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January 16, 2018

Mr. Reece McAlister

Executive Secretary

Georgia Public Service Commission

244 Washington Street, S.W.

1st Floor

Atlanta, GA 30334

RE: Docket 20504; In re: Investigation of Slamming Complaints by Commerce Energy, Inc.;

Remittance of Unclaimed Funds

Dear Mr. McAlister:

On January 12, 2017, the Georgia Public Service Commission (the “Commission” or the “PSC”) issued its “Order Adopting Joint Stipulation” (the “Order”) in Docket 20504 adopting the “Joint Stipulation” (collectively, the “Stipulation”) entered between the Commission’s Staff (“Staff”) and Commerce Energy, Inc. (“Commerce/Just Energy”).[[1]](#footnote-1) The Stipulation required Commerce/Just Energy to pay certain funds to consumers identified by Staff and transmit those funds along “with a letter detailing the circumstances that led to the payments being made” within thirty (30) days of the filing of the Order.[[2]](#footnote-2) Additionally, Paragraph 14 of the Stipulation provides that Commerce/Just Energy must file monthly reports with the Commission “identifying each consumer by name and the amounts of payments paid to each in compliance with th[e] Stipulation . . . until all payments have been satisfied.”[[3]](#footnote-3)

Commerce/Just Energy complied (and continues to comply) with these (and all other) Stipulation provisions. Nonetheless and despite Commerce/Just Energy’s best efforts, ***REDACTED*** payments mailed to consumers in accordance with the Stipulation remain unclaimed. Exhibit “A” hereto, filed with the Commission pursuant to Commission Utility Rule 515-3-1-.11, identifies the consumers whose funds, and the amounts which, remain unclaimed.

Under the Disposition of Unclaimed Property Act, O.C.G.A. § 44-12-190, *et seq.*, (the “Act”) all unclaimed property must be remitted to the Department of Revenue (the “Department”) of the State of Georgia once the funds are considered “abandoned.” (O.C.G.A. § 44-12-214). Any sums which a “utility”[[4]](#footnote-4) has been ordered to refund for utility services rendered in the State of Georgia are not “abandoned” until they remain unclaimed for a period of more than five (5) years after they become payable in accordance with the Commission’s Order. (O.C.G.A. § 44-12-199(2)).

Under the Act, however, the Commission by order may authorize an alternative disposition of the unclaimed funds—to an entity other than the Department and/or before the expiration of the five (5) year period. (*Id*.). Since the remaining unclaimed funds total ***REDACTED***, the requirement of holding these funds for five (5) years as opposed to remitting the funds to another source related to home heating would conclude this matter more efficiently. Therefore, Commerce/Just Energy believes remitting the unclaimed funds to The Heating Energy Assistance Team, Inc. (“HEAT”), which helps low-income families and individuals pay for utility bills related to home heating or any other organization designate by the Commission, would benefit Georgia consumers and is an equitable use of the unclaimed funds.

Accordingly, Commerce/Just Energy respectfully requests that the Commission enter an order pursuant to O.C.G.A. § O.C.G.A. § 44-12-199(2) authorizing Commerce/Just Energy to, immediately after issuance of the requested order, remit to HEAT the unclaimed funds identified in Exhibit “A.”

If you have any question or concerns or desire additional information regarding this request, please to not hesitate to contact me.

Sincerely,

**GALLOWAY & LYNDALL, LLP**

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Terri M. Lyndall

TML/SLJ

Enclosures

cc: All Parties of Record

1. Order Adopting Joint Stipulation, *In re: Investigation of Slamming Complaints by Commerce Energy, Inc.*, Docket 20504, Document 166476 (Jan. 12, 2017). On January 19, 2017, The Commission authorized Commerce to change its name to that of its parent entity, Just Energy Solutions, Inc. (collectively with its predecessor Commerce for the purposes of Docket 20504, “Commerce/Just Energy”). Final Order Approving Commerce Energy, Inc.’s Request for a Name Change [to Just Energy Solutions, Inc.], *In re: Commerce Energy, Inc.’s Application for a Natural Gas Marketer Certificate of Authority*, Docket 20504, Document 166593 (Jan. 19, 2017). [↑](#footnote-ref-1)
2. *Id*. at 3, ¶ 8, 10. [↑](#footnote-ref-2)
3. *Id*. at 3, ¶ 14. [↑](#footnote-ref-3)
4. The Act defines a “utility” as “a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, **sale**, delivery, or furnishing of electricity, water, steam or **gas**.” O.C.G.A. § 44-12-192(16) (emphasis added). [↑](#footnote-ref-4)