

# Buchanan Ingersoll & Rooney PC

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September 5, 2017

## VIA HAND DELIVERY

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

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2017 SEP -5 PM 3:01  
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Re: Petition of Just Energy Pennsylvania Corp. For A Renewal of Reduced Bonding Level Authorization; Docket No. A-2009-2097544

Dear Secretary Chiavetta,


Enclosed please find a Petition for a Renewal of Reduced Bonding Level Authorization ("Petition") filed on behalf of Just Energy Pennsylvania Corp. ("JEPC"). This filing includes commercially valuable and sensitive information regarding its business activity in Pennsylvania for which JEPC 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". **JEPC 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.

**Please note that JEPC has requested a bond reduction renewal date of December 9.**

Copies of JEPC'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/jls  
Enclosures  
cc: Certificate of Service

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION 2017 SEP -5 PM 3: 04

Petition of Just Energy Pennsylvania Corp :  
For A Reduction in Level of Bond :  
or Security :

Docket No. A-2009-2097544

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SECRETARY'S BUREAU  
FRONT DESK

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PETITION OF JUST ENERGY PENNSYLVANIA CORP FOR A  
REDUCTION IN LEVEL OF BOND OR SECURITY

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I. Introduction

1. Just Energy Pennsylvania Corp ("JEPC" or "Company") is an electric generation supplier ("EGS") authorized by the Pennsylvania Public Utility Commission ("PaPUC" or "Commission") to operate as an electric generation supplier and a broker/marketer and aggregator engaged in the business of supplying electricity to residential, small commercial and large commercial customers in all electric distribution company service territories in the Commonwealth of Pennsylvania. JEPC, f/k/a as Pennsylvania Energy Savings Corp, received its initial license to operate as an EGS in the service territory of Duquesne Light Company by Order of December 23, 2009 at Docket No. A-2009-2097544. By Order of June 21, 2012, JEPC obtained authority to operate as an EGC in all electric distribution company service territories in the Commonwealth of Pennsylvania at Docket No. A-2009-2097544. As a licensed EGS, JEPC 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

approval from the Commission of an alternative level of bonding, 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 bond 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 Petitions 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 requests for a reduction in the level of bonding to the Bureau of Technical Utility Services.<sup>2</sup>

3. Based on the July 24, 2014 Order, the Code, the Commission's regulation at Section 54.40(d) and the following supporting material, JEPC respectfully requests that the Commission approve a reduction in its security requirement to 5% of its most recent 12 months of gross revenue.

4. In addition, JEPC respectfully requests that the Commission set the bond reduction renewal date to December 9 for it and its two other affiliates- Hudson Energy Services.

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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.

LLC, Docket No. A-2010-2192137, and Just Energy Solutions, Docket No. A-110117. JEPC's aforementioned affiliates are filing similar requests in their bond reduction filings in order to streamline the entire process for the Commission and the companies. JEPC understands and acknowledges its existing bond reduction is effective until January 2018, and JEPC is making an earlier bond reduction request that would effectively reset the bond reduction renewal date.

**II. Information Provided in Support of Bond Reduction Request**

5. Prior to filing this Petition to reduce its bonding requirement, JEPC informally consulted with Commission staff to obtain guidance as to the appropriate information to support such a request, as was suggested by the Commission in the July 24, 2014 Order.<sup>3</sup> Based on that consultation, this Petition includes Confidential Attachments 1 through 4. Confidential Attachment 1 provides JEPC's gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent twelve (12) months.

6. Confidential Attachment 2 is a Tax Status Letter of Good Standing obtained by JEPC from the Pennsylvania Department of Revenue ("DOR").

7. Confidential Attachment 3 documents JEPC's full compliance with the requirements of the Alternative Energy Portfolio Standards ("AEPS") Act. This attachment shows compliance data for the most recent 12 month period (June 1 through May 31) taken from the report of the Statewide Administrator of the Pennsylvania AEPS Alternative Energy Credit Program, stating the compliance obligation for the most recent energy year.

8. Confidential Attachment 4 is proof that JEPC has prepaid gross receipts taxes.

9. Based on the foregoing information which demonstrates that JEPC is in compliance with the AEPS Alternative Energy Credit Program and is in good standing with

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<sup>3</sup> *Id.*


DOR, JEPC requests that its bonding requirement be reduced to 5% of its most recent twelve (12) months of gross revenue. This amount is reasonable and satisfies the requirements of 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.

**III. Relief Requested and Conclusion**

10. Based on its standing as an EGS licensed to do business in Pennsylvania, the Commission's regulations and the July 24, 2014 Order, JEPC respectfully requests that it be authorized to amend its current bond security on file with the Commission to 5% of its most recent twelve (12) months of revenue. Upon approval of this Petition by the Commission, JEPC will submit a new bond in this amount that also complies with the Commission's bond requirements for EGSs listed in Section 55.40(f) of the Commission's regulations. 52 Pa.Code §54.40(f).

Respectfully submitted,

Dated: September 5, 2017

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

*Counsel for Just Energy Pennsylvania Corp*

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**CONFIDENTIAL  
ATTACHMENT**

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**3**



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**CONFIDENTIAL  
ATTACHMENT**

**4**

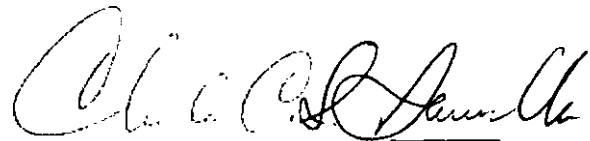
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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**VERIFICATION**

I, Charles C.S. Iannello, Vice President, Regulatory Affairs, on behalf of Just Energy Pennsylvania Corp, hereby verify that the information in the foregoing Petition 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. § 4904, relating to the unsworn falsification to authorities.



Signature

Dated: September 5, 2017

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION

SECRETARY'S BUREAU

Petition of Just Energy Pennsylvania Corp. : Docket No. A-2009-2097544  
For A Renewal of a Reduced Level of Bonding :

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

Richard Kanaskie, Director  
Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
PO Box 3265  
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

Tonya McCloskey  
Office of Consumer Advocate  
555 Walnut Street  
5<sup>th</sup> Floor, Forum Place  
Harrisburg, PA 17101

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

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

Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
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**

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

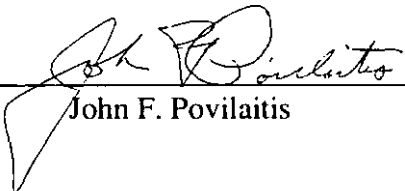
UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12<sup>th</sup> Street, Suite 360  
P.O. Box 12677  
Reading, PA 19612-2677

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 5th day of September, 2017.

  
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John F. Povilaitis