

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

ELECTRICITY MAINE, LLC

**Re: Application for License to
Operate As a Competitive Electricity
Provider Pertaining to Electricity
Maine, LLC**

Docket No. 2010-00256

**EXCEPTIONS AND REQUEST
FOR RECONSIDERATION OF
THE OFFICE OF THE PUBLIC
ADVOCATE**

January 26, 2021

The Office of the Public Advocate (the “OPA”) offers the following Exceptions to the Examiners’ Report issued on April 15, 2020 in this matter addressing anticompetitive and predatory behavior constituting a number of serious violations of Maine law by Electricity Maine, LLC (“Electricity Maine” or the “company”). In addition, this filing serves as a limited request for reconsideration of the Order on Stipulation issued January 5, 2021 in this matter in which the OPA does not ask the Commission to reverse its denial of the Stipulation, only certain individual findings set forth in the Order.

With respect to the Examiners’ Report, the following summarizes the OPA’s recommendations:

1. The OPA supports the findings of fact included in the Examiners’ Report regarding the company’s improper actions;
2. The OPA believes these actions constitute at least two “related series of violations” under Maine law;

3. The OPA does not believe the violations warrant a permanent revocation of the company's authorization to serve as a competitive electricity supplier in Maine, as recommended in the Examiners' Report;
4. Rather, such violations warrant an alternative group of significant remedies, including:
 - a. Imposition of a \$1,000,000 administrative penalty, representing the imposition of two maximum \$500,000 penalties for "related series of violations";
 - b. A permanent prohibition on Electricity Maine engaging in door-to-door sales;
 - c. A one year prohibition on Electricity Maine adding new residential customers; and
 - d. Allowing customers with existing contracts with Electricity Maine resulting from door-to-door solicitations to terminate those contracts early without penalty and notifying these customers of their opportunity to do so.

For the reasons described herein, these finding and set of remedies represent a reasonable resolution of this investigation. In particular, a permanent prohibition of the company engaging in the behavior that gave rise to the numerous complaints in this proceeding prevents similar violations in the future. Further, it imposes a substantial financial penalty and further obligations and restrictions that both punish the company and provide a clear signal to other market participants that the Commission will not tolerate anticompetitive marketing practices and will act to punish violators where they are found. Collectively this set of remedies enhances consumer confidence in the competitive market.

I. Background

On January 22, 2018, the Commission issued a Request for Information to Electricity Maine regarding a number of customer complaints made about Electricity Maine's door-to-door sales practices. Following an initial response from the company, on March 5, 2018, the Commission's General Counsel issued a letter to Electricity Maine acknowledging receipt of the response and informing Electricity Maine that "the complaints that have been received are extremely serious and if such activity continues in the future, the MPUC Staff will ask the Commission to initiate a proceeding to consider specific sanctions, including license suspension, license revocation and/or monetary fines." After receiving additional complaints, on July 24, 2018, the Commission issued an Order to Show Cause that, based on the repeated complaints, failure to deny, and failure to address adequately the recurring violations, directed Electricity Maine "to show cause why its marketing practices should not be found to have violated Maine statutes and Commission rules regarding its operations as a licensed CEP in Maine."

Following a full investigation, including the prefiling of testimony, discovery and hearings, on August 30, 2019, the parties filed Briefs in this matter. In its Brief, the OPA urged the Commission to find that Electricity Maine had repeatedly and willfully violated many of Maine's retail electricity consumer protection laws and rules and that the nature of many of the violations was egregious, showing a callous disregard for the law and for the customer. The OPA therefore recommended, among other things, that the Commission impose penalties totaling \$1 million on the company.

On April 15, 2020, the Commission Staff issued an Examiners' Report that recommended the revocation of Electricity Maine's license to operate as a competitive energy supplier and a plan to transition Electricity Maine's customers to new providers. Following the issuance of the Examiners' Report, Electricity Maine and the OPA engaged in discussions regarding a potential settlement of this proceeding. Those discussions have resulted in a Stipulation between Electricity Maine and the OPA that was filed on November 17, 2020. By Order dated January 5, 2021, the Commission rejected that Stipulation and established an updated deadline for filing Exceptions to the Examiners' Report. This filing represents the OPA's Exceptions.

