

Kevin Brabank

v.

PECO Energy Company
Tomorrow Energy Corp.

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C-2023-3042345

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the following documents (Kevin Brabank’s, Exhibit A and B), upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below: Dated this 12th day of October 2023.

VIA EMAIL AS FOLLOWS

Emerson Grogro
Chief Legal and Compliance Officer
Tomorrow Energy Corporation
3151 Briarpark Dr Ste 100
Houston, TX 77042
egrogro@tomorrowenergy.com

Amy Botak, Legal Assistant
PECO Legal Department
2301 Market ST, S23-1
Philadelphia, PA 19103
amy.botak@exeloncorp.com

Scott Khadijah
Assistant General Counsel
2301 Market Street, S23-1
Philadelphia, PA 19103
Khadijah.Scott@exeloncorp.com

Athena Delvillar, Legal Assistant
Office of Administrative Law Judge
PA Public Utility Commission
801 Market Street Suite 4063
Philadelphia, PA 19107
sdelvillar@pa.gov

VERIFICATION

I, Kevin Brabank, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief, and that I expect to be able to prove the same at the hearing in this matter. This verification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Name: Kevin Brabank

Date: October 12, 2023

Exhibit A (email exchange between Emerson Grogro, Chief Legal and Compliance Officer, Tomorrow Energy Corporation and Kevin Brabank September 6th, 2023 and September 8th, 2023)

Subject: RE: Kevin Brabank v. Tomorrow Energy - Docket No. F-2023-3042345



Emerson Grogro <egrogro@tomorrowenergy.com>

Fri, Sep 8,
5:20 PM

to Kevin

You are viewing an attached message.

Gmail can't verify the authenticity of attached messages.

Good afternoon again Mr. Brabank,

Attached is the information we received from PECO confirming your enrollment. (I was wrong about it being an Excel file—it's actually a TXT file.)

Please let me know if you need any further information.

Best,

H. Emerson Grogro
Chief Legal and Compliance Officer

Office 713-357-3886
Mobile 832-641-6091
egrogro@tomorrowenergy.com

8236Tomorrow Energy Corp.	4655631033KEVIN
BRABANK	250
HARVEY RD	
CHADDS FORD PA 19317 ERH	2019-08-192019-08-
19SPeENrgY250 HARVEY RD	
CHADDS FORD PA 19317	

From: Emerson Grogro
Sent: Friday, September 8, 2023 3:51 PM
To: Kevin <kbrabank@gmail.com>
Subject: RE: Kevin Brabank v. Tomorrow Energy - Docket No. F-2023-3042345

Good afternoon Mr. Brabank,

That's very interesting that PECO is citing that provision of the tariff, since that provision is specifically for if a customer contacts a new EGS (such as Tomorrow Energy) to request a change. The exact provision is below:

As in your case, a customer can only be enrolled through the SOP program by contacting the utility. Tomorrow Energy cannot itself enroll a customer into the SOP program.

Thank you for reminding me about obtaining your enrollment file—I apologize for not doing it sooner. I've requested it from our operations team, and I will forward it to you as soon as I have it. Until then, if I can be of further assistance please let me know.

Sincerely,

H. Emerson Grogro
Chief Legal and Compliance Officer

Office 713-357-3886
Mobile 832-641-6091
egrogro@tomorrowenergy.com

From: Kevin <kbrabank@gmail.com>
Sent: Friday, September 8, 2023 3:04 PM
To: Emerson Grogro <egrogro@tomorrowenergy.com>
Subject: Re: Kevin Brabank v. Tomorrow Energy - Docket No. F-2023-3042345

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Emerson,

You mentioned during our call that Tomorrow Energy relied on a spreadsheet shared by PECO to enroll me in the SOP. PECO is claiming that it is your responsibility, not theirs, to "maintain written evidence in the event of a dispute", per PECO's Energy Supplier tariff Section 5.3.1. I haven't read the tariff agreement (see full quote below). If true Tomorrow should revise its record keeping procedures, as PECO will just throw you under the bus when it's time to prove that the customer enrolled in the SOP! PECO is not providing any evidence that I enrolled in the SOP other than a screen shot of the computer record with Tomorrow Energy as my supplier.

Can you please send me a copy of the spreadsheet record and confirm that it was received by Tomorrow from PECO?

Kevin

"PECO Energy avers that pursuant to Section 5.3.1 of PECO Energy's Supplier tariff: It is the EGS's responsibility to maintain evidence of the Customer's written authorization in the event of a dispute, in order to provide documented evidence of authorization to the Company or the Commission."

