



Phillips Lytle LLP

VIA ELECTRONIC FILING

June 15, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
Harrisburg, PA 17120

**Re: Docket M-2020-3019254, Supplier Door-to-Door and In-Person Marketing
Moratorium Proclamation of Disaster Emergency - COVID-19**

Dear Secretary Chiavetta,

Enclosed please find the Petition for Partial Rescission, or in the alternative, Petition for Partial Waiver of the Pennsylvania Public Utility Commission's March 16, 2020 Emergency Order on behalf of StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. (collectively, "StateWise") in the above-referenced proceeding. Copies have been provided to those indicated on the Certificate of Service.

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson

Enclosure

cc: Certificate of Service
Thomas F. Puchner, Esq.
Kevin C. Blake, Esq.

ATTORNEYS AT LAW

GREGORY L. PETERSON, PARTNER DIRECT 716 483 5172 GPETERSON@PHILLIPSLYTLLE.COM

201 WEST THIRD STREET, SUITE 205 JAMESTOWN, NY 14701-4907 PHONE 716 664 3906 FAX 716 664 4230

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLLE.COM

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Supplier Door-to-Door and In-Person Marketing
Moratorium Proclamation of Disaster Emergency
- COVID-19**

Docket M-2020-3019254

**PETITION OF STATEWISE ENERGY PENNSYLVANIA LLC AND SFE ENERGY
PENNSYLVANIA, INC. FOR PARTIAL RESCISSION, OR IN THE ALTERNATIVE,
FOR PARTIAL WAIVER OF THE MARCH 16, 2020 EMERGENCY ORDER**

Pursuant to Section 703(g) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 703(g), Sections 5.572 and 5.43 of the Pennsylvania Public Utility Commission (“Commission”) regulations, 52 Pa. Code §§ 5.572, § 5.43, respectively, StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. respectfully submit this Petition for Partial Rescission, or in the alternative, Petition for Partial Waiver, of the Commission’s March 16, 2020 Emergency Order (“Emergency Order”) issued in the above referenced-proceeding.

I. INTRODUCTION

1. StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. are licensed competitive energy suppliers in Pennsylvania (collectively, “StateWise”).

2. In compliance with the Emergency Order to suspend all in-person marketing activity to reduce the spread of COVID-19, StateWise immediately suspended its in-person marketing activity. StateWise also created an internal task

force to develop a comprehensive and robust set of procedures, compliance protocols, and oversight mechanisms based on industry best practices and health agency guidelines to reform the method and manner in which in-person sales would be performed when Governor Tom Wolf, the Pennsylvania Department of Health (“PA DOH”), and the Commission determine it is safe to resume certain types of in-person commercial activity.

3. As described further below, StateWise’s internal task force has developed a state-of-the-art, comprehensive marketing proposal that is complete with monitoring, compliance, and enforcement provisions, as well as safety protocols that go above and beyond the directives and guidance issued by the Governor and the Pennsylvania Secretary of Health (the “Marketing Proposal”).

4. By this Petition, StateWise seeks relief from the Emergency Order such that it may commence door-to-door marketing activities, consistent with the Marketing Proposal described herein, in counties which are in the “yellow” or “green” phase under the Governor’s Process to Reopen Pennsylvania plan.¹

5. StateWise respectfully requests expedited treatment of its Petition by June 22nd so that it may resume in-person commercial activity consistent with all other

¹ StateWise limits this Petition to door-to-door sales only, and does not seek relief with respect to “public event” marketing as defined in 52 Pa. Code § 111.2.

similarly situated business entities operating in Pennsylvania and in accordance with the Governor's and PA DOH's directives and guidance.

6. The Marketing Proposal provides at least five layers of protection against the spread of COVID-19 during door-to-door marketing, including: (1) detailed daily health assessments, temperature checks, questionnaires, and verification photographs that are documented, reviewed, and approved before any sales representative enters the field; (2) extensive Personal Protective Equipment ("PPE") requirements, including masks, face shields, gloves, and hand sanitizer, which are documented and approved prior to any sales representative entering the field; (3) in-field social distancing and physical barrier protocols, including the encouragement of solicitations through storm or screen doors if applicable, and prohibiting indoor multi-unit dwelling solicitations such that all interactions occur outdoors where ventilation is maximized; (4) a touchless enrollment system utilizing StateWise's proprietary software systems; and (5) location tracking capabilities to ensure accountability, security, and contact tracing to the extent necessary.

7. Collectively, this five-point Marketing Proposal incorporates the highest standards of protection – above and beyond PA DOH requirements – in a manner that accounts for the full cycle of a door-to-door solicitation, from before a marketer leaves the office, to the sales interaction itself, and after a sales interaction is completed.

Robust monitoring and oversight protocols further strengthen the Marketing Proposal by ensuring compliance and providing accountability.

