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## **FOR IMMEDIATE RELEASE**

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### **OPC Asks PSC to Immediately Enforce Decision Requiring Millions in Consumer Refunds**

(April 23, 2021) -- In a plea for consumer relief, the Office of People's Counsel (OPC) has asked the Maryland Public Service Commission to rethink its suspension of an earlier Commission order against electricity supplier SmartEnergy. The Commission's action delays—for months and possibly years—millions of dollars in refunds due consumers and means continuing harm to consumers still victimized by marketing practices the Commission has found illegal.

OPC's filing asks the Commission to immediately hold the energy company accountable for its direct mail and telephone solicitation marketing activities that the Commission found show a pattern and practice of deceptive and false advertising. The Commission made its findings on March 31, 2021, but on April 9, 2021 suspended enforcement of the order (Order No. 89795) pending SmartEnergy's appeal to circuit court and any further appeals. Today, OPC asked the Commission to reverse its suspension.

"We're disappointed that the Commission decided to suspend enforcement of its initial decision," said People's Counsel David S. Lapp. "The Commission's initial order was an important step in curbing deceptive marketing practices, but suspending the order undercuts that step and harms consumers."

Over the last two years, SmartEnergy has been overcharging its telephone-enrolled customers more than \$1.75 million per year above the price these customers would pay their utility, according to calculations based on SmartEnergy's court filings and a Commission order. The stay means

customers—who the Commission found were enrolled through unlawful practices—will continue to be harmed during appeals, for months or even years.

“Order No. 89795 made important strides in signaling to wayward retail suppliers that the Commission takes seriously violations of statutes and regulation protecting consumers,” Lapp said. “Unfortunately, the stay order undermines those gains, telling retail suppliers that the Commission will not vigorously defend its enforcement actions in court. In this case, SmartEnergy can continue to profit off the backs of its unlawfully enrolled customers for months and possibly years while appeals are pending. The Commission should rescind its stay, knowing with confidence it can defend Order No. 89795 in court.”

***The Maryland Office of People’s Counsel is an independent state agency that represents Maryland’s residential consumers of electric, natural gas, telecommunications, private water and certain transportation matters before the Public Service Commission, federal regulatory agencies and the courts.***

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