

June 7, 2021

VIA ELECTRONIC FILING

CONTAINS REDACTED APPENDIX A

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

**RE: Petition of Energy Harbor LLC for Reduction in its Current Financial Security Requirement for the Period July 1, 2021 through June 30, 2022 - Docket No. A-110078**

Dear Secretary Chiavetta:

Enclosed for filing are the responses of Energy Harbor LLC (“Energy Harbor” or “Company”) to Staff’s data requests related to the above captioned matter. These responses (redacted as necessary) were e-filed this afternoon. The Company has attached APPENDIX A, which contains bank account information and certain other information related to sales activity, both of which **the Company considers proprietary**. Accordingly, we request that this information be kept in a separate file and filed under seal.

- a. **DATA REQUEST 1: Reference Financial Security Reduction Petition - Applicant must provide proof of compliance with its required Commission owed annual fees and assessments. Please contact the Commission’s Fiscal Office at [TA-PCPUC-FISCAL@PA.GOV](mailto:TA-PCPUC-FISCAL@PA.GOV). Please provide proof of paid Commission owed annual fees and assessments.**

**COMPANY RESPONSE:** Please see Appendix A, which contains confidential information that has been redacted.

- b. **DATA REQUEST 2: Reference Financial Security Reduction Petition - Please provide a REV-423 Specialty Tax Estimated Payment Form as proof of the prepaid gross receipt taxes.**

**COMPANY RESPONSE:** Pursuant to Instruction No. 3 on REV-423, "payments of \$1,000 or more must be made electronically or by certified or cashier's check remitted in person or by express mail courier." In addition, Instruction No. 4 on REV-423 states that the form should not be mailed if the payment is being made electronically.

Inasmuch as Energy Harbor prepaid its 2021 gross receipt taxes via ACH credit on March 11, 2021, it did not, consistent with the instructions therein, submit a REV-423.

Note that the Company included information demonstrating such payment in confidential Appendix C which was attached to the Company's petition in this matter.

- c. DATA REQUEST 3: Reference April 15, 2019 5% Financial Security Reduction Petition Denial Secretarial Letter - Please provide a recent outlook rating from Moody's Investors Service for Energy Harbor LLC.**

**COMPANY RESPONSE:** Please see attached Appendix B.

Please note that the Company, pursuant to Commission instructions, submitted on June 1, 2021, a bond at the ten percent level for review while awaiting the Commission's ruling on its Petition.<sup>1</sup> Should the Company's Petition be approved, the Company will submit a substitute bond consistent with said ruling, which will result in significant savings to the Company.

Should you or the Staff have any questions or require any additional information to support the enclosed Petition, please contact me as indicated below.

Respectfully submitted,



Kathy J. Kolich  
 Attorney No. 92203  
 Kolich & Associates, LLC  
 1521 Hightower Drive  
 Uniontown, OH 44685  
 (330) 316-2378  
 Email: kjklaw@yahoo.com

KJK:kmp

cc: Bureau of Technical Utility Services (with appendices) via US mail with confidential appendices  
 Certificate of Service (without appendices) via US mail with redacted appendices  
 SJakab (email only) - with confidential appendices

<sup>1</sup> Due to an email issue, there was a delay in the Company obtaining and responding to these data requests, thus delaying the Commission's ruling.

# **APPENDIX A**

**(SEVEN PAGES)**



Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Harrisburg, PA 17105-3265  
EGS SUPPLEMENTAL FEE INVOICE

ENERGY HARBOR LLC  
KIM PELC  
341 WHITE POND DR  
B-3  
AKRON OH 44320

Invoice Date	Invoice Number
9/10/2020	20-110078
Fiscal Year	
July 1, 2020 to June 30, 2021	

- Read carefully Notice of Supplemental Fee
- Use return envelope provided
- Make check payable to:  
**Commonwealth of Pennsylvania**
- If you desire confirmation of receipt, use a mailing service that provides one, such as USPS-Return Receipt, or overnight delivery with receipt confirmation

