

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**FLORENCE R. PARKER CHAILLA,**

**CLAIMANT,**

**V.**

**Docket No. C-2021-3024417**

**METROPOLITAN EDISON COMPANY AND  
CHOICE ENERGY, LLC d/b/a 4 CHOICE ENERGY**

**RESPONDENTS.**

**MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR  
UNLAWFUL DECEPTIVE BILLING PRACTICES BETWEEN METROPOLITAN  
EDISON COMPANY AND CHOICE ENERGY, LLC d/b/a 4 CHOICE ENERGY**

**MOTION FOR SUMMARY JUDGMENT**

Claimants move this PA-PUC administrative tribunal for a motion for Summary Judgment under Rule 56 Summary Judgment in their favor and against Respondents.

(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of

the motion only), admissions, interrogatory answers, or other materials; or

- (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

## **UNDISPUTED FACTS SHOWING NO GENUINE MATERIAL DISPUTE REQUIRING AN ALJ JUDGE TO DECIDE IN A HEARING**

1. February 3, 2021, Claimant cancelled the electric generation from 4 Choice Energy.
3. March 22, 2021, 4 Choice Energy's Mike Needham wrote confirming his knowledge of the cancellation. **Exhibit C** March 22, 2021 letter- attached
4. Similarly, Mike Needham decided to 'waive' the cancellation fee.
5. Met-Ed on March 16, 2021, billed Claimants for 4 Choice Energy's fees as follows - first if the electric bill, the second part is the breakdown in the paper bill:

Met-Ed Statement 03/16/2021

Yahoo/ Inbox

- **electriconline@firstenergycorp.com**  
**To:** thebusiness2@yahoo.com

Tue, Feb 23 at 2:03 PM

**\*\*\* PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE \*\*\***

- Your **electric statement from Met-Ed** is available for review. To access your account securely online, visit [https://www.firstenergycorp.com/log\\_in](https://www.firstenergycorp.com/log_in).
- Account Number: 10 01 11 6715 8 0  
Due Date: 03/16/2021  
Amount Due: \$265.68  
Service Address: OPTATUS N CHAILLA
- 25 GARDEN ST  
STROUDSBURG PA 18360

The detailed breakdown of the March 16, 2021, **paper bill** is as follows:

Met-Ed alleged a consumption of	\$ 27.60
4 Choice Energy alleged a consumption of	<u>240.70</u>
Total current charges.	\$265.30
Less credit overpaid.	<u>(\$ 2.62)</u>
Bal. Allegedly due should be	\$262.68

5. 4 Choice Energy's Mike Needham did not 'waive' cancellation fee or Met-Ed did not remove the cancellation fee from Claimant's April 14, 2021, bill - See **Exhibit B** as shown below:

**electriconline@firstenergycorp.com**  
**To: thebusiness2@yahoo.com**

Wed, Mar 24 at 2:03 PM

\*\*\* PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE \*\*\*

Your **electric statement from Met-Ed** is available for review. To access your account securely online, visit [https://www.firstenergycorp.com/log\\_in](https://www.firstenergycorp.com/log_in).

Account Number: 10 01 11 6715 8 0  
Due Date: 04/14/2021  
Amount Due: \$297.83  
Service Address: OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18360

The April 2021, **paper bill's** breakdown is as follows:

Met-Ed consumption	\$ 32.15
4 Choice Energy billed	<u>\$265.68</u>
Total bill for April.	\$297.83

6. 4 Choice Energy's Mike Needham did not 'waive' cancellation fee or Met-Ed did not remove the cancellation fee from Claimant's May 17, 2021, bill - See **Exhibit A** and as shown below:

**electriconline@firstenergycorp.com**  
**To: thebusiness2@yahoo.com**

Fri, Apr 23 at 2:03 PM

\*\*\* PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE \*\*\*

Your **electric statement from** Met-Ed is available for review. To access your account securely online, visit [https://www.firstenergycorp.com/log\\_in](https://www.firstenergycorp.com/log_in).

Account Number: 10 01 11 6715 8 0  
Due Date: 05/17/2021  
Amount Due: \$267.41  
Service Address: OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18360

May 17, 2021, **paper bill breakdown** is as follows:

Met-Ed billed	previous balance	\$297.83
	Less Payments posted	(\$ 57.80)
	Balance due	\$240.03
Met-Ed charges		\$ 27.38
4 Choice Energy charges		<u>\$240.03</u>
	Total billed charges incorrectly.	\$267.41

## **ANALYSIS**

Since March 22, 2021, Mr. Needham's letter was issued after he and 4 Choice Energy were notified of (1) cancellation and (2) of the complaint filed with the PA-PUC. Thereafter, he decided to 'waive' the cancellation fee. For the proceeding two months or 60-days, that fee was not 'waived' from Claimant's bills.

These matters are undisputed genuine material facts. It is the belief of Claimant that there is no need to expend precious judicial or ALJ time to decide. The relief sought

by Claimant is requested be enforced and this matter be resolved on this Summary Judgment Motion on the papers without a hearing.

While the electric statement states the bill can be viewed, Met-Ed's viewable bill system has never worked to allow access to its information for the past three years. Upon emails and calls for the paper bill that was discussed with representatives to no avail that resolved that issue.

It is unclear how the communication and correspondence between and betwixt Met-Ed and 4 Choice Energy is made; however, it is Claimant's belief that Ms. Morris, Esq., did not receive Mike Needham's March 22, 2021, letter provided herein, Exhibit C.

## **IN SUMMARY**

It is claimant's interest to resolve this matter on this Summary Judgment Motion in reliance upon the Relief sought as stated herein and on the papers.

In the alternative, a claim for *deceptive billing practices* is also asserted. Should this matter go forward to a hearing and decision by an ALJ judge; that decision will be part and parcel of a U. S. Federal Trade Commission and the Federal Deposit Insurance Corporation.