II. Discussion

A. Administrative Penalties

Administrative penalties totaling \$1 million are warranted in this proceeding based upon the willful and repeated violations of Maine's retail electricity consumer protection laws and rules by the company and the egregious nature of many of these violations. The violations committed by Electricity Maine were not limited to a single "related series of violations" and therefore not limited by the \$500,000 cap on administrative penalties for a related series of violations pursuant to 35-A M.R.S.A. §1508-A. The violations committed by the company prior to the March 5, 2019 letter from the Commission's General Counsel constitute "willful violations" under 35-A M.R.S.A. §1508-A(1)(A) and those occurring after that letter constitute violations after being "explicitly notified by the commission that it was not in compliance with the requirements of this Title" under 35-A M.R.S.A. §1508-A(1)(B). Please refer to the Complaint Appendix, included herewith,

for a summary of some of separate violations occurring both before and after the company received notice from the Commission's General Counsel, including the distinct nature of many of the violations.

The violations are simply not a single violation repeated with respect to multiple customers, such as the violation of Central Maine Power in *PUBLIC UTILITIES COMMISSION, Investigation of Improper Notices by Central Maine Power Company (35-A M.R.S. § 1303)*, Docket No. 2020-00017. Rather, each violation was distinct. For instance, while most violations involved door-to-door sales, there were a variety of different representations made to customers by members of the sales force engaging in predatory and abusive behavior. Again, many of these violations are inventoried in Complaint Appendix, included herewith.

Wherefore, for the reasons described herein and in the OPA's initial Brief filed on August 30, 2019 and its Reply Brief filed on September 10, 2019, the OPA urges the Commission to impose \$1 million in administrative penalties on Electricity Maine pursuant to 35-A M.R.S.A. §1508-A for multiple related series of violations.

B. Equitable Relief

As described in the introduction above, the OPA recommends that the Commission implement the following equitable remedies to address Electricity Maine's behavior:

- a. A permanent prohibition on Electricity Maine engaging in door-to-door sales;
 - b. A one-year prohibition on Electricity Maine adding new residential customers;
- and

- c. Allowing customers with existing contracts with Electricity Maine resulting from door-to-door solicitations to terminate those contracts early without penalty.

These remedies are designed specifically to punish Electricity Maine for the specific anticompetitive and predatory activities in which it engaged. The permanent prohibition on door-to-door sales, in particular, targets the activity at the center of these complaints and ensures that Electricity Maine will never use this marketing tool again in the future. This eliminates the potential for future misconduct in this marketing option by an entity that has now repeatedly demonstrated a propensity to abuse.

The one-year prohibition on adding new residential customers effectively serves as a suspension of Electricity Maine's participation in this market segment. However, it does not suddenly end its participation in the market, which would result in a large number of customers being converted to standard offer service at one time. The immediate conversion of a large number of customers to standard offer service could do long term harm to the competitive market by reducing the number of customers participating in the competitive market, by creating unnecessary confusion, and by implementing an involuntary change of providers in a market that is based on consumer choice. Further, limiting this prohibition to the residential market addresses the market segment that was targeted by the company's anticompetitive and predatory actions, while preserving the company's ability to operate in other market segments in which no such behavior has been alleged.

Finally, providing for customers that signed up with the company through a door-to-door solicitation the opportunity to cancel their contracts early without penalty ensures that no customers who has been taken advantage of by the company's behavior

can discontinue any arrangement that they may otherwise feel compelled to continue. Critically, this provision addresses all customers whose contracts with the company may have been initiated in this manner, not just those who filed formal complaints. This remedy should also include a requirement for the Company to notify every customer that was solicited through a door-to-door campaign of their right to withdraw from the contract without penalty.

