

# Stevens & Lee

17 N. Second Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101  
(717) 234-1090  
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Direct Dial: (717) 255-7365  
Email: michael.gruin@stevenslee.com  
Direct Fax: (610) 988-0852

October 24, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**RE: John M. Novak v. Palmco Energy PA LLC d/b/a Indra Energy  
Docket No. F-2024-3046076**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Palmco Energy PA, LLC d/b/a Indra Energy is a Petition for Rehearing in the above-referenced matter. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please feel free to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosure

cc: Certificate of Service

Allentown • Bergen County • Bala Cynwyd • Fort Lauderdale • Harrisburg • Lancaster • New York  
Philadelphia • Princeton • Reading • Rochester • Scranton • Valley Forge • Wilkes-Barre • Wilmington  
A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<hr/> <u>JOHN M. NOVAK</u>	:	
	:	
v.	:	Docket No. F-2024-3046076
	:	
<u>PALMCO ENERGY PA LLC d/b/a INDRA ENERGY</u>	:	

**PETITION OF PALMCO ENERGY PA LLC FOR REHEARING AND  
REOPENING OF RECORD**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.571, Palmco Energy PA LLC d/b/a Indra Energy. (“Indra” or the “Company”) files this Petition for Rehearing for the purposes of reopening the record to allow Indra to attempt to satisfy the Formal Complaint filed by the Complainant or to present evidence and testimony to respond to the allegations of the Formal Complaint. As explained below in detail, Indra did not receive proper service of the Complaint, the Hearing Notices, the Prehearing Order, or the Initial Decision in this matter, and only became aware of the filing of the Complaint after learning of the issuance of the Initial Decision independently on the day it was issued. Because Indra was unaware of the existence of the Formal Complaint or the evidentiary hearing, Indra did not appear for the hearing, and the entire record in the case was created in Indra’s absence. Therefore, for the reasons explained below, Indra respectfully requests that its Petition for Rehearing be granted, and that the record in this matter be re-opened to allow Indra to attempt to satisfy the Formal Complaint or, if satisfaction is not able to be achieved, to present evidence and testimony to respond to the allegations of the Complaint.

## **I. INTRODUCTION AND BACKGROUND**

1. On August 16, 2023, Indra received an informal complaint from the Bureau of Consumer Services (“BCS”) regarding the alleged improper enrollment of the Complainant’s account for electricity supply.

2. On August 22, 2023, Indra responded to the informal complaint and explained that it had received an inbound enrollment request for the Complainant’s account which was confirmed by an electronic enrollment verification. A copy of that verification was submitted to the BCS along with the response.

3. Indra’s response to the informal complaint also explained that the enrollment had already been cancelled at the customer’s request based on his phone call to Indra on July 27, 2023. Based on that call from the Complainant, Indra immediately contacted the Complainants’ utility to cancel the enrollments, and the Complainant’s electricity supply service from Indra ended on August 2, 2023.

4. Indra’s response to the informal complaint also explained that in total the Complainant received electricity supply service from Indra for a total of 22 days, and that Indra had issued a refund to the Complainant in the amount of \$58.69 in response to his complaint.

5. Indra’s response to the informal complaint also explained that an Indra representative spoke to the Complainant on August 18, 2024 and confirmed that his account numbers had been added to Indra’s Do Not Contact lists.

6. On January 5, 2024 the BCS issued an order closing the informal complaint.

7. Unbeknownst to Indra, the Complainant filed his Formal Complaint with the Commission at some point after the BCS closed his informal complaint.

8. According to the Initial Decision issued in this proceeding, the Formal Complaint was served on Indra via eService at Indra's registered eService account. However, Indra has no record of the Complaint being served to either of the two email addresses that it has on file with the Commission for e-Service.

9. Similarly, Indra has no record of receiving either of the Hearing Notices or the Prehearing Order in this proceeding, both of which also appear to have been emailed to the incorrect email address.

10. Having no knowledge of the filing of the Formal Complaint or the scheduling of a hearing, Indra did not file an Answer to the Formal Complaint or appear for the evidentiary hearings.

11. On October 10, 2024 the Initial Decision was issued in this matter. The Initial Decision made findings of fact based on testimony provided by the Complainant without Indra being present. The Initial Decision found that the Complainant had met his burden of proving that Indra had violated the Commission's regulations, and recommended the imposition of a \$2000 civil penalty against Indra.