## **DECEPTIVE BILLING PRACTICES VIOLATES FEDERAL LAW**

Deceptive billing practices according to the U. S. Federal Trade Commission and its Act under section 5 provides:

Advances in banking technology and changes in lending organization structure since Gramm-Leach-Bliley have permitted institutions to engage in

non-banking activities and given banking organizations the ability to structure financial products in increasingly complex ways and to market such products with increasingly sophisticated methods. While most banking organizations do not engage in *unfair or deceptive acts or practices (UDAPs)*, the pace and complexity of these advances heighten the potential risk for consumer harm. This potential risk, coupled with identified abusive practices, warrants increased scrutiny by the FDIC and state and federal enforcement agencies. UDAPs are illegal; can cause significant financial injury to consumers; erode consumer confidence; and present significant credit and asset quality risks, undermining the financial soundness of banking organizations.

Section 5 of the Federal Trade Commission Act (FTC Act) declares that UDAPs affecting commerce are illegal. See 15 USC § 45(a) (Section 5 FTC Act). The banking agencies<sup>1</sup> have authority to enforce Section 5 of the FTC Act for the institutions they supervise. The FDIC has provided notice to state nonmember institutions of its intent to cite them and their institution affiliated parties for violations of Section 5 FTC Act and of its intent to take appropriate action pursuant to its authority under Section 8 of the Federal Deposit Insurance Act (FDI Act) when a UDAP is discovered. The FTC has authority to take action against nonbanks that engage in a UDAP. If a UDAP involves an entity or entities over which more than one agency has enforcement authority such as, for example, the FDIC and the FTC, the agencies may coordinate their enforcement actions. Unlike many consumer protection laws, Section 5 of the FTC Act also applies to transactions with non- consumers and businesses.<sup>2</sup>

On March 11, 2004, the FDIC and the Board of Governors of the Federal Reserve System (FRB) issued additional guidance regarding UDAPs prohibited by Section 5 of the FTC Act. Following the release of the guidance, the FDIC issued examination procedures include:

- Standards used to assess whether an act or practice is unfair or deceptive

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<sup>1</sup> Federal Deposit Insurance Corporation, Federal Reserve Board, Office of the Comptroller of the Currency and Office of Thrift Supervision.

<sup>2</sup> *FTC v. IFC Credit Corp.*, 543 F. Supp. 2d 925, 943 (2008): “The FTC has construed the term ‘consumer’ to include businesses as well as individuals. Deference must be given to the interpretation of the agency charged by Congress with the statute’s implementation.”

- Interplay between the FTC Act and other consumer protection statutes
- Examination procedures for determining compliance with the FTC Act standards, including risk assessment procedures that should be followed to determine if transaction testing is warranted
- Best practices for documenting a case
- Corrective actions that should be considered for violations of Section 5.

## **Standards for Determining What is Unfair or Deceptive**

The legal standard for unfairness is independent of the legal standard for deception. Depending on the facts, an act or practice may be unfair, deceptive, both, or neither.

In order to determine whether an act or practice is “unfair,” the FDIC will consider whether the practice “causes or is likely to cause substantial injury to consumers which cannot be reasonably avoided by consumers themselves and are not outweighed by countervailing benefits to consumers or to competition.”

To correct deceptive trade practices, the FDIC will take action against representations, omissions, or practices that are likely to mislead consumers acting reasonably under the circumstances, and are likely to cause such consumers harm. The FDIC will focus on material misrepresentations or omissions, that is, those that affect choices made by consumers because such misrepresentations are most likely to cause consumers financial harm.

UDAPs that violate the FTC Act may also violate other federal or state laws.

However, practices that fully comply with consumer protection or other laws may still violate the FTC Act.

## **Deceptive Acts or Practices**

A three-part test is used to determine whether a representation, omission, or practice is deceptive:

- First - the representation, omission, or practice must mislead or be likely to mislead the consumer.
- Second - the consumer's interpretation of the representation, omission, or practice must be reasonable under the circumstances.
- Third - the misleading representation, omission, or practice must be material.

As a general matter, the standards for establishing deception are less burdensome than the standards for establishing unfairness because, under deception, there is no requirement that the injury could not be reasonably avoidable or that the injury be weighed against benefits to consumers or to competition. The following discusses all three of the elements necessary to establish deception.

- **There must be a representation, omission, or practice that misleads or is likely to mislead the consumer.**

An act or practice may be found to be deceptive if there is a representation, omission, or practice that misleads or is likely to mislead a consumer. Deception is not limited to situations in which a consumer has already been misled. Instead, an act or practice may be found to be deceptive if it is likely to mislead consumers. A representation may be in the form of express or implied claims or promises and may be written or oral. Omission of information may be deceptive if disclosure of the omitted information is necessary to prevent a consumer from being misled. An

individual statement, representation, or omission is not evaluated in isolation to determine if it is misleading, but rather in the context of the entire advertisement, transaction, or course of dealing. Acts or practices that have the potential to be deceptive include: making misleading cost or price claims; using bait-and-switch techniques; offering to provide a product or service that is not in fact available; omitting material limitations or conditions from an offer; selling a product unfit for the purposes for which it is sold; and failing to provide promised services.

- **The act or practice must be considered from the perspective of the reasonable consumer.**

In determining whether an act or practice is misleading, the consumer's interpretation of or reaction to the representation, omission, or practice must be reasonable under the circumstances. In other words, whether an act or practice is deceptive depends on how a reasonable member of the target audience would interpret the marketing material. When representations or marketing practices are targeted to a specific audience, such as the elderly or the financially unsophisticated, the communication is reviewed from the point of view of a reasonable member of that group.

If a representation conveys two or more meanings to reasonable consumers and one meaning is misleading, the representation may be deceptive. Moreover, a consumer's interpretation or reaction may indicate that an act or practice is deceptive under the circumstances, even if the consumer's interpretation is not shared by a majority of the consumers in the relevant class, so long as a significant minority of such consumers is misled.

Written disclosures may be insufficient to correct a misleading statement or representation, particularly where the consumer is directed away from qualifying limitations in the text or is counseled that reading the disclosures is unnecessary. Likewise, oral disclosures or fine print are generally insufficient to cure a misleading headline or prominent written representation. Finally, a deceptive act or practice cannot be cured by subsequent truthful disclosures.

