

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cody Kohinsky,
Complainant

v.

Green Mountain Energy Company,
Respondent

Docket No. F-2026-3061944

**COMPLAINANT'S RESPONSE TO GREEN MOUNTAIN ENERGY COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Complainant, Cody Kohinsky, hereby responds to Green Mountain Energy Company's Motion for Judgment on the Pleadings and respectfully requests that the Motion be denied.

1. Green Mountain seeks dismissal based upon factual assertions that remain disputed.
 2. The central issue in this case is whether Complainant knowingly authorized enrollment with Green Mountain Energy Company.
 3. Green Mountain asserts that Complainant enrolled through Penelec's Standard Offer Program ("SOP") in December 2015. Complainant disputes that assertion.
 4. Since discovering Green Mountain's involvement as his electric supplier, Complainant has consistently requested proof of authorization, including the enrollment date, method of authorization, any third-party verification recording, signed enrollment documentation, and any records demonstrating authorization.
 5. On January 25, 2026, Complainant formally disputed the enrollment and requested supporting documentation from Green Mountain.
 6. On January 28, 2026, after receiving no substantive response, Complainant followed up and again requested information concerning the alleged enrollment.
 7. Green Mountain did not provide the requested enrollment documentation.
- 7A. In addition to the written communications attached as Exhibits A through C, Complainant contacted Green Mountain Energy Company by telephone on multiple occasions in January and February 2026 regarding the alleged enrollment and requests for supporting documentation. Despite these communications, Green Mountain did not provide a signed agreement, third-party verification recording, enrollment authorization record, or other documentation demonstrating authorization.

8. Complainant subsequently contacted Penelec and specifically requested enrollment information concerning the alleged 2015 enrollment.
9. Penelec responded that its records reflected Green Mountain became the supplier on December 30, 2015, but Penelec did not provide any enrollment authorization, signed agreement, verification recording, enrollment application, or other proof that Complainant authorized enrollment. Instead, Penelec directed Complainant to contact Green Mountain regarding enrollment information.
10. Green Mountain admits in its Answer that any original enrollment documentation would have been completed through Penelec's Standard Offer Program and not through Green Mountain itself.
11. Green Mountain asserts the original enrollment records would have originated with Penelec, yet neither Green Mountain nor Penelec has produced any authorization document despite Complainant's repeated requests.
12. Despite repeatedly asserting that Complainant enrolled through the SOP, Green Mountain has not produced any enrollment form, signed agreement, third-party verification recording, SOP enrollment record, or other documentation establishing that Complainant authorized enrollment.
- 12A. Green Mountain's Motion seeks dismissal before any enrollment authorization, signed agreement, third-party verification recording, or Standard Offer Program enrollment record has been produced. Whether such records exist and whether they demonstrate valid authorization are factual issues that cannot be resolved solely from the pleadings.
13. Green Mountain also claims that it sent a Welcome Letter, Disclosure Statement, Contract Expiration Notices, and numerous Price Change Notices to Complainant over the years.
14. However, Green Mountain has not produced copies of those documents in support of its Motion.
15. Green Mountain's Motion asks the Commission to accept its version of disputed facts as true while the underlying documents upon which those facts depend have not been produced.
16. Whether Complainant authorized enrollment is a disputed issue of material fact.
17. A Motion for Judgment on the Pleadings is not the proper mechanism for resolving disputed factual issues.
18. Green Mountain's statute-of-limitations argument depends upon accepting as established fact that a valid enrollment occurred in 2015 and that Complainant knowingly received service thereafter.

19. Those factual assertions are disputed.
20. The appearance of Green Mountain's name on utility bills or the alleged mailing of notices does not establish that the original enrollment was authorized.
21. Complainant acted promptly upon discovering the issue by disputing the enrollment, requesting proof of authorization, and seeking information from both Green Mountain and Penelec.
22. The Commission cannot determine from the pleadings alone whether authorization existed, whether Green Mountain possesses proof of authorization, whether the alleged enrollment was properly completed, or whether dismissal is appropriate.
23. Because genuine disputes of material fact remain unresolved, Green Mountain is not entitled to judgment on the pleadings.

WHEREFORE, Complainant respectfully requests that the Pennsylvania Public Utility Commission deny Green Mountain Energy Company's Motion for Judgment on the Pleadings and permit this matter to proceed so that the disputed factual issues regarding authorization and enrollment may be fully examined.