12. With this Petition, Indra is respectfully requesting a rehearing of the Formal Complaint, and a reopening of the record in the case to permit Indra to submit evidence and testimony to address the allegations of the Formal Complaint.

13. Notably, because Indra was unaware of the filing of the Formal Complaint, it did not have opportunity to try to resolve the Formal Complaint, and therefore, while the record is open Indra will also attempt to resolve the Formal Complaint.

14. As explained in the next section of this Petition and attachments hereto, good cause exists for granting Indra's request for a rehearing and reopening of the record.

## **II. REHEARING IS WARRANTED BECAUSE INDRA DID NOT RECEIVE SERVICE OF THE FORMAL COMPLAINT, HEARING NOTICES, OR PREHEARING ORDER**

15. The Commission's regulation at 52 Pa. Code § 5.571 permits the reopening of a proceeding after the record is closed but before a final decision is issued.

16. The record may be reopened upon notification to the parties in a proceeding for the reception of further evidence if there is reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceeding. 52 Pa. Code § 5.571(d).

17. In this case, new facts have come to light which confirm that Indra did not receive proper service of the Formal Complaint, Hearing Notices, or Prehearing Order in this case, and the public interest in ensuring due process justifies granting Indra's request to reopen the proceeding.

18. Attached hereto as Appendix A is the Affidavit of Ayo Ekisola, Indra's Regulatory Affairs manager, which confirms that Indra did not receive either e-Service or mail service of the Formal Complaint, Hearing Notices or Prehearing Order.

19. As explained in the Affidavit, Indra had notified the Commission on November 17, 2021 that the Indra recipient email addresses for eService had changed.

20. After learning of the issuance of the Initial Decision on October 10, 2024 in this case, Indra contacted the Commission's eFiling Help Desk on October 11, 2024 to investigate why Indra had not received notice of the Formal Complaint, the Hearing Notices, or the Prehearing Order.

21. The discussion with the Help Desk confirmed that Indra had two accounts listed for the receipt of eService: [compliance@indraenergy.com](mailto:compliance@indraenergy.com) and [regulatory@indraenergy.com](mailto:regulatory@indraenergy.com).

22. Indra has reviewed both of the above-referenced email addresses and has confirmed that neither email account received delivery of the Formal Complaint, Hearing Notices or Prehearing Order in this matter.

23. Furthermore, the Hearing Notices and Prehearing Order which appear on the docket in this matter all indicate they were served on a completely different email address ([cconaway@indraenergy.com](mailto:cconaway@indraenergy.com)). Copies of the Hearing Notices and Prehearing Order are attached hereto as Appendix B.

24. Due process in matters before the Commission requires that a party have reasonable notice of the nature of the allegations against her so that she can prepare a suitable defense. *Duquesne Light Co. v. Pa. Publ. Util. Comm'n*, 507 A.2c 433 (Pa. Commw. Ct. 1986). Without service, a complaint cannot be prosecuted and is properly dismissed without prejudice. *Attianese v. Santoro Enterprises Inc., et al.*, PUC Docket No. A-00113019C0203 (Order entered March 11, 2004), 2004 Pa. LEXIS 20.

25. Because it has been confirmed that Indra was not properly served the Formal Complaint, Hearing Notices or Prehearing Order at the eService email addresses it had on file with the Commission, Indra did not have reasonable notice of the allegations against it, and therefore did not have the opportunity to attempt to satisfy the Formal Complaint pursuant to 52 Pa. Code § 5.24, or present a defense to the allegations of the Formal Complaint.

### **III. CONCLUSION**

For the reasons explained above, Indra Energy respectfully requests that its Petition for Rehearing be granted and that the record in his case be reopened to allow

Indra Energy to attempt to satisfy the Formal Complaint filed by the Complainant or to present evidence and testimony to respond to the allegations of the Formal Complaint.

