate that Petitioner's home phone number was not listed on any state or Federal do-not-call list.
5. Choice did call Petitioner's home phone number to discuss its electric and gas products.
6. Choice did not call Petitioner "at least once everyday" and did not call Petitioner "twice a day."

7. Choice made eight (8) call attempts to Petitioner on eight separate days over a span of 55 days to Petitioner's home phone number. Choice further explains that only two (2) of the eight call attempts actually connected with the Petitioner. The remaining six (6) calls went to an answering machine. Of the two calls on which Choice and Petitioner connected, Choice's records show the Petitioner was "not interested" and that no indication was made that the Petitioner did not want to be called.

8. No other call attempts were made by Choice to Petitioner.

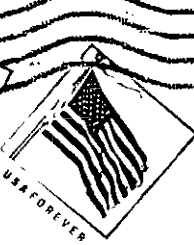
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


MOSES CHEUNG
Managing Member
Choice Energy, LLC

Dated: January 11, 2017

PHILADELPHIA PA 190

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PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY
400 NORTH STREET
KEYSTONE BUILDING
HARRISBURG PA 17120

17120-007999

