

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 234-1090 Fax (717) 234-1099
www.stevenslee.com

Direct Dial: (717) 255-7365
Email: mag@stevenslee.com
Direct Fax: (610) 988-0852

April 26, 2021

VIA ELECTRONIC FILING

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

RE: Application of All Choice Energy MidAmerica LLC for approval to supply electricity or electric generation services as a supplier of electricity to the public
Dkt. No. A-2021-3024563

Application of All Choice Energy MidAmerica LLC for approval to supply natural gas services as a supplier or aggregator engaged in the business of supplying natural gas services
Dkt. No. A-2021-3024607

Dear Secretary Chiavetta:

Enclosed please find the Answer of All Choice Energy MidAmerica, LLC to the Protest filed by Choice Energy, LLC in the above-captioned matters. Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosures

cc: Administrative Law Judge Elizabeth Barnes (via email)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :
for approval to supply electricity or electric :
generation services as a supplier of electricity to the : Dkt. No. A-2021-3024563
public in the service territories of PECO Energy :
Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :
for approval to supply natural gas services as a :
supplier or aggregator engaged in the business : Dkt. No. A-2021-3024607
of supplying natural gas services in the service :
territories of PECO Energy Company, Philadelphia :
Gas Works and UGI Utilities

**ALL CHOICE ENERGY MIDAMERICA LLCS'S ANSWER
TO THE PROTEST OF CHOICE ENERGY, LLC**

All Choice Energy MidAmerica LLC (“MidAmerica”), through undersigned counsel, hereby answers the April 7, 2021 Letter of Protest (the “Protest”) of Choice Energy, LLC (the “Protestant”). Because the Protest did not include numbered paragraphs, this Answer will respond to each of the Paragraphs in the order in which they appear.

Paragraph 1: The first paragraph is introductory in nature and, therefore, no response is necessary. To the extent a response is required, it is denied.

Paragraph 2: The second paragraph purports to state the Protestant’s opposition to the use of a trade name, for which no response is required. To the extent the allegations of the second paragraph require a response, such allegations are denied.

Paragraph 3: MidAmerica denies the allegations of the third paragraph.

Paragraph 4: MidAmerica denies the allegations of the fourth paragraph.

Paragraph 5: MidAmerican denies the allegations of the fifth paragraph.

Paragraph 6: MidAmerica denies the allegations of the sixth paragraph.

NEW MATTER

1. The Protest should be dismissed because it was untimely filed.
2. The Protest should be dismissed because it did not include a Verification as required by the Commission's regulations.
3. The Protest should be dismissed because it does not comply with the Commission's regulations governing Protests to Electric Generation Supplier and Natural Gas Supplier Applications.
4. The Protest should be dismissed because it was not served upon the designated representative for MidAmerica as required by the Commission's regulations.
5. The Protest fails to state a claim upon which relief can be granted by the Commission.
6. The Protest inaccurately asserts that the Protestant has exclusive rights over the trademark and intellectual property rights in the trade name "Choice Energy."
7. The Protest misleadingly fails to disclose that the Protestant, Choice Energy, LLC, is only authorized to do business under its fictitious name, "4 Choice Energy, LLC."

WHEREFORE, All Choice Energy MidAmerica LLC respectfully requests that the Protest of All Choice Energy, LLC be dismissed with prejudice.

Respectfully submitted,



Julie B. Steamer*
Steamer Hart LLP
86 Fleet Place, 32E
New York, New York 11201
Tel. (917) 664-1305
Fax. (212) 500-7973
*Admission *Pro Hac Vice* pending.

Michael A. Gruin, (I.D. No. 78625)
STEVENS & LEE
17 N. 2nd St., 16th Fl.
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

Attorneys for All Choice Energy MidAmerica LLC

VERIFICATION

I, Christopher Polke, holding the position of Chief Executive Officer with All Choice Energy MidAmerica LLC, hereby state that the facts set forth above 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 false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

Christopher Polke

Date: April 26, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :
for approval to supply electricity or electric :
generation services as a supplier of electricity to the : Dkt. No. A-2021-3024563
public in the service territories of PECO Energy :
Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :
for approval to supply natural gas services as a :
supplier or aggregator engaged in the business : Dkt. No. A-2021-3024607
of supplying natural gas services in the service :
territories of PECO Energy Company, Philadelphia :
Gas Works and UGI Utilities

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2021 a copy of the foregoing Answer has been served upon the persons listed below, in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

VIA ELECTRONIC MAIL

John D. Coyle, Esq.
Coyle Law Group, LLC
55 Madison Ave., Suite 400
Morristown, NJ 07960
jcoyle@coylelawgroup.com



DATE: April 26, 2021

Michael Guin