Reported Revenue (\$262,807,356.00) x Factor of 0.000817121323	
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT,  
REMOVE THE BOTTOM PART OF THIS INVOICE AT  
THE PERFORATION AND RETURN WITH YOUR  
REMITTANCE

MAIL PAYMENT TO:
PA PUC BAS - FISCAL SECTION PO BOX 3265 HARRISBURG, PA 17105-3265

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

ENERGY HARBOR LLC  
KIM PELC  
341 WHITE POND DR  
B-3  
AKRON OH 44320

Invoice Date	Invoice Number
9/10/2020	20-110078
Fiscal Year	
July 1, 2020 to June 30, 2021	

<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	
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REDACTED - PUBLIC



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
Harrisburg, PA 17105-3265  
**EGS ANNUAL FEE INVOICE**

Invoice Date	Invoice Number
5/27/2020	20-110078-A
Fiscal Year	
July 1, 2020 to June 30, 2021	

FIRSTENERGY SOLUTIONS CORP  
KIM PELC  
341 WHITE POND DR  
B-3  
AKRON OH 44320

- Refer to M-2014-2448825 for Annual Fee information
- Use return envelope provided
- Make check payable to:  
**Commonwealth of Pennsylvania**

Minimum EGS Fee Due for FY 2020-2021	\$350.00
<b>PAY THIS AMOUNT BY JULY 1, 2020</b>	<b>\$350.00</b>

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT, REMOVE THE BOTTOM PART OF THIS INVOICE AT THE PERFORATION AND RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA PUC BAS - FISCAL SECTION PO BOX 3265 HARRISBURG, PA 17105-3265

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RETURN THIS PORTION WITH YOUR REMITTANCE

FIRSTENERGY SOLUTIONS CORP  
KIM PELC  
341 WHITE POND DR  
B-3  
AKRON OH 44320

Invoice Date	Invoice Number
5/27/2020	20-110078-A
Fiscal Year	
July 1, 2020 to June 30, 2021	

<b>PAY THIS AMOUNT BY JULY 1, 2020</b>	<b>\$350.00</b>
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REDACTED - PUBLIC

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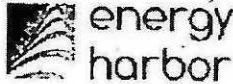
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COMMONWEALTH OF PA  
FOR DEPOSIT ONLY

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT  CHECK BACKGROUND AREA CHANGE'S COLOR GRADUALLY FROM TOP TO BOTTOM

ENERGY HARBOR LLC  
168 EAST MARKET STREET  
AKRON, OH 44308



2000541  
September 25, 2020  
32-W1110  
VOID AFTER 90 DAYS

Amount:

Pay to the order of COMMONWEALTH OF PENNSYLVANIA

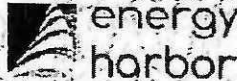
Bank of America Texas, N.A.  
Dallas, TX 75202

0140023024

AUTHORIZED SIGNATURE

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ENERGY HARBOR LLC  
168 EAST MARKET STREET  
AKRON, OH 44308



2000010  
July 09, 2020  
32-W1110  
VOID AFTER 90 DAYS

Amount: Three Hundred Fifty dollars and 00 cents

Pay to the order of COMMONWEALTH OF PENNSYLVANIA

\*\*\*5350.00\*\*

Bank of America Texas, N.A.  
Dallas, TX 75202

0140023024

AUTHORIZED SIGNATURE

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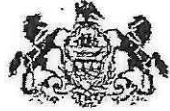
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ENCLOSE CHECK HERE  
FOR DEPOSIT ONLY  
DEPOSIT WITH THE TREASURER OF THE  
COMMONWEALTH OF PA

REDACTED - PUBLIC



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**

Harrisburg, PA 17105-3265

**NGS ANNUAL FEE INVOICE**

ENERGY HARBOR LLC  
KIM PELC  
168 E MARKET ST  
AKRON OH 44308

Invoice Date	Invoice Number
4/28/2021	21-1223077-A
Fiscal Year	
July 1, 2021 to June 30, 2022	

- Refer to M-2014-2448825 for Annual Fee information
- Use return envelope provided
- Make check payable to:  
**Commonwealth of Pennsylvania**
- If you desire confirmation of receipt, use a mailing service that provides one, such as USPS-Return Receipt, or overnight delivery with receipt confirmation

