

**ORDER NO. 89190**

IN THE MATTER OF THE COMPLAINT OF THE STAFF OF THE PUBLIC SERVICE COMMISSION AGAINST SMARTENERGY HOLDINGS D/B/A SMARTENERGY	* * * * * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND  _____  CASE NO. 9613  _____
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**Issue Date: July 12, 2019**

**DELEGATION TO THE PUBLIC UTILITY LAW JUDGE DIVISION**

On May 10, 2019, the Technical Staff (“Staff”) of the Maryland Public Service Commission filed a Complaint against SmartEnergy Holdings d/b/a SmartEnergy (“Company”) alleging that the Company had violated Maryland law governing retail suppliers’ activities. On May 16, 2019, the Commission ordered the Company to file an Answer to Staff’s Complaint and to file evidence to show just cause as to why the Company’s license to provide electricity or electricity supply services should not be suspended or revoked, or in the alternative, why the Company should not be precluded from soliciting additional customers and/or why the Company should not be subject to a civil penalty under Public Utilities Article, *Ann. Code of Maryland*, §§ 7-507(1) and 13-201 for (a) committing fraud, (b) engaging in deceptive practices, (c) slamming, and (d) failing to comply with the Commission’s consumer protection regulations as contained in COMAR 20.53.07. The May 16 order also directed the Company to appear at the Commission’s July 17, 2019 Administrative Meeting for a hearing on the Complaint. On June 18, 2019, the Company filed its Answer and Response.<sup>1</sup>

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<sup>1</sup> ML# 225792

Upon a review of the record, the Commission finds that the submissions provided by the parties are insufficient to resolve the issues set forth in Staff's Complaint and the Company's Answer and Response. Specifically, the Commission finds that there are genuine disputes of material fact and that further proceedings are warranted to determine whether the Company has engaged in a pattern or practice of systemic violations of the consumer protections contained in the Public Utilities Article and the Commission's regulations.

**IT IS THEREFORE**, this 12<sup>th</sup> day of July, in the year Two Thousand Nineteen, by the Public Service Commission of Maryland,

**ORDERED** (1) That this matter is delegated to the Public Utility Law Judge Division for a finding of whether a pattern or practice exists as described above and, if so, for a recommendation as to appropriate relief;

(2) That the Company is excused from appearing at the Commission's July 17, 2019 Administrative Meeting; and

(3) That a new docket, Case No. 9613, is hereby initiated for all subsequent proceedings deriving from the Staff Complaint against the Company and the Company's Answer and Response.

By Direction of the Commission,

*/s/ David J. Collins*

David J. Collins  
Deputy Executive Secretary