Respectfully submitted,

STEVENS & LEE



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Michael A. Gruin, Esq. (I.D. No. 78625)  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
Tel. (717) 255-7365  
Fax (610) 988-0852  
Email: [michael.gruin@stevenslee.com](mailto:michael.gruin@stevenslee.com)  
*COUNSEL FOR PALMCO ENERGY PA,  
LLC d/b/a Indra Energy*

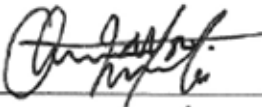
DATE: October 24, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<u>JOHN M. NOVAK</u>	:	
	:	
v.	:	Docket No. F-2024-3046076
	:	
<u>PALMCO ENERGY PA LLC d/b/a INDRA ENERGY</u>	:	

**VERIFICATION**

I, Ayo Ekisola holding the title of the Regulatory Affairs Manager with Palmco Energy PA, LLC d/b/a Indra Energy verify that the answers and the factual allegations contained in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

  
\_\_\_\_\_

Date: 10/23/2024

# **APPENDIX A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<hr/> <p>JOHN M. NOVAK</p>	:	
	:	
v.	:	Docket No. F-2024-3046076
	:	
PALMCO ENERGY PA LLC d/b/a	:	
INDRA ENERGY	:	

---

**AFFIDAVIT OF AYO EKISOLA**

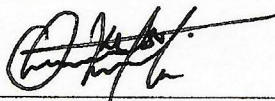
State of <i>New York</i>	:	
	:	
County of <i>Kings</i>	:	ss.

**AYO EKISOLA**, Affiant, being duly sworn according to law, deposes and says that:

1. I am the Regulatory Affairs Manager of Palmco Energy PA LLC, d/b/a Indra Energy (“Indra Energy”), the entity alleged in the Formal Complaint of Mr. John M. Novak, Docket Number F-2024-3046076.
2. Indra Energy has exclusively utilized electronic service from the Pennsylvania Public Utility Commission (“PA PUC”) for service of all complaints, notices, and orders.
3. On November 17, 2021, Indra Energy notified the Commission that its email address to use for service of customer complaints should be updated to [compliance@indraenergy.com](mailto:compliance@indraenergy.com). Please see Exhibit 1.
4. On July 16, 2024, Indra Energy submitted a request to update Indra Energy’s contact information to include a second email account ([regulatory@indraenergy.com](mailto:regulatory@indraenergy.com)) for the receipt of notices and complaints in addition to [compliance@indraenergy.com](mailto:compliance@indraenergy.com). Please see Exhibit 2.
5. Both of the aforementioned email addresses direct emails sent to those addresses to multiple employees of Indra Energy to ensure timely action and responses to formal complaints lodged against Indra Energy.
6. Indra Energy first learned of the existence of Mr. Novak’s Formal Complaint on October 10, 2024, upon learning of the issuance of the Initial Decision.

7. After learning of the issuance of the Initial Decision, Indra Energy undertook an investigation to determine whether Indra Energy had previously received notice of the filing of the Formal Complaint in the proceeding or notice of the evidentiary hearing in the matter.
8. Indra Energy confirmed that there is no record of either [compliance@indraenergy.com](mailto:compliance@indraenergy.com) or [regulatory@indraenergy.com](mailto:regulatory@indraenergy.com) receiving the Formal Complaint, the Hearing Notices, or Prehearing Order in this case.
9. Similarly, Indra Energy has confirmed that it did not receive service of the Formal Complaint, Hearing Notices or Prehearing Order by mail.
10. On October 11, 2024, I contacted the Commission's E-filing Help Desk to confirm that the service emails associated with Indra's accounts were correct.
11. On October 15, 2024, Indra Energy contacted the Secretary's Bureau to request a copy of the Formal Complaint in this proceeding.
12. The Secretary's Bureau provided Indra Energy with a copy of the Formal Complaint on October 15, 2024.
13. Indra Energy relies exclusively on the electronic service of complaints, notices and orders from the Commission and does not independently search dockets to determine if formal proceedings are pending against Indra Energy.
14. No employee, agent or representative of Indra Energy was aware of the filing of the Formal Complaint or the scheduling of the evidentiary hearing in the matter until the Initial Decision in the case was issued.
15. Had Indra Energy been aware of the filing of the Formal Complaint, we would have immediately attempted to satisfy the Complainant's concerns. If satisfaction was not obtained by Indra Energy, we would have prepared and filed an Answer to the Formal Complaint, consistent with our standard policy and in accordance with the Commission's regulations.
16. On October 18, 2024, Indra Energy received confirmation from the PA PUC that the company's eService profile was updated and that future notices would be directed to the company's email addresses: [compliance@indraenergy.com](mailto:compliance@indraenergy.com) and [regulatory@indraenergy.com](mailto:regulatory@indraenergy.com).