Minimum NGS Fee Due for FY 2021-2022	\$350.00
<b>PAY THIS AMOUNT BY JULY 1, 2021</b>	<b>\$350.00</b>

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT, REMOVE THE BOTTOM PART OF THIS INVOICE AT THE PERFORATION AND RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA PUC BAS - FISCAL SECTION PO BOX 3265 HARRISBURG, PA 17105-3265

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

ENERGY HARBOR LLC  
KIM PELC  
168 E MARKET ST  
AKRON OH 44308

Invoice Date	Invoice Number
4/28/2021	21-1223077-A
Fiscal Year	
July 1, 2021 to June 30, 2022	

<b>PAY THIS AMOUNT BY JULY 1, 2021</b>	<b>\$350.00</b>
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REDACTED - PUBLIC



Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
Harrisburg, PA 17105-3265  
EGS ANNUAL FEE INVOICE

ENERGY HARBOR LLC  
KIM PELC  
341 WHITE POND DR  
B 3  
OH 44320

Invoice Date	Invoice Number
4/28/2021	21-110078-A
Fiscal Year	
July 1, 2021 to June 30, 2022	

- Refer to M-2014-2448825 for Annual Fee information
- Use return envelope provided
- Make check payable to:  
**Commonwealth of Pennsylvania**
- If you desire confirmation of receipt, use a mailing service that provides one, such as USPS-Return Receipt, or overnight delivery with receipt confirmation

Minimum EGS Fee Due for FY 2021 2022	\$350.00
<b>PAY THIS AMOUNT BY JULY 1, 2021</b>	<b>\$350.00</b>

TO RECEIVE PROPER CREDIT FOR YOUR PAYMENT, REMOVE THE BOTTOM PART OF THIS INVOICE AT THE PERFORATION AND RETURN WITH YOUR REMITTANCE

**MAIL PAYMENT TO:**  
PA PUC  
BAS - FISCAL SECTION  
PO BOX 3265  
HARRISBURG, PA 17105-3265

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

ENERGY HARBOR LLC  
KIM PELC  
~~341 WHITE POND DR~~ 168 E. Market St  
~~B 3~~  
AKRON OH ~~44320~~ AKRON OH 44308

Invoice Date	Invoice Number
4/28/2021	21-110078-A
Fiscal Year	
July 1, 2021 to June 30, 2022	

<b>PAY THIS AMOUNT BY JULY 1, 2021</b>	<b>\$350.00</b>
--	-----------------

ENERGY HARBOR LLC  
168 EAST MARKET STREET  
AKRON, OH 44308

REDACTED - PUBLIC



RETURN SERVICE REQUESTED

Check No 2001366  
Check Date 05/12/2021  
Check Amount \$700.00  
Vendor No 0140023024



103 00114 0001 0000 0000

COMMONWEALTH OF PENNSYLVANIA  
PO BOX 3265  
HARRISBURG, PA 17105-3265

Invoice Date	Invoice Number	Description	Gross Amount	Discount Amount	Net Amount
04/28/2021	21-110078-A	FISCAL YR 7/1/2021 TO 6/30/202	\$350.00		\$350.00
04/28/2021	21-1223077-A	FISCAL YR 7/1/2021 TO 6/30/202	\$350.00		\$350.00
<b>TOTAL</b>			<b>\$700.00</b>		<b>\$700.00</b>

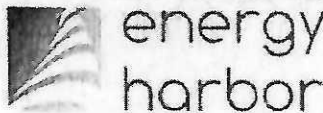
Page 1 of 1

PLEASE FOLD ON PERFORATION AND DETACH HERE

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT.

