

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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October 28, 2019

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

Re: Commonwealth of Pennsylvania, *et al.*,
Complainants
v.
Blue Pilot Energy, LLC,
Respondent.
Docket No. C-2014-2427655

Dear Secretary Chiavetta:

Attached for electronic filing please find the Answer of the Office of Attorney General and the Office of Consumer Advocate in Opposition to Blue Pilot Energy, LLC Petition for Stay and accompanying verification, in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christy M. Appleby".

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

Enclosures:

cc: Honorable Elizabeth Barnes
Honorable Joel Cheskis
Certificate of Service
*280122

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commonwealth of Pennsylvania, <i>et al.</i> ,	:	
	:	
Complainants,	:	
	:	
v.	:	Docket No. C-2014-2427655
	:	
Blue Pilot Energy, LLC,	:	
	:	
Respondent.	:	

ANSWER
OF THE OFFICE OF ATTORNEY GENERAL AND
THE OFFICE OF CONSUMER ADVOCATE
IN OPPOSITION TO
BLUE PILOT ENERGY, LLC PETITION FOR STAY

In accordance with 52 Pa. Code §5.572(e), the Office of Attorney General and the Office of Consumer Advocate, designated in this case as the Joint Complainants, hereby file the following Answer in Opposition to the Petition for Stay of Blue Pilot Energy, LLC.

I. INTRODUCTION

On October 17, 2019, pursuant to Pa. R.A.P. 1781(a) and 52 Pa. Code § 5.572, Blue Pilot Energy, LLC (Blue Pilot or Company) filed a Petition for Stay Pending Judicial Review in the above-captioned docket relating to the disposition of Blue Pilot’s appeal of the Pennsylvania Public Utility Commission’s July 19, 2018 Order and July 11, 2019 Reconsideration Order (collectively Orders). In the Order dated July 19, 2018, the Commission, *inter alia*, directed:

6. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa. C.S. §3301, within thirty (30) days of the date of entry of this Opinion and Order, Blue Pilot Energy, LLC, shall pay a civil penalty in the amount of one million sixty-six thousand dollars (*sic*) nine hundred dollars (\$1,066,900) by certified

check or money order made payable to “Commonwealth of Pennsylvania” and sent addressed as follows:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA. 17120

...

8. 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 customers 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.

9. That the Refund/Rebilling Pool amount in Ordering Paragraph No. 8, above, shall be paid to a designated agent identified by the Office of Attorney General and Office of Consumer Advocate, for subsequent disposition upon Commission Order within ninety (90) days after the entry of this Opinion and Order.

10. That Blue Pilot, LLC, and its designated agents, employees, or assigns, shall fully and timely cooperate with the Office of Attorney General, Office of Consumer Advocate 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.

July 19, 2018 Order at Ordering Paragraphs 6, 8-10. As of this date, the Company has not complied with the Commission’s Ordering Paragraph 6 to pay the civil penalty (by August 12, 2019), the Commission’s Ordering Paragraph 9 to pay the Refund/Rebilling Pool amount to the designated agent identified by the Office of Attorney General and the Office of Consumer Advocate (Joint Complainants)(by October 9, 2019), and Commission Ordering Paragraph 10 to provide customer information to the Joint Complainants for the purposes of calculating the customer refund amounts.

While Blue Pilot timely filed a Petition for Review following the Commission’s Final Reconsideration Order, Blue Pilot did not request a stay of the Commission’s Orders pursuant to

the requirements of Pennsylvania Rule of Appellate Procedure 1781(a) and 52 Pa. Code §5.572. On October 10, 2019, after the time period for compliance with the Commission's Order had lapsed, the Joint Complainants filed a Letter with the Secretary of the Commission and served it on counsel for Blue Pilot and other parties of record in the above-captioned docket demanding compliance with the Commission's Orders. It was only after that date that Blue Pilot sought a stay of the Commission's Orders. In its Petition, Blue Pilot did not identify any good cause or reason for the delay in seeking a stay of the Commission's Order. Section 5.572(c) requires a petition for supersedeas to be filed within fifteen days of a Commission Final Order (by July 26, 2019). Blue Pilot filed its Petition ninety-eight days following the Commission Order. As such, Blue Pilot's Petition is untimely and should be dismissed.

