

# Buchanan Ingersoll & Rooney PC

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February 3, 2017

## VIA HAND DELIVERY

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

Re: Petition of ENGIE Resources LLC for a Renewal of Security Requirement and Modification of Security Anniversary Date; Docket No. A-110156

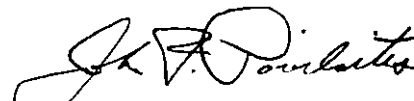
Dear Secretary Chiavetta,

Enclosed please find ENGIE Resources LLC's ("ENGIE Resources") Petition for a Renewal of Security Requirement and Modification of Security Anniversary Date ("Petition"). This filing includes commercially valuable and sensitive information for which ENGIE Resources requests confidential treatment. Accordingly, enclosed is a version of the Petition marked "Public Version" for inclusion in the public record, and a version of the Petition marked "Confidential Version". ENGIE Resources **respectfully requests that the Confidential Version of its Petition be maintained by the Pennsylvania Public Utility Commission ("Commission") under seal.** Also enclosed is a filing fee in the amount of \$350.00.

Copies of ENGIE Resources's Public Version of its Petition have been served on each of the Public Advocates, the Commission's Bureau of Investigation and Enforcement, the Commission's Bureau of Technical Utility Services, the Commonwealth of Pennsylvania's Department of Revenue, the Office of Attorney General's Bureau of Consumer Protection and all Pennsylvania electric distribution companies as indicated in the attached Certificate of Service.

Please contact the undersigned if you have any questions regarding this filing. Thank you for your attention to this matter.

Very truly yours,

  
John F. Povilaitis

JFP/bb  
Enclosures  
cc: Certificate of Service

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of ENGIE Resources LLC : Docket No. A-110156  
For Renewal of Security Requirement :  
And Modification of Security Anniversary :  
Date :

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PETITION OF ENGIE RESOURCES LLC FOR A  
RENEWAL OF SECURITY REQUIREMENT AND  
MODIFICATION OF SECURITY ANNIVERSARY DATE

I. Introduction

1. ENGIE Resources LLC ("ENGIE Resources" or "Company") is an electric generation supplier ("EGS") authorized by the Pennsylvania Public Utility Commission ("PaPUC" or "Commission") to provide service to larger commercial customers (over 25KW demand), industrial customers, governmental customer classes, and residential and small commercial customers (limited to mixed meters) in the electric distribution company service territories of Duquesne Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, PECO Electric, PPL Electric and West Penn Power Company within the Commonwealth of Pennsylvania. ENGIE Resources provides EGS services pursuant to its license to operate as an EGS issued at Docket No. A-110156. As a licensed EGS, ENGIE Resources is subject to the Commission's authority to require it to furnish a bond or other security in order to operate in the Commonwealth of Pennsylvania, pursuant to Section 2809(c) of the Public Utility Code ("Code") and Section 54.40 of the Commission's regulations. 66 Pa.C. S. §2809(c); 52 Pa.Code §54.40.

2. Section 54.40(d) of the Commission's regulations requires EGSs to provide a security level of 10% of the licensee's reported gross receipts. However, a licensee may seek

## PUBLIC VERSION

approval from the Commission of an alternative level of security, commensurate with the nature and scope of its operations. 52 Pa.Code §54.40(d). According to the Commission's regulations, the purpose of the security is to ensure payment of the Pennsylvania Gross Receipts Tax ("GRT") and to ensure the supply of electricity at the retail level in accordance with contracts, agreements or arrangements. 52 Pa.Code §54.40(f)(2). On July 24, 2014, after consideration of formal comments submitted to a December 5, 2013 Tentative Order, the Commission found that requiring an EGS to post a bond or security in the amount of 10% of gross receipts after the first year of operation "may be excessive in relation to the risk intended to be secured, unnecessarily burdening EGSs, and presenting a potential barrier to entry into Pennsylvania's retail electric market."<sup>1</sup> Therefore the Commission announced in the July 24, 2014 Order that it was adopting the policy of accepting applications by EGSs to reduce their level of bonding/security after the first year of operation to 5% of the EGS's most recent 12 months of gross revenue or \$250,000, whichever is higher. In addition, the July 24, 2014 Order delegated authority to review uncontested petitions requesting a reduction in the level of security to the Bureau of Technical Utility Services.<sup>2</sup>

3. ENGIE Resources received authorization from the Commission to reduce its level of bonding/security to 5% of its most recent 12 months of gross revenue pursuant to a Secretarial Letter issued on April 19, 2016 at Docket No. A-110156.<sup>3</sup> Accordingly, based on the Code, the Commission's regulation at Section 54.40(d) and the following supporting material, ENGIE Resources respectfully requests that the Commission accept its renewal of its approved security on or before its current expiration on February 19, 2017. The letter of credit ("LOC") security

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<sup>1</sup> *Public Utility Commission Bonding/Security Requirements for Electric Generation Suppliers: Acceptable Security Instruments*, Docket No. M-2013-2393141 (July 24, 2014) ("July 24, 2014 Order") at 10.

