



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

FILED

08/02/24

04:59 PM

K2408005

APPEAL OF

AAA Natural Gas From Citation No.

UEB-003-0197 in the Amount of \$1000.00

Issued By The Consumer Protection And

Enforcement Division

NOTICE OF APPEAL

AAA Natural Gas, Inc., respectfully appeals Citation No. UEB-003-0179, issued on July 5, 2024, in the amount of \$1,000.00, and requests termination of the expedited procedures. As grounds for this appeal, AAA states as follows:

1. AAA is a Core Transport Agent, providing gas commodity services to residential customers in Northern California. AAA engages AnswerNet to obtain third-party verifications (“TPV”) from prospective enrollees. AnswerNet is an acknowledged leader in providing TPV services. It has no financial interest in whether a customer ultimately agrees to enroll with AAA.

2. On January 18, 2024, AAA’s third-party marketer telephoned Patrick Monette-Shaw, describing AAA’s gas commodity services. Mr. Shaw agreed to enroll with AAA, and the marketer connected him to AnswerNet.

3. AnswerNet began the TPV with Mr. Shaw but ultimately returned him to the marketing agent when he appeared to not understand the terms.

4. This incomplete TPV similarly shows Mr. Shaw beginning with a raspy voice and then changing to a clear voice.

5. AnswerNet shortly began another TPV with Mr. Shaw; Mr. Shaw completed this enrollment. Similar to the first, incomplete, TPV, Mr. Shaw's voice started off raspy but then changed to a clear voice.

6. The geo-tag for each TPV pegs to 920-998 Sutter Street, in San Francisco, which aligns with Mr. Shaw's home address.

7. Each of the TPVs show that the marketer called Mr. Shaw at his home phone number and twice transferred the call with that home number to AnswerNet.

8. AnswerNet date- and time-stamped each TPV, none of which showed any irregularities.

9. On receipt of Mr. Shaw's enrollment, AAA called Mr. Shaw to welcome him and sent him a Welcome Letter, which both contained its terms and conditions and advised of his right to cancel within three (3) days. The Welcome Letter also features AAA's customer service number as well as its email address, which the customer may use to cancel at any time. Based on AAA's experience, Mr. Shaw likely received the Welcome Letter between February 1 and February 5, 2024.

10. On February 16, 2024, Mr. Shaw sent a letter to David Gutierrez (with PG&E's Community Choice Aggregation) complaining of the switch to AAA.

11. Based on the billing cycle for Mr. Shaw's address, Mr. Shaw would not yet have been billed for AAA's gas. It follows then that Mr. Shaw had received AAA's Welcome Letter by February 16; Mr. Shaw, however, did not call AAA.

12. On March 19, 2024, Mr. Shaw initiated a complaint with the CPUC. Again, Mr. Shaw did not call AAA to cancel his service.

13. Nevertheless, AAA attempted to contact Mr. Shaw twice before March 19; he refused to provide AAA with his email address so it could provide him with a copy of the TPV for his review.

14. On Sunday, March 24, 2024, Mr. Shaw emailed AAA seeking to be returned to PG&E's service. On Monday, March 25, 2024—less than 24 hours later—AAA responded by advising Mr. Shaw that it had submitted a cancellation to PG&E and stated that it would refund all charges.

15. On or about May 27, 2024, the Consumer Protection and Enforcement Division's (CPED) Utilities Enforcement Branch (UEB) requested a copy of several TPVs, including that for Mr. Shaw. AAA timely provided the completed version of Mr. Shaw's TPV.

16. Later, CPED asked AAA to review the TPV recording due to the differing voice tones. According to statements made to AAA, Mr. Shaw has medical issues which limit his ability to use his voice. Customers with similar conditions often use technology for assistance, and AAA found no irregularity with the TPV.

17. Meanwhile, CPED prepared and presented to Mr. Shaw a declaration based on the voice variations in the TPV. On information and belief, Mr. Shaw did not write the declaration nor dictate its contents. Mr. Shaw signed the declaration.

18. CPED sought no other information from AAA which might confirm the accuracy of the TPV.

19. On July 5, 2024, CPED cited AAA for failing to provide a valid proof of enrollment. The citation contains no facts showing how AnswerNet—again, a well-recognized company with no financial stake in the outcome of the verification—somehow forged half of its call with Mr. Shaw (and did so not just for the completed TPV but also for the entirely ineffective and incomplete TPV).

20. AAA, accordingly, respectfully appeals Citation No. UEB-003-0197 as follows:

- CPED erred in concluding that AAA did not obtain a compliant TPV;
- CPED failed to conduct an appropriate investigation prior to issuing the citation;
- CPED erred in failing to consider all the facts before it;
- CPED erred in preparing and presenting the declaration, which is an act of advocacy and exceeds the division's investigatory authority;
- Mr. Shaw's declaration lacks credibility based on all the evidence, and the CPED therefore erred in relying on it.

[Remainder of page left intentionally blank.]

For all these reasons, AAA Natural Gas timely submits this appeal and asks the Commission to overturn the Citation.

Respectfully Submitted,

By: /s/ Leah E. Capritta
Leah E. Capritta

HOLLAND & KNIGHT, LLP
1801 California Street, Suite 5000
Denver, Colorado 80202
Phone: 303.974.6660
Email: leah.capritta@hklaw.com

Counsel for Defendant AAA Natural Gas

Dated: August 2, 2024