In response to both provisions above, Dr. Chaila and his wife are reasonable consumers who are also seniors. Decisions regarding household and other issues are

made together. They rely on and base all decisions on clear information about household expenses, they monitor all bills to ensure they are, firstly paid, secondly agreed amounts as discussed and contracted and thirdly no unreasonable added charged are inserted deceptively into any bill, including utility bills especially.

January - May 2021, between Met-Ed and Choice Energy d/b/a 4 Choice Energy engaged in practices that are considered unreasonable. January, 2021, 4 Choice Energy called, it failed to fully identify its identity; February 1, 2021, a letter dated January 14, 2021 was received with a statement it would switch generation of electric and gas services if that organization was not contact it by January 15, 2021. Surely on February 1, 2021, the January 15, 2021, date had long past - unreasonable act #1

February 1, 2021, Florence Parker Chailla, the wife of Dr. Chailla emailed Met-Ed. It was requested that the billing service of 4 Choice Energy be cancelled since the terms and conditions of its service was not agreed upon. February 2, 2021, Met-Ed's Customer Service personnel stated in essence (1) that the email was misdirected, (2) that was not her job to cancel service and (3) find out on your own where to forward your concerns. Rebutted, she was asked to forward to the proper party since she was a Customer Service representative and it made no logical sense to locate a different entity since that role appeared to be hers and for the department she represented. The email was again written to a senior representative in Met-Ed's operational division by Dr. Chailla since the Customer Service personnel refused to forward the earlier email request to cancel. February 2, 2021, the operational personnel received Dr. Chailla's email.

February 3, 2021, the operational personnel of Met-Ed confirmed that the 4 Choice Energy generation service was cancelled.

Continuing with FTC-FDIC deceptive billing provisions:

- **The representation, omission, or practice must be material.**

A representation, omission, or practice is material if it is likely to affect a consumer's decision to purchase or use a product or service. In general, information about costs, benefits, or restrictions on the use or availability of a product or service is material. When express claims are made with respect to a financial product or service, the claims will be presumed to be material. While intent to deceive is not a required element of proving that an act or practice is deceptive, the materiality of an implied claim will be presumed if it can be shown that the institution intended that the consumer draw certain conclusions based upon the claim.

Claims made with knowledge that they are false will also be presumed to be material. Omissions will be presumed to be material when the financial institution knew or should have known that the consumer needed the omitted information to make an informed choice about the product or service.

Typically the Chaillas monthly utility bill for electric and gas was under \$30.

February 17, 2021, the bill was \$265.00 for 4 Choice Energy alone. March 17, 2021, the bill was \$240 alone for 4 Choice Energy, April 17, 2021, the bill was \$265.68 for 4 Choice Energy and May 17, 2021, the bill for 4 Choice Energy was \$240.03 alone.

In the same four month period the Chailla's gas and electric utility bills typically would have totaled \$120.00 (\$4 x \$30). Due to the deceptive billing, the material representations made, the outcome was definitely adverse. It clearly affected the Chaillas' decision not to contract or to purchase services from 4 Choice Energy. The bills for the same four month period totaled \$1,010.71 (\$265 + \$240 + \$265.68 and + \$240.03)

Despite the cancellation was stated by Met-Ed to occur February 2021, it - Met-Ed and 4 Choice Energy - continued to bill the Chailla for the deceptive debt of \$1,010.71; despite on March 22, 2021, 4 Choice Energy Mike Needham stated he would 'waive' the cancellation fee. The bills kept coming for April and May 2021, that included the cancellation fee contrary to 4 Choice Energy and Mike Needham's decision to cancel it.

## **PA TITLE 52 CHAPTER 56 BILLING FREQUENCY**

Pennsylvania Title 52 Chapter 56 - Billing Frequency provides:

This subchapter cited in 52 Pa. Code § 56.1 (relating to statement of purpose and policy).

### **BILLING - BY LAW**

#### **§ 56.11. Billing frequency.**

- (a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.
- (b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:
  - (1) The electronic billing option is voluntary and only with the prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing.
  - (2) A customer shall receive the same information that is included with a paper bill issued by the public utility.
  - (3) The electronic bill must include the same disclosures and educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted unless the customer has affirmatively consented to this method of delivery. The electronic delivery

of a termination notice does not relieve the public utility of the obligation to provide termination notices as required under § § 56.91—56.98.

- (4) The electronic bill must include required bill inserts in an easily accessed and easily readable format.
- (5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund if the public utility is able to accept hardship fund contributions by this method.
- (6) A customer may not be required to pay an additional fee to receive an electronic bill.
- (7) The public utility shall maintain a system to deliver electronic bills if the bill is emailed to a customer.
- (8) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and to prevent access to customer account records by persons who are not properly authorized to have access.

Exhibits D a paper bills request from Met-Ed to compare them to submitted electronic ones from Met-Ed. The electronic bills - April and May 2021,- **do not** contain the same detailed information as the paper bill [See Exhibits E - April 2021 bill and F - May 2021, bill attached] and the electronic bills **do not** disclose which of the two entities - Met-Ed or 4 Choice Energy - has billed the Chaillas for services after March, 2021, bill or whom truly failed to honor Mr. Needham's decision to waive the cancellation fee. What is apparent, the Met-Ed bills violates part of the PA law which provides, "(2) A customer shall receive the same information that is included with a paper bill issued by the public utility."

To distinguish between whom has billed for what services, the paper copy of the bill is required. Contrary to Pa Title 52 Chapter 56.11(2) - A customer shall receive the same information that is included with paper bill issued by the public utility. Met-Ed's electric and paper bill informational details differ such that to determine who has billed for what services, it required a copy of the paper bill. See Exhibits E and F as compared to the inserted bills for March, April and May that are all electronic bills received from Met-Ed.

### **‘WAIVER’ DID NOT OCCUR; INSTEAD DECEPTION DID**

Despite the fact that in a March 22, 2021, letter from Mike Needham, he stated:

“With special consideration for customer goodwill, we will retroactively waive and refund the early cancellation fee.” Exhibit C - March 22, 2021 letter from Mike Needham.

Yet the April and May 17, 2021, bills sent electronically from Met-Ed continued to charge for the cancellation fee that was supposedly ‘waived’ by 4 Choice Energy.

