

# Buchanan

Ingersoll · Rooney

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September 10, 2020

## VIA E-FILING

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

Re: Just Energy Solutions Inc. d/b/a Just Energy Request for Renewal of a Reduction  
in Level of Security; Docket No. A-110117  
Utility Code: 110117

Dear Secretary Chiavetta:

Enclosed is the Compliance Filing of Just Energy Solutions Inc. (“JES”), a licensed energy generation supplier (“EGS”), to obtain renewal of its reduced 5% security requirement. This is a renewal of JES’s previously granted security reduction; therefore no filing fee is enclosed.

The Compliance Filing includes commercially valuable and sensitive information for which JES requests confidential treatment. Accordingly, enclosed is a version of the Compliance Filing marked “Public Version” for inclusion in the public record, and a version of the Compliance Filing marked “Confidential Version”. **JES respectfully requests that the Confidential Version of its Compliance Filing be maintained by the Pennsylvania Public Utility Commission under seal.**

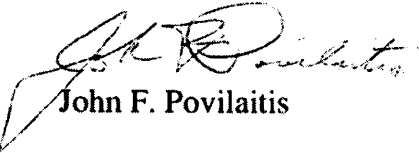
Copies of the Public Version of JES’s Compliance Filing have been served on each of the statutory parties, the Commission’s Bureau of Technical Utility Services, the Commonwealth of Pennsylvania’s Department of Revenue, the Office of Attorney General’s Bureau of Consumer Protection and all affected Pennsylvania electric distribution companies, as indicated in the attached Certificate of Service.

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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/tlg

Enclosures

cc: Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Just Energy Solutions, Inc. d/b/a : Docket No. A-110117  
Just Energy Request for Renewal of a : Utility Code: 110117  
Reduction in Level of Security :

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JUST ENERGY SOLUTIONS INC. COMPLIANCE FILING

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**I. Introduction**

1. Just Energy Solutions Inc. (“JES” or “Company”) is an electric generation supplier (“EGS”) authorized by the Pennsylvania Public Utility Commission (“PaPUC” or “Commission”) to provide electric generation supplier services to residential, small commercial, large commercial, industrial and governmental customers in the electric distribution company service territories within the Commonwealth of Pennsylvania. JES received its initial license to operate as an EGS by order of September 15, 1999 at Docket No. A-110117. As a licensed EGS, Just Energy 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

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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 requests for a reduction in the level of bonding to the Bureau of Technical Utility Services.<sup>2</sup> In an Order entered September 20, 2018, the Commission streamlined the process for EGSs to obtain reductions in their annual security obligations and permitted, *inter alia*, the filing of a Compliance Filing for renewal of security rather than a formal Petition.<sup>3</sup>

3. Based on the July 24, 2014 Order, the September 20, 2018 Order, the Code, the Commission’s regulation at Section 54.40(d) and the following supporting material, JES respectfully requests that the Commission accept a reduced security requirement of 5% of its most recent 12 months of gross revenue.

4. By Secretarial Letter Dated October 12, 2017 at Docket No. A-2010-2192137, Utility Code: 1112538, the Commission approved JES’s September 6, 2017 Petition for a security reduction, effective to December 9, 2018. This approval synchronized the Company’s twelve (2) month security reduction period with its annual security renewal period. JES respectfully requests

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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> *Petition of the Retail Energy Supply Association to Simplify the Financial Security 5% Renewal Process*, Docket No. P-2017-2608078 (Order Entered September 20, 2018) at 17-20.

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that the Commission set its new bond reduction renewal date as December 9, 2021 for it and its two other affiliates - Hudson Energy Services, LLC. (“Hudson”), Docket No. A-2010-2192137, and Just Energy Pennsylvania Corp (“JEPC”), Docket No. A-2009-2097544. Security reduction renewal requests are being separately filed for Hudson and JEPC requesting the same security reduction periods and annual security renewal dates in order to streamline the entire process for the Commission and the companies.

### **II. Information Provided in Support of Security Compliance Filing**

5. This Compliance Filing includes Confidential Attachments 1 through 4. Confidential Attachment 1 provides JES’s gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent nine (9) months. JES will supplement this information with the most recent quarter of gross revenues (July-September) that will be available in October, 2020. It is important that JES include this most recent quarter in its Compliance Filing to reflect the downward trend in the Company’s gross revenues, precipitated by the downturn in United States economic activity due to the COVID-19 pandemic.

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

7. Confidential Attachment 3 documents JES’s full compliance with the requirements of the Alternative Energy Portfolio Standards (“AEPS”) Act.

8. Confidential Attachment 4 is a Department of Revenue RCT-SPEC Specialty Tax Payment Form for JES.

9. Confidential Attachment 5 is proof that JES is current in its assessment obligation to the PaPUC for regulatory costs.

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10. Based on the foregoing information, JES requests that its bonding requirement be maintained at 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. An original security document will be submitted to the Commission when the final quarter of gross revenues is available.

**III. Relief Requested and Conclusion**

11. Based on its standing as an EGS licensed to do business in Pennsylvania, the Commission’s regulations the July 24, 2014 Order and the September 18, 2020 Order, JES respectfully requests that it be authorized to renew its security on file with the Commission to 5% of its most recent twelve (12) months of revenue, effective for the twelve (12) month period to December 9, 2021. Upon submission of the most recent quarter of gross revenues to the Commission, JES will also 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 10, 2020

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

*Counsel for Just Energy Solutions Inc.*

# Confidential Attachment 1

Gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent nine (9) months

(REDACTED)

# Confidential Attachment 2

Letter of Good Standing

**(REDACTED)**



# Confidential Attachment 3

AEPS Compliance

*Requested – waiting on receipt*

# Confidential Attachment 4

RCT-SPEC Specialty Tax Payment Form

**(REDACTED)**

# Confidential Attachment 5

*Requested – waiting on receipt*

**VERIFICATION**

I, Inger Goodman, hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and expect to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



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Inger Goodman  
Manager, Regulatory Affairs  
Just Energy

DATED: September 10, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Just Energy Solutions, Inc. d/b/a : Docket No. A-110117  
Just Energy Request for Renewal of a : Utility Code: 110117  
Reduction in Level of Security :

CERTIFICATE OF SERVICE

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

**Via First Class Mail**

Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1<sup>st</sup> Floor  
Harrisburg, PA 17101

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

Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
PO Box 3265  
Harrisburg, PA 17105-3265

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

Office of Attorney General  
Bureau of Consumer Protection  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 5219

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

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading, PA 19612

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

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

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

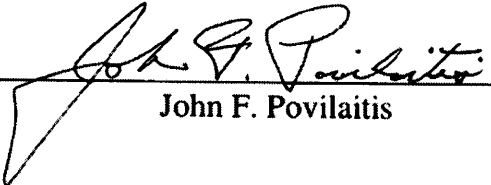
Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Office of General Counsel  
Attn: Kimberly Klock  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Vice President – Energy Supply  
Corning Natural Gas Holding Corporation  
330 West William Street  
Corning, NY 14830

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

Dated this 10<sup>th</sup> day of September, 2020.

  
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John F. Povilaitis