I, Ayo Ekisola, declare under penalty of perjury that the above statements and facts are true and accurate to the best of my knowledge, information and belief.



---

Ayo Ekisola  
Regulatory Affairs Manager for Indra Energy

Subscribed and sworn to before me this 23<sup>rd</sup> day of October, 2024

Kristen Ianello  
Notary Public

My Commission expires: April 17, 2028

SEAL



## **EXHIBIT 1**



Indra Energy  
1515 Market Street, Suite 1200  
Philadelphia, PA, 19102

w: [indraEnergy.com](http://indraEnergy.com)  
e: [CustomerCare@IndraEnergy.com](mailto:CustomerCare@IndraEnergy.com)  
toll free: 1 (888) 50-INDRA  
1 (888) 504 6372

November 18, 2021

DATE OF DEPOSIT

**VIA FedEx**

Pennsylvania Public Utility Commission  
Attn: Secretary's Bureau  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room N-201  
Harrisburg, PA 17105

NOV 17 2021

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: PALMco Energy PA, LLC d/b/a Indra Energy  
Docket Number A-2009-2100320  
License Update**

Dear Secretary:

Pursuant to any applicable rules and regulations, PALMco Energy PA, LLC d/b/a Indra Energy is writing to inform the Public Utility Commission of the below changes to question 16a of its license application.

**Contacts for Complaints:**

**Name and Title:** Cerasela Conaway  
**Address:** 1515 Market Street, Suite 1200, Philadelphia, PA 19102  
**Telephone:** 718-696-0140  
**Email:** [Compliance@indraenergy.com](mailto:Compliance@indraenergy.com)

Should you have any questions, or require additional information, please contact me via email at [mcastillo@indraenergy.com](mailto:mcastillo@indraenergy.com) or directly at 718-696-0120.

Sincerely,

Michelle Castillo  
Regulatory Specialist

0332

00100

**FedEx** Package  
Express US Airbill

FedEx  
Tracking  
Number

8170 1344 4199

**1 From**

Date 11/17/21

Sender's Name INDRA ENERGY Phone 718 696-0120

Company INDRA ENERGY

Address 1750 157th AVE

City BRIDGE PL State NY ZIP 11714-4605

**2 Your Internal Billing Reference**

**3 To Recipient's Name** Department of Environmental Conservation Phone \_\_\_\_\_

Company PA Dept of Environmental Conservation

Address 400 North Street Dept./Floor/Suite/Room 2nd Fl.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Address 1100 N-201

Use this line for the HOLD location address or for completion of your shipping address.

City Doonick State PA ZIP 17105



8170 1344 4199

0138090717

fedex.com 1800.GoFedEx 1800.463.3339

**0215 Recipient's Copy**

**4 Express Package Service** \* To most locations. Packages up to 150 lbs. For packages over 150 lbs., see the FedEx Express Freight US Airbill.

**Next Business Day**

FedEx First Overnight  
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Priority Overnight  
Next business morning. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Standard Overnight  
Next business afternoon. Saturday Delivery NOT available.

**2 or 3 Business Days**

FedEx 2Day A.M.  
Second business morning. Saturday Delivery NOT available.

FedEx 2Day  
Second business afternoon. Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

FedEx Express Saver  
Third business day. Saturday Delivery NOT available.

**5 Packaging** \* Declared value limit \$200

FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options** Fees may apply. See the FedEx Service Guide

Saturday Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required  
Package may be left without obtaining a signature for delivery.

Direct Signature  
Someone at recipient's address may sign for delivery.

Indirect Signature  
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?  
One box must be checked.

