

OFFICIAL FILE  
ILLINOIS COMMERCE COMMISSION

For Commission Use Only:  
Case: 16-0265

ILLINOIS COMMERCE COMMISSION

**FORMAL COMPLAINT**

Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, Illinois 62701  
2016 APR 15 P 1:00  
CHIEF CLERK'S OFFICE

ORIGINAL

Regarding a complaint by (Person making the complaint): Timothy and Janet Boivin

Against (Utility name): Spark Energy

As to (Reason for complaint) \_\_\_\_\_

Unfair and unscrupulous business practices by Spark Energy resulted in charges to our account for natural gas that were far above current market rates.

in Cary Illinois. 4. I have additional documents to back up my above statements.

**TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:**

My complete mailing address is (include City) 950 Ferrara Court, Cary, IL 60013

The service address that I am complaining about is Same as Above

My home telephone is [ 847 ] 915-9374

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at [ 224 ] 209-6495

My e-mail address is boivin.janet@gmail.com I will accept documents by electronic means (e-mail)  Yes  No

(Full name of utility company) Spark Energy (respondent) is a public utility and is subject to the provisions of the Illinois Public Utilities Act.

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?  Yes  No

Has your complaint filed with that office been closed?  Yes  No

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

1. The high rates go against the company's own description on its website as to how it saves consumers money: "Retail suppliers like Spark Energy buys power and/or gas to meet the needs of customers like you, competing on the open market for the best price. You can think of them as your own personal energy shopper. It's this competition that ultimately drives prices down and gives you more value for your money."
2. Sparks website also states: "Each state manages an agency that regulates rates and service while looking out for the interests of customers." If that is true, which agency is that in Illinois and why does it allow Spark to fool customers into paying higher prices if they don't formally resign a contract. And then if they don't get a formal OK for the contract, instead of terminating services or reaching out to the customer, Spark is allowed to increase prices four fold. How is that good business practices and why does this mystery agency allow it to continue?

*Please read additional documents.*

Please clearly state what you want the Commission to do in this case: I want Spark Energy to rebill me based on the bests market rates for natural gas during each month of past billing.

**NOTICE:** If personal information (such as a social security number or a bank account number) is contained in this complaint form or provided later in this proceeding, you should submit both a public copy and a confidential copy of the document. *Any personal information (Social Security Number, Driver's License Number, Medical Records, etc.) contained in the public copy should be obscured or removed from the document prior to its submission to the Chief Clerk's office. Any personal information contained in the confidential copy should remain legible.* If personal information is provided in your public copy, be advised that it will be available on the internet through the Commission's e-Docket website. The confidential copy of any filing you make, however, will only be available to Commission employees. If you file both a public and confidential version of a document, clearly mark them as such.

Today's Date: 4/13/16  
(Month, day, year)

Complainant's Signature: Janet M. Boivin

If an attorney will represent you, please give the attorney's name, address, telephone number, and e-mail address.

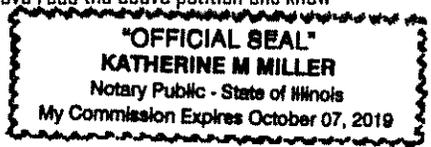
When you finish filling out this complaint form, you need to file the original with the Commission's Chief Clerk. When filing the original complaint, be sure to include one copy of the original complaint for each utility company complained about (referred to as respondents).

**VERIFICATION**

A notary public must witness the completion of this part of the form.

I, Janet M. Boivin, Complainant, first being duly sworn, say that I have read the above petition and know what it says. The contents of this petition are true to the best of my knowledge.

Janet M. Boivin  
Complainant's Signature



Subscribed and sworn/affirmed to before me on (month, day, year) April 13, 2016

[Signature]  
Signature, Notary Public, Illinois

(NOTARY SEAL)

**NOTE:** Failure to answer all of the questions on this form may result in this form being returned without processing.

4/12/16

To: Illinois Commerce Commission

From: Janet M. Boivin

950 Ferrara Court  
Cary, IL 60013  
847/915-9374  
Boivin.janet@gmail.com

In the spring of 2014, a salesman from Spark Energy knocked on my door. I do not usually let salesmen in the door. But when the young man said he represented an alternative energy supplier, I took notice because I had read something about green, more efficient, less expensive alternative natural gas providers.

