

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Florence R. Parker Chailla

Complainant,

V.

C2021-3024417

Metropolitan Edison Company

Choice Energy, LLC, dab 4 Choice Energy, LLC

Respondents.

EXEPTIONS - REVISIONS TO INITIAL DECISION

Before John M. Coogan, ALJ

Complainant's exceptions appeal submitted November 15, 2021 and filed the same day contained five sections with the fifth titled V. National Do Not Call Registry.

Statements made requires clarification:

Initial Decision, pages 15-16 discussed the privacy issue raised in the papers and at the ALJ hearing. Choice Energy's Agent called, the Chaillas' landline residential telephone number 570 424-5386. It was the second of two residential home landlines installed. During our residency numerous and frequent telephone and telecommunications issues occurred and continues to occur with landlines as fully documented with the PAPUC and the Commission's Board. Telephone service during period of the Chaillas residence, involves two different residential landlines telephone numbers. The first number installed had frequent and unwanted telemarketers, credit collection and other calls that were annoying for a prior customer that was assigned that number. The second number is the one called by Choice Energy on January 5, 2021. The first landline phone number was placed on the National Do not Call Registry to the best of our recollection. Despite that, the unwanted calls continued. It required that the phone number be changed. Evidence to support the registering are not available, it was on an older computer, now discarded.

Due to incomplete records and an intent to do the right thing since Complainant's records are incomplete, *Section V. National Do Not Call Registry as filed November 15, 2021 Exceptions, is withdrawn*. However, Complainant's objections to the *privacy issue* remains. Privacy violations are reasserted under HB No.-1126, it replaces the earlier

Section V. Added is a *Section VI* under the Unfair Trade Consumer Protection Act 73 P.S. §§201.1 - 201.9.2.

V. PENNSYLVANIA CONSUMER DATA PRIVACY ACT HB- No. 1126

At the ALJ hearing, the testimony of Mr. Cheung of Choice Energy stated on examination that his company received our home landline telephone number from a, ‘data service company.’” He did not offer the name, address or any identifying information to lead a reasonably prudent person to understand or believe his statement was full or incomplete. In the Exceptions submitted November 15, 2021, Complainant requested the following production of evidence to supplement his incomplete testimony and to apply Pennsylvania’s Consumer Data Privacy laws, the following evidence is warranted:

- (1) the name and address of the ‘*data service company*,’ Mr. Cheung testified was used by Choice Energy to obtain our current landline telephone number,
- (2) Provide exact copies of the information provided by that ‘data service company’ to Choice Energy as Mr. Cheung testified that disclosed the Chaillas landline telephone number.
- (3) The specific source of the way in which that, ‘data service company’ received the Chaillas’ name, Met-Ed account number and physical address of their residence.
- (4) Written consent given by the Chailla’s to give or sell their consumer data.

The evidence sought would assist both the PAPUC and the Chailla’s understand how their personal information and identifying information was both obtained and received by Choice Energy, and from whom.

Pennsylvania Consumer Data Privacy - HB- No. 1126 act, Sec. 2 - Legislative findings, it provides in pertinent part that - The General Assembly finds and declares as follows:

- (1) It is an important and substantial State interest to protect the private, personal data in this Commonwealth.
- (2) With the increasing use of technology and data in everyday life, there is an increasing amount of private, personal data being shared by consumers with businesses as a part of everyday transactions and online and other activities.
- (3) The increasing collection, storage, use and sale of personal data creates increased risks of identity theft, financial loss and other misuse of private personal data.

HB-1126 defines ‘Business.’ As follows:

- (1) A sole proprietorship, partnership, limited liability company, *corporation*, association or other legal entity:
 - (i) That is organized or operated for the *profit* or financial benefit of its shareholders or other owners.
 - (ii) That *collects consumers’ personal information*, or on behalf of which consumers’ personal information is collected and that alone, or jointly with others, determines the purposes and means of the processing of consumer’s personal information.
 - (iii) That *does business* in this Commonwealth.
 - (iv) That satisfies one or more of the following thresholds:
 - (A) Has an annual gross revenue in excess of \$10,000,000.
 - (B) Alone or in combination, annually buys, receives for the business’ commercial purpose, sells or shares for commercial purposes, alone or in combination, *the personal information of 50,000 or more consumer households* or devices.
- (2) An entity that controls a business under paragraph (1) and shares common branding with the business.

“Common branding.” Means a shared name, service mark or trademark and further, in pertinent part:

- (1) Information that identifies, related to, describes, *is capable of being associated with or could reasonably be linked, directly or indirectly with, the particular consumer or household*, including:
 - (i) Identifiers such as *a real name*, alias, postal address, unique personal identifier, online identifier including an Internet website protocol address, e-mail address, account name, Social Security numbers, driver’s licenses, passport number or *other similar identifiers*.

ANALYSIS

At the time of the January 5, 2021, call made by Choice Energy’s Agent, she was asked by Mrs. Chailla, “how did she receive our phone and account number?” The Agent replied, “from Met-Ed.”

The Agent's statement and testimony of Mr. Cheung differs and is in direct conflict. Belief of the Agent's statement is more credible due to the detailed statement she made which was full and complete. Met-Ed aka Metropolitan Edison and Choice Energy d/b/a/ 4 Choice Energy are corporations. Both are organized or operated for the profit or financial benefit of its shareholders or other owner.

Met-Ed has collected personal information and recorded that information in its official business capacity of providing utility residential services to the Chaillas. Over the past 11-months, Met-Ed has repeatedly billed on its letterhead bills for amounts it claimed are due and owing to 4 Choice Energy. Both corporate entities do business in the Commonwealth. Met-Ed has over 1 million consumers in the Commonwealth. Consistent with the *Pennsylvania Consumer Data Privacy Act HB-1126* there is 'common branding' in that there appears to be or could reasonably be linked, directly or indirectly with the particular consumer or household since they have both used the 'real name' of Optatus N. Chailla, the account number and holder throughout this dispute as sourced from Met-Ed.

More specifically, it is believed the Agent was accurate when she replied to Mrs. Chailla's question. Her reply is also further supported that Choice Energy's Agent did in fact receive our personal residential landline telephone number from Met-Ed is because since that phone was installed, it is used to contact two service providers one of which is Met-Ed. That same telephone number was used by Choice Energy's Agent on January 5, 2021, additionally she gave us our Met-Ed account number as shown on our bill. It also happens to be is the same telephone number the Chaillas use when calling Met-Ed to report a power outage as has occurred over the past more than five years.

