

**JOYFUL HEART BAPTIST CHURCH**  
**101 GREENWICH STREET**  
**HEMPSTEAD, NEW YORK 11550**  
Rev. Dr. Joseph Tucker, Pastor/Founder  
(516) 485-1631/(516) 538-5083

2016 MAY -3 PM 2:51  
RECEIVED  
PUBLIC SERVICE  
COMMISSION  
EXEC-FILES-ALBANY

April 27, 2016

Kathleen H. Burgess, Secretary  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

Dear Secretary Burgess:

**Subject: Case # 325010**

My name is Joseph Tucker, pastor and founder of the Joyful Heart Baptist Church of Hempstead, New York, complainant against Energy Discounters, deceivers and stealers of the contracted account with East Coast Power and Supply of National Grid system. I am also a veteran of World War II of 96 years of age.

I requested an informal hearing to resolve our church's complaint against Energy Discounters who stole our account with East Coast Power and Supply Company. In the letter dated March 24, 2016, I was shocked to read that the New York State Public Service Commission had closed the Joyful Heart Baptist Church's case. In searching through our files for the notice of the date, time, and place of the informal hearing, as a busy Pastor, I was surprised to find the notice for the scheduled informal hearing. The Commission's letter regarding the informal hearing, dated March 24, 2016 stated, "Rev. Tucker did not appear." We accept the church's responsibility in this regard. However, deliberate effort and the chosen request for an informal hearing in addition to the fact that Rev. Tucker was in the hospital on the day of the hearing and negligent oversight of the church's mail at the time that New York State Public Service Commission letter was received by a member of the church resulted in none appearance at the scheduled informal hearing. We seriously regret this happening. Thus, we ask for forgiveness for the misplacement of the scheduling letter for the informal hearing and none appearance of Rev. Tucker.

Energy Discounters is the source of injustice against Joyful Heart Baptist Church's pursuit for justice in our case. We believe that with regard to the seriousness of our claim we make in this letter we are returning Energy Discounters' checks. National Grid agreed to suspend payment for Joyful Heart Baptist Church's gas supply because of dispute with Energy Discounters. The continuing amount is now \$5570.09, who will pay that bill?

We appeal that our case be re-opened and should never have been closed in an informal hearing, on the merit of the case so that our case may be resolved in a just way.

Very truly yours,



Rev. Dr. Joseph Tucker  
Pastor/Founder  
Joyful Heart Baptist Church



**REV DR JOSEPH TUCKER**  
90 HARRIMAN AVE  
HEMPSTEAD NY 11550-5632

Enclosures:

- National Grid correspondence
- Energy Discounters correspondence
- Public Service Commission correspondence
- Two Energy Discounters checks

02/15/2013

Case # 325010

JOYFUL HEART BAPTIST  
101 GREENWICH ST HSE MTR  
HEMPSTEAD NY 11550

024877



Account No. 5173643210  
For Service at: 101 GREENWICH ST HSE MTR

H

Dear Customer:

Effective 03/31/2013, ENERGY DISCOUNTERS, LLC will stop supplying you with your natural gas supply at the account above.

National Grid assures you that your gas service will continue without interruption. We will now provide both your gas supply and gas delivery. You will be billed according to our current rate appropriate for your service classification.

You may choose another Energy Service Company (ESCO) from the enclosed list. Or, you have the option to remain with National Grid as a full service customer.

If you choose another ESCO, your new ESCO will notify us and we will transfer your service to them.

Sincerely,

National Grid

Enc.

ATER

<u>Customer ID</u>	<u>Please pay upon receipt</u>
0018-0003-85-7	\$ 872.72

Please make checks payable to National Grid

037252

Case # 325010

Joyful Heart Baptistchurch  
101 Greenwich St Hse Mtr  
Hempstead NY 11550



- ✓ Mail this part of bill with your payment.
- ✓ Be sure that the address on the other side appears in the return envelope window.
- ✓ Write your Customer ID on your check.