I let the salesman in the door and listened to his pitch. The essence of what I remember from his spiel is that Spark Energy was an alternative gas supplier that was less polluting and that on average the price per therms would be cheaper than those of Nicor, my current supplier. I even remember asking the young man if this was some kind of scam. Of course, he said no.

I do not remember the salesman saying the following:

Spark Energy would charge me more per therm in the first year than my current provider Nicor.

At the end of the contract, the company would notify me once by paper mail and then if I did not tell them I wanted to “continue” the contract the company would still supply my gas but at a rate that could be four times as high as the current market rate.

If he had, of course I would not have signed the contract. I am not that naïve.

But I did sign the contract and in June Spark Energy started supplying my gas. I found the following reassuring information on its website:

<https://www.sparkenergy.com/en/states/illinois/chicago/>

“To Chicago Residents:

“In business since 1999, Spark Energy is a proven energy provider serving customers in 17 states. Chicago residents and businesses looking for a reliable, affordable electricity & natural gas supplier have an alternative in Spark Energy. Spark Energy is committed to one thing: becoming the best *electricity & gas supplier* on the market.”

#### **“Chicago Electricity & Natural Gas Provider**

Chicago residents and companies have historically had to choose from a single energy company. But that has changed thanks to deregulation. Today, Chicago residents and businesses have an array of options for their electricity and natural gas. Here’s why you should choose Spark Energy.”

- **Cheap electricity and natural gas** – Spark Energy strives to consistently offer competitive electricity and natural gas prices.
- **Exceptional customer service** – You need fast answers to questions you may have with your electric and natural gas service. Spark Energy has invested substantial resources to develop a first-class customer service division. Our goal is to quickly answer your questions and resolve any concerns you may have with your electric or gas service.
- **Trustworthy electricity & gas supplier** – We have worked diligently to earn a reputation as an **ethical, trusted energy company.**”

My charge is that Spark Energy broke its contract with me by not consistently offering competitive natural gas prices, even during the first year of contract.

A review of my bills during that time period shows that **Spark Energy has instead consistently charged me more per therm than Nicor, my previous provider.**

See for yourselves:   


Did you know that natural gas prices are at their lowest in 14 years!

Neither is Spark an “ethical, trusted” company. An ethical company would not use a bait and switch scam as an excuse to crank up its prices to unsuspecting customers who trust that a company will deliver what it advertises.

See for yourselves how ethical Spark Energy is. This link is from the ICC's own Consumers Utility Board.

<https://secure3.convio.net/cerf/site/Advocacy?pagename=homepage&page=UserAction&id=414>

Note that this past February, Nicor was charging .27 per therm and the other four suppliers noted by the CUB were charging no higher than .60. Ambit Energy was charging .91. **Spark Energy charged me more than 1.26 per therm, as it has been doing since last summer.**

I am not the only Illinois consumer scammed by Spark Energy. This link leads to reams of complaints similar to mine about Spark on Yelp.

<http://www.yelp.com/biz/spark-energy-chicago?start=20>

What I hope to achieve in a formal hearing is for Spark Energy to refund me for back payments since 6/2014 to my termination date of their services for those periods during which they charged me more than the average rate per therm for gas.

According to the Consumer Utility Board Website, the ICC has the power to require Spark to make this refund to me. Read the following paragraph:

“The Purchased Gas Adjustment (PGA) charge is based on the price that a utility pays for natural gas. Under the law, gas utilities are supposed to pass on this cost to customers, without a markup. The Illinois Commerce Commission (ICC) doesn't approve this per-therm charge in advance, but it reviews the charge annually and can order a refund for customers if it finds the utilities weren't using sound business practices to buy gas at a reasonable cost.”

<http://citizensutilityboard.org/pgs.php>

I hope that after reading all of the above information you will decide in this case that indeed the customer is always right.

*Janet M. Barrow*