IN CONCLUSION

With production of additional evidence requested, until its receipt and review as it currently stands it is believed that Met-Ed sold personal consumer data to Choice Energy. That being the case, then both Met-Ed and Choice Energy have violated the Pennsylvania Consumer Data Privacy Act, et al and the rights of the Chaillas.

VI. UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT

It is alleged that both Met-Ed and Choice Energy have violated Section 201.3 of the UTPCPA provides:

Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce as defined by subclauses (i) through (xxi) of clause (4) of section 2 of this act [§ 201- 2(4) (i-xxi)] and regulations promulgated under section 3.1 of this act [§ 201-3.1] are hereby declared unlawful. The provisions of this act shall not apply to any owner, agent or employe of any radio or television station, or to any owner, publisher, printer, agent or employe of a newspaper or other publication, periodical or circular, who, in good faith and without knowledge of the falsity or deceptive character thereof, publishes, causes to be published or takes part in the publication of such advertisement.

By UTPCPA provision 201-7 Contracts: effect of rescission, it provides:

- (a) Where goods or services having a sale price of twenty-five dollars (\$25) or more are sold or contracted to be sold to a buyer, as a result of, or in connection with, a contact with or *call on the buyer or resident at his residence* either in person or *by telephone*, that consumer may avoid the contract or sale by notifying, in writing, the seller within three full business days following the day on which the contract or sale was made and by returning or holding available for return to the seller, in its original condition, any merchandise received under the contract or sale. Such notice of rescission shall be effective upon depositing the same in the United States mail or upon other service which gives the seller notice of rescission.

Testified, documented and supported in all papers, the Chaillas did not receive a contract from Choice Energy. The first notice had was by Met-Ed February 2, 2021, utility electronic bill, which was immediately followed up with an emailed request to cancel or otherwise close the account.

UTP&CPA provides in 201-7 “(b) At the time of the sale or contract the buyer shall be provided with:

- (1) A fully completed receipt or copy of any contract pertaining to such sale, which is in the same language (Spanish, English, etc.) as that principally used in the oral sales presentation, and also in English, and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the

receipt if a contract is not used and in bold face type of a minimum size of ten points, a statement in substantially the following form:”

Oral sales presentation made by the Agent vs. that of the Automated Voice System - Robot differed as was testified to by Mrs. Parker Chailla. The Agent stated 10-days whereas the Robot stated 3-days to rescind. In either event - 10 or 3 days period of rescission was ineffective because no contract was received within either period and the oral statements conflicted preventing to know or understand the terms and conditions to be provided in the written contract.

It is alleged that the Agent and Robot misrepresented the manner and time in which the Chaillas had rights to cancel in violation of 201-7(e) in that the cancellation period, the Chaillas were not provided with a contract, terms and conditions for services and the rescission period in did not begin to run because the Chaillas were not furnished with or informed of or could exercise rights to cancel. No evidence has been provided with copies of the Notice of Cancellation’ before Choice Energy d/b/a 4 Choice Energy began billing the Chaillas for utility services beginning early February 2021. Equally, the entire process violates 201-7(f) of the UTP&CPA since Choice Energy’s Agent misrepresented the manner had as a right to cancel. Further, Choice Energy and or Met-Ed never complied with 201-7(g) as neither firm never sent a valid notice of cancellation to the Chaillas within ten business days to afford them proper Notice and consumer’s rights to cancel further both corporate entities are still billing the Chaillas as if the contract was not cancelled by Met-Ed on 2/4/21 and 3/22/21 by Choice Energy.

The UTP&CPA provides language similar to the below was required for consumer receipt:

“You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of This right.”

No such language was given at anytime and no actual evidence exists to show that the oral statements - Agent vs. Robot - mirrored the written one. Further the written statement allegedly sent, was not received by the Chaillas by post. The subsequent 3/22/21, material was received after the fact but none or any other mail manner of communication occurred

before the later of the two different rescission periods that conflicted as between Choice Energy's Agent vs Robot or within ten business days of the January 5, 2021 telemarketing call made to the residence of the Chaillas.

UTP&CPA further provides:

- (2) A completed form in duplicate, captioned "Notice of Cancellation," which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten-point bold face type the following information and statements in the same language (Spanish, English, etc.) as that used in the contract:

Notice of Cancellation

(Enter Date of Transaction)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

No duplicate contract, disclosure or statement of any kind was received from Choice Energy by the Chaillas. March 22, 2021, Mr. Mike Needham via Express Mail sent a copy of the letter he mailed to the Public Utility Commission, it was the first written communication was received from Choice Energy by the Chaillas. Therein the copy received on or about March 22, 2021, contained a check for \$230.00 which has since been lost.

For 11-consecutive months, Met-Ed has billed the Chaillas for amounts it claimed were due and owing to 4 Choice Energy on all utility bills since February through December 2021. Exhibit A - December 2021, utility bill. Ironically, between February through roughly June 2021, Met-Ed charged for services it supplied roughly \$27 to \$47/month. Exhibit B - Earlier Met-Ed Utility Bills.

Since the dispute law required payment of the undisputed portion to maintain a claim, it is a tactic of Met-Ed to switch the billing of 4 Choice Energy to its account to seek payment for the 'early termination fee' is deceptive and fraudulent acts on its part.

In its November and December 2021 bills it charged over \$150.00 as owed to it, not Choice Energy. Please see Exceptions of 11/15/21 and Exhibit A for details.

As a result, Met-Ed and Choice Energy d/b/a 4 Choice Energy has engaged in fraudulent or deceptive conduct which created a likelihood of confusion or of misunderstanding for the past 11-months in violation of 201-2 (4) 'Unfair methods of competition' and 'unfair or deceptive acts or practices' contrary to the UTPACPL and its sections (i) through (xx) as applicable to utility services delivery.

With regard to Sections 201-4 - Restraining prohibited acts and 201-8 - Civil Penalties, the consumer protection laws provides:

§201-4. Restraining prohibited acts

Whenever the Attorney General or a District Attorney has reason to believe that any person is using or is about to use any method, act of practice declared by section 3 of this act [§ 201-3] to be unlawful, and that proceedings would be in the public interest, he may bring an action in the name of the Commonwealth against such person to restrain by temporary or permanent injunction the use of such method, act or practice.