H

← Tear here →

[www.nationalgridus.com](http://www.nationalgridus.com)  
24 Hours/Day - 7 Days/Week

Customer Access Code  
600103E

Emergency Gas Service  
1-800-490-0045  
24 Hours/Day - 7 Days/Week

Billing/General Inquiries  
1-800-930-5003  
outside toll free area  
631-755-6200  
Monday - Friday, 8 AM - 8 PM

Para Espanol  
1-800-930-5003

Hearing or Speech Impaired  
1-631-755-6660

Convert to Natural Gas  
1-800-Gas-2001

**SERVICE TO:**  
Joyful Heart Baptistchurch  
101 Greenwich St Hse Mtr  
Hempstead NY 11550

**nationalgrid**

175 E. Old Country Road, Hicksville, NY 11801

<u>Bill Date</u>	<u>Customer ID</u>	<u>Next Meter Reading</u>	<u>Amount Due</u>
04/12/2013	0018-0003-85-7	On or about 06/08/13	\$ 872.72

**BILLING SUMMARY**

Balance From Previous Bill \$ 872.72  
**Please Pay Upon Receipt** \$ 872.72

A 1.5% late payment charge may be applied to outstanding charges if payment is not received by MAY 5

**\*\* SEE BACK OF BILL FOR DETAILS OF CURRENT CHARGES \*\***

**IMPORTANT MESSAGES**

**Cancelled Gas Charges:** \$29.34 for 52 days from Feb 7, 2013 to Mar 31, 2013.

**Budget Status** The cancelled and new energy charges have been applied to your budget balance.

Get online gas heat installation price quotes with MyQuotes at [www.nationalgridus.com](http://www.nationalgridus.com).

Please send Joyful Heart Baptist Church details of the amount and for what payment of \$872.72 is due and the company to which payment is due.

<b>Customer ID</b>	<b>Please pay upon receipt</b>
0018-0003-85-7	\$ 822.27

Please make checks payable to National Grid

026260

Case # 325010

Joyful Heart Baptistchurch  
101 Greenwich St Hse Mtr  
Hempstead NY 11550



- ✓ Mail this part of bill with your payment.
- ✓ Be sure that the address on the other side appears in the return envelope window.
- ✓ Write your Customer ID on your check.

H

← Tear here →

[www.nationalgridus.com](http://www.nationalgridus.com)  
24 Hours/Day - 7 Days/Week

**Customer Access Code**  
600103E

**Emergency Gas Service**  
1-800-490-0045  
24 Hours/Day - 7 Days/Week

**Billing/General Inquiries**  
1-800-930-5003  
outside toll free area  
631-755-6200  
Monday - Friday, 8 AM - 8 PM

**Para Espanol**  
1-800-930-5003

**Hearing or Speech Impaired**  
1-631-755-6660

**Convert to Natural Gas**  
1-800-Gas-2001

**SERVICE TO:**  
Joyful Heart Baptistchurch  
101 Greenwich St Hse Mtr  
Hempstead NY 11550

**nationalgrid**

175 E. Old Country Road, Hicksville, NY 11801

<u>Bill Date</u>	<u>Customer ID</u>	<u>Next Meter Reading</u>	<u>Amount Due</u>
04/05/2013	0018-0003-85-7	On or about 06/08/13	\$ 822.27

**BILLING SUMMARY**

Balance From Previous Bill	\$ 1,218.90
Payment(s) Received Through 04/05/2013 - Thank You!	-403.78
Energy Discounters LLC	7.15
<b>Please Pay Upon Receipt</b>	<b>\$ 822.27</b>

A 1.5% late payment charge may be applied to outstanding charges if payment is not received by APR 28

**IMPORTANT MESSAGES**

National Grid delivers your gas. You have chosen ENERGY DISCOUNTERS,LLC for your gas supply. For questions about gas supply, call them at 1-800-370-1449.

National Grid is pleased to pass along a credit that reduces your 'Basic Service' charge because you have combined delivery and ESCO supply billing.

Get online gas heat installation price quotes with MyQuotes at [www.nationalgridus.com](http://www.nationalgridus.com).