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

ENERGY HARBOR LLC  
168 EAST MARKET STREET  
AKRON, OH 44308



2001366  
May 12, 2021

32 11110  
VOID AFTER 90 DAYS

Amount: \*\*Seven Hundred dollars and 00 cents\*\*

\*\*\$700.00\*\*

Pay to the order of COMMONWEALTH OF PENNSYLVANIA

Bank of America Texas, N.A.  
Dallas, TX 75202

0140023024

AUTHORIZED SIGNATURE

# **APPENDIX B**

**(FIVE PAGES)**

# MOODY'S

## INVESTORS SERVICE

### Rating Action: Moody's assigns first-time Baa3 Issuer Rating to Energy Harbor; outlook stable

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27 Feb 2020

New York, February 27, 2020 -- Moody's Investors Service, ("Moody's") assigned a first-time Issuer Rating of Baa3 to Energy Harbor Corp. ("Energy Harbor"), an independent power producer (IPP) operating in the PJM power market. The rating outlook is stable. Energy Harbor, formerly known as FirstEnergy Solutions Corp., emerged from bankruptcy as a new company on 27 February 2020.

#### Assignments:

..Issuer: Energy Harbor Corp.

.... Issuer Rating, Assigned Baa3

#### Outlook Actions:

..Issuer: Energy Harbor Corp.

....Outlook, Assigned Stable

#### RATINGS RATIONALE

The Baa3 rating reflects Energy Harbor's stable cash flow generated from power sales and capacity revenue in PJM as well as the Clean Air Credit revenue for its nuclear power plants in Ohio. It also incorporates Energy Harbor's very low leverage as it emerged out of bankruptcy with only \$431 million of tax-exempt secured debt and Moody's expectation that the company's leverage will remain low.

"As a new independent power company with a relatively small and concentrated generation portfolio consisting of approximately 6.8 GW of capacity, we expect Energy Harbor to maintain sufficient financial flexibility to absorb potential unexpected risk, particularly associated with the operation of its nuclear power plants," stated Jairo Chung, Moody's analyst. "Energy Harbor will exhibit stable earnings and cash flow generation if it is able to maintain strong and consistent nuclear plant performance and continue to benefit from Clean Air Credit revenue in Ohio," added Chung.

With approximately \$1 billion of cash on hand at the time of the emergence, Energy Harbor maintains ample liquidity, which we would expect will be augmented with the addition of external revolving credit and/or letter of credit facilities going forward. This is important in that the company maintains and expects to grow its regional retail energy business. Although Energy Harbor does not currently have an external source of liquidity, the high level of cash on hand will help in mitigating unexpected risks that may arise over time for either its generation or retail businesses.

The cost structure of Energy Harbor has improved over the last three years since it reduced the large generation portfolio that characterized FirstEnergy Solutions Corp., and pared it down to three nuclear plants and two baseload coal-fired power plants. Medium term, greater than 95% of Energy Harbor's cash flow is 'carbon-free'. In addition, over 60% of its cash flow is derived from its visible and carbon free clean air credits and retail business, with an additional 35% from its inherently carbon free nuclear assets. Thus, Moody's views Energy Harbor's carbon transition risk to be low, benefiting the company's overall risk profile.

Moody's expects Energy Harbor to face challenges associated with weak power market prices in PJM as well as the uncertainties surrounding the future of PJM's capacity market. However, Clean Air Credit revenue provides additional visibility into the company's cash flow, providing some buffer to absorb these market challenges. As Energy Harbor can operate its nuclear power plants at the current cost level or lower without jeopardizing its safety and reliability, Moody's expects the company to manage these challenges.

The company's financial metrics are expected to be very strong due to the very low level of debt on the balance sheet and robust cash flow from its clean air credits, retail and generation assets.

## Rating Outlook

The stable outlook incorporates Moody's expectation that Energy Harbor will continue to operate its nuclear power plants with high availability and capability factors, thereby generating relatively stable cash flow, and remain free cash flow positive while maintaining very low leverage.

### Factors that could lead to an upgrade

Given Energy Harbor's relatively small generation portfolio, regional and market concentration, and limited track record, a rating upgrade is not likely over the next few years. However, a rating upgrade could be considered if Energy Harbor is able to further improve its cash flow generation visibility through additional legislative-based payments; develops a consistent track record of operating its power plant portfolio, as well as demonstrates financial stability and strong liquidity management over time.

