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September 26, 2024

**Via Federal Express**

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

Re: Application of Integrity NRG Services of Pennsylvania LLC; Natural Gas Supplier

Application; Docket No. A-2024-3049891

Dear Secretary Chiavetta:

Enclosed for electronic filing is NRG Energy, Inc.'s Protest (public version) in the above matter. The Confidential version of the Protest was sent to the Public Utility Commission on September 16, 2024 via federal express, overnight delivery.

If you have any questions regarding this filing, please contact me.

Sincerely,

*Karen O. Moury*

Karen O. Moury

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of NRG Energy, Inc.'s Protest upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

### Via First Class Mail and/or Email

Steven Stern  
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Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128

Office of Consumer Advocate  
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Office of Attorney General  
Bureau of Consumer Protection  
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Office of Small Business Advocate  
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Date: September 16, 2024

/s/ Karen O. Moury

Karen O. Moury, Esq.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Integrity NRG Services of : Docket No. A-2024-3049891  
Pennsylvania LLC; :  
Natural Gas Supplier Application :

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**PROTEST OF NRG ENERGY, INC.**

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Pursuant to Section 62.108 of the regulations of the Pennsylvania Public Utility Commission (“Commission” or “PUC”), 52 Pa. Code § 62.108, NRG Energy, Inc. (“NRG”) hereby files this Protest to the Application of Integrity NRG Services LLC (“Integrity”). By this Protest, NRG opposes Integrity’s Natural Gas Supplier (“NGS”) Application due to the use of “NRG” in the Applicant’s name and seeks a withdrawal of the NGS Application as currently filed. Through this filing, NRG also seeks to ensure that Integrity may not use NRG’s legal name in any marketing, advertising, trademark or other customer-facing communications in Pennsylvania, as such use would be misleading and cause significant customer confusion. In support hereof, NRG further states as follows:

**I. BACKGROUND**

1. On June 18, 2024, Integrity filed an NGS Application with the Commission seeking authority to provide natural gas service as a broker/marketer to retail customers throughout the Commonwealth.
2. On July 18, 2024, the Commission issued a Secretarial Letter identifying various deficiencies. As of September 16, 2024, Integrity has filed various updates to the NGS Application.

3. A party objecting to the approval of an application filed with the Commission may file a protest to the application.<sup>1</sup>

4. Under the Commission's regulations at 52 Pa. Code § 62.108(a), protests are due within 15 days of publication of the application in newspapers of general circulation. Based upon a review of the docket, it does not appear that Integrity has yet filed a statement verifying publication of the application in the required newspapers.

5. Therefore, NRG is submitting this Protest prior to the due date for such filings and thereby affording Integrity ample opportunity to make the necessary revisions to the NGS Application so as to avoid any misleading communications with customers or cause any confusion regarding a relationship that does not exist between NRG and Integrity.

6. Counsel for NRG is:

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## **II. BASIS FOR PROTEST**

7. A protest must (1) set out clearly and concisely the facts from which the alleged interest or right of the protestant can be determined; (2) state the grounds of the protest; and (3) set forth the facts establishing the protestant's standing to protest.<sup>2</sup> 52 Pa. Code § 5.52(a). These criteria are met by this Protest as explained in further detail below.

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<sup>1</sup> 52 Pa. Code § 5.51(a); *see also* 52 Pa. Code § 62.108.

<sup>2</sup> 52 Pa. Code § 5.52(a).

**a. NRG’s Interest**

8. NRG is the leading essential home services company offering a unique whole-home experience to millions of North American customers. The NRG family of brands brings the connected future into reality through a unique value proposition centered around smarter energy, innovative services, and essential connections with the home. As a Fortune 500 company, NRG has provided leadership in competitive energy markets by creating a platform that offers consumers more control over their energy use and home automation and protection, especially with its newly acquired tech-forward smart home solutions. NRG serves 8 million customers across North America, including a significant share of retail energy customers in Pennsylvania. The market share in Pennsylvania is so significant that NRG has three offices – in Philadelphia, Pittsburgh and Wyomissing – staffed with hundreds of employees that support its business. NRG’s retail energy subsidiaries include electric generation suppliers (“EGSs”) and NGSs, which serve customers of all sizes across the Commonwealth.<sup>3</sup>

**b. No Affiliation with NRG**

9. By its NGS Application, Integrity seeks authority to serve retail residential customers, small commercial customers, large commercial customers, industrial customers, and governmental customers throughout the Commonwealth “as soon as possible.”