No  Yes As per attached Shipper's Declaration.  Yes Shipper's Declaration not required.  Dry Ice Dry Ice, 5 UN 1845 \_\_\_\_\_ kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide.  Cargo Aircraft Only

**7 Payment Bill to:** Obtain recip. FedEx Acct. No.

Sender Acct. No. in Section 1 will be billed.  Recipient  Third Party

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_

\*Our liability is limited to USD100 unless you declare a higher value. See the current FedEx Service Guide for details. **611**

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fedex.com 1800.GoFedEx 1800.463.3339

**RECEIVED**  
NOV 22 2021  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

## **EXHIBIT 2**

# COMPANY CONTACTS

## Item

## Description

Company Name; d/b/a Name, and Docket Number	Enter in shaded area of form starting in column 'B'.
Date Submitted	Enter in shaded area of form at column 'I'. e.g. 09/01/1999. (Format has been preset.)
Utility Type	Enter in shaded area of form at column 'I'
Main Mailing Address	Main mailing address of company
CEO/President	Information for current CEO/President of the company.
Statutory/Registered Agent	Company designated to receive service or process of legal matters in the Commonwealth.
Regulatory Contact	Who may the Commission contact regarding questions about the application or the entity.
Legal Counsel	Contact information for the Company's legal counsel or legal representative
Complaint Contact	Who may the Commission contact for information about customer billing, rates charged, service provided or other types of complaints?
Customer Service Contact	When residential or small commercial customers are served the company must provide a customer contact person and phone number.
Annual Report Contact	Who may the Commission contact regarding the annual report?
Assessments/Billing Contact	Who may the Commission contact regarding the annual assessment?
Tariff Contact	Who may the Commission contact regarding the Company's Tariff?
PEMA/911 Contact	Pennsylvania Emergency Management Agency contact person who is available on a 24 hour 7 day basis.

**Complete the form in its entirety to ensure all contacts are up to date. If a line item does not match your company needs use "N/A".**

**Submit your completed form to the Secretary using only one of the manners noted on the form.**

## Company Contact Form

<b>Company Name:</b>	PALMco Energy PA, LLC
<b>Company d/b/a Name:</b>	Indra Energy
<b>Docket Number:</b>	A-2009-2100320

<b>Date Submitted:</b>	7/16/24
<b>Utility Type:</b>	Gas

Contact Type	First and Last Name	Title	Street	City	State	Zip	Phone	FAX	E-Mail
<b>EXAMPLE →→</b>	Robert Bennett	Manager	400 North Street	Harrisburg	PA	17120	(717) 787-5553	(717) 772-1933	bennettr@pa.gov
<b>Main Mailing Address:</b>	PALMco Energy PA, LLC d/b/a Indra Energy		1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-696-0120	N/A	<a href="mailto:regulatory@indraenergy.com">regulatory@indraenergy.com</a>
<b>Corporate Address:</b>	PALMco Energy PA, LLC d/b/a Indra Energy		8751 18th Avenue	Brooklyn	NY	11214	718-696-0120	N/A	<a href="mailto:regulatory@indraenergy.com">regulatory@indraenergy.com</a>
<b>CEO/President:</b>	Robert Palmese	President and CEO	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-696-0120	N/A	<a href="mailto:robertpalmese@indraenergy.com">robertpalmese@indraenergy.com</a>
<b>Registered Agent:</b>	Corporate Servcie Company	Registered Agent	2595 Interstate Drive, Suite 103	Harrisburg	PA	17110	800-927-9800	N/A	<a href="mailto:compliancemail@cscglobal.com">compliancemail@cscglobal.com</a>
<b>Regulatory:</b>	Ayo Ekisola	Regulatory Affairs Manager	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-975-9018	N/A	<a href="mailto:aekisola@indraenergy.com">aekisola@indraenergy.com</a>
<b>Legal Counsel:</b>	Rocell Cyrus	Corporate Counsel	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-975-4223	N/A	<a href="mailto:regulatory@indraenergy.com">regulatory@indraenergy.com</a>
<b>Complaint:</b>	Ivette Arce	Compliance Manager	1515 Market Street, Suite 1200	Philadelphia	PA	19102	929-486-0018	N/A	<a href="mailto:compliance@indraenergy.com">compliance@indraenergy.com</a>
<b>Customer Service:</b>	Heladia Cruz	Customer Service Manager	1515 Market Street, Suite 1200	Philadelphia	PA	19102	888-504 6372	N/A	<a href="mailto:customercare@indraenergy.com">customercare@indraenergy.com</a>
<b>Annual Report:</b>	Michelle Castillo	Regulatory Specialist	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-696-0109	N/A	<a href="mailto:regulatory@indraenergy.com">regulatory@indraenergy.com</a>
<b>Assessments/Billing:</b>	Alan Klein	Asst. Controller	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-975-4220	N/A	<a href="mailto:accounting@indraenergy.com">accounting@indraenergy.com</a>
<b>Tariff:</b>	Michelle Hofstetter	Chief Financial Officer	1515 Market Street, Suite 1200	Philadelphia	PA	19102	718-975-6605	N/A	<a href="mailto:accounting@indraenergy.com">accounting@indraenergy.com</a>
<b>PEMA/911:</b>	N/A								