Kevin

On Wed, Sep 6, 2023 at 2:44 PM Kevin <kbrabank@gmail.com> wrote:
Thanks for the update Emerson.

On Wed, Sep 6, 2023 at 2:42 PM Emerson Grogro <egrogro@tomorrowenergy.com> wrote:
Good afternoon Mr. Brabank,

Just to prevent any confusion, we had to file our Answer as our response deadline was approaching. As I mentioned earlier, your check will be mailed out today. Once it's delivered, we will file a Certificate of Satisfaction with the PUC dismissing Tomorrow Energy from the complaint proceeding.

Please feel free to contact me if you have any questions.

Best regards,

H. Emerson Grogro
Chief Legal and Compliance Officer

Office 713-357-3886

Mobile 832-641-6091

egrogro@tomorrowenergy.com

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From: Office of the President <president@tomorrowenergy.com>
Sent: Wednesday, September 6, 2023 1:38 PM
To: kbrabank@gmail.com
Cc: Office of the President <president@tomorrowenergy.com>
Subject: Kevin Brabank v. Tomorrow Energy - Docket No. F-2023-3042345

-
Good day Mr. Brabank,

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Attached is the Answer to the Formal Complaint that was Electronically filled by Tomorrow Energy in reference to Case No. F- 2023-3042345.

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Please advise if you have any questions or concerns.

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Thank you,

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Xiomara Mendoza
Compliance Analyst, Operations
Office 713-401-2827
Mobile 281-736-9905
xmendoza@tomorrowenergy.com

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One attachment • Scanned by Gmail

Exhibit B (PECO billing history, calculation of charges vs PTC rates)