8. In light of changed circumstances that have arisen subsequent to the Commission's Emergency Order, including the fact that nearly 70% of Pennsylvania counties are in the "green" phase, and no counties remain in the "red" phase, and in light of StateWise's extraordinary protective measures set forth in its Marketing Plan, StateWise respectfully seeks expedited and immediate relief from the Emergency Order such that it may commence door-to-door marketing consistent with the Marketing Plan only in those counties which are in the "yellow" or "green" phase.

II. FACTUAL BACKGROUND

9. On March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 P.S. §§ 7101, *et seq.*, Governor Tom Wolf issued a *Proclamation of Disaster Emergency* proclaiming the existence of a disaster emergency throughout the Commonwealth for a period of up to ninety (90) days, unless renewed. Shortly thereafter, the World Health Organization declared COVID-19 a pandemic. The Governor's *Proclamation of Disaster Emergency*, explicitly authorizes and directs the suspension of "the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order,

rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency.”²

10. On March 16, 2020, Commission Chairman Gladys Brown Dutrieuille issued the Emergency Order prohibiting jurisdictional suppliers from engaging in door-to-door, public event, and in-person sales and marketing activities during the pendency of the Governor’s *Proclamation of Disaster Emergency*, or unless otherwise directed by the Commission. The Chairman directed the cessation of these sales and marketing activities to protect the health and safety of customers and supplier employees by minimizing social contact to reduce the spread of COVID-19. The Commission ratified the Emergency Order on March 26, 2020, finding that it was in the public interest.

11. On March 19, 2020, the Governor issued an *Order Regarding the Closure of All Businesses that are Not Life Sustaining*, which directed the closure of the physical operations of non-life-sustaining businesses to reduce the spread of COVID-19, and required businesses that remained open to adhere to social distancing requirements.³

² *Proclamation of Disaster Emergency*, Commonwealth of Pennsylvania, Office of the Governor (March 6, 2020) available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf>.

³ *Order Regarding the Closure of all Businesses that are Not Life Sustaining*, Commonwealth of Pennsylvania, Office of the Governor (March 19, 2020) available at <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200319-TWW-COVID-19-business-closure-order.pdf>.

12. On April 22, 2020, the Governor announced a phased plan for reopening businesses and easing social restrictions.⁴ The plan categorizes counties into three color-coded phases – red, yellow, and green – based on conditions specific to each county. The “red phase” is the most restrictive, while the “green phase” is the least restrictive. All counties were initially in the red phase with the first counties moving to the “yellow phase” on May 8, 2020.

13. On June 3, 2020, the Commission adopted an Order granting NRG Energy, Inc.’s Petition for Partial Rescission of the Emergency Order lifting the moratorium on in person sales and marketing activities for all jurisdictional electric suppliers and natural gas suppliers as it pertains to activities at retail businesses open as a result of the Governor’s directives regarding the yellow and green phases. (“Retail Business Marketing Order”). The Retail Business Marketing Order was based on changed circumstances and new and novel arguments that presented themselves after the Commission issued the Emergency Order, particularly with respect to numerous counties that had subsequently moved from red to the yellow and green phases of the Governor’s reopening plan.

14. In the Retail Business Marketing Order, the Commission declined to lift the moratorium on all other door-to-door, public event and in-persons sales and

⁴ *Reopening Targeted for May 8 in North-Central, Northwest*, Commonwealth of Pennsylvania, Office of the Governor (April 22, 2020) available at <https://www.governor.pa.gov/newsroom/gov-wolf-reopening-targeted-for-may-8-in-north-central-northwest/>.

marketing activities because it perceived those restrictions as necessary to protect customers and supplier employees by minimizing social contact. The Commission stated that it would “reevaluate the need to modify the moratorium on all other door-to-door, public event, and in-person sales and marketing activities as the Governor’s reopening plan progresses throughout the Commonwealth and more restrictions are lifted.” Retail Business Marketing Order, at 11.

IV. LEGAL STANDARDS

15. The Commission may rescind or amend a previously issued order at any time after it provides notice and opportunity to be heard. 66 Pa.C.S. § 703(g).

16. A petitioner may seek relief pursuant Section 5.572 to for “rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like.” 52 Pa. Code § 5.572.

17. A petition for rescission or amendment should raise “new and novel” arguments not previously heard, or otherwise overlooked by the Commission. *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. PUC 553 (1982).