**Do you prefer to have PUC invoices mailed or emailed (or both emailed and mailed) to your Assessments/Billing contact? Both.**

Fill out all applicable contacts; if there are none please indicate "N/A". Once complete submit to the Secretary by one of the following methods: eFiling, email, or mail.

If emailing send to Secretary Chivetta with copies to:

[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)  
[sspunaugle@pa.gov](mailto:sspunaugle@pa.gov)  
[RA-PCPUC\\_FISCAL@pa.gov](mailto:RA-PCPUC_FISCAL@pa.gov)

[christhodg@pa.gov](mailto:christhodg@pa.gov)  
[sithomas@pa.gov](mailto:sithomas@pa.gov)  
[ra-ocmo@pa.gov](mailto:ra-ocmo@pa.gov)

[dbacker@pa.gov](mailto:dbacker@pa.gov)  
[ra-ocmo@pa.gov](mailto:ra-ocmo@pa.gov)

# **APPENDIX B**



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
Office of Administrative Law Judge  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120  
March 26, 2024

IN REPLY, PLEASE  
REFER TO OUR FILE

In Re: F-2024-3046076

(SEE ATTACHED LIST)

**John M Novak v. Palmco Energy PA LLC d/b/a Indra Energy**

Appeal of BCS Decision - Service/Reliability Dispute

**Initial Telephonic Hearing Notice**

This is to inform you that an initial call-in telephonic hearing on the above-captioned case will be, held as follows:

Type: Initial Call-In Telephonic Hearing

Date: Wednesday, May 15, 2024

Time: 10:00 A.M.

Presiding: Special Agent Michael Mroczka  
Phone: 717.787.1399 Fax: 717.213.6812

To participate in the hearing,

- You must dial the toll-free number listed below.
- You must enter the passcode when instructed, also listed below.
- You must state your name when prompted.
- The telephone system will connect you to the hearing.

Toll-free Bridge Number: **866.842.1855**  
Passcode: **58395480**

The special agent will be presiding as authorized by 52 Pa. Code S56.174

**WITNESSES:** If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the Bridge and Passcode numbers above.

**FAILURE TO APPEAR:** You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

**CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

**REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

**PRESENTING EXHIBITS.** If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Special Agent at [micmroczka@pa.gov](mailto:micmroczka@pa.gov) and one (1) copy each must be sent to every other party. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

**ACCOMMODATION.** Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the OALJ scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, please call the scheduling office at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- TTY-based Telecommunications Relay Service number for persons who are deaf or hearing-impaired is: 711

**DOCUMENTS.** ALL Parties to proceedings pending are encouraged to EITHER open and use an eFiling account through the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov) OR to ensure timely arrival, submit the filing by overnight delivery as explained below.

**E-FILING.** The PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC’s website at: <https://www.puc.pa.gov/filing-resources/efiling/>

**PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents must be sent by overnight delivery to:

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

It is important that you retain the tracking information as proof of submission. Emailed or faxed submissions filings to the Commission are not acceptable.