Upon receipt of the Met-Ed paper bill for May 2021, with that, then only that detailed information showed the bill was from 4 Choice Energy and was not disclosed with distinction of which company - Met-Ed vs 4 Choice Energy - on the electronic bill for the same period.

What is apparently clear, Mr. Needham did not keep his worded promise and he also did not follow his own March 22, 2021, letter. Instead 4 Choice Energy has billed the Chaillas for the Cancellation fee he was aware was charged for electric generation

cancellation as early as February 3, 2021, which was cancelled. See Exhibit C - March 22, 2021, Mike Needham's letter. He admits he received from Met-Ed notification of 'dropped by customer request.' However, Met-Ed was informed 4 Choice Energy of the request to cancel/drop or otherwise return the Chailla's utility generation of electric and gas to Met-Ed as it was for the past five years.

The Chaillas and Met-Ed's February 1 - 4, 2021, emails confirms the cancellation occurred in the four days via the below emailed string as shown:



**fecustomerservice@firstenergycorp.com**

**To: dr.chailla@yahoo.com**

Thu, Feb 4 at 4:04 PM

Optatus and Florence Chailla:

Thank you for your inquiry. Our records show that 4 Choice Energy was removed from your account effective 02/03/2021.

Have a great day!

If you are not satisfied with this response or have additional comments or questions, please reply to this email within five business days or call us at 1-800-545-7741, Monday through Friday, between 8 a.m. and 6 p.m. If we do not hear from you within five business days, we will consider this course of action acceptable.

For information regarding our customer communication tools including interactive text messaging and alerts or mobile site, visit <http://www.firstenergycorp.com/connect>. To enroll in eBill (Electronic Billing) to view your bill statements online, go to [www.firstenergycorp.com/ebill](http://www.firstenergycorp.com/ebill).

Sincerely,

Christina  
Customer Service

Please refer to request number 4712964 in any future correspondence.

--- Original Message ---

From: "Met-Ed Meter Services Calendar" <MetEd\_MeterServices@firstenergycorp.com>  
Received: 2/4/21 10:53:56 AM EST  
To: "dr.chailla@yahoo.com" <dr.chailla@yahoo.com>  
CC: "FE Customer Service" <FECustomerService@firstenergycorp.com>  
Subject: FW: [EXTERNAL] Generation Interconnection: Resulting Retail Met-Ed Billing

Good Morning,

You have emailed Met-Ed Meter Service and unfortunately we cannot offer further assistance since we do not handle billing concerns. I have copied customer service on this email in hopes to get you some assistance. If you would prefer, you can also call customer service at 1-800-545-7741.

Customer Service, please review the email below and respond back to the customer about his concerns.

Thank You,  
Met-Ed Meter Service

**From:** Dr. Optatus Chailla <dr.chailla@yahoo.com>  
**Sent:** Tuesday, February 2, 2021 5:49 PM  
**To:** Met-Ed Meter Services Calendar <MetEd\_MeterServices@firstenergycorp.com>  
**Cc:** Colszewski@firstenergycorp.com  
**Subject:** [EXTERNAL] Generation Interconnection: Resulting Retail Met-Ed Billing

Met-Ed  
**Attn:** DG Administrator  
2800 Pottsville Pike  
P. O. Box 16001  
Reading, PA 19612-6001

Dear Administrator:

It should not be necessary for a residential consumer to contact you regarding matters of customer billing connected to the "Interconnect Generation to the Distribution System" program if the people who you employ as customer service associates know and do their job properly. I am contacting you because, absent the requisite complete contact information for the First Energy Officials, I am compelled to contact the Reading Office since the attached bill came from Reading. Why would Crystie Olszewski, employed as *Customer Service Associate*, refer us to "*Customer Service*" for further assistance (*see pasted email from her below*) instead of doing what we requested? The most recent bill from Met-Ed, Reading states,

**Please remember that residential and small commercial customers who fail to pay for generation service provided by an electricity generation supplier and billed by Met-Ed may have their service terminated.**

In effect, the bill is being split. Not only was this never explained to us before we opted for 4 CHOICE ENERGY of West Des Moines, Iowa, but quite frankly we are satisfied with the arrangement we have had for the last five years plus. Consequently, **we do not want to have anything to do** with the Des Moines company. Again, it is unfortunate that I have to email you, I am confident you will pass on this directive to those concerned and, I hope I will not be compelled to contact State agencies to resolve this simple matter. ***Last but not least, we do not appreciate energy companies' marketing/promotion visits to our place or calls purportedly sent by Met-Ed.*** Please, Met-Ed should not distribute around our energy account information. Thank you in advance.

Regards,  
The Chaillas

[EXTERNAL] Re: bills july2019 - dec 2019  
Yahoo/Inbox

Florence Parker <[thebusiness2@yahoo.com](mailto:thebusiness2@yahoo.com)>

- To: Dr. Optatus

**Tue, Feb 2 at 4:05 PM**

----- Forwarded Message -----

**From:** Florence Parker <[thebusiness2@yahoo.com](mailto:thebusiness2@yahoo.com)>

**To:** FE Agency Help <[feagencyhelp@firstenergycorp.com](mailto:feagencyhelp@firstenergycorp.com)>

**Sent:** Tuesday, February 2, 2021, 04:02:39 PM EST

**Subject:** Re: [EXTERNAL] Re: bills july2019 - dec 2019

CRYSTIE OLSZEWSKI:

As a courtesy could you forward our issue to your Customer Service group on our behalf. Other than your email there was no other that was available to communicate this issue.

Thanking you in advance.

