

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005**

ORDER

March 12, 2015

**FORMAL CASE NO. 712, IN THE MATTER OF THE INVESTIGATION INTO THE
PUBLIC SERVICE COMMISSION’S RULES OF PRACTICE AND PROCEDURE, and**

**FORMAL CASE NO. 1105, IN THE MATTER OF THE INVESTIGATION INTO THE
BUSINESS AND SOLICITATION PRACTICES OF STARION ENERGY IN THE
DISTRICT OF COLUMBIA, Order No. 17828**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) conditionally accepts Starion Energy PA, Inc.’s (“Starion Energy” or “Starion”) Consumer Pamphlet subject the Commission’s requested modifications.¹

II. BACKGROUND

2. On May 30, 2013, the Commission issued Order No. 17148, granting in part the petition of the Office of the People’s Counsel (“OPC”) to open an investigation into the business and solicitation practices of retail energy suppliers, and opening *Formal Case No. 1105*, to investigate the business practices of Starion.² On July 30, 2013, following a public hearing, the Commission issued Order No. 17206, directing Starion to cease and desist from all violations of the D.C. Code and the Commission’s rules regarding consumer protection standards applicable to energy suppliers and setting a date for an evidentiary hearing.³ Ultimately, Starion and OPC

¹ *Formal Case No. 712, In the Matter of the Investigation of the Public Service Commission’s Rules of Practice and Procedure* (“*Formal Case No. 712*”) and *Formal Case No. 1105, In the Matter of the Investigation into the Business and Solicitation Practices of Starion Energy in the District of Columbia* (“*Formal Case No. 1105*”), Starion Energy’s Supplemental Proposed Marketing Materials, filed February 4, 2015.

² *General Docket No. 117, In the Matter of the Petition of the Office of the People’s Counsel for an Investigation into the Business Practices of Alternative Energy Suppliers in the District of Columbia* (“*General Docket No. 117*”) and *Formal Case No. 1105*, Order No. 17148, ¶¶ 8-9, rel. May 30, 2013.

³ *Formal Case No. 1105*, Order No. 17206, ¶¶ 7-8, rel. July 30, 2013. The date of the Evidentiary Hearing was moved in *Formal Case No. 1105*, Order No. 17232, ¶ 6, rel. August 29, 2013.

reached a settlement agreement, which the Commission approved on February 6, 2014, in Order No. 17369.⁴

3. On November 21, 2014, pursuant to the Settlement Agreement, Starion filed Terms of Service, Electric Supply Contract Summary, and Agreement to Purchase Electricity for both its Starion “Simple Plan – D.C.” and “Starion Secure Plan – D.C.” as well as a Consumer Pamphlet.⁵ On December 1, 2014, OPC filed Comments on Starion’s Consumer Pamphlet in which OPC states “Starion’s consumer pamphlet does not fully satisfy the [Consumer Bill of Rights] publication requirements. Starion only filed the English version of its pamphlet and failed to provide the pamphlet in English and Spanish as required by section 321.1.”⁶ OPC contends that although the top of the pamphlet’s page reads, “please see reverse side for Spanish version,” Starion failed to file the reverse side of its proposed pamphlet. Therefore, neither the Commission nor OPC can verify whether the Spanish version of the proposed pamphlet exactly matches the English version. OPC suggests that the Commission order Starion to file the pamphlet in English and Spanish.⁷

4. On January 14, 2015, OPC filed a letter confirming that the November 21, 2014 marketing materials “were reviewed by OPC in accordance with the terms of the Settlement Agreement approved by the Commission (via Order No. 17369).”⁸

5. On January 22, 2015, Starion filed a supplement to the marketing materials it filed on November 21, 2014, which included a Spanish language Consumer Pamphlet in response to the OPC Comments.⁹

6. On January 29, 2015, OPC filed comments on Starion’s January 22, 2015 supplement filing, noting that Starion’s Spanish language Consumer Pamphlet contains “grammatical and translation errors in Spanish that may confuse Spanish-speaking consumers.”¹⁰ OPC goes on to highlight specific problems in: A) the Billing Procedures & Estimation Section;

⁴ *Formal Case No. 1105*, Order No. 17369, ¶¶ 56, 59, rel. February 6, 2014.

⁵ *Formal Case Nos. 712 and 1105*, Starion Energy’s Proposed Marketing Materials, filed November 21, 2014; *Formal Case No. 1105*, Starion Energy’s Proposed Marketing Materials – Consumer Pamphlet, filed November 21, 2014.

