

ORDER NO. 89290

IN THE MATTER OF THE COMPLAINT	*	BEFORE THE
OF THE STAFF OF THE PUBLIC	*	PUBLIC SERVICE COMMISSION
SERVICE COMMISSION AGAINST	*	OF MARYLAND
ATLANTIC ENERGY MD LLC	*	_____
	*	
	*	ML 225276
	*	CASE NO. 9624
	*	_____

Issue Date: October 2, 2019

ORDER GRANTING REHEARING

On July 12, 2019, the Maryland Public Service Commission issued Order No. 89193, dismissing the Commission’s Technical Staff’s (“Staff”) Complaint against Atlantic Energy MD LLC (“Atlantic Energy”).¹ The Staff Complaint had made multiple allegations that Atlantic Energy committed fraud, engaged in deceptive activities, engaged in slamming, and failed to comply with the Commission’s consumer protection regulations governing retail energy suppliers with regard to thirty-two specific customer complaints received by the Commission’s Consumer Affairs Division (“CAD”).

On August 12, 2019, the Office of People’s Counsel (“OPC”) filed a Motion for Rehearing² under Public Utilities Article, *Ann. Code of Maryland*, § 3-114. In its Motion, OPC questions the Commission’s conclusion that the violations alleged in Staff’s Complaint did not require any further action. OPC also asserts that it was not given an opportunity to take further discovery and make its own filings in support of Staff’s Complaint. OPC further states that it has identified additional violations by Atlantic

¹ See ML 226049.

² See ML 226389.

Energy beyond those specified in Staff's Complaint, including violations of Maryland statutes and Commission regulations prohibiting slamming, misrepresentations, and delayed cancellations,³ and the Maryland Door to Door Sales Act.⁴

On September 4, 2019, Atlantic Energy filed a Response in opposition to OPC's Motion.⁵ Atlantic Energy denies wrongdoing and reiterates that it presented evidence in its initial response to Staff's Complaint demonstrating its compliance with Commission regulations. Atlantic Energy also argues that some of OPC's allegations are outside the scope of Staff's Complaint because OPC's argument relies on additional customer complaints not identified in Staff's original Complaint, which pre-date the periods addressed by the Staff Complaint, and/or were denied by the CAD. Atlantic Energy also challenges OPC's reliance on the Door to Door Sales Act, which was not a type of violation originally alleged by Staff, and argues that its customer enrollment materials were in compliance with that act.

The Commission finds that OPC's Motion for Rehearing has raised new allegations of facts and circumstances related to but not originally part of Staff's Complaint, including issues only identified by OPC through discovery after the filing of the Complaint. Any harm to Atlantic by granting OPC's Motion is outweighed by the need to investigate the alleged consumer protection violations. OPC's Motion for Rehearing is therefore granted. The Commission vacates Order No. 89193, docketing a proceeding for a hearing on Staff's Complaint, and delegates this matter to the Public Utility Law Judge Division. The

³ In violation of PUA §§ 7-507(k)(iii)(2) and 7-603 and COMAR 20.53.06-07 and 20.59.06-07.

⁴ Commercial Law Article, *Ann. Code of Maryland*, § 14-2601 *et seq.*

⁵ *See* ML 226679.

Commission also directs that the scope of the proceeding be expanded to incorporate the additional claims identified in OPC's Motion and listed above.

IT IS THEREFORE, this 2nd day of October, in the year Two Thousand Nineteen, by the Public Service Commission of Maryland,

ORDERED (1) That OPC's Motion for Rehearing is granted, Commission Order No. 89193 is hereby vacated, and a docket is initiated for a hearing on Staff's Complaint;

(2) That this matter is hereby delegated to the Public Utility Law Judge Division for such further proceedings as are necessary; and

(3) That the scope of the proceedings is expanded to incorporate the additional claims identified in OPC's Motion.

By Direction of the Commission,

/s/ David J. Collins

David J. Collins
Acting Executive Secretary