Exhibit B PECO Billing Detail													
Mo Ending	Usage	\$/Kwh	Use x Rate	Sales Tax	Sales Tax Adj.	Customer 2nd Meter Dist	Dist Improv	Bill	PECO PTC	PTC Est'd*	PECO End	Overcharge/Kwh	Overcharged
07/01/20	2,397	0.0630000	\$ 151.01	\$	(0.02)	\$ 10.51	\$ 2.04	\$	0.06405	153.5279	(0.00105)	\$ (2.5)	
08/01/20	2,462	0.0630000	\$ 155.11	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06405	157.6911	(0.00105)	\$ (2.6)	
09/01/20	2,260	0.1244000	\$ 281.14	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	144.7304	0.06036	\$ 136.4	
10/01/20	2,140	0.1359000	\$ 290.83	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	137.0456	0.07186	\$ 153.8	
11/01/20	2,265	0.1359000	\$ 307.81	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	145.0506	0.07186	\$ 162.8	
12/01/20	4,700	0.1359000	\$ 638.73	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	300.988	0.07186	\$ 337.7	
01/01/21	5,810	0.1359000	\$ 789.58	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	372.0724	0.07186	\$ 417.5	
02/01/21	2,935	0.1359000	\$ 398.87	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06404	187.9574	0.07186	\$ 210.9	
03/01/21	1,968	0.1364000	\$ 268.44	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06402	125.9914	0.07238	\$ 142.4	
04/01/21	1,537	0.1364000	\$ 209.65	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06402	98.39874	0.07238	\$ 111.2	
05/01/21	1,270	0.1364000	\$ 173.23	\$	(0.02)	\$ 10.02	\$ 1.94	\$	0.06402	81.3054	0.07238	\$ 91.9	
06/01/21	1,461	0.1359000	\$ 198.55	\$ 0.85	(0.02)	\$ 10.02	\$ 1.94	\$ 95.85	0.06402	93.53322	0.07188	\$ 105.0	
07/01/21	1,738	0.1359000	\$ 236.19	\$ 1.01	(0.03)	\$ 10.02	\$ 1.94	\$ 112.33	0.06402	111.2668	0.07188	\$ 124.9	
08/01/21	1,497	0.1359000	\$ 203.44	\$ 0.87	(0.02)	\$ 10.02	\$ 1.94	\$ 96.75	0.06402	95.83794	0.07188	\$ 107.6	
09/01/21	1,504	0.1424070	\$ 214.18	\$ 0.88	(0.02)	\$ 10.02	\$ 1.94	\$ 97.20	0.06970	104.8288	0.07271	\$ 109.4	
10/01/21	1,116	0.1598000	\$ 178.34	\$ 0.74	(0.01)	\$ 10.02	\$ 1.94	\$ 53.41	0.06970	77.7852	0.09010	\$ 100.6	
11/01/21	1,776	0.1630293	\$ 289.54	\$ 1.20	(0.02)	\$ 10.02	\$ 1.94	\$ 85.00	0.06970	123.7872	0.09333	\$ 165.8	
12/01/21	2,485	0.2099000	\$ 521.60	\$ 2.15	(0.03)	\$ 10.02	\$ 1.94	\$ 118.86	0.06390	158.7915	0.14600	\$ 362.8	
01/01/22	2,712	0.2099000	\$ 569.25	\$ 2.35	(0.02)	\$ 10.51	\$ 2.04	\$ 143.33	0.06390	173.2968	0.14600	\$ 396.0	
02/01/22	2,555	0.2099000	\$ 536.29	\$ 2.21	(0.02)	\$ 10.53	\$ 2.04	\$ 138.10	0.06390	163.2645	0.14600	\$ 373.0	
03/01/22	2,253	0.2099000	\$ 472.90	\$ 1.95	(0.01)	\$ 10.51	\$ 2.04	\$ 121.77	0.06433	144.9355	0.14557	\$ 328.0	
04/01/22	1,743	0.2099000	\$ 365.86	\$ 1.51	(0.01)	\$ 10.51	\$ 2.04	\$ 94.21	0.06433	112.1272	0.14557	\$ 253.7	
05/01/22	1,389	0.2112743	\$ 293.46	\$ 1.21	(0.01)	\$ 10.51	\$ 2.04	\$ 75.08	0.06433	89.35437	0.14694	\$ 204.1	
06/01/22	1,357	0.2293996	\$ 311.97	\$ 1.29	(0.01)	\$ 10.51	\$ 2.04	\$ 101.80	0.06909	93.75513	0.19331	\$ 202.2	
07/01/22	1,046	0.2623996	\$ 274.47	\$ 1.13	(0.01)	\$ 10.51	\$ 2.04	\$ 78.76	0.06909	72.26814	0.19331	\$ 202.2	
08/01/22	1,354	0.2699000	\$ 365.44	\$ 1.51	(0.01)	\$ 10.51	\$ 2.04	\$ 101.96	0.06909	93.54786	0.20081	\$ 271.9	
09/01/22	1,571	0.2750002	\$ 438.93	\$ 1.67	(0.01)	\$ 10.51	\$ 2.04	\$ 118.30	0.07780	122.2238	0.19770	\$ 309.8	
10/01/22	1,460	0.2801000	\$ 408.05	\$ 1.59	(0.01)	\$ 10.51	\$ 2.04	\$ 80.99	0.07780	113.588	0.20230	\$ 295.4	
11/01/22	1,708	0.2801000	\$ 478.41	\$ 1.85	(0.01)	\$ 10.51	\$ 2.04	\$ 94.74	0.07780	132.8824	0.20230	\$ 345.5	
12/01/22	2,913	0.2801000	\$ 815.93	\$ 3.16	(0.02)	\$ 10.51	\$ 2.04	\$ 159.63	0.09128	265.8986	0.18882	\$ 550.0	
01/01/23	2,376	0.2801000	\$ 665.52	\$ 2.58	(0.14)	\$ 10.51	\$ 2.04	\$ 134.77	0.09128	216.8813	0.18882	\$ 448.6	
02/01/23	2,215	0.2801000	\$ 620.42	\$ 2.40	(0.15)	\$ 10.51	\$ 2.04	\$ 126.79	0.09128	202.1852	0.18882	\$ 418.2	
03/01/23	2,170	0.2670369	\$ 579.47	\$ 2.24	(0.15)	\$ 10.51	\$ 2.04	\$ 124.21	0.08999	195.2783	0.17705	\$ 384.2	
04/01/23	1,420	0.2657887	\$ 377.42	\$ 1.47	(0.10)	\$ 10.52	\$ 2.04	\$ 81.28	0.08999	127.7858	0.17580	\$ 249.6	
05/01/23	1,237	0.2751000	\$ 340.30	\$ 1.31	(0.09)	\$ 10.52	\$ 2.04	\$ 70.81	0.08999	111.3176	0.18511	\$ 229.0	
06/08/23	484	0.0777100	\$ 37.61	\$ 0.51	(0.05)	\$ 5.26	\$ 1.02	\$ 37.61	0.10310	49.9004	(0.02539)	\$ (12.3)	
												\$	8,181.7