**CORRECTION:** JOYFUL HEART BAPTIST CHURCH NEVER CHOSE Energy Discounters to be the church's Esco. The only ESCO that Joyful Heart Baptist Church has ever had correspondence and an agreement with is EAST COAST ENERGY GROUP. An employee named Stephanie of Energy Discounters called JHBC deceitfully stating that she was calling for National Grid. She asked for the home and church's account numbers deceitfully assuring the Pastor that she was calling for National Grid. Thus JHBC got entangled with Energy Discounters under false pretenses. JHBC has not chosen Energy Discounters to be ESCO for the Pastor's home or JHBC and the Pastor is requesting that National Grid STOP billing for Energy Discounters. EAST COAST ENERGY GROUP has been and is the Pastor's home and the church's ESCO in accord with the Pastor and the church's right to choose its ESCO without ESCO entanglement under false pretention. Also see copy of National Grid letter enclosed and send new bill. Thank you.

3/28/14

nationalgrid

To: MARINA

From: REV. JOSEPH TUCKER, PASTOR, JOYFUL HEART BAPTIST CHURCH

Case # 325010  
04/12/2013

JOYFUL HEART BAPTIST CHURCH  
101 GREENWICH ST  
HEMPSTEAD, NY 11550

Service To:  
101 GREENWICH ST  
HEMPSTEAD, NY 11550

Re: 517-36-4321-0

Dear JOYFUL HEART BAPTIST CHURCH:

Our records show an increase in your gas consumption. Please check off below which of the following you have in <sup>the church</sup> your home, so that we may confirm the gas rate on your account.

- Gas Cooking
- Gas Hot Water
- Gas Heating
- Pool Heater
- Gas Fireplace
- Gas Dryer
- Other \_\_\_\_\_

If you have any questions regarding this letter, please contact this office at (800) 930-5003. Our representatives are available 8:00 a.m. to 8:00 p.m., Monday through Friday.

Sincerely,

Customer Representative

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

PUBLIC SERVICE COMMISSION

www.dps.ny.gov

OFFICE LOCATIONS  
3 EMPIRE STATE PLAZA  
ALBANY, NY 12223-1350

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GARRY A. BROWN

GREGG C. SAYRE

DIANE X. BURMAN

*Commissioners*



90 CHURCH STREET  
4TH FLOOR  
NEW YORK, NY 10007-2919

295 MAIN STREET  
SUITE 1050  
BUFFALO, NY 14203-2508

KIMBERLY A. HARRIMAN, *General Counsel*

KATHLEEN H. BURGESS, *Secretary*

May 22, 2014

Rev. Joseph Tucker  
Joyful Heart Baptist Church  
101 Greenwich Street  
Hempstead, NY 11550

Dear Rev. Tucker:

This is in response to your complaint, Case Number 325010, concerning the difficulty you are experiencing with Energy Discounters, LLC.

At our request, Energy Discounters, LLC responded directly to the points in your complaint. It provided us with a copy of its May 2, 2012 third party verification recording in which you authorized it to become your energy service provider effective June 1, 2012. Based on listening to its recording, I have concluded that Energy Discounters, LLC clearly identified itself and that its enrollment of your accounts was valid. When you were asked if you accepted and understood the offer being made to you, you agreed. Since the terms of the agreement were month-to-month, you had the option to cancel your services at anytime.

Energy Discounters, LLC previously offered you a "gift payment" of \$426.36 in an attempt to resolve this issue. I recommend that you accept this payment since Energy Discounters, LLC is not obligated to offer you any refund.

Enclosed for your information is a copy of our "PSC Guide to Complaint Handling." If you have any further questions or require additional assistance, you may contact me from 8:30 a.m. - 4 p.m., Monday through Friday at 1-800-342-3377 and ask to be transferred to my line.

I regret that my response cannot be more favorable.