In developing its recommendations in these Exceptions, the OPA has considered direction provided by the Joint Standing Committee on Energy, Utilities and Technology (“EUT” or the “Committee”) in early 2020. In response to the behavior giving rise to the Electricity Maine investigation, the OPA initiated the submission of LD 1917, An Act To Eliminate Direct Retail Competition for the Supply of Electricity to Residential Consumers in the 2020 legislative session. Similar initiatives have been pursued in other jurisdictions, including in Massachusetts. The unambiguous bipartisan response to this bill by members of the Committee demonstrated strong interest in preserving competitive retail market for residential customers. To the extent that anticompetitive behavior and other violations have been identified, the consistent reaction from members of the Committee was that they should be dealt with through enforcement actions by the Commission.

While enforcement actions may certainly result in the termination of a violator’s license to operate as a retail supplier, such a remedy also has the potential to harm the market if the penalties are too harsh by discouraging entry by new players or by eliminating a significant competitor from the market. The OPA believes that the

permanent revocation of Electricity Maine's authorization to serve has the potential to result in such harm. Notably, Electricity Maine is one of the largest, and possibly the largest, competitive retail supplier serving the residential and small commercial market in Maine. Removing them from the market would immediately reduce by a substantial amount the percentage of residential load served by the competitive market, potentially advancing the objective of LD 1917 rejected by the Committee of ending competition in this sector of the market, rather than preserving it in a manner consistent with the bipartisan intent of EUT.

Finally, the OPA's ultimate position in these Exceptions is affected by its view that Electricity Maine has taken substantial steps to improve its corporate culture by replacing most of its senior management and implemented new internal policies that reflect a clear understanding that the conduct in which it engaged in Maine is unacceptable. Such information was shared during settlement discussions but is not reflected in the record in this proceeding. To the extent the Commission believes that it would be useful to consider such information as it deliberates this matter, the OPA would encourage the Commission to ask the company to supplement the record on this issue.

Collectively, the administrative penalties and the equitable measures recommended by the OPA accomplish the goal of providing 1) substantial punishment on Electricity Maine for its behavior and 2) a clear signal to other market participants that the Commission will not tolerate anticompetitive marketing practices thereby enhancing consumer confidence in the competitive market.

III. Request for Reconsideration

While the OPA respects the Commission’s authority to reject the November 17, 2020 Stipulation on policy grounds,¹ we strongly disagree with the Commission’s legal finding that funding of activities administered by the OPA in advancement of its mission is limited to the legislative budgeting process. January 5 Order at p. 3.

First, it is useful to note that other similar provisions have been included in past stipulations and approved by the Commission. For instance, as part of the Stipulation approved by the Commission in *CENTRAL MAINE POWER COMPANY, Request for Approval of CPCN for the New England Clean Energy Connect Construction of a 1,200 MW HVDC Transmission Line from the Quebec-Maine Border to Lewiston (NECEC)*, Docket No. 2017-00232, CMP and Hydro Quebec collectively agreed to make over \$200 million in community and customer benefit payments, including a \$50 million Low Income Customer Benefits Fund and a \$140 million general Rate Relief Fund. With respect to the Low Income Relief Fund, the February 21, 2019 Stipulation in that proceeding states in Section V(B)(4) that:

NECEC LLC will establish a \$50,000,000 NECEC Low-Income Customer Benefits Fund to fund one or more programs that benefit low-income energy customers in Maine *in a manner designated by the OPA*, in consultation with the Efficiency Maine Trust (“EMT”) and the Governor’s designee(s).

¹ For instance, the January 5 Order notes at page 3 that previously “the OPA sought a one-year license suspension and an administrative penalty of no less than \$1 million,” and was proposing to settle for a lower amount. While the OPA believed this represented a reasonable compromise between its own litigation position and the company’s litigation position, we respect the Commission’s authority to reach a different conclusion.

(Emphasis supplied). This Stipulation, approved by the Commission in its May 3, 2019 Order granting the project a Certificate of Public Convenience and Necessity, clearly indicated that the OPA had the statutory authority to manage this fund.