Respectfully submitted,

Cody Kohinsky

Complainant

6/5/26

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COMPLAINANT'S EXHIBIT LIST

Exhibit A

January 25, 2026 correspondence from Complainant to Green Mountain Energy Company requesting proof of authorization, enrollment records, and supporting documentation.

Exhibit B

January 28, 2026 follow-up correspondence from Complainant to Green Mountain Energy Company requesting a response and supporting documentation.

Exhibit C

February 4, 2026 email correspondence from Penelec/FirstEnergy regarding supplier enrollment information and advising Complainant to contact Green Mountain regarding enrollment records.

Exhibit D

Telephone records reflecting communications between Complainant and Green Mountain Energy Company concerning the disputed enrollment and requests for enrollment documentation.

Respectfully submitted,

Cody Kohinsky

Complainant

6/5/26

EXHIBIT A

8/5/26, 10:13 AM

Gmail - Dispute of Unauthorized Enrollment and Request for Proof



Jessica Kohinsky <jlotterman24@gmail.com>

Dispute of Unauthorized Enrollment and Request for Proof

Jessica Kohinsky <jlotterman24@gmail.com>
To: PACustomerCare@greenmountain.com

Sun, Jan 25, 2026 at 7:30 PM

I never authorized enrollment with Green Mountain Energy. I am formally disputing this account and requesting proof of enrollment, including the date of enrollment, the method of authorization, and any third-party verification (TPV) recording or signed documentation.

I spoke with a customer service representative last week who stated that my enrollment documentation would be provided to me; however, I have not yet received anything.

My account number is 000016833319. Please email or mail copies of all enrollment documentation associated with this account to my home address as soon as possible.

Thank you for your prompt attention to this matter.

EXHIBIT B

6/5/26, 10:14 AM

Gmail - Re: Dispute of Unauthorized Enrollment and Request for Proof, Email Receipt Confirmation



Jessica Kohinsky <jlotterman24@gmail.com>

Re: Dispute of Unauthorized Enrollment and Request for Proof, Email Receipt Confirmation

Jessica Kohinsky <jlotterman24@gmail.com>

Wed, Jan 28, 2026 at 8:35 PM

To: Green Mountain Customer Care <pacustomer@greenmountain.com>

Hello,

I'm following up on my email dated 1/25/26 in which I was told I would receive a response within three business days. That timeframe has now passed, and I have not been contacted.

Please provide an update on the status of my dispute regarding the unauthorized enrollment of my electric service, or advise when this matter will be escalated for resolution.

I look forward to your prompt response.

On Sun, Jan 25, 2026, 7:30 PM Green Mountain Customer Care <pacustomer@greenmountain.com> wrote:

Thank you for your email.

At Green Mountain Energy, we strive to respond as quickly as possible to incoming emails. Keeping in mind that our normal business hours are Monday to Friday, 8:00 AM - 8:00 PM ET, please allow 1-3 business days for us to research your inquiry and respond. If you did not include your name, service address and/or account number, please send a follow-up email with this information. You may also contact us via phone at 1-800-286-5856 during normal business hours and a Customer Service Representative will help you with your request.



Note: The information contained in this e-mail and any accompanying documents may contain information that is confidential or otherwise protected from disclosure. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message, including any attachments. Any dissemination, distribution or other use of the contents of this message by anyone other than the intended recipient is strictly prohibited.

EXHIBIT C

2/19/26, 8:47 AM

Gmail - Re: Supplier Update #530528556



Jessica Kohinsky <jlotterman24@gmail.com>

Re: Supplier Update #530528556

3 messages

FE Customer Service <fecustomerservice@firstenergycorp.com>
To: jlotterman24@gmail.com

Tue, Feb 3, 2026 at 8:11 AM

Cody Kohinsky;

Thank you for your inquiry. Due to an increase in customer emails, our response times have been delayed. We regret this delay and are happy to assist you.

We see that American Power & Gas of Pennsylvania became your supplier on February 3rd. If you would like us to drop this supplier and return to Penelec for the supply portion of your bill by default, please reply to this email. Please note that some suppliers may charge a cancelation fee.

Have a great day.

Sincerely,

Max | Customer Service

If you are not satisfied with this response or have additional comments or questions, please reply to this email within five business days or call us Monday through Friday, between 8 a.m. and 6 p.m. If we do not hear from you within five business days, we will assume your question has been answered or your issue has been resolved. If you do not have an online account, we encourage you to register at www.firstenergycorp.com/login to receive text and email alerts, to enroll in eBill (Electronic Billing) to view your bill statements online, to analyze your usage and more. Thank you.