Blue Pilot has also failed to meet the standards required for the issuance of a stay. Blue Pilot has failed to show that it will prevail on the merits, that it will suffer irreparable harm absent a stay, that a stay will not substantially harm other interested parties, and that the issuance of a stay will not adversely affect the public interest. *See Pennsylvania Public Utility v. Process Gas Consumers Group*, 502 Pa. 545 (1983) (Process Gas). Without being able to meet the requirements of Process Gas, Blue Pilot's Petition for Stay should be denied.

Rather than entertain the Petition for Stay, the Commission should order Blue Pilot to immediately comply with the Commission Orders by paying into an escrow fund both the amount owed for the civil penalty (Ordering Paragraph 6) and the amount owed to the Refund/Rebilling Pool (Ordering Paragraph 8) and further, to provide the necessary customer data to the Joint Complainants (Ordering Paragraph 10).¹ The distribution of these funds from the escrow account

¹ The Joint Complainants also have taken the necessary steps to establish an escrow account in accordance with the Commission's Ordering Paragraph 9 to receive the funds for the Refund/Rebilling Pool and would be amenable to holding the Refund/Rebilling Pool funds ordered under Paragraphs 8 and 9 in the Joint Complainants escrow account, if the Commission so desires.

can then await the final disposition of any appeals. If the Commission determines, however, that it will stay its Orders, the Commission must still require that Blue Pilot post a bond in an amount necessary to secure payment of the civil penalty and the Refund/Rebiling Pool amounts, to remain effective until such time as the appeals are completed. Blue Pilot has already failed to comply with the Commission's Order, no longer operates as a licensed electric generation supplier in Pennsylvania, and has allowed its bond in Pennsylvania to lapse. There is no assurance that after a lengthy appeals process, payment of the compliance amounts will be forthcoming.

II. LEGAL STANDARD

Blue Pilot argues in its Petition that it has met the standard for the Commission to grant a stay of its Orders. The standard consists of the four factors identified in Pennsylvania Public Utility v. Process Gas Consumers Group, 502 Pa. 545 (1983) (Process Gas). The Company must show that: (1) it is likely to prevail on the merits of the appeal; (2) that it will suffer irreparable injury absent a stay; (3) that a stay will not substantially harm other interested parties, and (4) that the issuance of a stay will not adversely affect the public interest. Process Gas, 502 Pa. at 552-553.

Pursuant to Pennsylvania Rule of Appellate Procedure 1781(a), an application for stay must first be made with the government unit. Pennsylvania Rule of Appellate Procedure states that:

Application for a stay or supersedeas of an order or other determination of any government unit pending review in an appellate court on petition for review shall ordinarily be made in the first instance to the government unit.

Pa. R.A.P. 1781(a).

Blue Pilot has now petitioned the Commission for a Stay of the Commission's Orders pursuant to Pa.R.A.P. 1781(a) and 52 Pa. Code § 5.572.

III. ANSWER

A. Blue Pilot's Petition for Stay is Untimely and Should be Denied.

Blue Pilot's Petition for Stay should be denied as untimely. The Commission issued its Final Reconsideration Order in this matter on July 11, 2019. While Blue Pilot timely filed its Petition for Review with the Pennsylvania Commonwealth Court on August 9, 2019, Blue Pilot did not make any request for stay at the Commission pursuant to the requirements of Pennsylvania Rule of Appellate Procedure 1781(a) and 52 Pa. Code §5.572. Under the fifteen-day time period within which to seek a stay set forth in 52 Pa. Code § 5.572, the Commission rules required Blue Pilot to submit its stay request by July 26, 2019. Blue Pilot also did not make any request for stay from the Commonwealth Court.

On October 10, 2019, after the time period had lapsed for compliance with the Commission's Order, the Joint Complainants served a letter on the attorney for Blue Pilot and other parties of record in the above-captioned docket demanding compliance with the Commission's Orders. It was only thereafter that Blue Pilot filed its Petition for Stay with the Commission. In its Petition, Blue Pilot failed to identify any good cause or reason for the untimely filing of its Petition for Stay.