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<sup>3</sup> NRG’s licensed retail companies include: Direct Energy Business, LLC (Docket No. A-11025 and A-125072); Direct Energy Business Marketing, LLC (Docket No. A-2013-2368464 and A-2013-2365792); Direct Energy Services, LLC (Docket No. A-110164 and A-125135); Energy Plus Holdings LLC (Docket No. A-20092139745); Gateway Energy Services Corporation (Docket No. A-2009-2137275 and A-2009-2138725); Green Mountain Energy Company (Docket No. A-2009-2139745 and A-2017-2583732); Independence Energy Group LLC d/b/a Cirro Energy (Docket No. A-2011-2262337 and A-2013-2396449); Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business/NRG Retail Solutions (Docket No. A-2010-2192350 and A-2015-2478293); Stream Energy Pennsylvania, LLC (Docket No. A-20102181867 and A-2012-2308991); and XOOM Energy Pennsylvania, LLC (Docket No. A-2012-2283821 and A-2012-2283967).

10. Under the PUC's regulations, the Commission may provide an NGS license to an entity that meets the specifications of those requirements and that approval of the service is consistent with the public interest.<sup>4</sup>

11. Integrity has no affiliation with NRG, its affiliates or subsidiaries, meaning that NRG has a legitimate interest in Integrity's proposed use of the NRG name and in ensuring that its business interests are not harmed by any wrongful assumptions that are made in the market about the existence of a relationship between Integrity and NRG.

12. In email communications with NRG, Integrity has indicated that (1) it is no longer using the name "Integrity NRG Services of Pennsylvania LLC" in Pennsylvania; (2) it will desist from using "NRG" in its name in this and any and all future registrations; and (3) it will phase out the use of "NRG" in its internet domain name. A copy of these email communications is attached hereto as **Appendix A (CONFIDENTIAL)**.

13. Given Integrity's use of the NRG name in its current NGS Application, without permission and in the absence of any affiliate or subsidiary relationship, and in light of Integrity's agreement to cease using the NRG name, approving the NGS Application in its current form would not be in the public interest.

**c. Misleading and Confusing Communications**

14. Integrity's current NGS Application proposes to use its business name on the application of Integrity NRG Services of Pennsylvania LLC, with no restrictions on its ability to utilize NRG's name in its communications with customers, other entities (such as natural gas distribution companies) and the Commission. Given the active role of NRG in the retail competitive market in Pennsylvania, these Integrity operations using the name NRG will raise

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<sup>4</sup> 52 Pa. Code § 62.109.

questions about Integrity's identity/affiliations and give consumers, the public and regulators the mistaken impression that the entities are somehow related.

15. It is misleading for an NGS to hold itself out as representing or being affiliated with an independent and unrelated company.<sup>5</sup> Consumers are already confused enough about purchasing natural gas delivery services from their gas utility while buying the gas as a commodity from an NGS. To layer another level of confusion onto consumers by introducing another NGS with NRG's name embedded in its business name would unnecessarily create confusion in the retail market.

16. The Commission has taken action on prior occasions to prevent NGS applicants from using an existing NGS name as part of their business or fictitious name. Specifically, the Commission has issued directives prohibiting or limiting an applicant's ability to use the name of an existing NGS in its separate and independent proposed operations.<sup>6</sup>

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<sup>5</sup> 52 Pa. Code §§ 62.142(a)(15)(i)-(iii); 62.142(a)(16)-(17) (the Commission has already recognized the inherent confusion that exists when affiliations exist that need to be properly monitored and regulated).

<sup>6</sup> *License Application of Power Kiosk LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Broker/Marketer*, Docket No. A-2014-2435574 (Order entered November 13, 2014) (Commission precluded applicant from using its legal name from its state of incorporation in any customer-facing, market-facing or regulatory-facing communications in Pennsylvania); *Application of NRGing, LLC d/b/a Netgain Energy Advisors to Amend Their License as a Supplier of Natural Gas Services as a Broker/Marketer*, Docket No. A-2010-2202733 (Order entered February 6, 2014).

**WHEREFORE**, for the foregoing reasons, NRG Energy, Inc. respectfully requests that the Commission condition any licensure approval of the Natural Gas Supplier Application filed by Integrity NRG Services of Pennsylvania LLC filed on June 18, 2024 by: (1) requiring Integrity to resubmit the NGS Application to reflect the removal of “NRG” from its name; and (2) requiring Integrity to make a filing within six (6) months of PUC approval demonstrating that it has updated the entity’s domain name to remove any reference to “NRG,” including from Integrity’s email addresses.

Respectfully submitted,

*/s/ Karen O. Moury* \_\_\_\_\_  
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Attorney I.D. 36879  
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Counsel for NRG Energy, Inc.

**CONFIDENTIAL**

**APPENDIX A**

**VERIFICATION**

I, Leah Gibbons, state that I am Senior Director, Regulatory Affairs, NRG Energy, Inc. I hereby verify that I am authorized to make this Verification on behalf of NRG Energy, Inc. and that the facts set forth in the foregoing **Protest** 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 any hearing in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: September 16, 2024



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Leah Gibbons  
Senior Director, Regulatory Affairs  
NRG Energy, Inc.