Operating Company	Phone Number
Ohio Edison	800-633-4766
Illuminating Company	800-589-3101
Toledo Edison	800-447-3333
Met-Ed	800-545-7741
Penelec	800-545-7741
Penn Power	800-720-3600
West Penn Power	800-686-0021
Jersey Central Power & Light	800-662-3115
Mon Power	800-686-0022
Potomac Edison	800-686-0011

On Wed, Jan 28, 2026 at 8:43 PM, Cody A Kohinsky <jlotterman24@gmail.com> wrote:

```
<pre>  
Form Name: Contact Us  
Submit Date: 01/28/2026 20:42:54
```

<https://mail.google.com/mail/u/0/?ik=a04fe72297&view=pt&search=all&permthid=thread-f:1856109833256542522&siml=msq-f:185610983325654252...> 1/2

EXHIBIT C CONT.

2/19/26, 8:47 AM

Gmail - Re: Supplier Update #530528556

Operating Company: PN01
Topic: Customer Service
Name: Cody A Kohinsky
Email: Jlotterman24@gmail.com
Address Line 1: [497 Stearns Rd](#)
Address Line 2: null
City: New Milford
State: PA
Province: null
Zip: 18834
Country: null
Phone: (570) 877-9622
Best Time: null
Account Number: 100117312858
Request Type: Customer (Electric) Choice
Subject: Supplier Update
Text: How can I switch my electric supplier from green mountain energy to penelec?

</pre>

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

Jessica Kohinsky <jlotterman24@gmail.com>
To: FE Customer Service <fecustomerservice@firstenergycorp.com>

Tue, Feb 3, 2026 at 8:13 AM

Yes, please make penelec my supplier by default. Also, could you tell me if Penelec has my enrollment information from 2015 when green mountain energy was chosen as my supplier?
[Quoted text hidden]

FE Customer Service <fecustomerservice@firstenergycorp.com>
To: jlotterman24@gmail.com

Wed, Feb 4, 2026 at 11:48 AM

Cody Kohinsky;

Thank you for your reply. We have dropped American Power & Gas of Pennsylvania as requested. You will return to Penelec for the supply portion of your bill effective February 5th. Our records do indicate that Green Mountain Energy became your supplier on 12/30/2015. For any questions regarding your enrollment with this supplier, or if you would like to switch back, please contact them directly.

We hope this information is helpful.

[Quoted text hidden]
[Quoted text hidden]