Section 1.15(a)(1) of the Commission's regulations requires that filings be made in a timely manner unless good cause can be shown. Section 1.15(a)(1) states:

(a) Extensions of time shall be governed by the following:

(1) Except as otherwise provided by statute, whenever under this title or by order of the Commission, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

52 Pa. Code § 1.15(a)(1).

The OCA submits that Blue Pilot's Petition is clearly untimely and no good cause has been proffered by Blue Pilot. The deadlines set forth in the language of the Order are clear, and without the filing of a Petition for Stay, the terms of the Order are to take effect, even in the face of a timely filed appeal. The Commission should direct Blue Pilot to comply immediately with its Orders. As set forth below, immediate compliance through payment of the civil penalty and refund amounts into an escrow account would be appropriate to protect both the Commonwealth and the affected former Blue Pilot consumers in this matter.

B. Blue Pilot Has Not Met The Process Gas Standards for Issuance of a Stay.

1. The Petition for Stay Should be Denied Because Success is Not Likely on the Merits.

Blue Pilot argues that it is likely to succeed on the merits of its appeal. Blue Pilot Petition at ¶¶ 7-9. This argument is unpersuasive. In its Petition for Review, Blue Pilot has identified the following issues: that the Commission has exceeded its statutory authority by “improperly engaging in contract interpretation”; by awarding “damages” to customers in the form of refunds; and by improperly deciding a “class action lawsuit.” The Company also argues that the civil penalty is excessive. See Blue Pilot Energy, LLC. v. Pa. PUC, Docket No. 1054 C.D. 2019, Petition for Review. In the instant Petition for Stay, Blue Pilot argues that “significant questions exist regarding the Commission’s legal authority so that a substantial case on the merits has been made.” Petition at ¶ 9. The OCA submits, however, that as discussed in the Commission’s Order, no significant questions can be raised regarding the Commission’s legal authority in this case. Relevant provisions of the Public Utility Code, cases before this Commission and the recent HIKO

case before the Pennsylvania Supreme Court support the Commission's subject-matter jurisdiction in this matter, its right to issue refunds, and its authority to impose a civil penalty. See also, 66 Pa. C.S. § 501 (Commission's plenary authority); HIKO Energy Company v. Pa. PUC, 2019 Pa. PUC LEXIS 3139 (Pa. June 5, 2019)(HIKO); Richard Sanderman v. LP Water and Sewer Company, 87 Pa. PUC 734 (1997)(Commission has the authority to order across-the-board relief pursuant to its plenary authority under Section 501); Commonwealth of Pennsylvania, by Attorney General Kathleen G. Kane, through the Bureau of Consumer Protection and Tanya J. McCloskey, Acting Consumer Advocate v. IDT Energy, Inc., Docket No. C-2014-2427657, Opinion and Order at 17-18 (Dec. 18, 2014) (IDT Interlocutory Order)(holding that in addition to having the authority to direct EGS refunds for slamming violations or when a customer has, otherwise been switched to an EGS without his or her consent pursuant to 52 Pa. Code § 57.177(b), the Commission has plenary authority under Section 501 of the Public Utility Code, 66 Pa. C.S. § 501, to direct an EGS to issue a credit or refund for an over bill. IDT Interlocutory Order at 17-18; 66 Pa. C.S. §§ 2807(d)(2), 2809.

The Commission's Reconsideration Order specifically relied upon the Commonwealth Court's HIKO decision as support for its authority.² The Commission's Reconsideration Order stated:

At the time of litigating the instant Complaint, the Parties did not have the benefit of the Commonwealth Court's decision in HIKO v. Pa. PUC, 163 A.3d 1079 (Pa. Cmwlth. 2017), *appeal granted*, 176 A.3d 235)(Pa. 2017)(HIKO). We read the holding in this case to implicitly refute most, if not all, of the legal contentions of Blue Pilot in this Complaint regarding the jurisdiction and authority of the Commission to investigate and adjudicate claims alleging a violation of the Commission Regulations and the Code applicable to an EGS, and to impose a civil penalty upon the established of [*sic*] a record of violations of the Code and Commission Regulations.

² The Pennsylvania Supreme Court affirmed the determination of the Commonwealth Court in the HIKO case. HIKO Energy Company v. Pa. PUC, 2019 Pa. PUC LEXIS 3139 (Pa. June 5, 2019)(HIKO)

HIKO v. Pa PUC is authority for the proposition that the Courts acknowledge the authority of the Commission to make determinations regarding EGS compliance with the Code and Commission Regulations concerning adequate disclosures of their variable rate generation service offerings. *See* I.D. at 53-54, citing *I&E v. HIKO Energy, LLC*, Docket No. C-2014-2431410 (Initial Decision issued August 21, 2015) at 35 (The fact that violations are being raised in one complaint does not minimize the EGS's liability).

