



# 2018 Supplier Workshop

January 31, 2018

## PUC ORIENTATION

Secretary's Bureau

Office of Administrative Law Judge

Office of Special Assistants

Technical Utility Services

Administration

# **Notification and Filing**

**Secretary Rosemary Chiavetta**



# Update Your Contact Information

- This is when you email the Secretary at [rchiavetta@pa.gov](mailto:rchiavetta@pa.gov)
- Supplier's Responsibility to keep current:
  - Mailing Address and other Contact Information
  - Name of Specific Individual to receive service from PUC for Complaints, Data Requests, Secretarial Letters, Decisions, Orders
  - Changes of Employees within company with responsibility to work with PUC
  - Service must be within US borders – no foreign addresses
  - If using consulting firm – monitor the consultant – follow PA PUC statutory and regulatory requirements
  - **Failure to keep contact information current can result in termination of license**





# Name Change of Company

- Must be done formally by filing name change with PA Department of State/ Corporation Bureau
- File the change with Secretary along with a \$350 filing fee by eFiling or by mail
- Follow the instructions on the Commission's website using appropriate parts of the EGS or NGS Application form
- **CANNOT** be faxed or emailed!



# Confidential or Proprietary Information

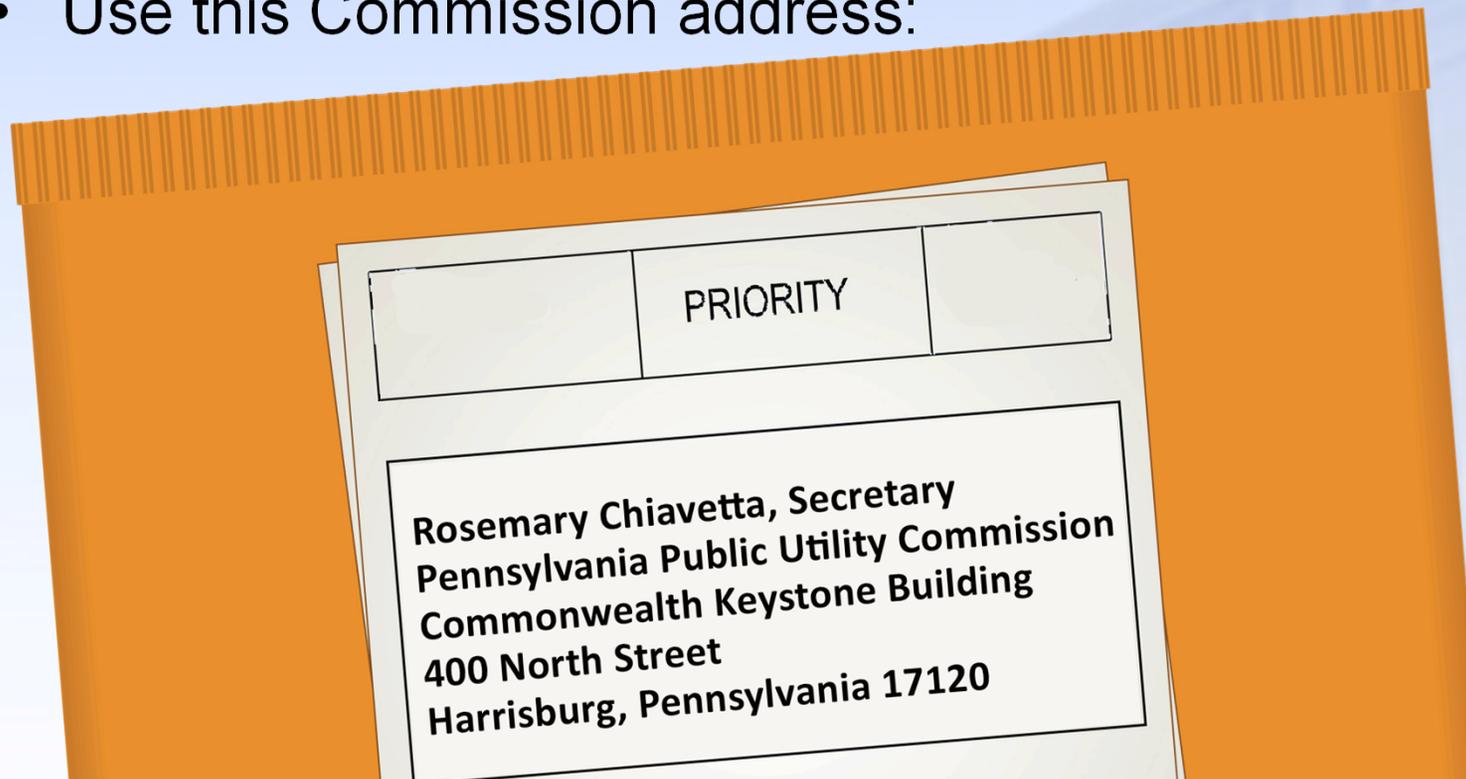
- CANNOT be eFiled OR emailed!
- Filer's responsibility to clearly label information what is Confidential or Proprietary
- Cover Letter telling us there is Confidential information in the filing
- What is Confidential or Proprietary?
  - Bonds, Continuation Certificates, Financial Instruments – ONLY originals can be filed – NO COPIES - Original "Wet" Signatures; Raised seals of authenticity
  - Tax Information
  - Trade Secrets