It is alleged that Met-Ed and Choice Energy are both subject to section 201-4 since they both have used methods, act of practice declared by section 3 of this Act sec. 201-3 to be unlawful; and that proceedings would be in the public interest, it is requested by the Chaillas that the PAPUC support and initiate the actions of the Attorney General of District Attorney against both corporate entities, their clients and counsel for the act and actions already carried out should it find them to be unlawful and that it brings an action in the name of the Commonwealth against such persons to restrain by temporary or permanent injunction of use of such method, act or practice.

Additionally, with regard to Civil Penalties parts (a) and (b), the UTP&CPL provides:

- (a) Any person who violates the terms of an injunction issued under section 4 of this act [§ 201-4] or any of the terms of an assurance of voluntary compliance duly filed in court under section 5 of this act [§ 201-5] shall forfeit and pay to the Commonwealth a civil penalty of not more than five thousand dollars (\$5,000) for each violation. For the purposes of this section the court issuing an injunction or in which an assurance of voluntary compliance is filed shall retain jurisdiction, and the cause shall be continued; and, in such cases, the Attorney General, or the appropriate District Attorney, acting in the name of the Commonwealth of Pennsylvania, may petition for recovery of civil penalties and any other equitable relief deemed needed or proper.

- (b) In any action brought under section 4 of this act [§ 201-4], if the court finds that a person, firm or corporation is willfully using or has willfully used a method, act or practice declared unlawful by section 3 of this act [§ 201-3], the Attorney General or the appropriate District Attorney, acting in the name of the Commonwealth of Pennsylvania, may recover, on behalf of the Commonwealth of Pennsylvania, a civil penalty of not exceeding one thousand dollars (\$1,000) per violation, which civil penalty shall be in addition to other relief which may be granted under sections 4 and 4.1 of this act [§§ 201-4 and 201-4.1]. Where the victim of the willful use of a method, act or practice declared unlawful by section 3 [§201-3] of this act is sixty years of age or older, the civil penalty shall not exceed three thousand dollars (\$3,000) per violation, which penalty shall be in addition to other relief which may be granted under sections 2 [§ 201- 2] and 4.1 [§ 20-4.1] of this act.

Both Mrs. Parker Chailla and Dr. Chailla are over sixty years of age and they request that the section (b) be carried out by the Attorney General or the appropriate district Attorney for the public interest benefits that may have suffered similar violative actions by Met-Ed and Choice Energy.

As to civil rights of action, it is requested that the Commonwealth appoints competent counsel to represent the Chaillas in an action in civil court against both Met-Ed and Choice Energy et al as appropriate for methods, acts or practices they have individually and collectively carried out in violation of several Pennsylvania laws and as advocated by their legal representatives since February 2021, till today.

ANALYSIS

Met-Ed has repeatedly stated it is not the agent for Choice Energy; yet it for the past 11-months has billed on their utility bill for Choice Energy. Exhibit A - December 2021, bill. It has passed off goods or services as those of another in violation of §201-2(4)(i).

Due to the agreed mutual rescission entered into between the Chaillas and Choice Energy March 22, 2021, via Mr. Mike Needham's correspondence stated it agreed to cancel or close the account; the ongoing billing for 4 Choice Energy has caused the likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services in violation of §201-2(4)(ii); since both corporations appears to cause likelihood of confusion or of misunderstanding as to their affiliation, connection or association with or certification by another in violation of §201-2(4)(iii) as well as

§201-2(4)(v) since the representations that the services sponsored by Met-Ed and Choice Energy has allowed its name to be used on Met-Ed's bills, that it has approved or ratified its act, methods or practices for the benefit or their sponsors status affiliation, or connection that he - Choice Energy - does not have within the Commonwealth of Pennsylvania. Access to over 1 million consumers, Met-Ed and Choice Energy have made false or misleading statements of fact concerning the reasons for existence or, or amounts of price reduction for energy supply services in violation of §201-2(4)(xi); when disputed Met-Ed and Choice Energy are challenged with their failure to comply with terms of any written warranty given to the Chaillas at, prior to or after a contract for goods or services are made during the January 5, 2021, call of its Agent who stated wattage cost would reduce, in violation of §201-2(4)(xiv). The Agent at the time of her call to the Chailla's residence she made a solicitation for sales of utility services over the telephone without first clearly; affirmatively and depressingly stating: (A) the identity of the seller; when Parker Chailla questioned the Agent, she stated she was from Met-Ed despite and contrary to the claims of Met-Ed who has now disputed that statement; (B) that the purpose of the call is to sell utility services as stated would reduce the Chailla's utility bills; (C) while the utility electric generation was stated the cost savings was not seen; instead the Chailla's monthly utility bill rose from \$27 to \$240 in February and continues to be over \$240 in December 2021. Exhibit A - December 2021, Met-Ed/4Choice Utility Bill for \$249.05.

Pennsylvania PUC opined, "If the product is priced on some other basis than per-kWh, the supplier is obligated to explain the pricing structure and what the customer charges are. Importantly, this does not mean that other types of products are necessarily exempt from calculating and displaying for the customer the per-KWH unit price for different usage levels under § 54.5(c)(4). The Chaillas did not receive any explanation on the pricing structure from Choice Energy or from Met-Ed.

The PUC noted that regardless of product, the EGS,

"Shall provide accurate and timely information about services and products being offered. Information includes rates being offered, contract terms, early termination fees and right of cancellation and rescission," and that the EGS,

"Shall ensure that product or service offerings made by a supplier contain information, verbally or written, in plain language designed to be understood by the

customer. This includes providing written information to the customer in a language which the supplier’s representative has had substantive discussions with the customer or in which a contract is negotiated.”

The EGS, Met-Ed and Choice Energy failed to ensure compliance with the above reference PUC commands believed to protect customers from utility companies like Met-Ed, since - consumers - had no control over the date of a supplier switch, on way or another. Further, as a matter of a fact, in this instance, the Chaillas had not received a contract or explanation of the terms and conditions of the energy supplier in writing within 30-days of January 5, 2021, telemarketer call made to our residential landline telephone.

IN CONCLUSION

Met-Ed and Choice Energy has engaged in multiple counts of fraudulent acts in violation of the UTP&CPA laws and their legal representatives have advocated for its client’s continued ongoing violations via their conduct as well.