18. Alternatively, a person may petition for waiver of a regulation by “set[ting] forth clearly and concisely the interest of the petitioner in the subject matter, the specific regulation, amendment, waiver or repeal requested, and cite by appropriate reference the statutory provision or other authority involved.” A petition for waiver must also set forth the “purpose of, and the facts claimed to constitute the grounds” for

such waiver. 52 Pa. Code § 5.43. The Commission has repeatedly applied Section 5.43 to grant waivers of its orders in the past. *See Petition of National Fuel Distr. Co. for Waiver of the Requirement to File its State Tax Adjustment Surcharge on Ten (10) Days' Notice and Request to File a Tariff Supplement on One Day's Notice to Implement the Change*, Docket No. P-2017-2591001 (Order entered Oct. 5, 2017); *Petition of Budget Prepay, Inc. for Limited Waiver of the Annual Re-Certification Requirements for Lifeline Subscribers*, Docket No. P-2016-2571979 (Order entered Nov. 9, 2016); *Petition of Yellow Cab Co. of Pittsburgh, Inc., t/a Yellow Z*, Docket No. A-2014-2410269 (Order entered July 7, 2016).

19. The Commission's rules of administrative practice and procedure are intended to be "liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable." As such, the Commission or presiding officer may disregard an error or defect of procedure or waive a requirement as appropriate so long as such action does not affect the substantive rights of the parties. 52 Pa. Code §§ 1.2(a), (c).

III. CHANGED CIRCUMSTANCES AND CURRENT SITUATION

20. Since the Commission issued the Retail Business Marketing Order on June 3, 2020, circumstances have significantly changed such that the Governor and PA DOH have determined that it is safe and appropriate for a large number of counties to reopen and expand the scope of permissible in-person commercial activity.

21. On June 5, 2020, ten red phase counties were officially reclassified as yellow, while sixteen yellow phase counties were reclassified as green, such that not a single county in Pennsylvania is considered “red.”⁵

22. On June 11, 2020, twelve additional counties were officially reclassified as “green.”⁶

23. As of June 12, 2020, almost 70% of the state of Pennsylvania is in a “green” phase—46 counties in total—while only 21 remain in the yellow phase. There are no counties in the red phase.⁷

24. In counties that are designated as green or yellow, all businesses, except those that are specifically excluded in the Governor’s Process to Reopen Pennsylvania Plan and the Governor’s and Secretary of Health’s orders, are permitted to conduct in-person operations so long as they adhere to the Guidance for Businesses Permitted to

⁵ Pennsylvania Department of Health, *Amendment to the Order of the Secretary for the Continued Reopening of the Commonwealth* (issued June 4, 2020); Pennsylvania Department of Health, *Amendment to the Order of the Secretary of the Department of Health for a Limited Opening of Business, Lifting of Stay at Home Requirements and Continued Aggressive Mitigation Efforts* (issued June 4, 2020); See also, Press Release, *Reopening Phase Orders Updated to Include 10 Additional Counties Moving to Yellow and 16 to Green on June 5*, available at <https://www.governor.pa.gov/newsroom/reopening-phase-orders-updated-to-include-10-additional-counties-moving-to-yellow-and-16-to-green-on-june-5/>

⁶ Pennsylvania Department of Health, *Amendment to the Order of the Secretary for the Continued Reopening of the Commonwealth* (issued June 11, 2020); Office of the Governor, *Amendment to the Order of the Governor for the Continued Reopening of the Commonwealth* (issued June 11, 2020); See also, Press Release, *Reopening Phase Orders Updated to Include 12 Additional Counties Moving to Green on June 12*, available at <https://www.governor.pa.gov/newsroom/reopening-phase-orders-updated-to-include-12-additional-counties-moving-to-green-on-june-12/>

⁷ *Id.*

Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public.

25. The only categories of businesses which are prohibited from resuming in-person operations in yellow phase counties are indoor recreation; health and wellness facilities; personal care services; entertainment; and indoor malls (“Prohibited Yellow Phase Businesses”). Prohibited Yellow Phase Businesses include activities in which it is difficult or impossible to practice social distancing and/or maintain necessary hygiene standards given close personal contact and/or exchange of physical objects, such as bowling, laser tag, arcades, gyms, massage therapy, casinos, and museums. However, businesses that operate outdoors, such as golf, horse riding, rock climbing, among others, are permitted to resume operations but may not operate indoor spaces for public or visitor use other than restrooms and ticketing.

26. In counties that have been designated as green, all businesses (including those restricted or prohibited in the yellow phase) are authorized to conduct in-person operations as long as they follow PA DOH guidelines and applicable orders from the Governor, which include occupancy limitations, disinfecting high-touch areas, conducting temperature checks, advising persons that exhibit symptoms to stay home, among other measures.

V. STATEWISE'S MARKETING PLAN

A. Daily Health Assessment

27. As a preventative and proactive measure, StateWise will require each individual sales representative who seeks to conduct door-to-door marketing to review and complete a daily assessment form ("Daily Health Assessment Form") prior to beginning work, a copy of which is provided as **Exhibit A: Daily Health Assessment Form**.

28. The Daily Health Assessment Form requires each sales representative to respond "yes" or "no" to a series of twelve questions designed to elicit whether that representative is experiencing any of the known COVID-19 symptoms; whether the representative had contact with someone who tested positive for COVID-19; or whether that representative has traveled anywhere outside of the United States – not simply known hot spots – within the previous 14 days.