Regards


The Chaillas

On Monday, February 1, 2021, 05:16:37 PM EST, FE Agency Help  
<[feagencyhelp@firstenergycorp.com](mailto:feagencyhelp@firstenergycorp.com)> wrote:

Hello,

I am replying back to your email due to the fact that what you have requested is not something that is done in our group. Please reach out to customer service **for further assistance with your request.**

Have a wonderful day,

<b>From:</b> Florence Parker < <a href="mailto:thebusiness2@yahoo.com">thebusiness2@yahoo.com</a> > <b>Sent:</b> Monday, February 1, 2021 5:03 PM <b>To:</b> FE Agency Help < <a href="mailto:feagencyhelp@firstenergycorp.com">feagencyhelp@firstenergycorp.com</a> > <b>Subject:</b> [EXTERNAL] Re: bills july2019 - dec 2019	
Dear Met-Ed: January 14, 2021 a letter with customer Number: 080636029400002104205; Load Profile: RSNH was received. Therein statements were made that were not discussed. Therefore, it is requested that the 4 Choice Energy at 1031 Office Park Rd., #9 West Des Moines, IA 50265 be cancelled.	
Regards Optatus and Florence Chailla	
	<b>Crystle Olszewski</b> Customer Service Associate, CBO Med Cert Team <a href="mailto:colszewski@firstenergycorp.com">colszewski@firstenergycorp.com</a> 341 White Pond Drive, Akron, OH 44320   mailstop: A-WAC-B2 / AK-Fairlawn

## RELIEF REQUESTED

It is requested that Met-Ed as agent for its principal 4 Choice Energy immediately remove all cancellation fees charged by 4 Choice Energy from the Chailla's and all future statements.

That Met-Ed immediately issue a revised May 17, 2021, statement showing the removal of the 4 Choice Energy billed/cancellation fee amount for a bill which

shows only a utility bill for services the Chaillas received from Met-Ed and Met-Ed alone.

It is also requested that no utility company selling electric, gas or alternate energy not contact our home, our phone numbers or send any communication by post as there is no intention to change, switch or otherwise engage in any such processes or experience such harassing treatment as had herein.

It is further requested that if Met-Ed and or 4 Choice Energy has placed, intends to place or is considering placing derogatory information onto Dr. Chailla's credit report that it immediately remove all such information with notification to him that it has removed all such information from all national credit reporting bureaus.

A true impossibility is to get a meaningful response from PA-PUC in this matter has been more than difficult. The frustration associated with attempting to resolve this matter has continued due to lack of communications made to it that were not responded to.

Should PA- PUC not contact the Chaillas in a manner to inform them that it will or will not decide this motion on the papers, the Chailla's will file this matter with the U. S. Federal Trade Commission and the Federal Deposit Insurance Corporation for investigation and resolution of this motion and for this entire matter that is sought to be concluded as amicably as reasonably possible.

## IN CONCLUSION

4 Choice Energy's Mike Needham March 22, 2021, letter to the Chailla, it is enclosed herein and served on Met-Ed's counsel Margaret A. Morris of Reger Rizzo Darnell, LLP - [mmorris@regerlaw.com](mailto:mmorris@regerlaw.com).

While Met-Ed alleges it has no dealing with 4 Choice Energy it bills customers for alleged services from 4 Choice Energy; therefore, in the eyes of the public and the Chaillas' there is a clear principal - agent business relationship between and among Met-Ed and 4 Choice Energy.

In conclusion, it is requested that Met-Ed removes all 4 Choice Energy bills from the Chaillas future utility bills as that service was cancelled February 3, 2021.

Lastly, it is requested that the Met-Ed electric bill complies with the law and disclose the same information as does the paper bill, because it currently does not.

Dated: May 1, 2021

Respectfully submitted.

*Optatus N. Chailla*

Dr. Optatus N. Chailla

(P): 570 977-7724

*Florence R. Parker Chailla*

Florence R. Parker Chailla, JD

25 Garden Street - P. O. Box 1111  
Stroudsburg, PA 18360

(c) 570 534-7082

## CERTIFICATION

We affirm that the foregoing statements made herein are true to the best of our knowledge and belief. We are aware that if any of the foregoing statements made herein are willfully false we may be subject to perjury.

Dated: May 1, 2021

Respectfully submitted.

*Optatus N. Chailla*

Dr. Optatus N. Chailla

(P): 570 977-7724

*Florence R. Parker Chailla*

Florence R. Parker Chailla, JD

25 Garden Street - P. O. Box 1111  
Stroudsburg, PA 18360

(c) 570 534-7082

## PROOF OF SERVICE

Today, the Motion for Summary Judgment to be decided on the papers was emailed to Met-Ed's counsel of record:

Margaret Morris, Esq.  
Circa Centre, 13th Floor  
2929 Arch St  
Philadelphia PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

TORI L GIESLER  
FIRSTENERGY SERVICE COMPANY  
2800 Pottsville  
PikeREADING PA 19605610.921.6658  
[PARegulatoryComplaints@firstenergycorp.com](mailto:PARegulatoryComplaints@firstenergycorp.com)

Representing FirstEnergy Service Company

MIKE NEEDHAM

MANAGING MEMBER  
CHOICE ENERGY LLC  
1031 OFFICE PARK ROAD  
WEST DES MOINES IA 50265888.565.4490  
MNEEDHAM@4CHOICEENERGY.COM

MOSES CHEUNG  
MANAGING MEMBER  
CHOICE ENERGY LLC  
DBA 4 CHOICE ENERGY LLC  
1031 Office Park Road  
WEST DES MOINES IA 50265848.863.6500  
mcheung@4choiceenergy.com

Dated: May 1, 2021

Respectfully submitted.

*Optatus N. Chaila*

Dr. Optatus N. Chaila

(P): 570 977-7724

*Florence R. Parker Chaila*

Florence R. Parker Chaila, JD

25 Garden Street - P. O. Box 1111  
Stroudsburg, PA 18360

(c) 570 534-7082

**EXHIBIT A - 5/17/21 BILL FOR \$267.67 -  
No details similar to paper bill**



**electriconline@firstenergycorp.com**  
**To: thebusiness2@yahoo.com**

Fri, Apr 23 at 2:03 PM

\*\*\* PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE \*\*\*

Your electric statement from Met-Ed is available for review. To access your account securely online, visit [https://www.firstenergycorp.com/log\\_in](https://www.firstenergycorp.com/log_in).

Account Number: 10 01 11 6715 8 0  
Due Date: 05/17/2021  
Amount Due: \$267.41  
Service Address: OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18360

To view your monthly bill inserts, which include state-mandated messages, newsletters and other important information, please visit <https://www.firstenergycorp.com/billinserts>.