VII. SWITCHED BILLS INTENDS TO NULLIFY CONSUMER’S COMPLIANCE WITH Title 52 CHp. §56-141(2) RIGHTS, THAT’S UNLAWFUL & DECEPTIVE

Title 52 CHp. §56-141(2) Dispute procedures provides

- (2) *Termination stayed.* Except as otherwise provided in this chapter, when a termination dispute or complaint has been properly filed in accordance with this subchapter, termination shall be prohibited until resolution of the dispute or complaint. **However, the disputing party shall pay undisputed portions of the bill.**

With knowledge, participation in ALJ hearing and written Exceptions, Met-Ed in particular is fully aware of Complaint’s disputes regarding the mutually agreed closed account; however, it was noticed over the past two months that Met-Ed has billed the Chaillas by switching the amount initially charged by 4 Choice Energy to its account; conversely it has switched the amount Met-Ed typically charges monthly to a bill for 4 Choice Energy as follows:

Month	Met Ed	4 Choice Energy	Inquiry
March 22, 2021	\$32.15	\$240.70	PRE-SWITCH BILLING: Account was closed by mutual agreement among Choice Energy and the Chaillas on 3/22/2021. Met-Ed closed it on February 3 - 4, 2021.

Month	Met Ed	4 Choice Energy	Inquiry
April 14, 2021	\$24.98 - current charges \$32.15	\$240.70	PRE-SWITCH BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
May 17, 2021	\$27.38	\$240.70	PRE-SWITCH BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
June 15, 2021	\$59.98 - current charges \$32.15	\$207.88	PRE-SWITCH BILLING: Who authorized Met-Ed to pay 4 Choice Energy \$32.92 from payment the Chaillas made? Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
September 14, 2021	\$174.00	\$84.88	SWITCHED BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
October 14, 2021	\$179.89	\$84.88	SWITCHED BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
November 15, 2021	\$175.82	\$84.88	SWITCHED BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.
December 14, 2021	\$162.17	\$84.88	SWITCHED BILLING: Choice Energy closed account 3/22/21. Met-Ed closed it on February 3 - 4, 2021.

Not only did Met-Ed unilaterally decided to redistribute payments made by the Chaillas to it for Met-Ed's charged services as required by the dispute procedures; however, deceptively it has also allocated part of payments made intended to pay the undisputed portion of their utility bill consistent with the dispute procedures; it purposefully caused confusion in the billings disputed vs undisputed portions. In effect, Met-Ed's bills issued between February through approximately June, 2021, it charged routine KWH usage at regular monthly amounts. Intent upon forced payment of an amortized 'early termination fee' via a gradual process taken on by Met-Ed with agreement and use of 4 Choice Energy's name they collectively sought to defraud the Chailla while also writing off the initial cost of an alleged debt that was disputed.

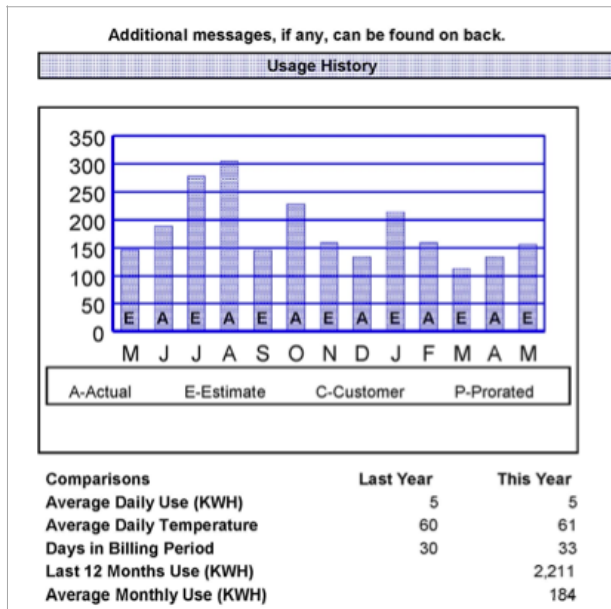
Met-Ed is also fully aware that the same contract was cancelled by its personnel February 2 - 4, 2021. Further, Met-Ed's witness Ms. Laurie Parker testified that the Chailla's "pays his bill, timely." Met-Ed's and 4 Choice Energy's new tactic is inconsistent with and perverts the meaning and intent of the PA Dispute Procedure, Chailla's consumer rights and their own kilowatt rate/ hour and its tariff approvals that is shown below these corporate energy entities have padded or otherwise defrauded the Chaillas.

Further, Mike Needham of Choice Energy March 22, 2021, mutually agreed to cancel the contract as did the Chaillas. Therefore, it is alleged that fraudulently Met-Ed in agreement with 4 Choice Energy, it allows its name to be used to continue its agent to bill the Chaillas for 4 Choice Energy when that account was closed nine (9) months ago and acknowledged by Met-Ed.

ANALYSIS

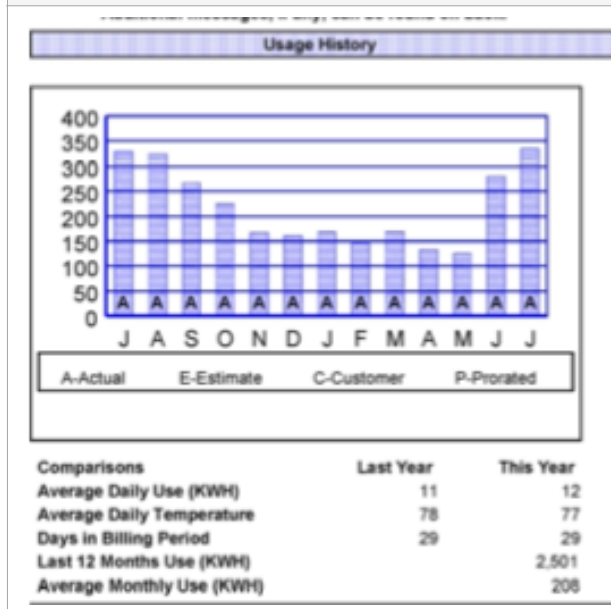
AVERAGE KWH VS MET-ED'S FOUR PRIOR YEAR BILLS COMPARED TO - OCTOBER, NOVEMBER & DECEMBER 2021 SHOWS BILL PADDING, DECEPTION AND FRAUD