**CONFIDENTIAL MATERIAL.** If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

cc:

SA Mroczka  
Scheduler  
Calendar file

**F-2024-3046076 - JOHN M NOVAK v. PALMCO ENERGY PA LLC d/b/a INDRA ENERGY**

JOHN M NOVAK  
60 PARKVIEW CIRCLE  
WAYNE PA 19087  
**610.804.9877**  
[JohnMNovak@aol.com](mailto:JohnMNovak@aol.com)  
Accepts eService

CERASELA CONAWAY  
INDRA ENERGY  
1515 MARKET ST SUITE 1200  
PHILADELPHIA PA 19102  
**718.696.0140**  
[cconaway@indraenergy.com](mailto:cconaway@indraenergy.com)  
Accepts eService

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

John M Novak	:	
	:	
v.	:	F-2024-3046076
	:	
Palmco Energy PA LLC d/b/a Indra Energy	:	

**PREHEARING ORDER FOR TELEPHONE HEARING**

AND NOW this 8<sup>th</sup> day of May, 2024, it is hereby ORDERED:

- 1. DATE AND TIME OF HEARING.** An initial telephonic hearing will be held for this case on:

**Wednesday, May 15, 2024, beginning at 10:00 a.m.**

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Telephone Number: **866-842-1855**

PIN Number: **58395480**

- 2. FAILURE TO APPEAR:** You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

**3. CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must serve a written request to me and every other party (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5 below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request. If you do not know whether the other party(ies) agrees to the request, state that you do not know.

**4. PRESENTING EXHIBITS.** If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the presiding officer at [micmroczka@pa.gov](mailto:micmroczka@pa.gov) and one (1) copy each must be served to every other party pursuant to paragraph 5B below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. **Do not include account numbers or any other personally identifiable information (PII), such as social security numbers, in your documents or exhibits. It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record.** Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

**5. FILING AND SERVING DOCUMENTS.** When you file a document, you must provide the original to the PUC *and* serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

## **A. FILING DOCUMENTS**

**(1) E-FILING.** To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at: <https://www.puc.pa.gov/filing-sources/efiling/>

**(2) PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

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

**(3) CONFIDENTIAL MATERIAL.** If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

## **B. SERVING DOCUMENTS**

**(1) SERVING OTHER PARTIES.** When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

**(2) SERVING THE PRESIDING OFFICER.** Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to me at [micmroczka@pa.gov](mailto:micmroczka@pa.gov). **If you do not have access to email, you must serve me by mail, addressed to:**

Special Agent Michael J. Mroczka  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party pursuant to paragraph 5 of this Order.

**6. DOMESTIC VIOLENCE VICTIM.** If you are a domestic violence victim and you want to be considered for protections that may be available to domestic violence victims, you must submit a copy of your Protection from Abuse (PFA) Order or other Court Order issued by a Pennsylvania court, which provides evidence that you are a domestic violence victim. You should mark this Order as “CONFIDENTIAL.” In the case of these Orders, we will take precautions to ensure that your address is not made public.

**7. REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.<sup>1</sup> And, unless you are an attorney, you may not represent someone else.

**8. BURDEN OF PROOF.** The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.<sup>2</sup>

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<sup>1</sup> 52 Pa. Code §§ 1.21 & 1.22.

<sup>2</sup> 66 Pa.C.S. § 332(a).

**9. ACCOMMODATION.** Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: (717) 787-1399  
The AT&T Relay Service number for persons who are deaf or hearing-impaired is:  
1-800-654-5988.

**10. CONTACT INFORMATION.** If your e-mail address or telephone number changes during the course of the proceeding, you must immediately update the Office of Administrative Law Judge by calling 717-787-1399.

**11. SETTLEMENT.** The PUC’s policy is to encourage settlements.<sup>3</sup> The utility shall contact the Complainant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

**12. PAYMENT ARRANGEMENT CASES.** If you have requested a payment arrangement, Chapter 14 of the Public Utility Code will be applied.<sup>4</sup> You must be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The “total gross monthly household income” includes, but is not limited to, the following: (a) the “before taxes or other deductions” pay from salaries, wages, tips or other compensation; (b) pension, retirement or social security benefits; (c) Supplemental Security Income (SSI); (d) unemployment compensation benefits; (e) workers’ compensation benefits; (f) alimony; and (g) any other source(s) of income.

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<sup>3</sup> 52 Pa. Code § 5.231(a).

<sup>4</sup> 66 Pa.C.S. §§ 1401-1419.

The utility must prepare and submit the following documents at least five (5) business days before the hearing: (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; (b) a copy of the most recent Bureau of Consumers Services (BCS) decision, if any; and (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. Failure to make payments may result in the utility terminating your service.

