



Agenda Date: 4/6/20  
Agenda Item: 11

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

ENERGY

IN THE MATTER OF THE ALLEGED FAILURE OF )  
ELITE ENERGY GROUP, INC. TO COMPLY WITH )  
CERTAIN PROVISIONS OF N.J.S.A. 48:3-78 ET )  
SEQ., AND THE NEW JERSEY ADMINISTRATIVE )  
CODE, N.J.A.C. 14:4-1.1 ET SEQ. )

ORDER ACCEPTING OFFER  
OF SETTLEMENT

DOCKET NO. EO20020152

**Party of Record:**

**Peter Johnston, President**, Elite Energy Group, Inc.

BY THE BOARD:

By this Decision and Order the New Jersey Board of Public Utilities (“Board”) considers an Offer of Settlement of any and all potential violations under the Electric Discount and Energy Competition Act (“EDECA”, or “Act”), N.J.S.A. 48:3-49 et seq. and more specifically, N.J.S.A. 48:3-78 and N.J.A.C. 14:4-1.1 et seq. (the “Regulations”) by Elite Energy Group, Inc. (“Elite Energy” or “the Company”), which has been operating as an energy agent (“EA”) in New Jersey.

**BACKGROUND**

Pursuant to EDECA, the Board has authority and jurisdiction over all EAs in New Jersey. EDECA defines an EA as “a person that is duly registered pursuant to the provisions of [EDECA], that arranges the sale of retail electricity or electric related services, or retail gas supply or gas related services, between government aggregators or private aggregators and electric power suppliers or gas suppliers, but does not take title to the electric or gas sold.” N.J.S.A. 48:3-51 (definition of “energy agent”). See also, N.J.A.C. 14:4-1.2.

The Board’s implementing rules are found at N.J.A.C. 14:4-1.1 et seq. (the “Regulations”). Pursuant to N.J.A.C. 14:4-5.1(f), “[a] person shall not arrange the retail sale of electricity, electric-related services, gas supply or gas-related services between an energy aggregator and a TPS without first registering as an energy agent.” N.J.S.A. 48:3-78(i) specifies that “any person acting as an energy agent shall be required to register with the board . . . This registration shall be updated annually.” See also, N.J.A.C. 14:4-5.8(g).

Pursuant to N.J.A.C. 14:4-5.8(g), the term of an EA certificate is valid for one year from the date of issuance unless timely renewal is filed. See also, N.J.A.C. 14:4-5.9 and N.J.A.C. 14:4-5.9(a) set forth the obligation of the EA to timely file a renewal application. Specifically, the EA must file

a complete renewal application at least thirty (30) days before the expiration date of the existing registration. If a timely renewal application is not submitted, the initial registration expires at the end of its term. In the event an EA does not submit a renewal application within thirty (30) days before the end of the registration term, the Registrant must submit a new registration application.

Pursuant to EDECA, the Board, among other things, is vested with investigative powers, disciplinary powers, alternative disciplinary powers, and with the authority to assess civil penalties. See N.J.S.A. 48:3-80 et seq. Pursuant to N.J.A.C. 14:4-5.1(f) and -5.9(b)(3), a person without a valid EA registration, cannot “act as, or represent themselves to others as, an energy agent . . .” In addition, the Board can deny, suspend, or revoke a registration; impose financial penalties; and prohibit acceptance of new customers. N.J.A.C. 14:4-5.13. In determining the amount of the fines, the Board may consider each day of each violation against each customer as a separate offense. N.J.A.C. 14:4-5.13(c). The Board may also consider any good faith efforts made by the company; the gravity of the violation; the number of past violations; and the appropriateness of the sanction or fine. N.J.A.C. 14:4-5.13(b).

As an EA, Elite Energy is subject to the jurisdiction of the Board and must comply with EDECA and the Regulations.

### **DISCUSSION AND FINDINGS**

Elite Energy’s initial registration, Registration No. EA-0271, was effective for an initial term of July 23, 2018 through July 24, 2019. Elite Energy did not submit a timely renewal application for this registration with the Board before it expired on July 24, 2019. Staff notified Elite Energy in a letter on August 1, 2019 that its energy agent registration had expired on July 24, 2019. Staff directed Elite Energy to file a new initial registration application, as required, rather than a renewal registration application. Elite Energy submitted an initial registration application on August 7, 2019.

On August 7, 2019, Staff confirmed that Elite Energy did not arrange electric power service as a Registrant due to personal reasons. Elite Energy immediately ceased all operations including, marketing, enrollment of new customers and renewing existing customers in New Jersey once Staff notified the Company of its lapse registration.

Staff conducted an investigation regarding Elite Energy compliance with the Act and the Regulations. Staff alleged that Elite Energy failed to comply with the registration and renewal requirements under the Act and the Regulations, including N.J.S.A. 48:3-78, N.J.A.C. 14:4-5.1(a)(3), N.J.A.C. 14:4-5.8, and N.J.A.C. 14:4-5.9.

Elite Energy responded promptly and effectively to all Staff requests during the investigation. Elite Energy serves only residential and commercial customers in New Jersey. No complaints have been filed with the Board or the Division of Consumers Affairs against Elite Energy by any of its NJ customers in the past 12 months.