Sincerely,

Nathan Perrin

Office of Consumer Service

Enclosure(s)

5/29/74

1. A Stephanie called me.
2. Told me she was National Grid
3. Ask for my account numbers (I thought odd)
4. You call the proper envelope that was decent & fraud.
5. I did not choose Energy Brokers to be my EDO
6. I had ~~made~~ <sup>never</sup> made a contract with them
7. Had a contract with East Coast Group
8. Was satisfied with them

I will a personal lawyer to present my case.

The check they sent is no "gift" to us & refuse to cash.

The amount was suggested by a specialist of Public Service. I expected to conclude my case with a policy from them & no payments to be made because of their deceitful fraud but not becoming supplier of gas.

I did not choose them to be our supplier of gas.

They called me.

78104 Spoke to  
 1071 Call Center Rep  
 I expressed my concern  
 doing our church

1-866-930-5112  
 8:30 AM to 4:30 PM  
 Spoke to Linda 7/17/14  
 regarding informal review not seen  
 for formal review





Case # 325010

May 29, 2013

Joyful Heart Baptist Church  
Rev. Joseph Tucker  
101 Greenwich Street  
Hempstead, NY 11550

Re: Account number: 517-26-4321-0

Dear Rev. Joseph Tucker:

This correspondence is a follow up to the conversation with our Quality Control Department on May 28<sup>th</sup>, 2013. During that conversation you requested that future communications be done in writing via USPS.

We received your complaint to the NY Public Service Commission in which you questioned how your account was enrolled with Energy Discounters.

Our Quality Control department has reviewed the enrollment details for account number: 517-26-4321-0. The account was enrolled on May 2<sup>nd</sup>, 2012. The effective enrollment date was June 1<sup>st</sup>, 2012. The person who authorized enrollment for this account was, Joseph Tucker.

The entire recording of the telephonic conversation was reviewed and determined to be a proper enrollment. Our Quality Control department can set up a time where you can listen to this recording over the phone.

Additionally account number: 517-26-4321-0 has not been with Energy Discounters since April 1<sup>st</sup>, 2013.

Should you wish to discuss this issue further, or setup a time to listen to the telephonic enrollment please contact our Customer Service department by writing to us at the address below, or email: [qa@energydiscounters.net](mailto:qa@energydiscounters.net), or telephone: 800-370-1449.

Regards,

A handwritten signature in cursive script that reads "Melissa Box".

Melissa Box  
Customer Service

/CL



June 12<sup>th</sup>, 2013

Joyful Heart Baptist Church  
Rev. Joseph Tucker  
101 Greenwich Street  
Hempstead, NY 11550

Re: Account number: 517-26-4321-0

Dear Rev. Joseph Tucker:

We received your complaint to the NY Public Service Commission in which you questioned how your account was enrolled with Energy Discounters.

In your recent complaint you requested a refund of \$426.36. Please find enclosed in this correspondence a check for \$426.36.

Should you wish to discuss this issue further, or have any other questions, comments, or concerns, please contact our Customer Service department by writing to us at the address below (at the bottom of the page), or email: [qa@energydiscounters.net](mailto:qa@energydiscounters.net), or telephone: 800-370-1449.

Regards,

A handwritten signature in cursive script that reads "Melissa Box".

Melissa Box  
Customer Service

/CL



**Department of  
Public Service**

**Public Service Commission**  
Audrey Zibelman  
Chair

Patricia L. Acampora  
Gregg C. Sayre  
Diane X. Burman  
Commissioners

Kimberly A. Harriman  
General Counsel  
Kathleen H. Burgess  
Secretary

90 Church Street, New York, NY 10007-2919  
www.dps.ny.gov

March 24, 2016

Rev. Joseph Tucker  
Joyful Heart Baptist Church  
101 Greenwich Street  
Hempstead, NY 11550

Cory Lewkowitz  
Energy Discounters, LLC  
445 Broad Hollow Rd., Suite 25  
Melville, NY 11747

**Subject: Informal Hearing Decision**

**Case # 325010**  
101 Greenwich Street  
Hempstead, NY 11550

Dear Rev. Tucker and Mr. Lewkowitz:

An informal hearing for the above referenced case was held on March 22, 2016. Rev. Joseph Tucker who represented the complainant, Joyful Heart Baptist Church did not attend the hearing. Mr. Cory Lewkowitz represented Energy Discounters LLC, (Energy Service Company or ESCO) <sup>1</sup> and attended the hearing. Based on the available evidence I determined that the complainant's contention of the ESCO misrepresentation was not supported.

