

Robert A. Naborn, PhD
307 Runnymede Avenue
Jenkintown, PA 19046

February 8, 2023

Ms. Rosemary Chiavetta,
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

RCVD PUC SEC BUR
FEB 13 2023 AM 10:57

Regarding: Robert Naborn v. Direct Energy Services, LLC, Docket No. F-2023-3037611

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is my reply to Direct Energy's Preliminary Objections to Complaint. I have enclosed a Certificate of Service stating that a copy of the above document was served on the interested parties. Thank you for your time and for your attention to this matter.

Identifying as the Complainant in Rob Naborn v. Direct Energy Services, LLC (Respondent) in Docket No. F-2023-3037611, I submit the following response to Respondent's Preliminary Objections, dated February 1, 2023, to my Complaint, pursuant to 52 Pa. Code §§ 5.101, 5.61 and 5.62:

1. I agree with Respondent that Direct Energy cannot be held accountable for PECO's IVR system, neither its functioning nor the possible fixing thereof.
2. Respondent's records indicating that Cindy Pronko and not I executed the contract with Direct Energy are incorrect. I executed the contract in January 2022, and it was I on the phone with PECO and Direct Energy on July 22, 2022 and all subsequent phone conversations were conducted by me.
3. It is apparent that Respondent was able to find that Cindy Pronko is the account holder of record, but not what the relationship is between her and me. A quirk of PECO's opening of an account, which happened in our case in August 1999, is that only one person is registered as account holder – regardless of how many people live in the household in question. Getting the utilities and other services lined up and running was quite a feat for us, following our transatlantic move back to the US in August 1999. That fact that only one name appeared on the PECO bill was not a primary concern. I can state here not only that we have been married since May 1988, but also that it is I who signed the cheques for the PECO bills since day 1. Respondent's conclusion that I lack standing to bring the Complaint (page 4) is therefore premature, incorrect, and perhaps an unwarranted inference from an argumentative allegation [52 Pa. Code § 5.101 (a) 5.]
4. Unclear in this is how I was somehow capable/allowed to accept switching suppliers if I did not have any legal standing to act for or on behalf of the holder of said PECO account. It seems Respondent wants to have it both ways: accept my actions when it benefits Respondent, but suddenly reject them when it does not seem to benefit them.
5. Following my phone conversation with PECO on July 22, 2022, in which I learned that PECO claimed, without proof, that I had answered "yes" by clicking a button on my phone answering their unsolicited IVR system's question whether I also wanted to switch gas supplier back to PECO, I told representatives of Respondent a few minutes later that I did not intentionally switch suppliers and that I wanted to keep the contract with Direct

- Energy in place. It was duly noted, and in August Direct Energy acknowledged that their notes said as much, volunteering that they did not understand why PECO went ahead with the switch, about which I had told PECO and Direct Energy that I did not want it.
6. In August, after I had filed a complaint with the Better Business Bureau, Respondent's representatives agreed to switch us back to Direct Energy honoring the January 2022 contract. In order to do so, it needed PECO's help, but PECO said it couldn't do that. Unclear is why Respondent needed PECO's help, and why it did nothing to resolve the issue beyond this point. I sensed an unwillingness to do so on the part of Respondent, and this is reinforced by Respondent's current Preliminary Objections.
 7. Respondent ignores or fails to mention any of the contacts I had with Direct Energy in August 2022, in which I even mentioned the names of the representatives I spoke to and who accepted to reinstate our January 2022 contract.
 8. Under point 11 (page 6), Respondent claims that in January 2022, "Pronko attested that she was authorized to make changes to the account." I do not recall if she was asked to do such thing, as the entirety of the actions undertaken toward said changes were carried out by me. If she was needed to make changes then, it follows that she would be needed in July/August 2022 for changes to be applied. She was definitely not consulted, by either PECO or Respondent, on July 22, 2022, on whether she accepted the switch from Direct Energy to PECO for our gas supply. This contradicts Respondent's claim that it responded to a person "authorized to make changes on [sic] the account."
 9. Under point 13 (page 6), Respondent makes a point that I am allegedly not an attorney. The Pennsylvania Public Utility Commission's own webpage discussing the formal complaint process [<https://www.puc.pa.gov/media/1493/complaint-process2021.pdf>] is clear that consumers, not account holders, may file complaints: "Consumers may file Formal Complaints about billing or quality of service issues," and it is also stated that "[i]ndividuals are not required to have a lawyer to file a Formal Complaint or to participate in the PUC Complaint process." It does not include any mention of account holders or attorneys representing them.
 10. Under point 19 (page 7), Respondent correctly concludes that I am not asking Direct Energy to provide for relief sought. Respondent then incorrectly states that the issues are "exclusively [targeted] at PECO's conduct and [...] issues with PECO's customer service