**12. BILLING COMPLAINT.** If you are claiming that there are incorrect charges on your utility bill, then you must be prepared to provide the dates that are important and an explanation about any amounts or charges that you believe are not correct.

**13. VIOLATIONS.** A finding of a violation of a PUC Order, regulation or statute, by the public utility, may result in the imposition of a civil penalty on the public utility company, consistent with 66 Pa.C.S. § 3301 or other provisions of the Public Utility Code.

**15. HEARING PROCEDURES.** Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC's Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and using a phone, where background noise will be minimized, and the reception is clear.

**16. FURTHER INFORMATION.** A guide to participating in a Formal Complaint proceeding is available on the PUC's website at: <https://www.puc.pa.gov/complaints/formal-complaints>

Date: May 8, 2024

\_\_\_\_\_  
/s/  
Michael J. Mroczka  
Special Agent

**F-2024-3046076 - JOHN M NOVAK v. PALMCO ENERGY PA LLC d/b/a INDRA ENERGY**

JOHN M NOVAK  
60 PARKVIEW CIRCLE  
WAYNE PA 19087  
**610.804.9877**  
[JohnMNovak@aol.com](mailto:JohnMNovak@aol.com)  
Accepts eService

CERASELA CONAWAY  
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PHILADELPHIA PA 19102  
**718.696.0140**  
[cconaway@indraenergy.com](mailto:cconaway@indraenergy.com)  
Accepts eService



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
Office of Administrative Law Judge  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120  
May 15, 2024

IN REPLY, PLEASE  
REFER TO OUR FILE

In Re: F-2024-3046076

(SEE ATTACHED LIST)

**John M Novak v. Palmco Energy PA LLC d/b/a Indra Energy**

Appeal of BCS Decision - Service/Reliability Dispute

**Cancelled/Rescheduled Initial Telephone Hearing Notice**

This is to inform you that the Initial Telephonic Hearing on the above-captioned case previously scheduled for May 15, 2024, has been cancelled.

The hearing has been rescheduled as follows:

Type:           **Initial Call-In Telephonic Hearing**  
Date:           **Tuesday, June 11, 2024**  
Time:           **1:00 P.M.**  
Presiding:   **Special Agent Michael Mroczka**  
                          Phone: 717.787.1399   Fax: 717.213.6812

To participate in the hearing,

- You must dial the toll-free number listed below.
- You must enter the passcode when instructed, also listed below.
- You must state your name when prompted.
- The telephone system will connect you to the hearing.

Toll-free Bridge Number: **866.842.1855**  
Passcode:                   **58395480**

The special agent will be presiding as authorized by 52 Pa. Code S56.174

**WITNESSES:** If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the Bridge and Passcode numbers above.

**FAILURE TO APPEAR:** You may lose the case if you do not take part in this hearing and present evidence on the issue(s) raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

**CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. All continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include: 1) The case name, number, and hearing date; 2) The reason for the request; and 3) Whether the other party agrees (or if you do not know).

**REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

**PRESENTING EXHIBITS.** If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Special Agent at [micmroczka@pa.gov](mailto:micmroczka@pa.gov) and one (1) copy each must be sent to every other party. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

**ACCOMMODATION.** Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the OALJ scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, please call the scheduling office at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- TTY-based Telecommunications Relay Service number for persons who are deaf or hearing-impaired is: 711

**DOCUMENTS.** ALL Parties to proceedings pending are encouraged to EITHER open and use an eFiling account through the Commission’s website at [www.puc.pa.gov](http://www.puc.pa.gov) OR to ensure timely arrival, submit the filing by overnight delivery as explained below.

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cc:

SA Mroczka  
Scheduler  
Calendar file

**F-2024-3046076 - JOHN M NOVAK v. PALMCO ENERGY PA LLC d/b/a INDRA ENERGY**

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CERASELA CONAWAY  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<hr/> <u>JOHN M. NOVAK</u>	:	
	:	
v.	:	Docket No. F-2024-3046076
	:	
<u>PALMCO ENERGY PA LLC d/b/a INDRA ENERGY</u>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Petition for Rehearing upon the party listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

VIA FIRST CLASS US MAIL AND ELECTRONIC MAIL

John Novak  
60 Parkview Circle  
Wayne, PA 19087



---

Michael A. Gruin

DATED: October 24, 2024