If you would like to receive text or email payment and outage alerts, go to <https://www.firstenergycorp.com/connect>.

For questions or concerns, please email us at <https://www.firstenergycorp.com/contactus>, or call 1-800-545-7741.

**Special Notice:**

We are warning customers about a scam involving a telephone caller posing as an electric company employee threatening to shut off power unless an immediate payment is made using a pre-paid debit card such as a Green Dot card. Although we may phone customers to remind them that a payment is past due, we would explain how a payment can be made using one of our many payment options. If you receive a call demanding immediate payment using a specific option, please contact us at 1-800-545-7741. For more information, visit <https://www.firstenergycorp.com/paymentoptions>.

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The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

**EXHIBIT B - BILL FOR 4/17/21 FOR \$297.83 -  
Does not show details similar to that of paper bills**



**electriconline@firstenergycorp.com**

To: **thebusiness2@yahoo.com**

Wed, Mar 24 at 2:03 PM

\*\*\* PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE \*\*\*

Your electric statement from Met-Ed is available for review. To access your account securely online, visit [https://www.firstenergycorp.com/log\\_in](https://www.firstenergycorp.com/log_in).

Account Number: 10 01 11 6715 8 0  
Due Date: 04/14/2021  
Amount Due: \$297.83  
Service Address: OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18360

To view your monthly bill inserts, which include state-mandated messages, newsletters and other important information, please visit <https://www.firstenergycorp.com/billinserts>.

If you would like to receive text or email payment and outage alerts, go to <https://www.firstenergycorp.com/connect>.

For questions or concerns, please email us at <https://www.firstenergycorp.com/contactus>, or call 1-800-545-7741.

**Special Notice:**

We are warning customers about a scam involving a telephone caller posing as an electric company employee threatening to shut off power unless an immediate payment is made using a pre-paid debit card such as a Green Dot card. Although we may phone customers to remind them that a payment is past due, we would explain how a payment can be made using one of our many payment options. If you receive a call demanding immediate payment using a specific option, please contact us at 1-800-545-7741. For more information, visit <https://www.firstenergycorp.com/paymentoptions>.

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**EXHIBIT C - MARCH 22, 2021 LETTER FROM 4 CHOICE ENERGY WAIVING  
CANCELLATION FEE FOR ACCOUNT CLOSED 1/14/21**



March 22, 2021

Pennsylvania Public Utility Commission,

Choice Energy would like to assure the Pennsylvania Public Utility Commission that it is one of honesty and transparency. We take great pride in the extremely low cost throughout our entire history. That being said, we also take each and every customer seriously, and within our power strive to resolve customer concerns whatever they are.

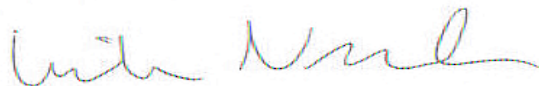
In this specific situation from Mrs. Parker Chailla, all attachments to the customer's communications between the customer and MetEd. Choice Energy was not privy to customer's communication with MetEd, and therefore cannot provide any response other than the information provided herein based on our record. On January 5, 2021, Eastern, Mrs. Chailla completed a voice authorization with an independent third-party company and requested to switch her electric supply services to Choice Energy. The a fixed rate 24-month term product with an early cancellation fee if cancelled after 12 months. The customer alleged that the initial letter from Choice was dated January 14, 2021, confirms otherwise that our enrollment Welcome Letter was dated and sent on January 14, 2021 (attached). We have no record of the customer having contacted us regarding any concern never made aware of the customer's concerns until the PUC complaint. Our record shows we received an EDI transaction dated February 3, 2021 from MetEd notifying us of the customer's account "dropped by customer request" with service end date of February 3, 2021. Again, with the customer ever contacting us regarding her concerns, therefore an early cancellation fee was assessed as per agreement given that the cancellation took place after the recession.

Upon receipt of this notification, Choice Energy attempted to reach out to Mrs. Chailla multiple times but never spoke directly with her nor did we receive a return phone call. In consideration and for customer goodwill, we will retroactively waive and refund the early cancellation fee. As the customer has requested in his PUC complaint, we have placed his account on a not-call list.

Attached you will find the Welcome Letter, Contract Summary, Disclosure Statement, and Account Verification:

Please let me know if you have any questions or need anything else.

Sincerely,  
Mike Needham



**EXHIBIT D - EMAILED REQUEST AND REPLY FOR COPIES OF DETAILED PAPER BILLS FOR APRIL AND MAY 2021 FROM MET ED TO DETERMINE WHO IS STILL BILLING WHEN FEE WAS WAIVED**

**From:** Florence Parker <thebusiness2@yahoo.com>  
**Sent:** Sunday, April 25, 2021 2:27 PM  
**To:** FE Agency Help <feagencyhelp@firstenergycorp.com>  
**Subject:** [EXTERNAL] Re: bills july2019 - dec 2019 lw

Dear Met Ed:

Please send the paper copy of the bill for April 17 and May 17, 2021 for \$297.83 and \$267.41 respectively for account number 100111671580. Any questions, please call me at 570 534-7082

Regards,

Florence R. Parker Chailla

On Wednesday, August 5, 2020, 03:19:19 PM EDT, FE Agency Help <[feagencyhelp@firstenergycorp.com](mailto:feagencyhelp@firstenergycorp.com)> wrote:

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

[Download all attachments as a zip file](#)

- Optatus chailla bill #2  
.pdf  
1.9MB
- Optatus Chailla bill  
.pdf  
1.7MB



**Latoya White**

Adv Customer Svc Assoc  
() - lveasley@firstenergycorp.com  
341 White Pond Drive, Akron, OH 44320 | mailstop: A-WAC-B2 /  
AK-West Akron Campus

# EXHIBIT E - APRIL 14, 2021 BILL



Bill Based On: Actual Meter Reading, eBill

Page 1 of 2  
M78

March 25, 2021

Account Number: 100 111 671 580

Billing Period: Feb 19 to Mar 22, 2021 for 32 days  
 Bill For: OPTATUS N CHAILLA  
 25 GARDEN ST  
 STROUDSBURG PA 18360