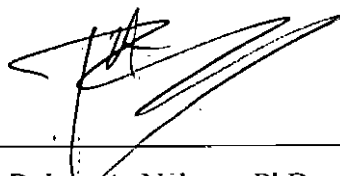
systems.” As I have made clear under 5., 6. and 7. (above), I discerned a lack of cooperation by Respondent and an unwillingness to find a solution when PECO claimed it could not help in reinstating our January 2022 contract.

11. Respondent argues (at the top of page 8) that my complaint should be dismissed without a hearing because it “would needlessly consume valuable resources of Direct Energy and the Commission.” If only Respondent (and PECO Energy Company) had applied this principle in August 2022, if not on July 22, 2022, then many fewer valuable resources would have been needlessly consumed.

CONCLUSION

WHEREFORE, I, Robert A. Naborn, respectfully request that the Commission dismiss the validity of Respondent’s Preliminary Objections as far as it concerns my legal standing and its claims of not being a party in this dispute.

Respectfully submitted,



Robert A. Naborn, PhD
307 Runnymede Avenue
Jenkintown, PA 19046
e-mail: rob.naborn@gmail.com

Date: February 8, 2023

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT NABORN: Complainant

v.

DIRECT ENERGY SERVICES, LLC: Respondent

DOCKET NO. F-2023-3037611

CERTIFICATE OF SERVICE

I, ROBERT A. NABORN, hereby certify that I have this day served a copy of my answer to Direct Energy's Preliminary Objections in the above matter upon all interested parties by e-mailing a copy to:

KAREN O. MOURY, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
via e-mail: kmoury@eckertseamans.com

and

BRYCE R. BEARD, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
Via e-mail: bbeard@eckertseamans.com


and

Ms. Cynthia K. Pronko
307 Runnymede Avenue
Jenkintown, PA 19046

and

Hon. CHARLES E. RAINEY, Jr., Chief Administrative Law Judge
Pa. Public Utility Commission
400 North Street Harrisburg, PA 17120
Via e-mail: bobbwillia@pa.gov

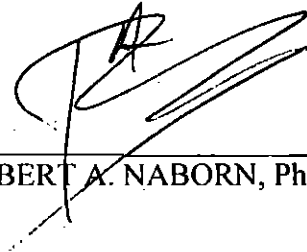
Dated: February 8, 2023



ROBERT A. NABORN, PhD

I, ROBERT A. NABORN, hereby declare that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.

Date: February 8, 2023

A handwritten signature in black ink, appearing to read 'R. Naborn', is written over a horizontal line.

ROBERT A. NABORN, PhD

Robert Naborn
307 Runnymede Ave
Jenkintown PA 19046

PHILADELPHIA PA 190

9 FEB 2023 PM 10 L

\$0.60⁹
US POSTAGE
FIRST-CLASS
062S12263610
19046
000037225



RE: Docket No. F-2023-3037611

Ms. Rosemary Chiavetta

Secretary

Pennsylvania Public Utility Commission

Commonwealth Keystone Building
400 North Street, Second Floor

17101 HARRISBURG, PA 17101