**Background**

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<sup>1</sup> Energy Service Companies market and sell gas and electricity in New York State.

The complainant manages a gas heating account for the Joyful Heart Baptist Church. The complainant's bill has two types of charges: delivery and supply. The gas is delivered by National Grid-Long Island and billed as delivery charges at all times. The cost of the gas is represented by the supply charges on a bill and could be furnished either by the National Grid or any ESCO.

On May 2, 2012, the complainant received a phone call from Stephany, an ESCO representative. During the call Stephany offered ESCO services to Rev. Tucker. The phone call was recorded and subsequently, the ESCO provided a tape of it to the Office of Consumer Services (OCS). As a result of the agreement made over the phone, the ESCO billed the complainant for the gas supply charges during the period of June 11, 2012 to March 31, 2013.

On May 24, 2013, the complainant contacted OCS and stated that Stephany deceived him by saying that she was calling on behalf of National Grid. The complainant contacted National Grid and confirmed that the supply service was switched to the ESCO. The complainant requested the removal of the ESCO charges from the account. OCS staff wrote to the complainant on May 28, 2013, January 22, 2014 and May 22, 2014 stating that the misrepresentation claim was not supported. The ESCO offered the complainant a gift check for \$426.36 which was never cashed. The complainant was not satisfied with OCS response and requested an informal hearing.

### **Complainant's Position**

The complainant stated the church never chose Energy Discounters. The only ESCO the church had an agreement with was East Coast Power and Gas Company. Stephany deceitfully said that she represented National Grid and requested both Rev. Tucker's home account and the church account. Therefore, the complainant was engaged with the ESCO under false pretenses. The complainant requested that National Grid stop the ESCO billing of both accounts and cancel all the ESCO charges.

### **ESCO's Position**

At the hearing, Mr. Lewkowitz provided a comparison of the ESCO and National Grid rates. It showed that the ESCO overbilled the complainant by \$514.41 during a nine-month period. Mr. Lewkowitz offered a check for \$514.41 to compensate the complainant for the overcharge. Additionally, he showed the ESCO billing regarding Rev. Tucker's home account which was with the ESCO for less than one month from May 31, 2012 to June 21, 2012. Due to the rate difference Rev. Tucker saved \$7.90; therefore no adjustment to the home account was necessary.

### **Analysis**

The primary issues in this case are whether the claim of misrepresentation is supported by the available evidence and whether the ESCO charges should be cancelled in its entirety. For the reasons explained below I reject both claims.

A review of the recorded conversation between Stephany and Rev. Tucker revealed that Stephany clearly identified Energy Discounters at least two times during the conversation and even spelled the ESCO's name at the complainant's request. The complainant, on his own volition, provided account numbers for the church and for his home. At the end of the recording he agreed to accept the ESCO services. The claim of misrepresentation or deception is not supported by the recording. During the call Rev. Tucker could have said "no" to the phone transaction at any time, but chose to proceed.

Regarding the request to cancel the ESCO charges, I would like to note that the church received gas service during the period in question. Regardless, whether the supply charge was imposed by Energy Discounters, National Grid or any other ESCO, the complainant is responsible to pay for the service it used. Both charges: delivery and supply are approved by the Commission to appear and remain on a bill of any customer who uses gas or electric service. The only viable argument in this situation would be whether the complainant was overbilled due to a difference in rates of National Grid and any other ESCO. A comparison between the rates of National Grid and Energy Discounters LLC showed that the church was overbilled for \$514.41. Therefore, the adjustment for this amount is proper.

### **Determination**

The evidence here supports the conclusion that there was no ESCO misrepresentation and the complainant is entitled to a refund for the overbilling.