29. The Daily Health Assessment Form also requires that each sales agent submit to a temperature check which is logged on the assessment form and submitted electronically to StateWise for review, approval, and retention. It also provides a convenient checklist of COVID-19 symptoms as an educational and awareness tool for sales representatives to closely monitor their physical condition.

30. To ensure that sales representatives are completing the Daily Health Assessment Form, all sales representatives that wish to conduct door-to-door marketing

activity will be required to send a scanned copy of the Daily Health Assessment to StateWise's compliance team for review and approval. If a sales representative answers one or more questions with "yes," it will trigger an automatic rejection and the sales representative will be sent home immediately, placed on a list of restricted agents as described below, and not authorized to conduct marketing activity.

31. StateWise will also require all back office administrative staff working with vendors and/or sales representatives to complete a daily health assessment form – even those staff members that do not directly interact with potential customers during a door-to-door solicitation. **Exhibit B: Administrative Staff Health Assessment Form**. Any administrative staff experiencing COVID-19 related symptoms will be required to be immediately sent home. Requiring all vendor office staff, even those not going door-to-door, to monitor any symptoms and complete this form will further protect public health and safety.

B. Daily Agent Photograph

32. Before any particular sales representative is approved to conduct door-to-door marketing, the sales representative must send StateWise a photograph of the sales agent wearing his or her Personal Protective Equipment ("PPE") including gloves, mask, face shield, and hand sanitizer, and must include the sales representative holding a copy of his or her Daily Health Assessment Form ("Daily Agent Photograph").

33. StateWise’s compliance team will review each Daily Agent Photograph every day to confirm that each photograph is accurate, new, and unique to that specific day, that each sales representative is equipped with Personal Protective Equipment, and that each representative is holding the Daily Health Assessment Form in the photo.

34. A sales agent will only be authorized to conduct door-to-door activities if those materials are provided to StateWise for review, and are approved by StateWise’s compliance team.

C. Restricted Agent Classifications

35. As an additional layer of monitoring and oversight to ensure compliance with the above protocols, StateWise will keep and maintain a list of approved agents and those that are restricted based on StateWise’s review of the Daily Health Assessment and Daily Agent Photograph.

36. Agents that fail to submit a Daily Health Assessment or Daily Agent Photograph, or agents that submit inaccurate or incomplete materials will be placed on the restricted list, along with agents that fail the temperature check or have answered “yes” to one of the Daily Health Assessment questions.

37. To prevent any attempts to work-around the above-referenced daily health monitoring system, StateWise will implement a block with its Third Party Verification (“TPV”) vendor which will prevent a restricted sales agent from being able to complete a sale. In this manner, only approved sales agents that comply with the

above protocols will be allowed to submit sales, ensuring accountability and preventing sales agents from circumventing the above procedures.

D. Personal Protective Equipment

38. In an effort to assist StateWise’s vendors and sales representatives with streamlined, easy access to necessary PPE, StateWise will provide to each vendor a “PPE Request Form” which contains a list of PPE available upon request from StateWise, and the individual to contact to place those orders or otherwise ask questions regarding StateWise’s marketing procedures. StateWise will be providing its vendors with free latex gloves and masks as a courtesy and to encourage widespread use of those items without the burden of any additional cost to the vendor or sales representatives. StateWise firmly believes that providing those materials free of charge will encourage their use, and eliminate any potential economic reason for a vendor or sales representative to not use PPE or otherwise not follow the necessary protocols.⁸

39. StateWise will also be providing to each sales vendor a Personal Hygiene and Social Distancing Fact Sheet (“Fact Sheet”) as depicted in **Exhibit C: Health Guidelines and PPE**, explaining that PPE is mandatory and available for order as depicted on the PPE Request Form. The Fact Sheet includes hyperlinks to the PA DOH

⁸ In addition to the free PPE StateWise would provide, it will also offer the opportunity to order high-end reusable masks with the company logo, face shields, and hand sanitizer.

website and relevant guidance materials which may be applicable to the settings in which vendors and their sales representatives operate.

E. In-Field Safety Standards

40. In addition to the above-referenced “pre-marketing” precautions and monitoring protocols, including completion of the Daily Health Assessment, Daily Agent Photograph, and provision of PPE and applicable fact sheets, StateWise’s sales representatives will be required to abide by a rigorous set of in-field safety protocols that go above and beyond PA DOH guidance for similarly situated retail business operations.

41. StateWise has developed a comprehensive touchless door-to-door enrollment procedure which maintains social distance, avoids signing or exchanging copies of sales agreements and other materials (“Touchless Enrollment”).

42. The Touchless Enrollment process begins with a sales representative approaching a potential customer’s door with the above-referenced PPE, knocking or ringing the doorbell, and then stepping back six feet from the door to wait for the potential customer to approach.