The Chaillas Average Monthly Use KWH from 2018 through 2021 on average is 208.12 (184+216+208+222/4). Illustrated below are the Usage Histories for 2018, 2019, 2020 and 2021 as reported by Met-Ed; additionally the amounts of each bill is also disclosed for comparison to the 4th quarter bills for 2021:



June 2018 bill was \$11.56 for 184 - KWH

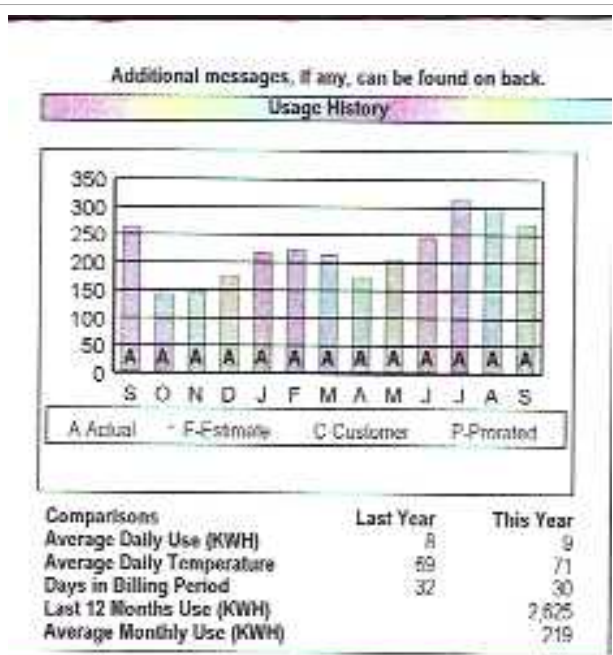
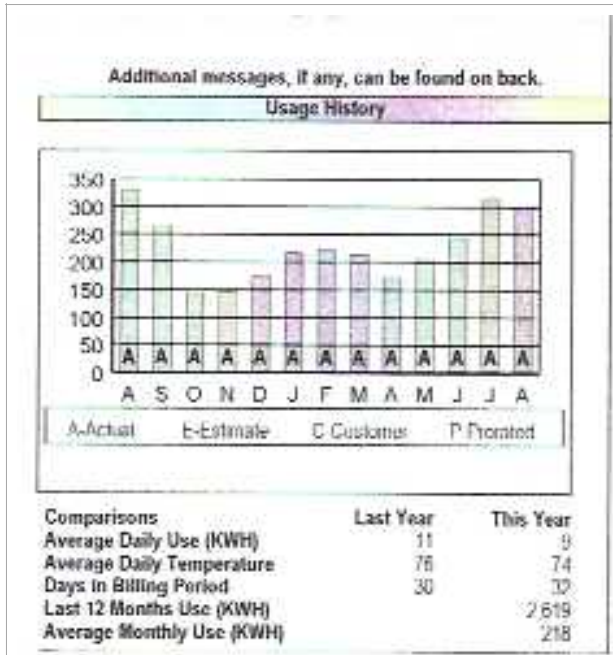
July 2019 bill was \$39.01 for 215 KWH



August 13, 2020 bill was \$85.59; current charges was \$46.22 for 208 KWH

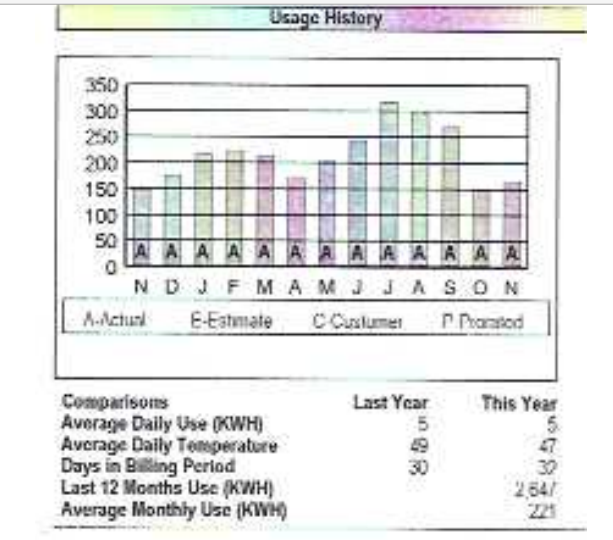
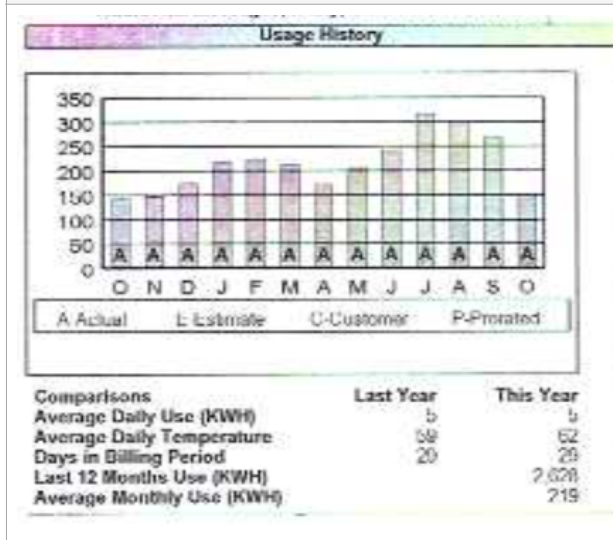
July 14, 2021 bill was \$250.57 for 220 KWH

For the same 2018 through 2021 July periods their bills averaged \$27 to \$40 monthly. Beginning September, through December 2021, despite the KWH rate had not changed for September through November; a change in December 2021 does not account for the massive Average KWH rate increase and it is not reflected in the Chailla's Usage Histories, yet the charged utility bill for the proceeding four months has changed, significantly, as shown:



September 14, 2021 Bill was \$264.77 for 218 KWH

October 14, 2021 Bill was \$261.70 for 219 KWH



November 15, 2021 Bill was \$247.05 for 215 KWH	December 14, 2021 Bill is \$249.14 for 221 KWH
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According to Met-Ed’s residential, the tariffed residential PTC_{Default} rate will be \$0.05757 per kWh effective September 1, a 7% increase versus the current \$0.05361 per kWh kWh.¹ As of 12/1/2021 the rate while the residential (RS rate class) cost per kWh is \$0.074140 per kWh (effective 12/1/2021-2/28/2022).²

