

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

 @pa_oca

 /pennoca

FAX (717) 783-7152
consumer@paoca.org

October 10, 2019

Karen O. Moury, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101

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.

Blue Pilot Energy, LLC, Respondent
Docket No. C-2014-2427655

Dear Ms. Moury:

As you know, on July 19, 2018, the Pennsylvania Public Utility Commission (Commission) entered an Order against Blue Pilot LLC (Blue Pilot) in the above-referenced proceeding. Paragraph 8 of that Order states as follows:

That Blue Pilot Energy, LLC is directed to pay the sum of \$2,508,449, less the amounts previously refunded to its customers, into a Refund/Rebilling Pool, for the purpose of providing a rebilling credit to at least 2,516 consumers based on a rebilling of all charges that are determined to be over and above the Price-to-Compare of their respective electric distribution companies' service territories for amounts that were charged from December 2013 through March 2014.

Furthermore, Paragraph 9 of that Commission Order requires that the Refund/Rebilling Pool amount be paid to a designated agent identified by the Joint Complainants within ninety days after the entry of that Order.

Pursuant to Paragraph 10 of the Order Blue Pilot is also "to fully and timely cooperate" with the Complainants "by providing all customer information necessary to calculate each customer's refund amount, including billing rates, usage and addresses, as well as a full

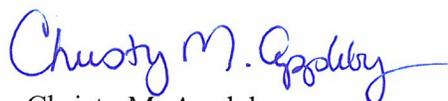
accounting of all refunds and bill credits provided to Pennsylvania customers so that an appropriate mitigation credit to eligible customers may be determined.”

The Commission Order of July 11, 2019, denying Blue Pilot’s Petition for Reconsideration, closed the matter before the Commission. On August 9, 2019, Blue Pilot filed a Petition for Review with the Commonwealth Court, seeking appellate review of both the July 19, 2018 Opinion and Order and the July 11, 2019 Order denying the Petition for Reconsideration. Blue Pilot did not seek a stay of the Commission Order from either the Commission or the Commonwealth Court. It is black letter law that a Petition for Review does not automatically stay a Commission Order.

In the absence of a *supersedeas*, therefore, the Commission Orders entered in the above-referenced matter are in full force and effect. Thus, the time period by which Blue Pilot was to pay the appropriate Refund/Rebilling Pool amount ended on October 9, 2019.

The Complainants therefore demand that Blue Pilot comply immediately with Paragraphs 8, 9 and 10 of the July 2018 Commission Order entered in the initial matter, such that the appropriate Refund/Rebilling Pool amount be deposited, pursuant to Paragraph 9 of the July 2018 Order, to the escrow account designated by the Complainants. The Complainants further demand that Blue Pilot comply immediately with Paragraph 10 of the July 2018 Commission Order by providing all customer information to refund appropriate amounts to Blue Pilot’s former customers.

Please contact us for information and instructions concerning the transfer of funds to the escrow account.



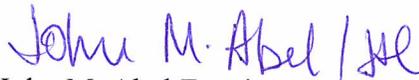
Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAappleby@paoca.org

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

Counsel for:
Tanya J. McCloskey
Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-5048
Phone: (717) 783-5048
Fax: (717)7837152

cc: Rosemary Chiavetta, Secretary
Certificate of Service

Respectfully Submitted,



John M. Abel Esquire
Office of Attorney General
Bureau of Consumer Protection
15th Floor, Strawberry Square
Harrisburg, PA 17120
PA Attorney I.D. #89891
E-Mail: JAbel@attorneygeneral.gov

CERTIFICATE OF SERVICE

Commonwealth of Pennsylvania, by the :
Attorney General Josh Shapiro :
Through the Bureau of Consumer Protection :
AND : Docket No. C-2014-2427655
Tanya J. McCloskey, Acting Consumer :
Advocate, :
Complainants, :
v. :
Blue Pilot Energy, LLC, :
Respondent. :

I hereby certify that I have this day served a true copy of the following document, the Joint Complainants' Letter to Blue Pilot Energy, LLC, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 10th day of October 2019.

SERVICE BY E-MAIL & INTER- OFFICE MAIL

Michael Swindler, Esq.
Stephanie M. Wimer, Esq.
Bureau of Investigation & Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

John M. Abel, Esq.
Office of Attorney General
Bureau of Consumer Protection
15th Floor, Strawberry Square
Harrisburg, PA 17120

Terrance John Buda
Law Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105

Renardo L. Hicks
Law Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105

Robert Young
Law Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17105

SERVICE BY E-MAIL & FIRST CLASS MAIL, POSTAGE PREPAID

Sharon Webb, Esq.
Office of Small Business Advocate
Commerce Building, Suite 202
300 North Second Street
Harrisburg, PA 17101

Karen O. Moury, Esq.
Eckert, Seamans, Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101

/s/Christy M. Appleby

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAppleby@paoca.org

Counsel for: Office of Consumer Advocate
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

Harrison W. Breitman
Assistant Consumer Advocate
PA Attorney I.D. # 320580
E-Mail: HBreitman@paoca.org

*279669