43. To the extent the potential customer has a screen door or storm door arrangement, sales representatives will be instructed and encouraged to conduct the solicitation with those physical barriers in place and/or otherwise maintain six feet of distance between any potential customer with whom the sales representative interacts.

44. At this time, StateWise will instruct and encourage sales representatives to perform solicitations through storm or screen doors where applicable and feasible, and prohibit its sales representatives from conducting door-to-door marketing indoors, such as multi-dwelling units or apartment complexes, until further guidance from PA DOH and/or the Commission. By virtue of such sales occurring outside and/or through a customer's window or screen, the door-to-door sales activity outlined in the Marketing Proposal carries a lower public health risk than indoor customer interactions where multiple patrons could be in close proximity in a confined space or indoors with poor ventilation that traps and circulates contagions.⁹

45. [REDACTED]

⁹ Notwithstanding the obviously superior protectiveness of outdoor commercial activity like that proposed by StateWise, many indoor commercial activities, both essential and non-essential, are permitted to operate despite the increased risk involved.

initiate an outbound call to the customer's phone number to perform a live TPV consistent with 52 Pa. Code § 111.7.

49. [REDACTED]

[REDACTED] This provides enhanced accountability and security to both customers and sales representatives operating in the field, and in a worst case scenario could be used for contact-tracing purposes to identify any potential viral spread.

50. Collectively, StateWise's Marketing Proposal includes rigorous public safety precautions before, during, and after any sales interaction with a potential customer. Importantly, it also includes an effective monitoring process by which StateWise can oversee and ensure compliance with the above protocols.

51. Unlike the businesses expressly prohibited by the Governor and PA DOH from conducting in-person operations in yellow phase counties, all of which pertain to activities that involve high-touch shared surfaces or close personal physical interactions, StateWise's Marketing Plan is a touchless process and does not involve close contact with potential customers.

52. Furthermore, just as outdoor businesses are afforded greater leeway from PA DOH to conduct in-person activities in yellow phase counties because of greater ventilation and ability to social distance, the Commission should not hesitate to approve

of StateWise’s Marketing Plan where all customer interactions are outdoors and/or protected by one or more physical barriers.

53. Because of changed circumstances, including the fact that nearly 70% of Pennsylvania counties are in the “green” reopening phase, and zero counties are classified as being in the “red” phase, along with the extraordinary health and safety precautions described above, StateWise respectfully requests that the Commission grant this Petition to permit StateWise to conduct door-to-door marketing consistent with its Marketing Proposal and applicable PA DOH guidance.

VII. EXPEDITED CONSIDERATION

54. Since issuance of the Emergency Order, at which time all counties in Pennsylvania were in the “red” phase, and present day, where nearly 70% of the counties in Pennsylvania have been re-classified as “green,” the PA DOH and Governor Wolf have determined, based on specific and credible public health data, that commercial operations may resume across the state of Pennsylvania so long as they are conducted in accordance with the health and safety directives of the PA DOH.

55. StateWise should be permitted to resume its door-to-door marketing channel consistent with its Marketing Plan described above in an expedited and efficient manner that is aligned with similarly situated business sectors that have already resumed in-person activities under the directives of Governor Wolf and the PA DOH.

56. In light of the above-referenced changed circumstances and extraordinary safety measures proposed herein, no justification exists for restricting door-to-door marketing, so long as it is conducted in a manner consistent with the Marketing Proposal and other applicable PA DOH directives, while other in-person customer interactions are permitted to occur (with far less rigorous safety standards) in other similarly situated commercial businesses throughout Pennsylvania.

57. Expedited consideration is consistent with other state utility commissions which swiftly lifted door-to-door marketing restrictions upon issuance of executive orders and/or public health agency guidance recommending reopening of in-person commercial activity subject to health and safety standards.¹⁰

VIII. CONCLUSION

58. WHEREFORE, StateWise respectfully requests that the Pennsylvania Public Utility Commission grant this Petition, either partially rescinding the Emergency Order or issuing to StateWise a waiver such that it may commence door-to-door marketing activities consistent with the Marketing Plan and PA DOH directives.

¹⁰ See e.g. Docket No. EO20030254, *In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations* (issued June 10, 2020) (stating “[i]n response to the Governor’s various executive orders ... and [the] Restart and Recovery New Jersey plan, the Board hereby ... ends the restriction on door-to-door sales ... but continues to require that sales activities comply with appropriate health and safety measures ... recommended by the New Jersey Department of Health and Centers for Disease Control and Prevention”).

June 15, 2020

Respectfully submitted,

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson
PA I.D. No. 23976
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
Phone: (716) 664-3906
Fax: (716) 664-4230
gpeterson@phillipslytle.com

VERIFICATION

I, Jeff Donnelly, Director of Regulatory Affairs and Compliance for StateWise Energy Pennsylvania LLC and SFE Energy Pennsylvania, Inc. ("StateWise"), hereby state that the facts set forth in the above-referenced Petition are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.