Similarly, the May 7, 2010 Stipulation in *CENTRAL MAINE POWER COMPANY and PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, Request for Certificate of Public Convenience and Necessity for Maine Power Reliability Program Consisting of Construction of Approximately 350 miles of 345 kV and 115 kV Transmission Lines*, Docket No. 2008-255 provided in Section V(E)(3) and (4), that CMP, the OPA, IECG, CLF and GridSolar would form a transmission planning working group open to all Maine stakeholders, that CMP would provide \$1.5 million in funding to the group, and that “funds for this grant shall be payable to the OPA to be distributed consistent with Maine law.” This Stipulation was approved by Order dated June 10, 2020 in that proceeding.

Since the approval of the MPRP Stipulation, the OPA has been administering these funds consistent with this Order. In practice, the OPA manages the financial aspects of the relationship with the consultants jointly retained by the working group. The OPA receives and reviews invoices from the consultants and consults with other stakeholders regarding the invoices as necessary. Once reviewed and approved, the OPA notifies CMP, which disburses actual payment. Indeed, this arrangement is similar to the one that will be employed with respect to the distribution of the NECEC Low-Income Customer Benefits Fund, except that those funds will be distributed by an escrow agent.

A similar arrangement is clearly possible with respect to the services contemplated with respect to the customer education campaign included in the November 17, 2020 Stipulation. The OPA could have engaged outside vendors to assist with the development and implementation of the campaign, received and reviewed invoices from those vendors, and transmitted the approved invoices to Electricity Maine for payment.

The OPA respectfully requests that the Commission reaffirm that the mechanisms described in this section that it previously approved in the MPRP and NECEC proceedings are permitted by Maine law, and to reconsider the legal finding in its January 5, 2021 Order in this proceeding that the funding of a customer education campaign paid for by Electricity Maine and managed by the OPA in advancement of its mission is prohibited by law. To the extent the Commission declines to do so, the OPA intends to seek legislative redress of this finding.

IV. Conclusion

For each of the reasons set forth herein, as well as in OPA's initial Brief filed on August 30, 2019 and its Reply Brief filed on September 10, 2019 in this matter, the OPA urges the Commission to issue a final order in this proceeding:

1. Adopt the findings of fact included in the Examiners' Report regarding the company's improper actions;
2. Adopt a finding that the company's actions constitute at least two "related series of violations" under Maine law;
3. Impose a \$1,000,000 administrative penalty, representing the imposition of two maximum \$500,000 penalties for "related series of violations";

4. Impose a permanent prohibition on Electricity Maine engaging in door-to-door sales;
5. Impose a one-year prohibition on Electricity Maine adding new residential customers; and
6. Allow customers with existing contracts with Electricity Maine resulting from door-to-door solicitations to terminate those contracts early without penalty and notify these customers of their opportunity to do so.

Finally, as described herein, the OPA requests that the Commission reconsider the legal finding in its January 5, 2021 Order in this proceeding that the funding of a customer education campaign paid for by Electricity Maine and managed by the OPA in advancement of its mission is prohibited by law.

Respectfully submitted this 26th day of January, 2021.



Barry J. Hobbins
Public Advocate



Andrew Landry
Deputy Public Advocate

/s/ Kristina R. Dougherty

Kristina R. Dougherty
Senior Counsel

Complaint Appendix

On May 10, 2019, the Examiners filed a customer complaint record (Complaint Record). *Attachment to July 19, 2019 Procedural Order (record & post-hearing process) CMS items 47 (redacted) and 48 (confidential)*. The Complaint Record consists of seventy-four (74) separate complaints received by the Commission that pertain to Electricity Maine’s door-to-door sales campaign.² These complaints do not reflect all violations that the company may have committed. The following is a sampling of those described in the Complaint Record.

A. Complaints about events that occurred prior to the General Counsel’s March 5, 2018 warning letter.

Bath complaint; Complaint Record pp. 4-12.

Facts: On November 26, 2017 a woman in Bath sent an email to Gail Rice at CMP complaining about a man who “showed up at my door. . . representing himself as a CMP auditor” and who then asked for and looked at her CMP bill. *Complaint Record at 10-11*. He then put her on the phone with a “representative” who was evidently a third-party verification (TPV) agent for Electricity Maine because she was told that “By Enrolling in Electricity Maine services we confirm . . .” At this point she wrote that she knew she had been lied to. *Id.* Unlike other complainants, this woman was not enrolled as an Electricity Maine customer.