**Amount Due: \$297.83**

**Due Date: April 14, 2021**

To report an emergency or an outage, call 24 hours a day 1-888-544-4877. For Customer Service, call 1-800-545-7741. For Payment Options, call 1-800-952-4848. Pay your bill online at [www.firstenergy.com](http://www.firstenergy.com)  
 Bill issued by: Met-Ed, PO Box 16001, Reading PA 19612-8001

Shopping Information		Account Summary		Amount Due		
Customer Number	Rate Category	Previous Balance		265.68		
0806360294 0002104205	Standard Residential ME-RESF	Payments/Adjustments		0.00		
<b>Messages</b>		Balance at Billing on Mar 25, 2021		<b>265.68</b>		
<b>** REMINDER NOTICE **</b>		Met-Ed - Consumption		32.15		
When this bill was prepared, your account had an unpaid balance. If you have already made this payment, thank you. If not, please promptly pay the overdue amount. Call us if you have questions or for information on payment arrangements.		Amount Due by Apr 14, 2021		<b>\$297.83</b>		
To avoid a 1.50% Late Payment Charge being added to your bill, please pay the Amount Due by the Due Date.		<b>Usage Information for Meter Number 5002078950</b>				
Your current <b>PRICE TO COMPARE</b> for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.		Mar 22, 2021 KWH Reading (Actual)		5,817		
<b>Standard Residential - 0002104205 - 5.65 cents per KWH</b>		Feb 19, 2021 KWH Reading (Actual)		5,004		
Your next meter reading is scheduled to occur on or about Apr 22, 2021.		KWH used		213		
Your bill includes \$2.36 in PA taxes, of which \$1.90 is PA gross receipts tax.		<b>Charges From Met-Ed</b>				
Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utilities Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.		When contacting an Electric Generation Supplier, please provide the following:				
The Earned Income Tax Credit (EITC) is a tax credit for certain lower-income families and individuals. For information and to determine if you qualify, simply dial 800-829-1040, or visit <a href="http://irs.gov/Individuals">irs.gov/Individuals</a> .		Customer Number:	0806360294 0002104205			
Customers receiving Default Service have a new Price to Compare (PTC), effective March 1, 2020. Please review the PTC information shown on page one of your bill. You can save money by switching to an electric generation supplier that offers a lower price than your PTC.		Rate:	Standard Residential ME-RESF			
		Price to Compare Default Service	66 KWH x 0.061740	4.07		
			147 KWH x 0.054180	7.96		
		Customer Charge		9.80		
		Distribution System Improvement Charge		0.40		
		Distribution Charge	213 KWH x 0.053427	11.38		
		Solar Requirements Charge	213 KWH x 0.000300	0.06		
		Default Service Support Charge	213 KWH x 0.002440	0.52		
		TCJA Voluntary Surcharge		-2.04		
		Current Consumption Bill Charges		<b>32.15</b>		
		<b>Account Balances by Company</b>				
		Previous Balance	Payments/ Adjustments	Current Charges	Amount Due	
		Met-Ed	24.98	0.00	32.15	57.13
		4 Choice Energy	240.70	0.00	0.00	240.70
		<b>Total</b>	<b>265.68</b>	<b>0.00</b>	<b>32.15</b>	<b>297.83</b>

**NOTICE: 4 Choice Energy continues to bill for \$240.70, despite it waived cancellation fee in its March 22, 2021, letter - see Exhibit C above**

EXH. E CONTINUED



Return this part with a check or money order payable to Met-Ed



PO Box 18801  
Reading, PA 19612-6001

Account Number: 100 111 671 580

Amount Paid	
Amount Due	\$297.83
Due Date	Apr 14, 2021

OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18369

MET-ED  
PO BOX 3687  
AKRON OH 44309-3687

**NOTICE: Met-Ed is the agent to its principal 4 Choice Energy who continues to bill despite it closed the alleged switch Entered without a signed contract from Optatus Chaila or his wife.**

# EXHIBIT F - MAY 17, 2021 BILL



Bill Based On: Actual Meter Reading, eBill

Page 1 of 2  
M78

April 26, 2021

Account Number: 100 111 671 580

**Billing Period:** Mar 23 to Apr 21, 2021 for 30 days  
**Bill For:** OPTATUS N CHAILLA  
25 GARDEN ST  
STROUDSBURG PA 18360