As a result of correspondence and telephone conversations with Elite Energy, Elite Energy submitted an Offer of Settlement (“Offer”), which is attached hereto, regarding its alleged violations. In the Offer, Elite Energy admitted to the violation and made a monetary offer in the amount of \$1,000.00 to resolve all issues concerning the violation alleged by Staff.

The Board has reviewed the matter and **HEREBY FINDS** that the Offer represents a reasonable settlement of the alleged violations. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Elite Energy.

The Board will **CONSIDER** under a separate docket number the initial application filed by Elite Energy on August 7, 2019. The Offer of Settlement is accepted subject to the following conditions:

1. Elite Energy will pay to the State of New Jersey the sum of One Thousand Dollars (\$1,000.00) in full and final settlement of any and all potential violations under the Act and/or the Regulations, which have been or could have been alleged by the Board or the Staff against Elite Energy, up to and including January 15, 2020.
2. This Offer of Settlement shall not relieve Elite Energy or its parents, affiliates, subsidiaries or successors, from any liability for violations, if any, of the Act, the Regulations, or Board Orders that may occur after January 15, 2020.
3. Any future repeated violation(s) of the Act, the Regulations, or Board Orders by Elite Energy or its parents, affiliates, subsidiaries, or successors that may now or in the future arranges energy services that is the subject of this Offer of Settlement, shall be deemed to be a second, third, or subsequent violation, as appropriate, pursuant to provisions of N.J.S.A. 48:3-83.
4. Elite Energy will comply with all provisions of the Act and Regulations regarding registration renewal requirements as set forth at N.J.S.A. 48:3-78, N.J.A.C. 14:4-5.8 and N.J.A.C. 14:4-5.9.
5. The execution of this Offer of Settlement shall not be relied upon by Elite Energy or its affiliates, subsidiaries or successors in an attempt to mitigate any future claim that any such entity has violated the terms and conditions of the Act, the Regulations, or any Board Order.

The Board **FURTHER ORDERS** that no later than ten (10) days from the Effective Date of this Order, Elite Energy shall pay the Settlement Payment of One Thousand Dollars (\$1,000.00). Payment must be made out to the **TREASURER, STATE OF NEW JERSEY** and

Sent to: Jonathan Wallace, Acting Chief Fiscal Officer  
Board of Public Utilities  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
Attn: Audits

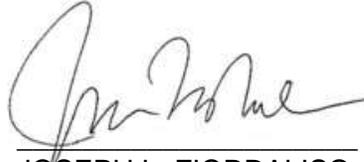
A copy of this Order must be included with the settlement check.

The Board's acceptance of the Offer of Settlement is for purposes of this proceeding only, addresses any and all allegations or potential allegations in the Offer of Settlement, and shall not be construed as limiting the Board's authority in any other matter affecting Elite Energy or a successor company.

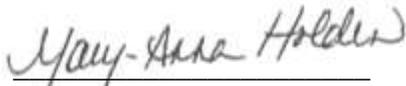
This Order shall be effective on April 16, 2020.

DATED: April 6, 2020

BOARD OF PUBLIC UTILITIES  
BY:



JOSEPH L. FIORDALISO  
PRESIDENT



MARY-ANNA HOLDEN  
COMMISSIONER



DIANNE SOLOMON  
COMMISSIONER



UPENDRA J. CHIVUKULA  
COMMISSIONER



ROBERT M. GORDON  
COMMISSIONER

ATTEST:



AIDA CAMACHO-WELCH  
SECRETARY

**IN THE MATTER OF THE ALLEGED FAILURE OF ELITE ENERGY GROUP, INC. TO  
COMPLY WITH CERTAIN PROVISIONS OF N.J.S.A. 48:3-78 ET SEQ., AND THE NEW  
JERSEY ADMINISTRATIVE CODE, N.J.A.C. 14:4-1.1 ET SEQ.**

**OFFER OF SETTLEMENT  
DOCKET NO. EO20020152**

**SERVICE LIST**

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Lt. Governor

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Joseph L. Fiordaliso  
President

Mary-Anna Holden  
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Dianne Solomon  
Commissioner

Upendra Chivukula  
Commissioner

Bob Gordon  
Commissioner

April 6, 2020

Peter G Johnston, President  
Elite Energy Group, Inc.  
199 Jericho Turnpike, Suite 201  
Floral Park, NY 11001

Re: **Energy Agent Initial Registration**  
Docket No. EE19080898L

Dear Mr. Johnston:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its April 6, 2020, 2020 Agenda meeting, the New Jersey Board of Public Utilities voted to issue the **REGISTRATION** as an Energy Agent to Elite Energy Group, Inc. The company's registration number is EA-0630

This registration is effective April 6, 2020 and will expire on April 5, 2021. This registration and the rights thereunder are **Non-Transferable**.

***This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the registrant. Registrants shall comply with all applicable law, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.***

If you have any questions, please contact Valencia Hunt at (609) 292-0637.

Sincerely,

A handwritten signature in blue ink that reads "Aida Camacho-Welch".

Aida Camacho-Welch  
Secretary of the Board

ACW/vch