⁶ *Formal Case Nos. 712 and 1105*, Comments of the Office of the People’s Counsel on the Consumer Pamphlet of Starion Energy PA, Inc., p. 2, filed December 1, 2014 (“OPC Comments”).

⁷ *See Formal Case Nos. 712 and 1105*, OPC Comments.

⁸ *Formal Case Nos. 712 and 1105*, Office of the People’s Counsel’s Written Confirmation that Marketing Materials Filed by Starion Energy on November 21, 2013, were Reviewed by OPC in Accordance with the Terms of the Settlement Agreement Approved by the Commission in Order No. 17369, filed January 14, 2015. The Commission notes that OPC’s letter incorrectly indicates that Starion filed its marketing materials on November 21, 2013.

⁹ *Formal Case Nos. 712 and 1105*, Starion Energy’s Supplement to Its Previously Filed Marketing Materials, in Response to the Comments of OPC, filed January 22, 2015.

¹⁰ *Formal Case Nos. 712 and 1105*, Comments of the Office of the People’s Counsel on the Consumer Pamphlet of Starion Energy PA, Inc., p. 2, filed January 29, 2015 (“OPC’s January 29, 2015 Comments”).

B) Inquiry, Services & Complaint Procedures Section; and C) Starion Energy Contact Information Section.¹¹

7. On February 4, 2015, Starion filed a further supplement to its January 22, 2015 marketing materials, which responded to OPC by including a revised Spanish language Consumer Pamphlet addressing the issues OPC identified in their February 4, 2015 filing.¹²

III. DECISION

8. The Commission's review and approval of Consumer Pamphlets is governed by § 321 of the Commission's Rules.¹³ This section requires Utilities, Energy Suppliers, and Telecommunication Service Providers to each prepare a pamphlet in English and Spanish setting forth the rights and responsibilities of customers. The text of each pamphlet is subject to prior Commission approval and pre-publication comment of OPC.¹⁴

9. After reviewing Starion's Consumer Pamphlet and OPC's comments, the Commission finds that the English version of the Consumer Pamphlet is in compliance with the Commission's rules. However, after reviewing Starion's revised Spanish language Consumer Pamphlet submitted on February 4, 2015, the Commission finds that although the revised Spanish pamphlet sufficiently addresses all of OPC's concerns, there is one sentence in the Spanish language Consumer Pamphlet that is inaccurate, misleading, and, therefore, must be corrected. 15 DCMR § 311.2 reads, "A Utility shall not disconnect service when a dispute involving the Account in question has been filed with the Office of Consumer Services and the dispute is still pending at the Public Service Commission, provided, that payments are made for amounts not in dispute."¹⁵ The Commission notes that Starion's Spanish explanation of this rule in Starion's revised Spanish language Consumer Pamphlet is "Durante el proceso de la reclamación, debe seguir pagando todos los montos en controversia de su factura." This language is inconsistent with 15 DCMR §311.2, because it suggests that customers must pay disputed amounts while their dispute is pending before the Commission.¹⁶ Moreover, this language does not accurately reflect the English version of the same sentence which reads, "You must continue to pay all undisputed amounts of you bill during the complaint process." The Spanish sentence should more appropriately be translated as "Usted debe continuar pagando la cantidad total no disputada de su cuenta durante el proceso de reclamo."

¹¹ *Formal Case Nos. 712 and 1105*, OPC's January 29, 2015 Comments at 2-4.

¹² *Formal Case Nos. 712 and 1105*, Starion Energy's Supplement to Its Previously Filed Marketing Materials, in Response to the Comments of OPC, filed February 4, 2015.

¹³ 15 DCMR § 321 (2008).

¹⁴ 15 DCMR § 321.1 (2008).

¹⁵ 15 DCMR § 311.2 (2008).

¹⁶ The English translation of this sentence is "During the complaint process you have to keep paying all the amounts in controversy in your bill."

10. Accordingly, Starion's proposed English and Spanish versions of the Consumer Pamphlet are approved conditioned on the Starion making the modification to the Spanish version of the Consumer Pamphlet directed by the Commission in paragraph 9 and filing the revised pamphlet with the Commission Secretary within ten (10) days of this Order.

THEREFORE IT IS ORDERED THAT:

11. Starion Energy PA, Inc.'s proposed English and Spanish versions of the Consumer Pamphlet are **APPROVED** conditioned on Starion Energy PA, Inc. making the modification to the Spanish version of the Consumer Pamphlet directed by the Commission in paragraph 9 and filing the revised pamphlet with the Commission Secretary within ten (10) days of this Order.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, reading "Brinda Westbrook-Sedgwick". The signature is written in a cursive, flowing style.

CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**