<sup>2</sup> July 24, 2014 Order at 12-13.

<sup>3</sup> It is ENGIE Resource's intention to promptly file for a renewal of this bonding/security reduction.

submitted to the Commission by separate filing extends to April 19, 2018.<sup>4</sup> This term period of the LOC is intended to synchronize ENGIE Resource's annual security anniversary date with the anniversary date of its security reduction authorization, which will extend to April 19, 2018 upon the Company's submission of its security reduction renewal request and the Commission's anticipated approval of the renewal request.

**II. Information Provided in Support of Security Renewal Request**

4. This Petition includes as attachments Confidential Attachments 1 and 2. Confidential Attachment 1 provides ENGIE Resources' gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent twelve (12) months.

5. Confidential Attachment 2 is incorporated by reference and consists of an LOC in an amount sufficient to cover 5% of ENGIE Resources most recent twelve (12) months of gross revenues. Confidential Attachment 2 is being submitted directly to the Commission under separate cover to expedite Commission review of the LOC.

6. The foregoing materials and information demonstrates that ENGIE Resources has met the security requirements of the Code and PaPUC regulations.

**III. Relief Requested and Conclusion**

7. Based on its standing as an EGS licensed to do business in Pennsylvania, the Commission's regulations and the July 24, 2014 Order authorizing reductions in security requirements, ENGIE Resources respectfully requests that the Commission accept its security renewal and establish a new annual security anniversary date of April 19 to synchronize its annual security period with the current authorization period for the reduction of security approved by Commission Secretarial Letter of April 19, 2016.

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<sup>4</sup> By its terms, the LOC renews automatically for additional one year terms unless the Commission receives a termination notice ninety (90) days in advance of April 19<sup>th</sup>.

Respectfully submitted,



John F. Povilaitis  
Buchanan Ingersoll & Rooney PC  
409 North Second Street  
Suite 500  
Harrisburg, PA 17101  
(717) 237-4825

Dated: February 3, 2017

*Counsel for ENGIE Resources LLC*

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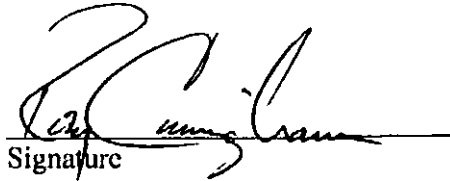
CONFIDENTIAL  
ATTACHMENT 1

CONFIDENTIAL  
ATTACHMENT 2

To be submitted under  
separate cover.

**VERIFICATION**

I, Ray Cunningham, Assistant General Counsel, ENGIE North America Inc., hereby verify that the information in the foregoing Petition of ENGIE Resources LLC filed at Docket No. A-110156, is true and correct to the best of my information, knowledge and belief. I understand that the statements are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to the unsworn falsification to authorities.

  
Signature

Dated: February 2, 2017

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of ENGIE Resources LLC : Docket No. A-110156  
For A Renewal of Security Requirement :  
And Modification of Security Anniversary Date

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the **public version** of the attached document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

Via First Class Mail

Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Michael L. Swindler  
Stephanie Wimer  
Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
400 North Street, 2<sup>nd</sup> Floor, F West  
Harrisburg, PA 17105-3265

John M. Abel  
Margarita Tulman  
Office of Attorney General  
Bureau of Consumer Protection  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Candis A. Tunilo  
Christy M. Appleby  
Kristine E. Robinson  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101

Daniel Mumford,  
Director of Office of Competitive Market  
Oversight  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 3rd Floor, Room N-309  
Harrisburg, PA 17105

Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 3rd Floor  
Harrisburg, PA 17105

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

**PUBLIC VERSION**

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
PO Box 280947  
Harrisburg, PA 17128

Legal Department  
Attn: Paul Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

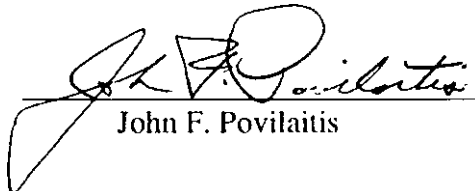
UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12<sup>th</sup> Street, Suite 360  
P.O. Box 12677  
Reading, PA 19612-2677

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading, PA 19612

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P.O. Box 138  
Wellsboro, PA 16901

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Dated this 3<sup>rd</sup> day of February, 2017.

  
\_\_\_\_\_  
John F. Povilaitis