The complainant is advised to cash the check for \$514.41 which is attached to this determination within 30 days from the date on this letter. If the complainant chooses not to accept a refund the ESCO may cancel the check on the 31<sup>st</sup> day and notify me accordingly.

If either party disagrees with this decision, an appeal may be filed with the Commission. The appeal procedures are set forth below

### **APPEAL PROCEDURE**

If you believe that this decision is incorrect, you may appeal to the Commission. The basis for an appeal to the Commission is limited to one or more of the following grounds:

(1) The hearing officer made a mistake in the facts in the case or in the laws or regulations which affected his or her decision; or

(2) The hearing officer did not consider evidence presented at the hearing or review, which resulted in an unfavorable decision; or

(3) New facts or evidence, not available at the time of the hearing, have become available, and could affect the decision on the complaint.

If you choose to appeal, your appeal must be in writing and must contain an explanation of the facts or conclusions in the decision with which you disagree, the reasons for your disagreement, the relief or remedy sought from the Commission, and documentation of your position or legal arguments supporting your position.

The appeal should be filed within fifteen (15) days after the informal hearing or review decision is mailed, and may be filed electronically or by regular mail. To file electronically, e-mail your appeal to the Secretary of the Public Service Commission, Kathleen H. Burgess, at: [Secretary@dps.ny.gov](mailto:Secretary@dps.ny.gov)

If you are using regular mail, your appeal letter should be addressed to:

Kathleen H. Burgess, Secretary  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

A copy of the appeal letter should also be sent to the opposing party. Appeals of Informal Hearing Decisions become a matter of public record and are listed on the Commission's website. Both your appeal letter and the informal hearing decision will be available to members of the general public (subject to limited redaction in the case of residential customers).

The Commission may make a determination on your appeal, reject it, return the case to the informal hearing officer for additional consideration, order a formal evidentiary hearing on the complaint or take such other action as it deems appropriate.

Sincerely,

Tatyana Benyaguyeva  
Informal Hearing Officer  
Office of Consumer Services

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

JPMORGAN CHASE BANK, NA  
New York, New York 10017  
www.chase.com  
01-002/210

1058

Energy Discounters 04/11  
445 Broad Hollow Road, Suite 25  
Melville, NY 11747  
(800) 370-1449  
www.energydiscounters.net

6/12/2013

PAY TO THE ORDER OF Joyful Heart Baptist Church

\$ \*\*426.36

Four Hundred Twenty-Six and 36/100\*\*\*\*\* DOLLARS



TAMPER RESISTANT TONER AREA

Joyful Heart Baptist Church  
Rev. Joseph Tucker  
101 Greenwich Street  
Hempstead, NY 11550

*[Signature]*

MEMO

Account number: 517-26-4321-0

⑈001058⑈ ⑆021000021⑆ 898967351⑈

1058

Energy Discounters

Joyful Heart Baptist Church

6/12/2013

426.36

Cash - Operating

Account number: 517-26-4321-0

426.36



CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



Energy Discounters 04/11  
445 Broad Hollow Road, Suite 25  
Melville, NY 11747  
(800) 370-1449  
www.energydiscounters.net

JPMORGAN CHASE BANK, NA  
New York, New York 10017  
www.chase.com  
01-002/210

122

03/21/2016

PAY TO THE ORDER OF Joyful Heart Baptist Church

\$ \*\*514.41

Five hundred fourteen and 41/100\*\*\*\*\*

DOLLARS

Joyful Heart Baptist Church  
Rev. Joseph Tucker  
101 Greenwich Street  
Hempstead, NY 11550

▲ TAMPER RESISTANT TONER AREA ▲

MEMO

⑈00 1 22 2⑈ ⑆0 2 10000 2 1⑆ 898967351⑈

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CERTIFIED MAIL™



7005 0390 0001 1824 6417



JOYFUL HEART BAPTIST CHURCH  
101 GREENWICH STREET  
HEMPSTEAD, NEW YORK 11550  
Rev. Dr. Joseph Tucker, Pastor/Founder

RETURN RECEIPT  
REQUESTED

Kathleen H. Burgess, Secretary  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

Deb Sippel - 4