### Factors that could lead to a downgrade

A rating downgrade could be considered if Energy Harbor's cash flow decreases or if leverage increases significantly such that its CFO pre-WC to debt ratio falls to the low 30% range, or low 20% range on a nuclear fuel adjusted basis. Also, significant deterioration in its nuclear plant operations, that would increase its nuclear operating costs on a sustained basis, could also lead to a downgrade.

Headquartered in Akron, Ohio, Energy Harbor is an independent power producer in PJM, producing more than 40 TWh of power primarily from its three nuclear power plants: Beaver Valley, Davis-Besse and Perry. It also owns and operates two coal-fired power plants Sammis in Ohio and Pleasants in West Virginia.

The principal methodology used in these ratings was Unregulated Utilities and Unregulated Power Companies published in May 2017. Please see the Rating Methodologies page on [www.moody.com](http://www.moody.com) for a copy of this methodology.

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For any affected securities or rated entities receiving direct credit support from the primary entity(ies) of this credit rating action, and whose ratings may change as a result of this credit rating action, the associated regulatory disclosures will be those of the guarantor entity. Exceptions to this approach exist for the following disclosures, if applicable to jurisdiction: Ancillary Services, Disclosure to rated entity, Disclosure from rated entity.

Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Please see [www.moody.com](http://www.moody.com) for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

Please see the ratings tab on the issuer/entity page on [www.moody.com](http://www.moody.com) for additional regulatory disclosures for each credit rating.

Jairo Chung  
Vice President - Senior Analyst  
Infrastructure Finance Group  
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New York, NY 10007  
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Moody's Investors Service, Inc.  
250 Greenwich Street  
New York, NY 10007  
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MJKK and MSFJ also maintain policies and procedures to address Japanese regulatory requirements.



**CASE NO. A-110078  
ENERGY HARBOR LLC**

I hereby certify that I have this day served a true copy of Energy Harbor LLC's responses to Staff's Data Requests related to the Company's for Reduction of its Financial Security Requirement upon the parties, listed below, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party).

**VIA FIRST CLASS MAIL / REDACTED VERSION:**

Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 West P.O. Box 3265 Harrisburg, PA 17105-3265	Harrisburg, PA 17105-3265
Office of Consumer Advocate 555 Walnut Street Forum Place, 5 <sup>th</sup> Floor Harrisburg, PA 17101-1923	Duquesne Light ATTEN: Regulatory Affairs 411 Seventh Street, MD I 6-4 Pittsburgh, PA 15219
Office of Small Business Advocate Forum Place 555 Walnut Street, First Floor Harrisburg, PA 17101	Met-Ed, Penelec, and Penn Power ATTEN: Legal Department FirstEnergy Corp. 2800 Pottsville Pike Reading, PA 19612
Pennsylvania Department of Revenue Bureau of Compliance Fourth and Walnut Streets First Floor, Strawberry Square Harrisburg, PA 17128	Citizens' Electric Company Attn: EGS Coordination 1775 Industrial Boulevard Lewisburg, PA 17837
PA Office of Attorney General Bureau of Consumer Protection Fourteenth Floor, Strawberry Square Harrisburg, PA 17120	Wellsboro Electric Company Attn: EGS Coordination 33 Austin Street P.O. Box 138 Wellsboro, PA 16901
Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 West P.O. Box 3265	PECO Energy Company ATTEN: Mgr. Energy Acquisition 2301 Market Street Philadelphia, PA 19103
	PPL Electric Utilities Atten: Legal Department Two North Ninth Street Allentown, PA 18101

UGI Utilities, Inc.  
Atten: Rates Dept- Choice Coordinator  
PO Box 13009  
Reading, PA 19612-3009

Pike County Light & Power Company  
ATTEN: Dir of Customer Energy Services  
390 West Route 59  
Spring Valley, NY 10977-5300

Orange and Rockland Company

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

**VIA US MAIL WITH CONFIDENTIAL INFORMATION:**

Department of Technical Utility Services  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2 West  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated: June 4, 2021



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Kathy J. Kolich (Attorney Reg No. 92203)