



GLOBAL ENERGY LLC

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Via Electronic Upload

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Office of Consumer Services
Three Empire State Plaza
Albany, NY 12223-1350

October 8, 2025

Re: Case No. 541411 – Response to Steamer Hart LLP Letter

To Whom It May Concern:

We write in response to the letter submitted by Steamer Hart LLP on behalf of ASC Energy Services, Inc. ("ASC") regarding Case No. 541411. The letter contains numerous inaccuracies, misrepresentations, and unfounded accusations against both myself, John Kim, and Global Energy LLC. It is imperative that these misstatements be corrected to ensure clarity and fairness in this matter.

1. Allegations of Improper Conduct

The letter accuses Global Energy LLC and myself of engaging in "pressure tactics" and "misusing" the Public Service Commission's ("PSC") processes for financial gain. These accusations are baseless and ignore the facts of the case:

- **The core issue in this case is slamming and overcharging.** ASC has failed to address the central claim that it engaged in unauthorized switching of Flora Enterprises Inc. ("Flora") and subsequently overcharged them by \$35,818.16. Rather than directly addressing these allegations, ASC has chosen to deflect attention by attacking my character and motives.

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- **Compensation is irrelevant to the matter at hand.** Whether Global Energy LLC receives compensation for representing its clients is immaterial. The focus should remain on ASC's admitted slamming practices and its failure to make Flora whole, as required under the Uniform Business Practices ("UBP").
- **Threats are a mischaracterization.** The July 16, 2025 email referenced in ASC's letter was not a threat but a clear communication of intent to pursue appropriate remedies if ASC continued to refuse to resolve the matter. It is entirely reasonable to notify a party of the next steps when negotiations fail, particularly when a customer has been financially harmed.

2. Authority of the PSC and the Dispute Resolution Process

ASC's letter repeatedly emphasizes the PSC's limited authority to resolve price and billing-related disputes between nonresidential customers and energy service companies ("ESCOs"). However, this argument is irrelevant to the primary issue of slamming, which falls squarely within the PSC's jurisdiction for which we are petitioning for further actions:

- **The PSC determined that slamming occurred.** The Office of Consumer Services ("OCS") concluded that ASC engaged in slamming, as outlined in its May 30, 2025 findings of fact. This determination has not been disputed.
- **Re-rate calculations were validated.** The re-rate amount of \$35,818.16 was verified by both Con Edison and an independent rate specialist. ASC's refusal to provide a detailed breakdown of its calculations or to justify its claim that only \$528.30 is owed demonstrates a lack of transparency and good faith in resolving this matter.
- **Efforts to resolve the dispute.** Contrary to ASC's assertions, Global Energy LLC made multiple attempts to engage with ASC to resolve the matter amicably. Emails and other



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communications documenting these efforts can be provided upon request. The claim that no effort was made to negotiate is demonstrably false.

3. Authorization and Representation

ASC's claim that I acted without proper authorization is entirely without merit:

- **Letter of Authorization (LOA) provided.** Global Energy LLC submitted the required LOA to both the PSC and Con Edison, authorizing representation of Flora in this matter. Any suggestion to the contrary is factually incorrect.
- **Role as a consumer advocate.** My role as a consumer advocate is consistent with my responsibilities as a representative of Global Energy LLC. There has been no attempt to conceal or misrepresent my involvement, as evidenced by the documentation submitted to the PSC.

4. Allegations of Misuse of PSC Procedures

ASC's accusation that I have "misused" the PSC's procedures is both unfounded and offensive:

- **All claims have been substantiated.** Every claim brought forward by Global Energy LLC has been supported by evidence and validated by the PSC. The suggestion that my actions are "baseless" or "frivolous" is contradicted by the PSC's own findings of slamming in this case.
- **Right to file a petition was granted.** It is within our right to file a petition to correct the error that this case involves a dispute about rates. This is not a contract dispute- there was no contract. A re-rate cannot be disputed since the calculations for billing are governed by public tariffs and therefore cannot be left to interpretation or ambiguity. We challenged that ASC did not act in good faith in their calculation of overcharges. ASC

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Energy should be ordered to re-rate Flora and provide a back up to how they derived their calculations.

- **Advocacy for consumers is not misconduct.** Holding ESCOs accountable for violations of the UBP and ensuring that customers are made whole is not only appropriate but necessary to maintain the integrity of the energy market. It is ASC's refusal to comply with the PSC's directives that undermines the dispute resolution process.

5. Requests for Sanctions

ASC's request for sanctions against me and Global Energy LLC is unwarranted and appears to be an attempt to deflect attention from its own misconduct:

- **ASC has failed to act in good faith.** Despite clear findings of slamming and a directive to issue a re-rate, ASC has not made Flora whole. This failure is a violation of the UBP and should be the focus of any enforcement action by the PSC.
- **Global Energy LLC has acted transparently.** All actions taken in this matter have been consistent with the UBP, PSC regulations, and the interests of the affected customer. Any suggestion of impropriety is baseless and unsupported by evidence.

Conclusion

The facts of this case are clear: ASC engaged in slamming, overcharged Flora Enterprises Inc., and has refused to comply with the PSC's directive to issue a fair re-rate. Global Energy LLC has acted appropriately and transparently in advocating for its client and seeking to hold ASC accountable.



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We respectfully request that the PSC focus its attention on ASC's admitted violations of the UBP and its failure to make Flora whole. Any attempts by ASC to deflect responsibility through unfounded accusations should be disregarded.

Thank you for your attention to this matter. Please do not hesitate to contact me if further information or documentation is required.

Sincerely,

A handwritten signature in black ink, appearing to read "John Kim". The signature is fluid and cursive, with a large initial "J" and "K".

John Kim
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