**CONFIDENTIAL**



# Reminders When Filing With the Secretary

- File by Overnight Delivery, Certified or Priority Mail – date of deposit preserves filing date
- First Class Mail does not!
- Use this Commission address:





**Questions?**



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Office of Administrative Law Judge



# Purpose

OALJ fulfills a judicial role by:

- Hearing cases
- Mediating cases
- Use of a Settlement Judge Process
- Issuing decisions



# Organization

- Chief Administrative Law Judge
- 3 Deputy Chief ALJs
- 15 ALJs
- 2 Mediators
- Legal and Admin Support Staff
- HBG, PHL and PGH Offices



# Mission

OALJ's mission is to timely adjudicate or help settle cases in a fair and impartial manner.



# ALJ Authority

- Administer oaths
- Issue subpoenas
- Rule on evidence
- Regulate the course of a hearing
- Hold conferences
- Render written decisions



# Mediation

- Informal
- Facilitative
- Flexible
- Interim Orders Setting Resolution Conference
- Mediation Sessions



# Settlement Judge

- Parties may request ALJ participation in settlement attempt
- ALJ may help influence the parties to settle
- ALJ will adjudicate case if it does not settle



# Certificate of Satisfaction

If the case settles the respondent may file a certified writing with the Commission that the complainant is satisfied or no longer wishes to pursue the complaint. 52 Pa. Code 5.24



# Pleadings

- **Complaint.** Any matter over which the Commission has jurisdiction.
- **Answer.** Due within 20 days after service of complaint. May include New Matter which raise affirmative defenses.



# Representation

- Individuals may represent themselves. In adversarial proceedings, all others, including corporations, must be represented by an attorney licensed in PA. Answer to be signed by that attorney.



# Preliminary Motions

- Preliminary Objections
- Judgment on the Pleadings
- Summary Judgment

52 Pa. Code 5.101, 5.102, 5.103



# Scheduling of Hearings

- Hearings may be in-person or by telephone
- A request for a continuance should be filed at least 5 days prior to the hearing. It will be considered by the ALJ “only for good cause shown.”



# Discovery

- Complete prior to the hearing
- Work cooperatively with the other party
- Avoid discovery disputes if possible

Commission discovery rules: 52 Pa. Code  
5.321-5.372



# Exhibits

- If telephonic hearing, send 3 copies of exhibit to ALJ and 1 copy to the other party at least 5 business days prior to the hearing
- If in-person hearing, bring exhibits to the hearing – 1 copy for the ALJ and other party, 2 for reporter



# Hearing

- You may lose the case if you do not appear. 52 Pa. Code 5.245
- Burden of Proof
- Direct and cross examination
- Hearsay
- Sufficient hearing record



# Decisions

- Sustain or dismiss complaint in whole or in part. May penalize respondent for violation of PA public utility law.
- Initial or Recommended Decision



**Questions?**



# Office of Special Assistants



# OSA Overview

- Established in January 1977, to help implement certain provisions of the Code.



- Provisions recognized certain prosecutory and advisory functions in the Commission.
- Prohibited staff attorneys and other Commission employees from performing in both a prosecutory and advisory capacity in the same case or in factually related cases.
- In other words, the staff involved in an investigation or prosecution, or that can become involved in such, could not “participate or advise in the decision, recommended decision or commission review.” (See, 66 Pa. C.S. §§ 308(b); 332 (h), 334).



## Overview, cont'd.

- Office of Special Assistants
  - Key Advisory Bureau
  - Principal functions
- Review and advise on all challenges to Administrative Law Judge decisions or Commission Orders