Order at 26-27.

Blue Pilot cites to the Process Gas case and states that the tribunal may render an adverse decision, but the applicant may have still presented a substantial case on the merits even though the Court disagrees. Petition at ¶ 7, citing Process Gas, 502 Pa. at 809, fn. 8. The OCA submits that is not the case here. As the Commission concluded (in agreement with the Administrative Law Judge), the subject-matter jurisdiction issues have been raised and addressed with substantial support from Commission precedent. Order at 21-23 (subject-matter jurisdiction); 22-25 (authority and role of Joint Complainants); 25-27 (class action lawsuit/pattern and practice). As the Commission's Order correctly concluded, the issues raised by the Blue Pilot Petition for Review have been previously adjudicated by the Courts. *See*, Order at 26-27, citing HIKO v. Pa. PUC, 163 A.3d 1079 (Pa. Cmwlth. 2017), *appeal granted*, 176 A.3d 235 (Pa. 2017), The Commission has been determined to have subject-matter jurisdiction in these EGS cases.

The Electricity Generation Customer Choice and Competition Act, Commission's regulations and the Company's Licensing Order clearly confer jurisdiction upon the Commission to ensure that the Company meets its obligations to consumers. *See, e.g.*, 66 Pa. C.S. § 2807(d)(2)(requiring the Commission to establish regulations for electric generation suppliers to provide "accurate and adequate information"), 66 Pa.C.S. § 2809 (requirements for electric generation suppliers); *see also*, Order at 27-28, 71-72. The Pennsylvania Supreme Court in Delmarva Power & Light Co. v. Pa. PUC, 870 A.2d 901 (Pa. 2005) confirmed that in regulating

the service of EGSs, the Commission shall impose the requirements “necessary to ensure that the present quality of service...does not deteriorate, including...assuring that” standards and billing practices for residential utility services are maintained. Delmarva, 70 A.2d at 911 citing 66 Pa. C.S. § 2809(e).

As discussed in the case below, the characterization of the complaint as a “class action lawsuit” is also contrary to the law and plainly inaccurate. *See* Order at 22-27. The Commission adopted the ALJs’ determinations as follows:

Act 161 of the Pennsylvania General Assembly, 71 Pa.C.S. § 309-2, as enacted July 9, 1976, authorizes the Office of Consumer Advocate (OCA) to represent the interests of residential customers in rate proceedings before the Commission. Similarly, the OSBA pursuant to 73 Pa.C.S. §§ 399.41, et seq. is authorized to represent small business customers’ interests in utility matters before the Commission. The Bureau of Investigation and Enforcement (I&E) serves as the prosecutor bureau for purposes of representing the public interest in ratemaking and service matters before the Commission. These “statutory advocates” participate in various types of investigations and complaint proceedings before the Commission.

The Attorney General is not acting on behalf of any one single claimant, but pursuant to its *parens patriae* powers. *See e.g.*, 57 Pa. D&C 2.d 203 (C.P. Allegheny 1972)(Characterizes the Commonwealth’s action by Commonwealth v. Foster the Attorney General under the Consumer Protection Law (CPL) as *parens patriae*). The Attorney General does not act as the private attorney for any given customer but instead is authorized to bring a proceeding on behalf of the public “to protect the citizenry,” by among other things, seeking injunctive relief, restitution and civil penalties. Valley Forge Towers South Condominium v. Ron-Ike Foam Insulators, Inc., 393 Pa. Super. 339, 346, 574 A.2d 641, 644 (1990), *aff’d* 529 Pa. 512, 605 A.2d 798 (1990)...

Order at 22-23, citing I.D; *see also*, Order at 26, citing Richard Sanderman v. LP Water and Sewer Company, 87 PaPUC 734 (1997)(affirming OCA’s statutory authority to represent ratepayers).

The Commission’s Order and Initial Decision in this case relied upon the Sanderman case and distinguished the holdings of the cases cited by Blue Pilot in the case below. Order at 26, citing I.D. at 50-55.

Finally, Blue Pilot claims in its Petition for Review that the Commission imposed an excessive fine. In the recent HIKO v. Pa. PUC decision, the Pennsylvania Supreme Court affirmed the Commission's authority to impose a \$1,836,125 civil penalty on HIKO for violations of the Commission's regulations by the electric generation supplier. See, HIKO Energy Company v. Pa. PUC, 2019 Pa. PUC LEXIS 3139 at *53-55 (Pa. June 5, 2019)(HIKO). Blue Pilot makes a very similar argument in this case regarding the imposition of the \$1,066,900 civil penalty by the Commission for violations of Commission regulations. Given the Pennsylvania Supreme Court's determination in the HIKO case, Blue Pilot's arguments regarding a comparable fine for violations of the same Commission regulations are not likely to succeed on the merits.

For all of these reasons, the OCA submits that Blue Pilot has not demonstrated that it is likely to prevail on the merits of its appeal.

2. Blue Pilot will not suffer irreparable injury without a stay.

Blue Pilot also argues that it will suffer irreparable injury without a stay, citing Process Gas, 502 Pa. at 553. Blue Pilot makes only one point to support this contention, *i.e.*, that it will have to pay money to 2,500 retail customers which, if it is disbursed by the Joint Complainants, the Company may never be able to recoup, if it does ultimately prevail on appeal. Petition at ¶12. The OCA submits that Blue Pilot has failed to make a demonstration of irreparable harm to the Company warranting a stay.

Joint Complainants submit that, rather than issue a stay, the Commission should order the civil penalty as well as the refunds to be paid into an escrow account for disposition following the conclusion of the appeal. Indeed, in the Process Gas case, the Commission held funds in an escrow account for future disposition. See, Process Gas, 502 Pa. at 550. In that case, the Court specifically noted that the Commission had ordered that the Boiler Fuel Rider funds at issue in the appeal be

held in a segregated interest-bearing escrow account "for future disposition by order of the PUC." Id. As the dissent in the case noted, "the funds shall reside in the escrow account, accumulating interest, until such time as either the proposals are forthcoming or, following review by the Commonwealth Court, it is determined that the P.U.C. is without power to order such a conservation program." Process Gas, 502 Pa. at 556.

The Commission should order Blue Pilot to comply immediately with the Commission's Orders by paying into an escrow fund the amount owed for the civil penalty and the amount owed to the Refund/Rebilling Pool and to immediately provide the necessary customer data to the Joint Complainants. In this way, any issue of irreparable harm is negated and compliance with the Commission's Order can move forward.³

3. Other interested parties will be substantially harmed by a stay.

The third prong of Process Gas requires that a stay will not substantially harm other interested parties. Process Gas, 502 Pa. at 553. In its Petition, Blue Pilot states that the "issuance of a stay pending appeal will not substantially harm OAG or OCA, whose interests on behalf of BPE's former customers are strictly monetary." Petition at ¶ 13. Blue Pilot, however, has disregarded several relevant facts. Most importantly, there is no financial security to assure compliance with the Commission's Orders. Under the Commission's licensing regulations, EGSS are required to maintain a bond to secure their financial obligations to customers. 52 Pa. Code § 54.40. On January 27, 2016, Blue Pilot allowed its bond to lapse and the bond was never renewed by Blue Pilot. See, License Application of Blue Pilot Energy, LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as an Aggregator and Broker/Market of Retail Electric Power, Docket No. A-2011-2223888, Bond Renewal Warning Secretarial Letter

³ As discussed in the Introduction and in Section III.A, if the Commission determines to grant the stay, the Commission must require Blue Pilot to post a bond in a sufficient amount to secure its obligation.

(August 27, 2015); see also, Electric Generation Supplier License Cancellations of Companies with an Expired Security, Docket No. M-2015-2490383 (March 14, 2016).⁴ This lapse of the financial security obligation was noted by the Commission in its Order of March 16, 2016. Electric Generation Supplier License Cancellations of Companies with an Expired Security, Docket No. M-2015-2490383 (March 14, 2016). While the Commission suspended Blue Pilot's license rather than cancel it, the fact remains that no effective bond to guarantee Blue Pilot's obligations under the Commission Orders exists.