At hearing, Ms. Jordan confirmed that the complainant had identified that the sales agent was attempting to enroll her with Electricity Maine (*Tr. 7/17/19 at 17:2-5*),

² This number was derived from Electricity Maine’s response to ODR-002-001.

and that two agents identified in the area who were deactivated by Electricity Maine (*Id.* at lines 15-17). She did not refute this complaint. *Id.* at 17-18.

Violations and penalties:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§ 3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, § 4(A)(1) (*65-407 C.M.R. ch. 305*).
3. Because this complainant was not actually enrolled, this should be considered by the Commission as a one-day violation for purposes of §1508-A.

Norway complaint; Complaint Record pp. 13-24.

Facts: On January 13, 2018, the Norway Police Department received a call from a man who had been approached by someone claiming to be from a company checking on CMP bills. The policeman who responded met and spoke with a Wyatt Struin, who was a sales agent working on behalf of Electricity Maine.³ The complainant reported that he had given his account number to the agent and had then received a call from someone with a heavy accent. As with the Bath complaint, this was likely a TPV agent working for Electricity Maine. It is not apparent from the complaint whether this led to the complainant becoming enrolled for Electricity Maine service.

³ This relationship is made clear in an email from Muriel LeClerc (Electricity Maine) to Susan Clary (CMP) in which Ms. LeClerc indicates that Mr. Struin was "immediately deactivated." *Complaint Record at 13*. See also, ODR-002-001.

The email from Ms. LeClerc to Ms. Clary indicating that Mr. Struin had been “immediately deactivated” serves as a direct admission of Mr. Struin’s work on behalf of the company.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§ 3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Because this complainant was not actually enrolled, this should be considered by the Commission as a one-day violation for purposes of §1508-A.

CASD # 2018-C-4928; Complaint Record pp. 132-159.

Facts (p. 138): Electricity Maine’s agents pretended to be CMP employees and said they could lower the complainant’s bill. He noticed that his next two bills were high, and eventually called CMP and then Electricity Maine in April, asking to be dropped because he had not wanted the service. Electricity Maine informed him that he had been marketed in a “door sales call.” In spite of his request to terminate service, he remained enrolled from February through at least July. The “CASD Note Data” references a violation of Commission Rule ch. 305, § 4(B)(12)(b), failure to process cancellation request within two business days. *Complaint Record at 133*.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).

2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days violation persisted: 174 (sales call on February 14, enrolled through August 7 (p. 155.))

B. Complaints about events that occurred after the General Counsel's March 5, 2018 warning letter.

CASD # 2018-C-2353; Complaint Record pp. 55-70.

Facts: In March 2018, an 87-year old woman was approached by a sales agent who "guaranteed her that he could provide her electric service for \$50.00 a month." *Complaint Record at 59*. She apparently gave the agent her CMP account information because she became enrolled with Electricity Maine on March 20. *Id.* She was thus fraudulently induced by this sales agent to provide information Electricity Maine needed for enrollment.

It is unclear when she made her complaint to CASD, but there is an April 3 email from Rolanda Nadeau (CASD) to Sandra Nadeau referencing this incident. Sandra Nadeau was an employee of Electricity Maine at this time. *Tr. 7/17/19 at 24*. Given the five-day rescission period for new sign-ups and assuming Electricity Maine observed this requirement, the Commission can conclude that this person was approached by the sales agent on or around March 15, which is five days prior to her first day of service. The woman was unenrolled on March 30. *Complaint Record at 56*. Thus, these violations persisted for fifteen days.

Ms. Jordan did not refute the fact that this woman was lied to by an agent working on behalf of Electricity Maine and that this lie led to the woman becoming enrolled as an Electricity Maine customer. *Tr. 7/17/19 at 25.*

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days the violations persisted: 15 days.

CASD# 2018-C-4185; Complaint Record pp. 327-367.