The energy E in kilowatt-hours (kWh) per day is equal to the power P in watts (W) times number of usage hours per day divided by 1000 watts per kilowatt: $E(\text{kWh}/\text{day}) = P(\text{W}) \times t(\text{h}/\text{day}) / 1000(\text{W}/\text{kW})$. To calculate kWh per month or per year, multiply by the number of days in that period. Example: Over the course of a 30-day month, assume usage (1.25 kWh / day) x (30 days / month) = 37.5 kWh per month. Example: If a fan runs every day for a year, it would use (1.25 kWh / day) x (365 days / year) = 456.25 kWh per year. Examining, the Chaillas utility bill KWH’s for the fourth quarter 2021, it reveals the following when a review uses their specific Average Monthly Use KWH amount and the rate approved:

Month/days of consumption	KWH rate x days	KWH costs/ month*	KWH increase - inverse of multiplication is division - divide bill by KWH usage.
September 2021	218 x \$0.05361	\$11.68698	\$248.88/218KWH-\$1.141651376146789 KWH rate change
October 2021	219 x \$0.05361	\$11.74059	264.77/219KWH-\$1.208995433789954 KWH rate change
November 2021	219 x \$0.05361	\$11.74059	260.70/219KWH-\$1.19041095890411KWH rate change
December 2021	221 x \$007410	\$16.3761	\$247.05/221KWH-\$1.117873303167421 rate change

Note: * Less taxes and fees.

Illustrated on the above table is evidence of a significant increase in the KWH rate. Below is a table that shows the difference between the approved KWH rates and those changed by Med-Ed in its and Choice Energy’s name for all of its 4th quarter bills it sent to the Chaillas via U. S. Postal Mails constituting Racketeering and Corruption Influence Organization mail fraud act violations. RICO in the civil context is almost solely attributable to the inclusion of mail and wire fraud as predicate acts. Sedum S.P.R.L. v.

¹ <http://www.energychoicematters.com/stories/20200721c.html>

² <https://energypricing.com/guide-to-pa-energy/met-ed-electric/#:~:text=The%20commercial%20PTC%20is%20%240.061750%20per%20kWh%20%28effective,Met-Ed%20and%20therefore%20ineligible%20for%20the%20default%20rate.>

Imrex Co., 473 U.S. 479, 500 (1985). The mail and wire fraud statutes essentially make it criminal for any one to use the mails or wires in furtherance of a scheme to defraud.

Approved residential KWH rate	4th Quarter KWH rate charged	Difference approved vs charged 4th QT. KWH rates
September - November approved KWH rate \$0.05361 - September	\$1.141651376146789 KWH rate change - \$0.05361 =	\$1.08804137614679
September - November approved KWH rate \$0.05361 - October	\$1.208995433789954 KWH rate change - \$0.05361 =	\$1.15538543378995
September - November approved KWH rate \$0.05361 - November	\$1.19041095890411KWH rate change - \$0.05361 =	\$1.13680095890411
December 2021, KWH rate change approved increase - \$0.07410	\$1.117873303167421 rate change - \$0.07410 =	\$1.04377733031674

Assuming the above approved vs unapproved KWH usage calculations are correct, Met-Ed with the agreement of Choice Energy has engaged in mail fraud and violation of the UTP&CPA provisions against the Chaillas both of whom are over sixty years of age. Further, the KWH Usage Histories between 2018, 2019, 2020 and 2021 have not differed significantly to account for the estimated 6.5 increase in bills for the 4th Quarter of 2021.

IN CONCLUSION

Met-Ed and Choice Energy have committed mail fraud and frauds in billing for utility services. It has also billed the Chaillas for rates not disclosed on its tariffs.

RESOLUTION OF NOVEMBER 15, 2021 EXCEPTION SECTION V

In the absence of a full, complete and fair record of evidence to support claims and contentions made, Complainant withdraws from the November 15, 2021, Exception Sec. V. National Do Not Call Registry.

IN CONCLUSION

Complainant supplants the withdrawn Sec. V from the earlier submission, in its place, the federal law was replaced with the Pennsylvania HB No. 1126 **Consumer Data Privacy Act** now in effect. Additionally, Complainant added replaced *Section V. And adds*

Section VI of the UTPACPL and Section VII. All other initially submitted 11/15/2021
Exceptions - 1 through IV - remains as written.

Dated: November 29, 2021

Respectfully submitted,
Florence R. Parker Chailla

Florence R. Parker Chailla, JD
P. O. Box 1111
Stroudsburg, PA 18360

CERTIFICATION

I am Florence R. Parker Chailla, I am of full age and do hereby affirm that the foregoing statements made herein are true to the best of my knowledge and belief. I am aware that if any of the foregoing is willfully false, I may be subject to punishment.

Date: November 29, 2021

Respectfully submitted,
Florence R. Parker Chailla

Florence R. Parker Chailla, JD
P. O. Box 1111
Stroudsburg, PA 18360

PROOF OF SERVICE

Today, the below named PAPUC ALJ and legal representatives have been served electronically the contents of this Exception appeal in reply to the ALJ Initial Decision October 26, 2021. I affirm that the foregoing are true to best of my knowledge and belief. I am aware if any of the foregoing is willfully false, I may subject to punishment.

eFile@pa.gov <efile@pa.gov>

The Honorable John M. Coogan Administrative Law Judge Pennsylvania Public Utility
Commission 400 North Street Harrisburg, PA 17120 jcoogan@pa.gov

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Secretary Rosemary Chiavetta, Esq., Pennsylvania Public Utility Commission
rchiavetta@pa.gov

Date: November 29, 2021

Respectfully submitted,

Florence R. Parker Chaila

Florence R. Parker Chaila, JD
P. O. Box 1111
Stroudsburg, PA 18360

EXHIBIT A - DECEMBER 14, 2021 MET-ED UTILITY BILL



Bill Based On: Actual Meter Reading

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November 24, 2021

Account Number: 100 111 671 580

Billing Period: Oct 21 to Nov 21, 2021 for 32 days

Bill For: OPTALUS N CHAILLA
25 GARDEN ST
STROUDSBURG PA 18080

Amount Due: \$249.31

Due Date: December 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 1-800-962-4848. Pay your bill online at www.firstenergycorp.com
Bill issued by: Met-Ed, PO Box 18001, Reading, PA 19612-8001

