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## Georgia Public Service Commission

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**For IMMEDIATE RELEASE**

**NEWS RELEASE**

**27-12**

### Commission Assesses Major Fees against Natural Gas Marketer Following Slamming Investigation ***Fees Could Total Over \$200,000***

ATLANTA, July 17, 2012 – The Georgia Public Service Commission today unanimously approved an agreement (or stipulation) between natural gas marketer MXenergy, Incorporated (MX) and the Commission Staff (Staff) to resolve complaints that the marketer changed customer's natural gas from their current provider to MX without their consent. This practice is known as "slamming." Under this agreement, MXenergy's payments could total over \$200,000. Under the agreement, MX will pay \$735 to each of the 138 customers involved, or a total of \$101,430. A majority of the Commission also voted to require MX to pay \$50,000; divided equally between the Salvation Army and the Heat Energy Assistance Team (H.E.A.T.). These funds will provide assistance to low income customers in the Atlanta Gas Light Company distribution area.

"I think this decision sends a very strong message that this Commission will not tolerate unauthorized switching of marketers," said Commission Vice-Chairman Chuck Eaton.

Background of this investigation as found in the agreement:

Staff's investigation found that MX conducted a door-to-door marketing campaign in late 2011 and that MX failed to receive proper authorization to switch customers from their preferred natural gas marketer to MX, a practice known as "slamming." The Staff also found that MX failed to file with the Commission the required slamming reports for the period between January 2012 and June 2012. However, MX does not admit to any violation of law, regulation or any other matter of fact or law and has fully cooperated with this investigation.

Under the stipulation, MX also agreed to a number of other conditions as listed below:

1. Within 30 days of the filing of the Order in this docket, MX will pay \$50,000 in a manner the Commission will determine.
2. Affected customers will receive a check for \$735 within 30 days of the filing of the order accepting the stipulation.
3. MX will pay to each of the affected consumers' any and all switching fees, reconnection fees, disconnection fees, early termination and/or deposits assessed by their preferred customers in order to resume their natural gas service. MX will make all payments within 60 days of the filing of the order accepting the stipulation.
4. MX will not charge at any time an early termination fee to any consumers that were slammed on or before the date of the Order accepting this stipulation.

5. MX will provide to the Commission within 60 days of the order a list of the consumers affected and the amounts of refunds and credits to each account.
6. MX will file with the Commission for a one year period from the date of the Order in this docket for review and comments any campaign information for a proposed door-to-door campaign. This filing will be done at least 30 days prior to the beginning of such a marketing campaign.

The Commission's approval of the agreement terminates Staff's investigation and limits the customers subject to the terms of the agreement to the 138 the Staff found had been switched without their authorization. MXenergy now is doing business in Georgia as Constellation Energy Gas Choice, Inc.

For more information on the Commission, see the Commission web site at [www.psc.state.ga.us](http://www.psc.state.ga.us).  
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