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VIA Electronic Filing

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

Re: Application of All Choice Energy MidAmerica LLC
Electric: A-2021-3024563
Natural Gas: A: 2021-3024607

Dear Ms. Chiavetta:

This firm represents Choice Energy, LLC, a Pennsylvania Public Utility Commission licensed provider of electric generation services ("EGS"), license number A-2012-2337893. I submit this letter in opposition to the applications from All Choice Energy MidAmerica LLC to receive Pennsylvania EGS and Natural Gas Distribution Company ("NGDC") licenses.

To clarify, we do not oppose All Choice Energy MidAmerica LLC's entry into the Pennsylvania market; we believe the robust expansion of the EGS and NGDC markets will provide the best options for Pennsylvania consumers. However, we oppose their use of the trade name "All Choice Energy" when marketing in Pennsylvania.

Choice Energy, LLC has been operating pursuant to a PUC license since 2012 under the trade name "Choice Energy." Allowing a new entrant into the marketplace to use the name "All Choice Energy" would create confusion in the marketplace, and dilute Choice Energy, LLC's intellectual property and trademark rights. A consumer who was contacted by "All Choice Energy" would reasonably believe they had been contacted by "Choice Energy," who has been operating in Pennsylvania for nearly a decade and has expended significant funds to develop and maintain the "Choice Energy" name.

An example makes this point obvious. If a proposed EGS applied to be licensed to use the name "All Pennsylvania Power Company" or "All Metropolitan Edison Company" would the PAPUC approve the license? Of course not. A customer contacted by such an entity would reasonably believe they were contacted by their local Electric Distribution Company, "Pennsylvania Power Company" or "Metropolitan Edison Company." This would have the clear potential to cause confusion for consumers.

As shown in the example above, the PUC would undoubtedly never let an EGS simply add the word "All" to the name of an EDC. Similarly, the PUC should not allow an EGS to add the word "All" to the name that a licensed EGS that has been operating in Pennsylvania since 2012.

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Although we refer only to the potential to cause confusion to consumers, this harm is not merely hypothetical. Choice Energy LLC already is dealing with problems created by another EGS using the name “Choice Energy” to misrepresent and mislead consumers into switching to them in other states. *See, Choice Energy LLC v. SunSea Energy LLC, et al.*; Civil Action No.: 1:20-cv-14139 (United States District Court for the District of New Jersey).

As set forth above, we welcome All Choice Energy MidAmerica LLC into the market in Pennsylvania as long as it operates under a name that will not reasonably create confusion to consumers and dilute Choice Energy LLC’s vested interest and name recognition in the market.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Coyle", with a stylized flourish at the end.

John D. Coyle