Dated: June 15, 2020

Jeff Donnelly

Jeff Donnelly
StateWise Energy Pennsylvania LLC
SFE Energy Pennsylvania, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA E-MAIL

Richard Kanaskie, Esq.
Bureau of Investigation and
Enforcement
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
rkanaskie@pa.gov

Tanya J. McCloskey, Esq.
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut St., 5th Fl., Forum Place
Harrisburg, PA 17101
TMcCloskey@paoca.org

John R. Evans
Office of Small Business Advocate
555 Walnut St., 5th Floor, Forum Place
Harrisburg, PA 17101
jorevan@pa.gov

June 15, 2020

Daniel Mumford
Director, Office of Competitive Market
Oversight
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120
dmumford@pa.gov

Kriss E. Brown, Esq.
Deputy Director, Office of Competitive
Market Oversight
Deputy Chief Counsel, Law Bureau
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120
kribrown@pa.gov

Phillips Lytle LLP

By *Gregory L. Peterson*

Gregory L. Peterson
PA I.D. No. 23976
201 West Third Street, Suite 205
Jamestown, NY 14701-4907
Phone: (716) 664-3906
gpeterson@phillipslytle.com

Exhibit A

Daily Health Assessment

Rep Name: _____

Temperature check results: _____ °F

Rep ID: _____

Time of temperature check: _____ AM PM

Date: _____

Temperature test completed by (initial): _____

Retail Location: _____

Daily Health Assessment Form

All independent contractors are required to complete this daily health assessment daily prior to beginning work.

	YES	NO
1. Are you experiencing any of the following:		
a. Severe difficulty breathing (e.g. struggling to breathe or speaking in single words)	<input type="checkbox"/>	<input type="checkbox"/>
b. Severe chest pain	<input type="checkbox"/>	<input type="checkbox"/>
c. Having a very hard time waking up	<input type="checkbox"/>	<input type="checkbox"/>
d. Feeling confused	<input type="checkbox"/>	<input type="checkbox"/>
e. Losing consciousness	<input type="checkbox"/>	<input type="checkbox"/>
f. Mild to moderate shortness of breath	<input type="checkbox"/>	<input type="checkbox"/>
g. Inability to lie down because of difficulty breathing	<input type="checkbox"/>	<input type="checkbox"/>
h. Chronic health conditions that you are having difficulty managing due to difficulty breathing	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you experiencing any cold, flu or COVID-19-like symptoms, even mild ones?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you travelled to any countries outside of the United States within the last 14 days?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you provide care of have close contact with a person with confirmed COVID-19?	<input type="checkbox"/>	<input type="checkbox"/>

I attest that the information in this assessment is accurate and complete to the best of my knowledge

Sales Agent Signature: _____

Manager Signature: _____

COVID-19 Symptoms:

- Fever (over 100.4°F)
- Coughing
- Shortness of breath
- Chills or repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell
- Pneumonia (infection in the lungs)

Exhibit B

Daily Health Assessment for Administrative Staff

Employee Name: _____

Date: _____

Daily Health Assessment

All employees are required to complete this daily health assessment daily prior to beginning work.

	YES	NO
1. Are you experiencing any of the following:		
a. Severe difficulty breathing (e.g. struggling to breathe or speaking in single words)	<input type="checkbox"/>	<input type="checkbox"/>
b. Severe chest pain	<input type="checkbox"/>	<input type="checkbox"/>
c. Having a very hard time waking up	<input type="checkbox"/>	<input type="checkbox"/>
d. Feeling confused	<input type="checkbox"/>	<input type="checkbox"/>
e. Losing consciousness	<input type="checkbox"/>	<input type="checkbox"/>
f. Mild to moderate shortness of breath	<input type="checkbox"/>	<input type="checkbox"/>
g. Inability to lie down because of difficulty breathing	<input type="checkbox"/>	<input type="checkbox"/>
h. Chronic health conditions that you are having difficulty managing due to difficulty breathing	<input type="checkbox"/>	<input type="checkbox"/>
2. Are you experiencing any cold, flu or COVID-19-like symptoms, even mild ones?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you travelled to any countries outside of the United States within the last 14 days?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do you provide care of have close contact with a person with confirmed COVID-19?	<input type="checkbox"/>	<input type="checkbox"/>

Temperature check results: _____ °F

Time of temperature check: _____ AM or PM (circle one)

Temperature test completed by (please initial): _____

Employee Signature: _____

Exhibit C

Health Guidelines and PPE



Your COVID-19 Health Guidelines and Ordering
Information for Personal Protective Equipment



COVID-19 Personal Hygiene and Social Distancing Fact Sheet

To help you determine what your state's PPE requirements are, we have provided links to the state health department websites pertaining to Covid-19:

[Pennsylvania](#)

Please see PPE items on the following page that are available to order!