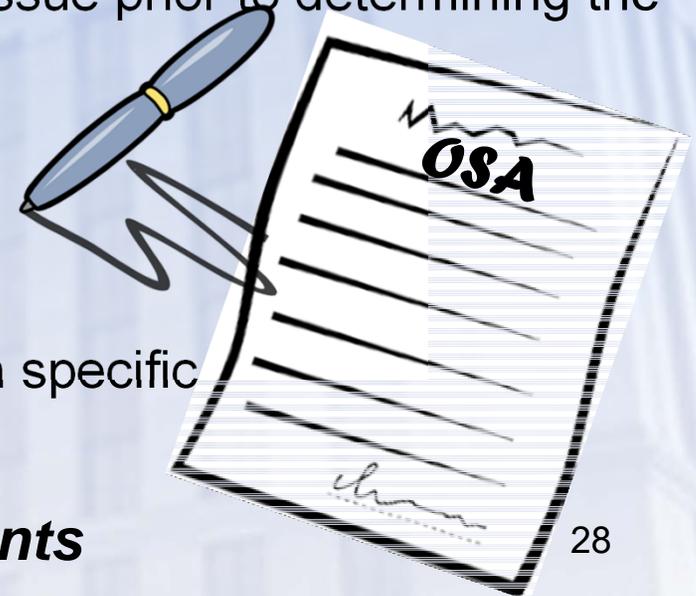


- Draft opinions and orders advising the Commission on how to decide these issues for the Commission to vote on at Public Meetings
- **OSA Staff:** Attorneys, Rate Case Review Specialists, Administrative Support Staff
- Legal and Technical Advice to the Commissioners on every utility type and every issue before ALJs



## Examples of Matters OSA Handles

- ***Certification of the Record Without Decision , 52 Pa. Code 5.531*** - in which the Administrative Law Judge gathers the evidence and forwards the record to the Commission for decision, without drafting an Initial or Recommended Decision)
- ***Certified Questions & Petitions for Interlocutory Review 52 Pa Code 5.301-5.305*** (asking the Commission to look at a specific issue in a matter before the ALJ and deciding that specific issue prior to determining the disposition of the case in its entirety)
- ***Petitions for Interim Emergency Orders***
- ***Petitions for Reinstatement*** (asking the Commission to reinstate a Certificate of Public Convenience canceled for non-compliance with specific Commission directives)
- ***Petitions for Prosecutory Staff Settlements***





## Examples of Matters OSA Handles



- ***Exceptions to an ALJ Recommended or Initial Decision*** (asking the Commission to consider issues that a party believes the ALJ did not consider or did not consider accurately, to which other parties to the proceeding may then file Replies)
- ***Act 129 Energy Efficiency and Conservation Proceedings*** (the Commission must approve plans, filed by electric distribution companies, that are designed to reduce electric consumption)
- ***Default Service Proceedings*** (the Commission must approve plans, filed by electric distribution companies, for meeting their obligation to supply electricity to customers who do not shop for an electric supplier)



## Examples of Matters OSA Handles, cont'd.

- ***Smart Metering Plan Proceedings*** - the Commission must approve plans, filed by electric distribution companies, for the installation of “smart” electric meters throughout their service territory



- ***Rates and Ratemaking*** - Determining the revenue requirement of a utility by looking at its expenses (including depreciation and taxes), the value of its plant, and how much its investors are entitled to earn on their investment
- ***Gas Cost Rates*** - reconciling the actual and projected costs of gas with the rates charged for gas



## Examples of Matters OSA Handles, cont'd.

- ***Contested Application Proceedings*** - a person, organization or company opposes a request for a Certificate of Public Convenience to commence operations as a regulated utility, usually in electric, gas, telephone, water, wastewater, taxi cabs, limousines, household goods movers, etc.
- ***Inability to Pay*** - customer asks the Commission to set a payment plan when they cannot pay their utility bills





## Examples of Matters OSA Handles, cont'd.

- ***Service Complaints*** - a company or customer files a complaint against a utility for unreasonable or unauthorized service
- ***Billing Disputes*** - a customer challenges the amount of their utility bill
- ***Termination Disputes*** a customer challenges the circumstances surrounding termination of their utility service
- ***Safety Matters*** a customer challenges the activities or facilities of a utility company as being unsafe





## Examples of Matters OSA Handles, cont'd.

### • ***Post-Final Order Relief***

This includes:



### • ***Petitions for Reconsideration or Rescission***

- asking the Commission to take another look at the case because they feel something was overlooked

- ***Petitions for Modification/Clarification*** - asking the Commission to change or clarify an Order

### • ***Petitions for Stay or Supersedeas***

- ***Petitions for Extension of Time*** asking the Commission to extend a deadline, usually because circumstances arise precluding the parties from meeting the original deadline

# CONTACT INFO

Cheryl Walker Davis, Director  
Office of Special Assistants  
Pennsylvania Public Utility Commission  
400 North St.  
Harrisburg, Pa 17112  
(717) 787-1827



# 2018 Supplier Workshop

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## TECHNICAL UTILITY SERVICES

Licensing, Bonding and Reporting



# Technical Utility Services

Following are descriptions of reports required by the Pennsylvania Public Utility Commission, and the associated PUC contact for that specific report. