



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

IN REPLY PLEASE
REFER TO OUR FILE

December 10, 2020

Docket No. A-2020-3022974
Utility Code: 1223614

CERTIFIED

DEBORAH LIEBEL PRESIDENT
PROTOCOL COMMUNICATIONS INC
204 MAIN STREET
LAUREL MD 20707

RE: Natural Gas Supplier License Application

Dear Ms. Liebel:

On November 23, 2020, the Public Utility Commission accepted Protocol Communications Inc.'s application for a Natural Gas Supplier license. The application was incomplete. In order for us to complete our analysis of your application, the Energy Industry Group requires answers to the attached question(s).

Please be advised that you are directed to forward the requested information to the Commission within **30** days of receipt of this letter. Failure to respond may result in the application being denied. As well, if Protocol Communications Inc. has decided to withdraw its application, please reply notifying the Commission of such a decision.

Please forward the information to the Secretary of the Commission at the address listed below. When submitting documents, all documents requiring notary stamps must have original signatures. Please note that some responses may be e-filed to your case, <http://www.puc.pa.gov/efiling/default.aspx>. A list of document types allowed to be e-filed can be found at <http://www.puc.pa.gov/efiling/DocTypes.aspx>.

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

Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

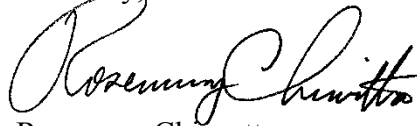
I, _____, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

In addition, to expedite completion of the application, please also e-mail the information to Jeff McCracken at jmccracken@pa.gov. Please direct any questions to Jeff McCracken, Bureau of Technical Utility Services, at jmccracken@pa.gov (preferred) or (717) 783-6163.

Sincerely,

A handwritten signature in black ink that reads "Rosemary Chiavetta". The signature is written in a cursive style with a large, looping initial "R".

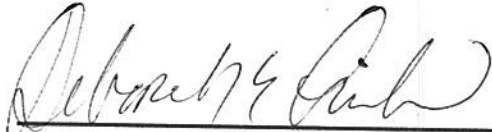
Rosemary Chiavetta
Secretary

Enclosure

Docket No. A-2020-3022974
Protocall Communications Inc.
Data Requests

1. Reference Application, Section 1.b, Registered Agent – Applicant failed to provide a telephone number for its Registered Agent. Please provide an updated application page with the appropriate corrections.
2. Reference Application, Section 5.c, Customer/Regulatory/Prosecutory Actions – Applicant failed to list its cases from the Maryland Trial and/or Appellate courts. Applicant also failed to list its case concerning the U.S. Equal Employment Opportunity Commission, Civil Action No. 8:18-cv-02535. Please file an updated application page with the requested information.
3. Reference Application, Section 8.a, Technical Fitness – Applicant failed to provide a license for each state in which it is licensed to operate in the electric and/or natural gas industries. Please provide the missing documentation.

I, Deborah E Liebel, hereby state that the facts above set forth 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. § 4904 (relating to unsworn falsification to authorities).



12/11/20

Deborah E Liebel
President

5. COMPLIANCE

- a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years. no

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

Neither the applicant nor any affiliates, predecessor or persons identified on the application have been or are currently the defendant of a criminal or civil proceeding in last 5 years.

- b. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any such proceedings listed above.

Not applicable

- c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **Applicant should also include if it had a Pennsylvania PUC EGS or NGS license previously cancelled by the Commission.** If the Applicant has no actions or complaints to list, explicitly state such. none

See attached

- d. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any actions listed above.

See attached

6. PROOF OF SERVICE

Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.
(Example Certificate of Service is attached at Appendix C)

See attached

- a.) **STATUTORY AGENCIES:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, provide proof of service of a signed and verified Application with attachments on the following:

Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

Office of the Small Business Advocate
Commerce Building, Suite 202
300 North Second Street
Harrisburg, PA 17101

Department of Revenue
Bureau of Compliance
PO Box 281230
Harrisburg, PA 17128-1230

Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2 West
Harrisburg, PA 17120

Protocall had two legal issues within the past 5 years. Both have been resolved.

1. Civil Action No. 8:18-cv-02535-TDC taken by the EEOC in 2018

The case concerned a job applicant who came back 13 months later and claimed that Protocall discriminated against her due to her dyslexia. We never hired this applicant and fiercely deny that we did anything inappropriate or illegal. The case was settled out of court in order to avoid a protracted legal case.

2. Class action lawsuit by Sterne et. al in 2018

The case concerned four prior employees who maintained that they had not been given full information about their compensation plans. This case was settled.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Robbi L. Thompson**
 2302 Ramblewood Drive
 District, MD 20747

From: **Baltimore Field Office**
 G.H. Fallon Federal Building
 31 Hopkins Plaza, Suite 1432
 Baltimore, MD 21201

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
531-2018-01492	Victor Owolabi, Investigator	(410) 209-2218

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

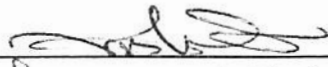
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Rosemarie Rhodes,
 Director

MAR 22 2019

(Date Mailed)

Enclosures(s)

cc: Dawn Kus
 Director of Human Resources
 PROTOCOL COMMUNICATIONS
 204 Main Street
 Laurel, MD 20707

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)**

ANDREW STERNE, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil No. 8:18-cv-01083-PX
PROTOCOL COMMUNICATIONS,)	
INC., <i>et al.</i>)	
)	
Defendants.)	
_____)	

ORDER OF DISMISSAL PURSUANT TO LOCAL RULE 111

Having been informed by counsel for the Parties that they have entered into an agreement settling the claims in this case, it is this 3rd day of December, 2018 hereby ORDERED that:

1. This case is hereby DISMISSED pursuant to Local Rule 111, without prejudice to the right of any Party to move for good cause to reopen the case within sixty (60) days of the date of this Order if the settlement is not consummated.

2. Each Party shall pay its own costs and attorneys' fees, unless otherwise agreed upon by the Parties.

/S/
Hon. Paula Xinis
United States District Court

Equal Employment Opportunity Commission v. Protocall Communications
Consent Decree—Summary of Obligations

The Consent Decree was entered on March 25, 2019 and remains in effect for two years, until March 25, 2021. Protocall's obligations under the decree are as follows:

Within 10 days of entry – April 4, 2019

1. Payment of Monetary Damages
 - a. Protocall must pay monetary relief to LaShay Johnson totaling \$31,000, which represents:
 - i. \$10,000 in backpay
 1. Protocall must administer proper withholdings for taxes and required employee contributions for FICA and Medicare from this backpay portion
 - ii. \$20,000 in compensatory damages and \$1,000 in attorney's fees
 1. The compensatory damages and attorney's fees may be combined into one check for \$21,000 with no taxes or withholdings taken out.
 - b. The checks should be sent directly to Ms. Johnson at
 - i. [Johnson Address]
 - c. A photocopy of the checks and the related correspondence should be emailed to EEOC trial attorney Jess Unger at jess.unger@eoc.gov
 - d. At the end of the year, Protocall must issue Johnson a 2019 United States Internal Revenue Service Form W-2 for the back pay and a Form 1099 for the compensatory damages and attorney's fees.
2. Protocall must post the posters required by the Commission Regulations. These posters must remain posted.
3. Protocall must sign, date, and post **Exhibit A Notice to Employees**. The notice must be posted for the duration of the Decree (until March 25, 2021).

Within 60 days of entry – May 24, 2019

1. Protocall must maintain written policies to address the prohibition of disability discrimination under the ADA. The policies must address the duty to reasonably accommodate qualified individuals with disabilities and contain procedures for requesting a reasonable accommodation. Once these policies are developed, they must be distributed to all employees.
 - a. Update to the handbook acknowledgement required: If distribution of the policies is made through the handbook and circulated in electronic form, an individual acknowledgement of receipt, acceptance, and comprehension of the ADA policies and procedures must be provided by each employee.
2. Protocall must provide all supervisors or managers and all employees with HR responsibilities with 2 hours of live training on the requirements and prohibitions of the ADA.
 - a. Training must be conducted by an outside organization or law firm

- b. Training must include special emphasis on reasonable accommodations and the interactive process
- c. Training must also include a component on outside resources to consult when determining a reasonable accommodation
- d. Protocall must maintain records of the name and job title of each employee who attended the training, and submit these records to the EEOC within 5 days of the training.

End of year 2019

1. At the end of the year, Protocall must issue Johnson a 2019 United States Internal Revenue Service Form W-2 for the back pay and a Form 1099 for the compensatory damages and attorney's fees.

Monitoring Requirements – September 25 and March 25 of each year

1. Every six months, on September 25, 2019, March 25, 2020, September 25, 2020, and March 25, 2021, Protocall must submit to the Commission a list of all individuals who have complained or reported any disability discrimination within that six-month period.
 - a. The list must include the individual's name, home address, home phone number, nature of the complaint, name of the individual who received the complaint, the date of the complaint, and a description of the action taken in response.
 - b. If there are no complaints, Protocall must submit that to the Commission.
2. After giving at least 10 business days of notice, the Commission may inspect the premises and records, or conduct interviews with employees at reasonable times.

New Hire Policy Distribution

1. Within 10 days of hiring, the written policies addressing the prohibition of disability discrimination under the ADA must be distributed to all new hires.
2. Within 10 days of hiring or promotion of managers, supervisory personnel, and HR personnel, Protocall must provide ADA training via live, or DVD, Video, or Computer format. The content of the training must be the same as the live training required under the Decree.

JASON M. STANEK
CHAIRMAN

MICHAEL T. RICHARD
ANTHONY O'DONNELL
ODOGWU OBI LINTON
MINDY L. HERMAN



PUBLIC SERVICE COMMISSION

#6, 11/25/20 AM; ML#s 232087 and 232525
License Reference No.: IR-4543

November 25, 2020

Deborah Liebel
Protocall Communications, Inc.
204 Main Street
Laurel, MD 20707

Dear Ms. Liebel:

On October 8, 2020, Protocall Communications, Inc. ("Company") filed an Application for a License to Supply Natural Gas or Natural Gas Supply Services in Maryland under COMAR 20.54. The Company proposes to provide natural gas supply services in Maryland for, residential, commercial and industrial customers as described in the application. Additional information was filed on November 9, 2020.

After considering this matter at the November 25, 2020 Administrative Meeting, the Commission granted the Company a license to supply natural gas or natural gas supply services in Maryland (License Reference Number IR-4543). The license granted by the Commission under this Letter Order is limited solely to natural gas supplier broker services for the customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to utilization of the materials in Maryland.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

ASJ/st

JASON M. STANEK
CHAIRMAN

MICHAEL T. RICHARD
ANTHONY O'DONNELL
ODOGWU OBI LINTON
MINDY L. HERMAN



PUBLIC SERVICE COMMISSION

#7, 11/25/20 AM; ML#s 232088 and 232526
License Reference No.: IR-4544

November 25, 2020

Deborah Liebel
Protocall Communications, Inc.
204 Main Street
Laurel, MD 20707

Dear Ms. Liebel:

On October 8, 2020, Protocall Communications, Inc. ("Company") filed an Application for a License to Supply Electricity or Electric Generation Services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on November 9, 2020.

After considering this matter at the November 25, 2020 Administrative Meeting, the Commission granted the Company a license to supply electricity or electric generation services in Maryland (License Reference Number IR-4544). The license granted by the Commission under this Letter Order is limited solely to electricity supplier broker services for the customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to utilization of the materials in Maryland.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

ASJ/st