For the 2,516 customers, there is a real financial harm for every day that customers must wait to receive the refunds that they are due. A stay would make it even more difficult to obtain the necessary funds to redress these harms at the end of a lengthy appeal process. As Blue Pilot states in its Petition, it is no longer operating in Pennsylvania. Petition at ¶ 10. Moreover, the more time that passes, the more difficult it will become for the Joint Complainants to disburse the refunds to the former customer group, resulting in the potential for additional administrative costs not accounted for in the Commission Order. Common sense dictates that customer contact information becomes stale and more unreliable with the passage of time, resulting in additional efforts required to locate customers and provide refunds.

⁴ In the August 27, 2015 Bond Renewal Warning Secretarial Letter, the Commission specifically stated:

On December 18, 2014, Blue Pilot filed a Continuation Certificate with an expiration date of January 27, 2016. On June 11, 2015, Blue Pilot filed a Notice of Cancellation for its bond. On June 25, 2015, Commission staff contacted Blue Pilot about the bond cancellation. Blue Pilot stated that it would file documentation with the Commission to revoke the Notice of Cancellation. To date, this documentation has not been received.

According to Blue Pilot's recent reported gross receipts, Blue Pilot must also increase its current bond. *See* 52 Pa. Code § 54.40(d).

Bond Renewal Warning Secretarial Letter at 1.

As such, Blue Pilot has failed to meet its burden to show that other interested parties will not be substantially harmed.

4. A Stay Will Adversely Affect The Public Interest.

The final Process Gas factor is whether the stay will adversely affect the public interest. Process Gas, 502 Pa. at 553. In an effort to support this prong of the Process Gas standard, Blue Pilot merely repeats its contention that the Commission has exceeded its statutory authority, and therefore, the Orders should not be enforced pending judicial review. Petition at ¶ 14. Blue Pilot argues that if it loses the appeal, the delay will “merely lead to refunds and/or a civil penalty being owed in the future, so there is no substantial harm to the public interest.” Id. This argument is specious.

The public has an interest in prompt enforcement of Commission Orders, particularly where former customers have been victims of misleading and deceptive statements about savings on their electric bills. The Commonwealth’s interest in receipt of duly imposed fines and the former customers’ interest in receiving refunds as ordered are both interests which will be substantially and adversely affected by a stay, in the absence of an escrow account or a bond to secure such future payments.

Blue Pilot’s argument that the public interest will not be adversely affected should be rejected.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the Office of Consumer Advocate respectfully requests that the Commission deny Blue Pilot's Petition for Stay Pending Judicial Review and require immediate compliance with the prior orders, specifically Ordering Paragraphs 6, 8 and 9, in the form of payment of the fine and refunds into an escrow account or, in the alternative, the posting of a bond sufficient to secure such future payments following the conclusion of the appeal. In addition, the Commission should order Blue Pilot to provide the customer data required to calculate refunds consistent with Ordering Paragraph 10.



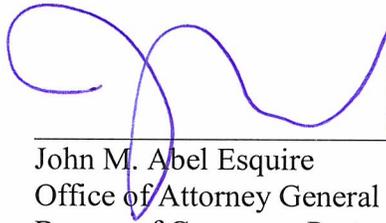
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DATE: October 28, 2019
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Respectfully Submitted,



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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

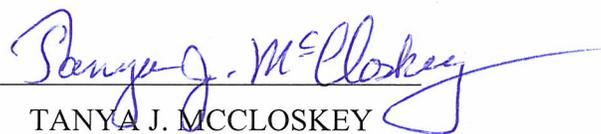
Commonwealth of Pennsylvania, *et al.*, :
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Complainants, :
:
v. : Docket No. C-2014-2427655
:
Blue Pilot Energy, LLC, :
:
Respondent. :

VERIFICATION

I, TANYA J. MCCLOSKEY, hereby state that the facts set forth in the Answer of the Office of Attorney General and the Office of Consumer Advocate are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities).

October 28, 2019

Date

Signed: 
TANYA J. MCCLOSKEY

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

CERTIFICATE OF SERVICE

Commonwealth of Pennsylvania, et al., :
 :
Complainants, :
 :
v. : Docket No. C-2014-2427655
 :
Blue Pilot Energy, LLC, :
 :
Respondent. :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer to Petition for Stay, 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 28th day of October 2019.

SERVICE BY E-MAIL & INTER- OFFICE MAIL

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