Shipping Information		Account Summary		Amount Due	
Customer Number	Rate Category	Previous Balance		247.05	
0806360204 0002104205	Standard Residential ME-RESF	Payments/Adjustments		-27.48	
Messages		Balance at Billing on Nov 24, 2021		219.57	
** REMINDER NOTICE **		Met-Ed Consumption		29.74	
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 Dec 14, 2021		\$249.31	
To avoid a 1.50% Late Payment Charge being added to your bill, please pay the Amount Due by the Due Date.		Usage Information for Meter Number 5002078950			
Your current PRICE TO COMPARE for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.		Nov 21, 2021 KWH Reading (Actual)		7,636	
Standard Residential - 0002104205 - 7.12 cents per KWH		Oct 21, 2021 KWH Reading (Actual)		7,471	
Your next meter reading is scheduled to occur on or about Dec 21, 2021.		KWH used		165	
Your bill includes \$2.19 in PA taxes, of which \$1.75 is PA gross receipts tax.		Charges From Met-Ed			
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: Customer Number: 0806360204 0002104205 Rate: Standard Residential ME-RESF			
		Price to Compare Default Service	165 KWH x 0.071140	11.74	
		Customer Charge		9.80	
		Distribution System Improvement Charge		0.53	
		Distribution Charge	165 KWII x 0.053818	8.88	
		Solar Requirements Charge	165 KWII x 0.000170	0.03	
		Default Service Support Charge	165 KWII x 0.003540	0.58	
		TCLM Voluntary Surcharge		-1.82	
		Current Consumption Bill Charges		29.74	
Detail Payment and Adjustment Information					
		11/08/21 Payment		-27.48	
Account Balances by Company					
		Previous Balance	Payments/ Adjustments	Current Charges	Amount Due
	Met-Ed	162.17	0.00	29.74	191.91
	4 Choice Energy	84.88	27.48	0.00	57.40
	Total	247.05	-27.48	29.74	249.31

Exhibit C - Summary of Met-Ed Billing from Met-Ed

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
09/09/20													-70.00			-5.83
09/22/20	09/21/20	KWH	4,699	263	32	8	Act	38.73	0.00	38.73		10/14/20				32.90
10/19/20													-32.90			0.00
10/21/20	10/20/20	KWH	4,843	144	29	5	Act	26.00	0.00	26.00		11/12/20				26.00
11/06/20													-26.00			0.00
11/21/20	11/19/20	KWH	4,989	148	30	5	Act	26.22	0.00	26.22		12/14/20				26.22
12/09/20													-26.22			0.00
12/21/20	12/20/20	KWH	5,164	175	31	6	Act	29.92	0.00	29.92		01/12/21				29.92
01/13/21													-29.92			0.00
Supplier Switch Met-Ed to 4 Choice Energy on 01/14/2021.																
01/19/21													-28.00			-28.00
01/23/21	01/20/21	KWH	5,380	216	31	7	Act	31.18	4.20	35.38		02/16/21				7.38
Supplier Switch 4 Choice Energy to Met-Ed on 02/03/2021.																
02/03/21													-10.00			-2.62
02/22/21	02/18/21	KWH	5,604	224	29	8	Act	27.50	240.70	268.30		03/16/21				265.68
03/23/21	03/22/21	KWH	5,617	213	32	7	Act	32.15	0.00	32.15		04/14/21				237.83
03/24/21													-27.80			270.03
04/19/21													-30.00			240.03
04/22/21	04/21/21	KWH	5,990	173	30	6	Act	27.38	0.00	27.38		05/17/21				267.41
06/24/21	05/23/21	KWH	6,196	206	32	6	Act	30.91	0.00	30.91		06/15/21				298.32

**EXHIBITS -
4TH QUARTER 2021 UTILITY BILLS**



Bill Based On: Actual Meter Reading

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Billing Period: Jul 22 to Aug 22, 2021 for 32 days
Bill For: OPTATUS N CHIALLA
25 GARDEN ST
STRICKLEBURG PA 18300

August 25, 2021
Account Number: 100 111 671 580
Amount Due: \$264.77
Due Date: September 14, 2021

To report an emergency or an outage, call 24 hours a day 1 888 644 4877. For Customer Service, call 1 800 645 7741. For Payment Options, call 1 800 962 4848. Pay your bill online at www.firstenergy.com
Bill issued by: Met-Ed, PO Box 16001, Reading, PA 19612 6001

Shopping Information		Account Summary		Amount Due	
Customer Number	Rate Category	Previous Balance		259.57	
0806360294 0002104205	Standard Residential ML RESF	Payments/Adjustments:		-40.00	
Messages		Balance at Billing on Aug 25, 2021		219.57	
** REMINDER NOTICE **		Met-Ed Consumption		45.20	
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 Sep 14, 2021		\$264.77	
To avoid a 1.50% Late Payment Charge being added to your bill, please pay the Amount Due by the Due Date.		Usage Information for Meter Number 5002078850			
Your current PRICE TO COMPARE for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.		Aug 22, 2021 KWH Reading (Actual)		7,056	
Standard Residential - 0002104205 - 6.89 cents per KWH		Jul 22, 2021 KWH Reading (Actual)		6,754	
Your next meter reading is scheduled to occur on or about Sep 22, 2021.		KWH used		301	
Your bill includes \$3.32 in PA taxes, of which \$2.67 is PA gross receipts tax.		Charges From Met-Ed			
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: Customer Number: 0806360294 0002104205			
During extended heat waves, you might use more electricity to cool your home. If you're having trouble paying your electric bill, please call our toll-free customer service number immediately so one of our representatives can discuss payment plans that might be available to you.		Rate: Standard Residential ML RESF			
An important message to dog owners - to ensure that our meter readers' visits to your home are safe and productive, please keep your dog secured in an area away from the path to your meter.		Price to Compare Default Service	301 KWH x 0.066900	20.14	
		Customer Charge		9.80	
		Distribution System Improvement Charge		0.36	
		Distribution Charge	301 KWH x 0.053887	16.22	
		Solar Requirements Charge	301 KWH x 0.000170	0.05	
		Default Service Support Charge	301 KWH x 0.003640	1.07	
		TCJA Voluntary Surcharge		-2.44	
		Current Consumption Bill Charges		45.20	
		Detail Payment and Adjustment Information			
		08/11/21 Payment		40.00	
		Account Balances by Company			
		Previous Balance	Payments/ Adjustments	Current Charges	Amount Due
Met-Ed		174.00	-40.00	45.20	179.89
4 Choice Energy		84.88	0.00	0.00	84.88
Total		259.57	-40.00	45.20	264.77