Facts: In June 2018, a man submitted a complaint to the CASD in which he described deceptive activity on the part of agents of Electricity Maine. His father, a 91-year old WWII veteran, was approached by two sales agents at his home. Though they apparently disclosed that they were from Electricity Maine, they never obtained his permission to enroll him for service. The agents were deceptive in obtaining the complainant's CMP bill ("... the two men physically took his CMP bill without his knowledge"). Thus, he found that he had become enrolled with Electricity Maine. *Complaint Record at 335*. He was enrolled from May 4, 2019 (possibly sooner) until June 14, 2019. *Complaint Record at 329, 335*.⁴ These violations persisted for a period of forty-one days.

⁴ The May 4th date appears in the initial letter send to the CASD (*Complaint Record at 335*) as the first date referencing enrollment. The end date of June 14 appears in the CASC log, *Complaint Record at 329*.

At hearing Ms. Jordan confirmed that the agent responsible for this practice was named Joseph Stewart and that he was no longer active. *Tr. 7/17/19 at 36-37*. She also confirmed that she did not refute the allegations surrounding this complaint. *Id. 37-38*.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days the two violations persisted: 41 days.

Berwick complaint; Complaint Record pp. 32-38.

Facts (p. 33): Electricity Maine's agent pretended to be a CMP employee and induced an 87-year old woman to sign a piece of paper "acknowledging he was there." She was subsequently enrolled with Electricity Maine.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).

3. Days violation persisted: 10 (enrolled from 3/20 to 3/30).

“Tall man” complaint; Complaint Record pp. 45-50.

Facts (p. 46): Electricity Maine’s agent, described by the complainant as a “tall man,” pretended to be a CMP employee and induced a woman to sign up and she was subsequently enrolled. She only noticed that she had been enrolled when calling CMP to complain about her bill.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer’s permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days violation persisted: 33 (enrolled from 4/20 to 5/23 (pp. 45-46.))

CASD # 2018-C-4445; Complaint Record pp. 94-115

Facts (p. 98): Electricity Maine’s agent pretended to be a CMP employee and evidently induced complainant to give information necessary for enrollment. Complainant found out upon receipt of subsequent CMP bill that she had been enrolled.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair

Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (65-407 C.M.R. ch. 305).

2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (65-407 C.M.R. ch. 305).
3. Days violation persisted: 32 (enrolled from 5/12 to 6/13 (p. 112.))

CASD # 2018-C-3387; Complaint Record pp. 313-322.

Facts (p. 317) Electricity Maine agent advised a woman that if she signed up, her electrical usage would be reduced by 30%. She agreed and was surprised to see that her first bill was higher (the supply rate was 10.49¢/kWh).

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (65-407 C.M.R. ch. 305).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (65-407 C.M.R. ch. 305).
3. Days violation persisted: 30 (she was enrolled for at least 30 days as she received a monthly bill (p. 317.)) CASD # 2018-C-5258; Complaint Record pp. 375-450.

CASD # 2018-C-5258; Complaint Record pp. 375-450.

Facts (p. 428, 430) Electricity Maine agent advised a woman that if she signed up, her electricity bill would be lower. When she saw this was not the case after being enrolled, she complained to CASD.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days violation persisted: 69 (she was enrolled on 5/11 and service was terminated on 7/19 (p. 428.)).

CASD # 2018-C-5386; Complaint Record pp. 502-524.

Facts (p.504-505, 507) Electricity Maine agent advised woman that if she signed up she would have free service for a year and then be charged 11¢/kWh thereafter. Within a few days she called to cancel. As of August, Electricity Maine still had not cancelled her service. Service was eventually terminated on August 10, 2018.

Violations:

1. The use of fraudulent or deceptive practices with respect to the provision of generation service is a violation of 35-A M.R.S.A. §3203(4-A), the Unfair Trade Practices Act, 5 M.R.S. ch. 10, and Commission Rule Chapter 305, §§3(A)(4)(d) and 4(A)(3). (*65-407 C.M.R. ch. 305*).
2. Enrolling a customer without the customer's permission is a violation of 35-A M.R.S.A. §3203(4-A) and Commission Rule Chapter 305, §4(A)(1). (*65-407 C.M.R. ch. 305*).
3. Days violation persisted: 112.