StateWise Energy would like to provide its third Party Vendors with important information regarding COVID-19 health guidelines for in person retail sales.

Getting back to work is important, and doing it safely is crucial to your business. StateWise Energy is making personal protective equipment ("PPE") and technology available to ensure the return to work is safe for you, your team and your customers. It is important, that where the state has mandated PPE, that you follow the state's directives and ensure your sales representatives wear mandatory PPE items when they return to work.

You and your sales representatives should consider:

1. Following social distancing rules –
 - a) Ensuring minimum 6 ft between yourself and potential customers.
 - b) After knocking on a door, step back and wait for the customer at least a 6 ft distance.
 - c) Not entering a customer's home.
2. Wearing a mask
3. Wearing sterile gloves
4. Utilizing touchless customer enrollments
 - a) allowing customers to sign on their digital device avoiding contact.

Things to Consider at your Office:

- Only allowing your Independent Contractors to work if they are not symptomatic.
- Taking employee and Independent Contractors temperature every time they attend your office.



RETURN TO
WORK
SAFELY

Personal Protection Equipment (PPE) available to order



ITEM

**Disposable
Latex Gloves**

COST

FREE
to order



**3-Layer
Disposable Masks**

FREE
to order



**Reusable
Branded Masks**

\$135.00/box
of 12 qty



Face Shield

\$7.00 each



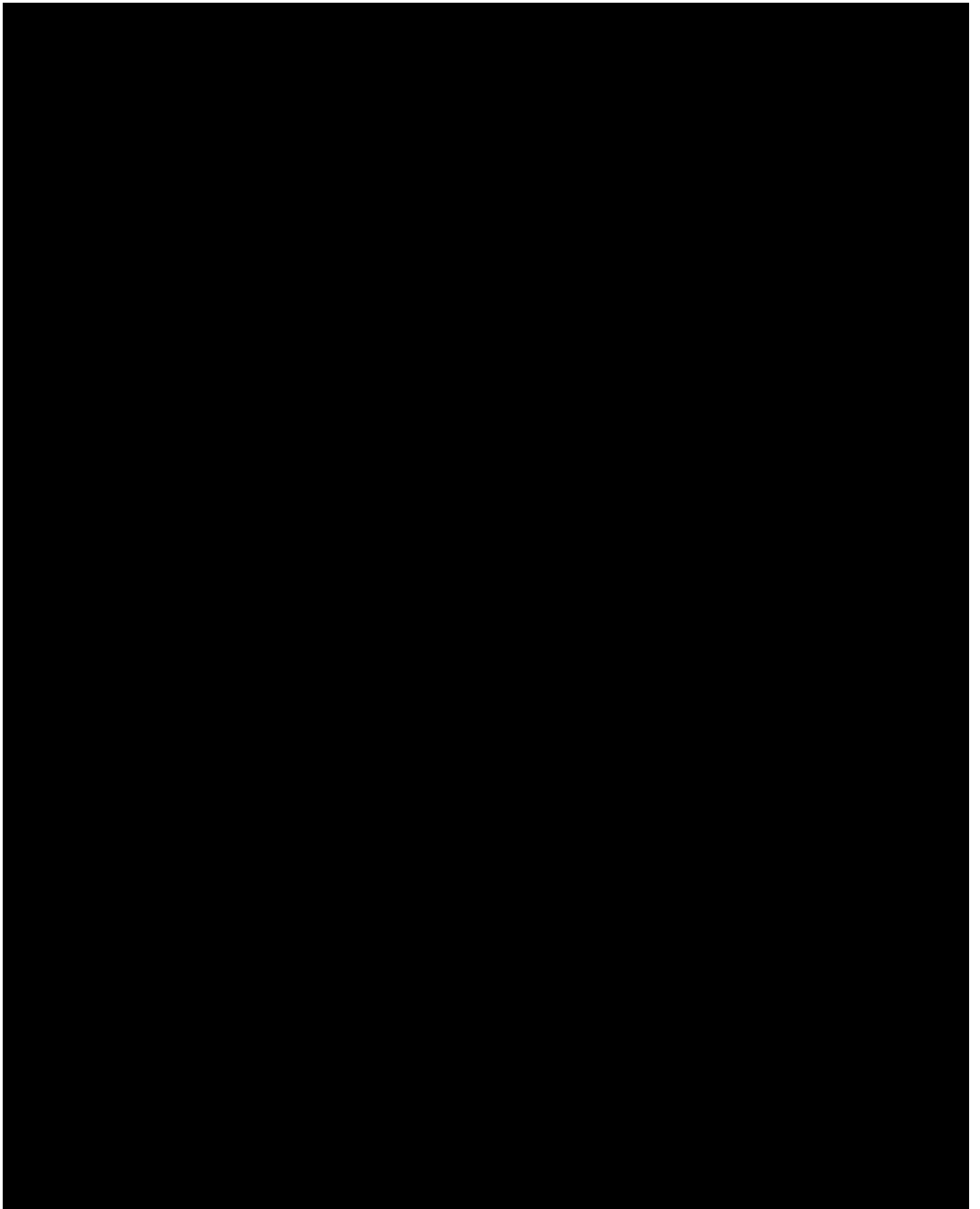
Hand Sanitizer

\$2.75 each



Exhibit D

 **Sample Screenshots**



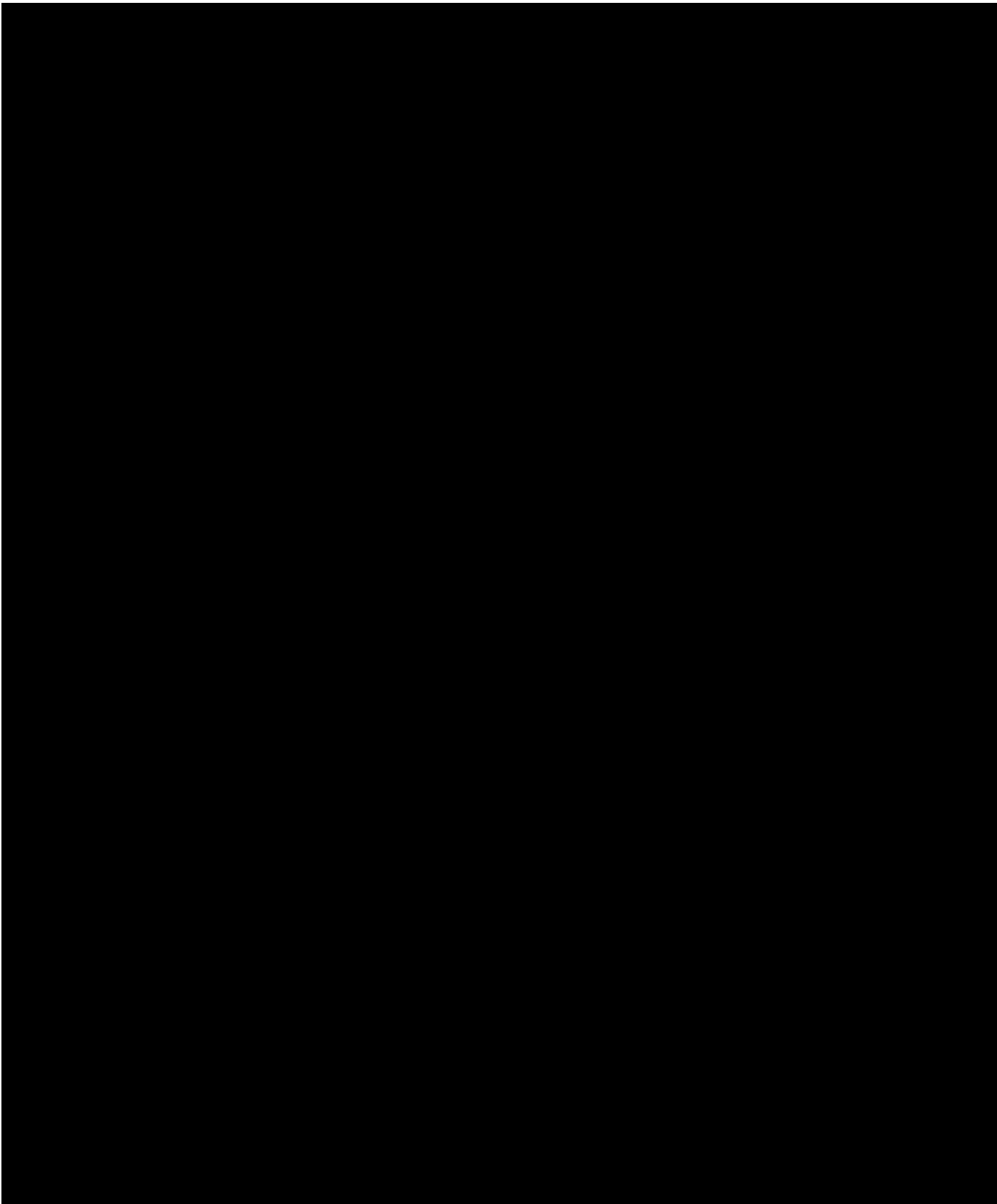


Exhibit E

Large Business Card

Business Card

Contractor Name: _____

Contractor ID: _____

Independent Contractor for StateWise Energy

**StateWise Energy
is NOT the utility.**

Customer Service: 1-855-862-1185

cs@statewiseenergy.com

StateWise Energy Contractors do not work for and are independent from the utility and other suppliers.

www.statewiseenergy.com