EXHIBIT D

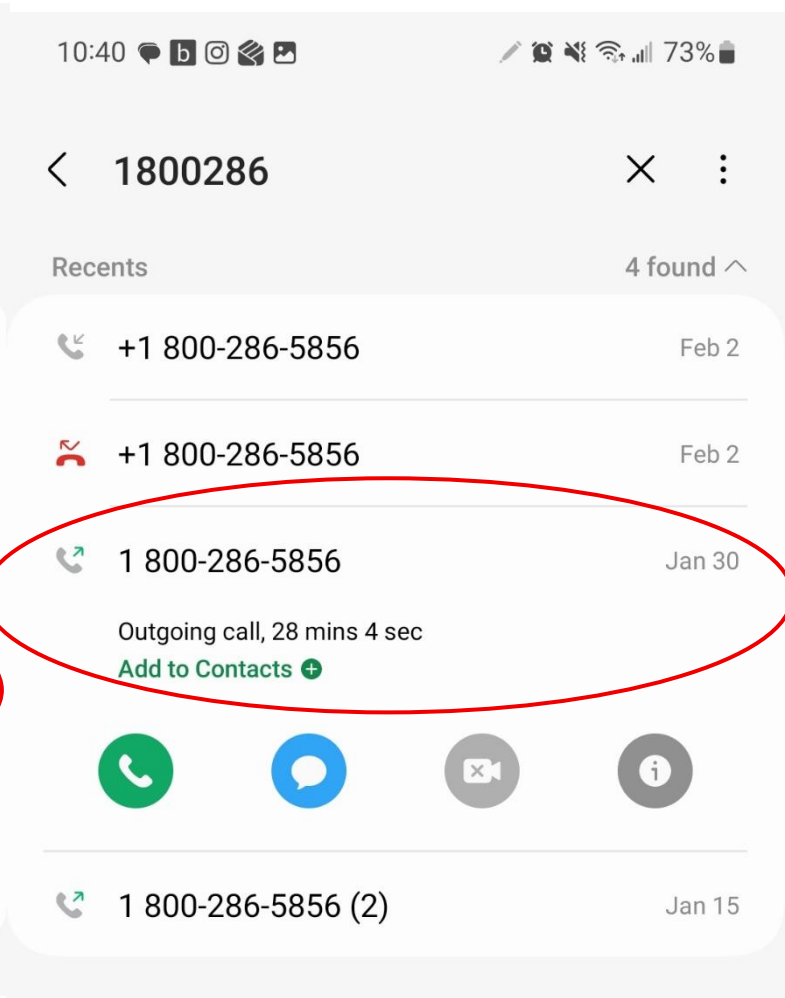
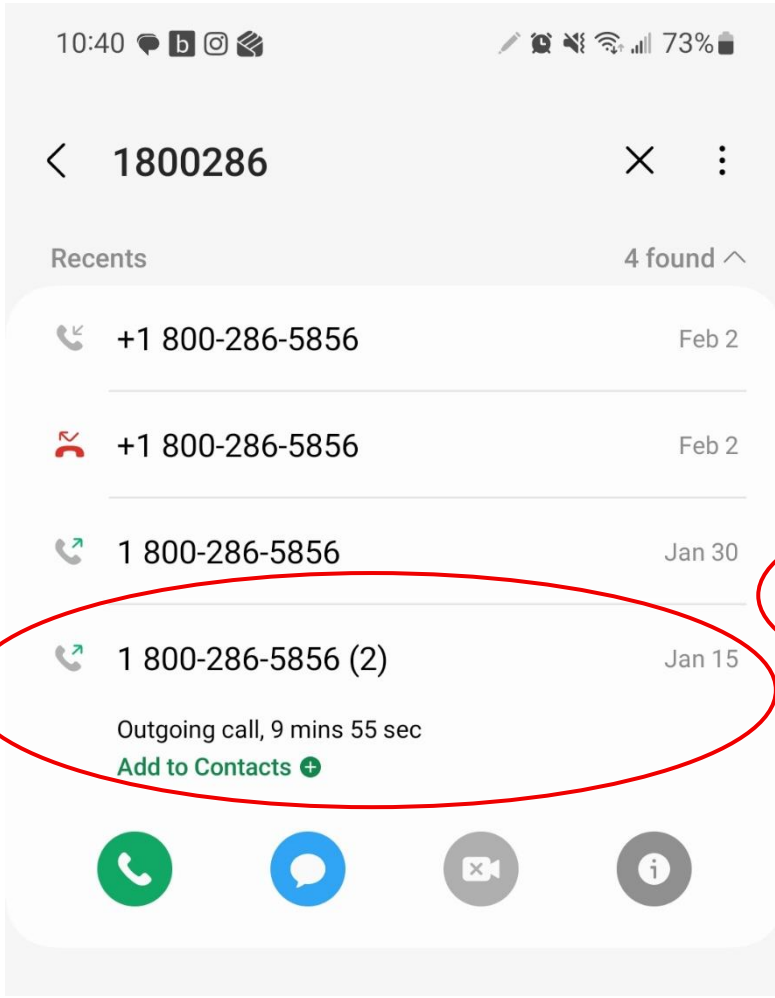
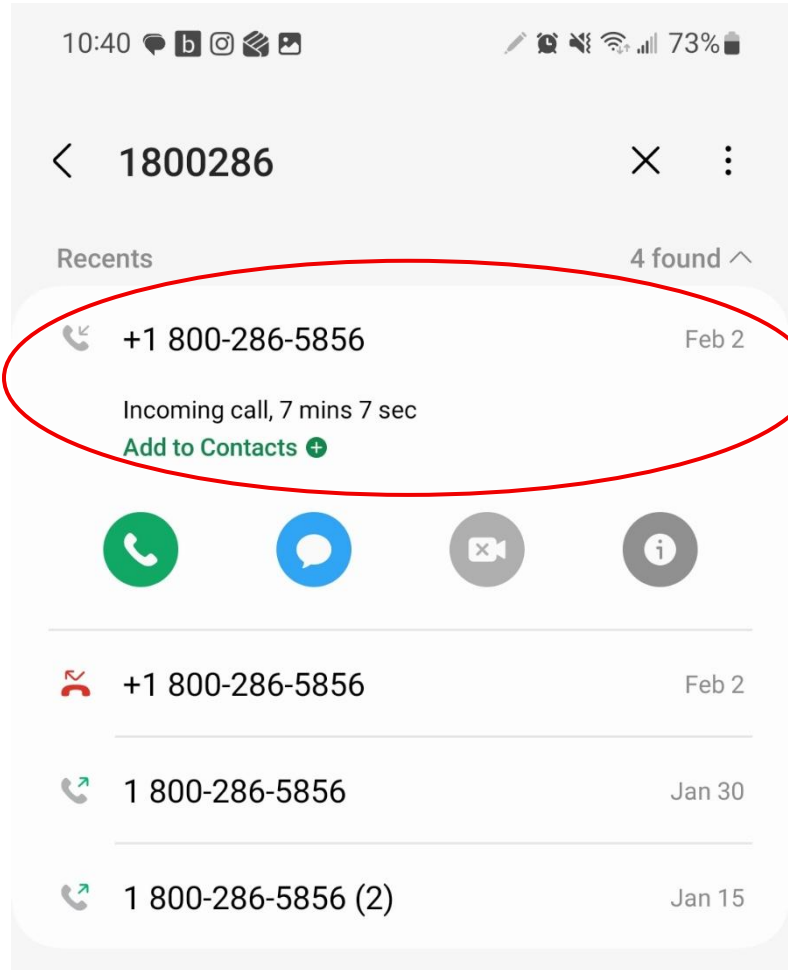
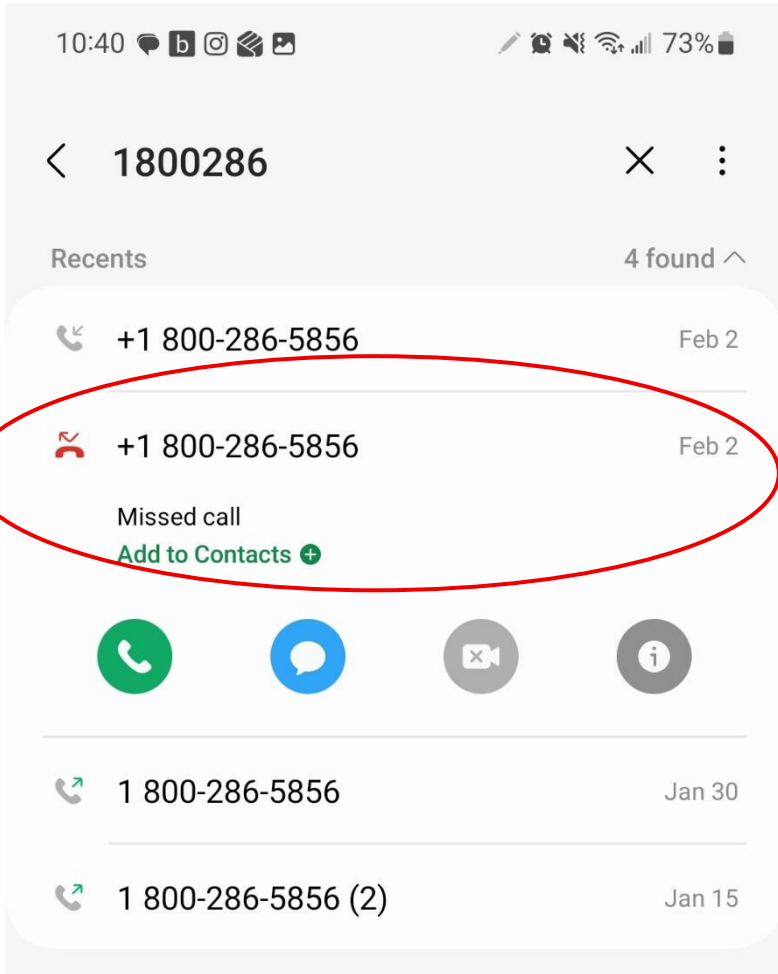


EXHIBIT D CONT.



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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 2026, I served a true and correct copy of Complainant's Response to Green Mountain Energy Company's Motion for Judgment on the Pleadings, together with all attached exhibits, upon the following individuals by electronic mail:

Lauren M. Burge, Esquire
Eckert Seamans Cherin & Mellott, LLC
lburge@eckertseamans.com

Stephen M. Pemberton, Esquire
Eckert Seamans Cherin & Mellott, LLC
spemberton@eckertseamans.com

Respectfully submitted,

Cody Kohinsky

497 Stearns Road
New Milford, PA 18834

6/5/26