



Superior Court Upholds PURA Finding that Liberty Power Illegally Back-billed Customers

On December 28, 2017, the Superior Court for the Judicial District of New Britain issued a Memorandum of Decision (“MOD”) in which it upheld the Public Utilities Regulatory Authority’s (“PURA”) Decision finding that Liberty Power Holdings, LLC (“Liberty”) violated Connecticut General Statutes § 16-259a. Section 16-259a permits “back-billing” customers -- belated billing of customers for services that were previously provided but inaccurately billed -- but with certain consumer protections such as prorated payments plans. Here, the Superior Court upheld PURA’s finding that Liberty violated Section 16-259a, or illegally back-billed, when it submitted back-billing rates to Eversource Energy (“Eversource”) without a payment plan for 294 commercial accounts, with 121 bills actually being generated and issued to customers. PURA assessed Liberty a civil penalty of \$60,500 based on its statutory violations of Section 16-259a, which Liberty disputed on appeal for multiple reasons. The Superior Court rejected all of Liberty’s claims related to PURA’s assessment of a civil penalty, except the Superior Court remanded the case to PURA to reevaluate a penalty without considering the customer complaints against Liberty in a previous docket that resulted in a settlement. Pursuant to the Superior Court’s MOD, in the forthcoming docket upon remand PURA will also revise its order regarding reimbursement of Eversource for its rebilling services related to the back-billing.

In addition to its active involvement in the above-mentioned administrative appeal, OCC is vigorously representing ratepayer interests in PURA’s ongoing investigation of Liberty in Docket No. 06-12-07RE07, *Application of Liberty Power Holdings, LLC for an Electric Supplier License – Review of Allegations of Consumer Protection Violations*. In this enforcement

proceeding, PURA is investigating numerous customer allegations including complaints that Liberty (a) engaged in the enrollment of electric generation service without the customer's approval, (b) used deceptive or misleading sales tactics during telemarketing and door-to-door enrollment processes, and/or (c) charged early termination fees in excess of amounts authorized by law.

Those Liberty customers wishing to comment on their experience with Liberty may contact PURA in writing at: Public Utilities Regulatory Authority, Ten Franklin Square, New Britain, CT 06051, or via e-mail at pura.information@ct.gov, referencing Docket No. 06-12-07RE07.



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