Bill Based On: Actual Meter Reading

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Billing Period: Aug 23 to Sep 21, 2021 for 30 days
 Bill For: OPTATUS N CHAILLA
 25 GARDEN ST
 STROUBSBURG PA 18300

September 24, 2021
 Account Number: 100 111 671 580

Amount Due: \$261.70

Due Date: October 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 1-800-952-4888. Pay your bill online at www.firstenergycorp.com
 Bill issued by: Met-Ed, PO Box 10001, Reading, PA 19612-6001

Shopping Information		Account Summary		Amount Due		
Customer Number	Rate Category	Previous Balance		264.77		
0805360294 0002104205	Standard Residential ME-RESF	Payments/Adjustments		-45.20		
Messages		Balance at Billing on Sep 24, 2021		219.57		
** REMINDER NOTICE **		Met-Ed - Consumption		42.13		
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 Oct 14, 2021		\$261.70		
To avoid a 1.50% Late Payment Charge being added to your bill, please pay the Amount Due by the Due Date.		Usage Information for Meter Number 5002078950				
Your current PRICE TO COMPARE for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.		Sep 21, 2021 KWH Reading (Actual)		7.324		
Standard Residential - 0002104205 - 6.99 cents per KWH		Aug 23, 2021 KWH Reading (Actual)		7.056		
Your next meter reading is scheduled to occur on or about Oct 21, 2021.		KWH used		269		
Your bill includes \$3.10 in PA taxes, of which \$2.49 is PA gross receipts tax.		Charges From Met-Ed				
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:				
Customers receiving Default Service have a new Price to Compare (PTC), effective September 1, 2021. Please review the PTC information shown on page 1 of your bill. You can save money by switching to an electric generation supplier that offers a lower price than your PTC.		Customer Number	0805360294 0002104205			
		Rate	Standard Residential ME-RESF			
		Price to Compare Default Service	80 KWH x 0.062800	5.35		
			189 KWH x 0.071140	13.45		
		Customer Charge		9.80		
		Distribution System Improvement Charge		0.34		
		Distribution Charge	269 KWH x 0.053865	14.49		
		Solar Requirements Charge	269 KWH x 0.000170	0.05		
		Default Service Support Charge	269 KWH x 0.003540	0.95		
		T.C.M. Voluntary Surcharge		-2.30		
		Current Consumption Bill Charges		42.13		
		Detail Payment and Adjustment Information				
		09/17/21 Payment		-45.20		
		Account Balances by Company				
		Previous Balance	Payments/ Adjustments	Current Charges	Amount Due	
		Met-Ed	179.89	-45.20	42.13	176.82
		4 Choice Energy	84.88	0.00	0.00	84.88
		Total	264.77	-45.20	42.13	261.70



October 25, 2021
Account Number: 100 111 671 580

Amount Due: \$247.05

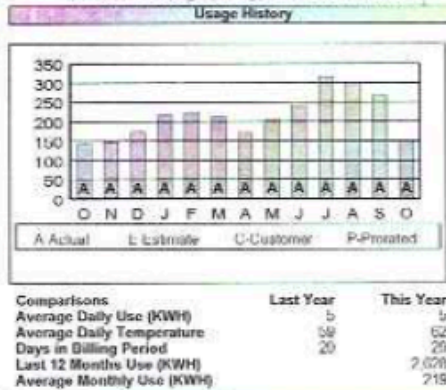
Due Date: November 15, 2021

Billing Period: Sep 22 to Oct 20, 2021 for 29 days
Bill For: CATHARUS N CHALLA
25 CARLUEN ST
STRICKLERSBURG PA 18380

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 1-800-962-4848. Pay your bill online at www.firstenergycorp.com
Bill Issued by: Met-Ed, PO Box 18001, Reading, PA 19612-6001

Shopping Information		Account Summary		Amount Due		
Customer Number	Rate Category	Previous Balance		261.70		
0806360294 0002104205	Standard Residential ME-RESF	Payments/Adjustments		-42.13		
Messages		Balance at Billing on Oct 25, 2021		219.57		
** REMINDER NOTICE **		Met-Ed - Consumption		27.48		
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 Nov 15, 2021		5247.05		
To avoid a 1.50% Late Payment Charge being added to your bill, please pay the Amount Due by the Due Date.		Usage Information for Meter Number 5032079850				
Your current PRICE TO COMPARE for generation and transmission from Met-Ed is listed below. For you to save, a supplier's price must be lower.		Oct 20, 2021 KWH Reading (Actual)		7.471		
Standard Residential - 0002104205 - 7.12 cents per KWH		Sep 22, 2021 KWH Reading (Actual)		7.524		
Your next meter reading is scheduled to occur on or about Nov 27, 2021.		KWH used		147		
Your bill includes \$2.02 in PA taxes, of which \$1.82 is PA gross receipts tax.		Changes From Met-Ed				
Generation prices and charges 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 Customer Number: 0806360294 0002104205.				
The Distribution System Improvement Charge was adjusted on October 1, 2021. This charge recovers costs incurred to repair, improve or replace infrastructure the company uses to deliver electricity to its customers.		Rate: Standard Residential ME-RESF				
		Price to Compare Default Service	147 KWH x 0.071140	10.46		
		Customer Charge		9.80		
		Distribution System Improvement Charge		0.50		
		Distribution Charge	147 KWH x 0.053878	7.92		
		Solar Requirements Charge	147 KWH x 0.000170	0.02		
		Default Service Support Charge	147 KWH x 0.003640	0.52		
		T.C.A. Voluntary Surcharge		-1.74		
		Current Consumption Bill Charges		27.48		
		Detail Payment and Adjustment Information				
		10/05/21 Payment		42.13		
		Account Balances by Company				
		Previous Balance	Payments/Adjustments	Current Charges	Amount Due	
		Met-Ed	176.62	-42.13	27.48	161.97
		4-Choice Energy	84.88	0.00	0.00	84.88
		Total	261.70	-42.13	27.48	247.05

Additional messages, if any, can be found on back.



See Exhibit A above for December 14, 2021 utility bill to conclude all four 4th quarter utility bills sent and received by U. S. Postal Mails.