**Amount Due: \$267.41**

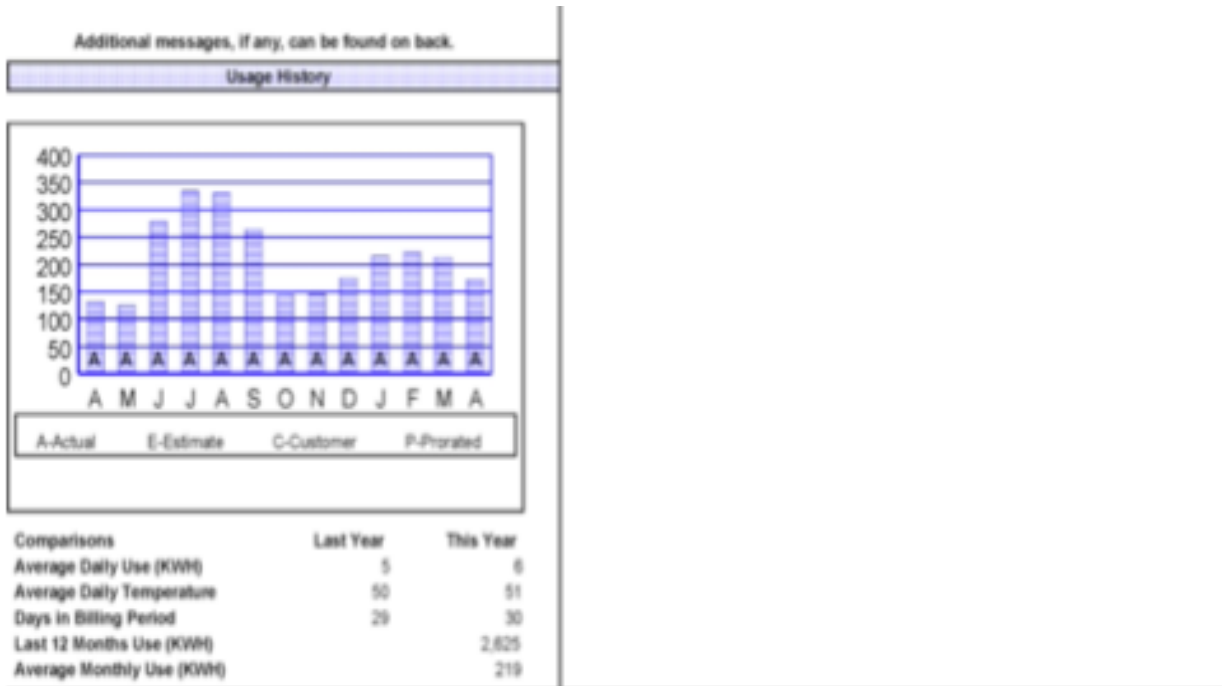
**Due Date: May 17, 2021**

To report an emergency or an outage, call 24 hours a day 1-888-544-4877. For Customer Service, call 1-800-645-7741. For Payment Options, call 1-800-962-4848. Pay your bill online at [www.firstenergycorp.com](http://www.firstenergycorp.com)  
**Bill issued by: Met-Ed, PO Box 16001, Reading PA 19612-8001**

Shopping Information		Account Summary		Amount Due	
<b>Customer Number</b>	<b>Rate Category</b>	Previous Balance		297.83	
0806360294 0002104205	Standard Residential ME-RESF	Payments/Adjustments		-57.80	
<b>Messages</b>		<b>Balance at Billing on Apr 26, 2021</b>		<b>240.03</b>	
<p style="text-align: center;">** REMINDER NOTICE **</p> <p>When this bill was prepared, your account had an unpaid balance. If you have already made this payment, thank you. If not, please promptly pay the overdue amount. Call us if you have questions or for information on payment arrangements.</p> <p>To avoid a 150% Late Payment Charge being added to your bill, please pay the <b>Amount Due</b> by the Due Date.</p> <p>Your current <b>PRICE TO COMPARE</b> for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.</p> <p><b>Standard Residential - 0002104205 - 5.42 cents per KWH</b></p> <p>Your next meter reading is scheduled to occur on or about May 24, 2021.</p> <p>Your bill includes \$2.01 in PA taxes, of which \$1.62 is PA gross receipts tax.</p> <p>Generation prices and charges are set by the electric generation supplier you have chosen. The Public Utilities Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.</p> <p>Spring's warm weather often produces thunderstorms, which can cause power outages. If your power goes out, call 1-888-LIGHTSS (1-888-544-4877). For your safety, please treat all downed wires as live and dangerous. For more information on preparing for outages, visit <a href="http://www.firstenergycorp.com/storminfo">www.firstenergycorp.com/storminfo</a>.</p> <p>Service disconnection and collection activities resumed for Pennsylvania customers effective November 9, 2020. If the termination date on your disconnection notice is on or after November 9, 2020, your service may be terminated for non-payment. All normal collections practices have resumed including payment plan options and requirements for reconnections. These notices can be used as proof of situation by agencies who provide financial support to assist with bills.</p> <p>If you are having difficulty paying your bill, you may be eligible for outside assistance programs and payment arrangements based on your household income level. Go to <a href="http://www.firstenergycorp.com/billassist">www.firstenergycorp.com/billassist</a> or contact us for more information.</p>		Met-Ed - Consumption		<b>27.38</b>	
		<b>Amount Due by May 17, 2021</b>		<b>\$267.41</b>	
		<b>Usage Information for Meter Number 5002078950</b>			
		Apr 21, 2021 KWH Reading (Actual)		5,990	
		Mar 23, 2021 KWH Reading (Actual)		5,817	
		KWH used		173	
		<b>Charges From Met-Ed</b>			
		When contacting an Electric Generation Supplier, please provide the following.			
		Customer Number: 0806360294 0002104205			
		Rate: Standard Residential ME-RESF			
		Price to Compare Default Service	173 KWH x 0.054180	9.37	
		Customer Charge		9.80	
		Distribution System Improvement Charge		0.36	
		Distribution Charge	173 KWH x 0.053410	9.24	
		Solar Requirements Charge	173 KWH x 0.000300	0.05	
		Default Service Support Charge	173 KWH x 0.002440	0.42	
		T/CJA Voluntary Surcharge		-1.86	
		<b>Current Consumption Bill Charges</b>		<b>27.38</b>	
		<b>Detail Payment and Adjustment Information</b>			
		03/04/21 Payment		-27.80	
		04/19/21 Payment		-30.00	
		<b>Total Payments and Adjustments</b>		<b>-\$57.80</b>	
		<b>Account Balances by Company</b>			
		Previous Balance	Payments/ Adjustments	Current Charges	Amount Due
Met-Ed		57.13	-24.98	27.38	59.53
4 Choice Energy		240.70	-32.82	0.00	207.88
<b>Total</b>		<b>297.83</b>	<b>-57.80</b>	<b>27.38</b>	<b>267.41</b>

**NOTE: 4 Choice Energy** continues to bill without a signed contract for an account it and Met-Ed cancelled 1/14/21 and 2/4/21 respectively; it as principal and Met-Ed as agent continues to bill \$240.70 for generation services never agreed to, for which it setup unilaterally without a signed contract agreeing to its terms and conditions.

**EXH. F Continued**



Return this part with a check or money order payable to Met-Ed



PO Box 16601  
Reading, PA 19612-6001

Account Number: 100 111 671 580

Amount Paid	
Amount Due	\$267.41
Due Date	May 17, 2021

**OPTATUS N CHALLA**  
25 GARDEN ST  
STROUDSBURG PA 18380

MET-ED  
PO BOX 3687  
AKRON OH 44309-3687

**NOTICE:** Met-Ed is the agent to its principal 4 Choice Energy who continues to bill despite it closed the alleged switch service provider without a signed contract from Optatus Challa or his wife and written acknowledgment of March 22, 2021, that it has cancelled the service and waived the cancellation fee as Mike Needham stated in Exhibit C above.