



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

June 7, 2023

**Via Electronic Filing**

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

Re: Electric Generation Supplier License Cancellation of Companies with an  
Expired Financial Security, Insufficient Financial Security Amount or  
Language  
Docket No. M-2023-3037455  
**I&E Comments to the Tentative Order**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement  
("I&E") of the Pennsylvania Public Utility Commission's **Comments to the Tentative  
Order** in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate  
of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Kayla L. Rost'.

Kayla L. Rost  
Prosecutor  
Bureau of Investigation & Enforcement  
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KLR/ac  
Enclosures

cc: Per Certificate of Service  
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Kathryn Liddell, Bureau of Consumer Services (via email - [kliddell@pa.gov](mailto:kliddell@pa.gov))

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Electric Generation Supplier License :  
Cancellation of Companies with an Expired :           Docket No. M-2023-3037455  
Financial Security, Insufficient Financial :  
Security Amount or Language :

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**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S  
COMMENTS TO THE TENTATIVE ORDER**

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NOW COMES the Pennsylvania Public Utility Commission (“Commission”), Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorneys, files Comments challenging the Tentative Order (“Comments”) in the above-docketed matter. In support of its Comments, I&E respectfully represents the following:

1. The Pennsylvania Public Utility Commission (“Commission”), with a mailing address of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. The Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities.

*Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities*, Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11).

3. Planet Energy (Pennsylvania) Corp. d/b/a RiteRate Energy d/b/a Value Plus Energy, which maintains a business address of 1691 Michigan Avenue, Suite 425, Miami Beach, Florida 33139, is a jurisdictional electric generation supplier (“EGS”)<sup>1</sup> licensed by the Commission at Docket No. A-2011-2223534 to operate in the Pennsylvania electric distribution company (“EDC”) service territories of Duquesne Light Company (“Duquesne Light”), Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, PECO Energy Company (“PECO”), PPL Electric Utilities, Inc. (“PPL”), and West Penn Power Company.

4. Planet Energy, as an EGS in Pennsylvania, is a public utility as defined by Section 102 of the Public Utility Code, 66 Pa.C.S. § 102, for the limited purposes as described in Sections 2809 and 2810 of the Competition Act, 66 Pa.C.S. §§ 2809-2810.

5. Planet Energy, as a provider of electric generation service for compensation, is subject to the power and authority of the Commission and must observe, obey, and comply with the Commission’s regulations and orders pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c).

6. On or about August 19, 2022, the Commission’s Bureau of Consumer Services (“BCS”) referred to I&E its finding that Planet Energy unilaterally canceled customer fixed-rate contracts without proper notification and failed to abide by the terms and conditions of the customers’ fixed-rate contracts. Specifically, BCS received numerous complaints from Planet Energy customers who reported entering into fixed-rate contracts with Planet Energy and subsequently being returned to default service prior to

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<sup>1</sup> “Electric generation supplier” is defined in Section 2803 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801-2812 (“Competition Act”); *see also*, 52 Pa. Code § 57.171.

the expiration of the contract where the only notification of the change in electric generation service was through notice by the local electric distribution company. No advance notice was provided by Planet Energy.

7. I&E initiated an informal investigation of Planet Energy on or about October 6, 2022, as a result of information provided by BCS relating to the cancellation of Planet Energy's customers' service contracts without notification and prior to the expiration date.

8. On May 18, 2023, the Commission issued a Tentative Order tentatively approving the cancellation of Planet Energy's Electric Generation Supplier license for failure to provide proof of a bond or other approved security in the amount or language directed by the Commission, failure to replace a bond which is expired, or which is non-compliant with Commission regulations. The Commission initiated the cancellation process and provided a challenge period of thirty (30) days after publication in the *Pennsylvania Bulletin*.

9. The Commission's May 18, 2023 Tentative Order was published in the *Pennsylvania Bulletin* on June 3, 2023, 53 Pa.B. 3063.

10. On June 1, 2023, I&E filed a Formal Complaint against Planet Energy for violations found during its informal investigation, Docket No. C-2023-3041126.

11. Accordingly, I&E opposes the cancellation of Planet Energy's Electric Generation Supplier license at this time. Should the Tentative Order were to become final and Planet Energy's license in Pennsylvania be canceled, then the Commission's

jurisdiction over Planet Energy would cease, thus rendering I&E's pending Formal Complaint moot.

12. It is in the public interest for I&E to proceed with enforcement action relative to the violations alleged in I&E's Formal Complaint.

WHEREFORE, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission stay the cancellation process and vacate the May 18, 2023 Tentative Order as it relates to the Electric Generation Supplier license of Planet Energy (Pennsylvania) Corp. d/b/a RiteRate Energy d/b/a Value Plus.

Respectfully,



Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

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Bureau of Investigation and Enforcement  
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Dated: June 7, 2023

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Electric Generation Supplier License :  
Cancellation of Companies with an Expired :           Docket No. M-2023-3037455  
Financial Security, Insufficient Financial :  
Security Amount or Language :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Comments to the Tentative Order** dated June 7, 2023, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Served by Certified Mail and Electronic Mail**

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*Kayla L Rost*

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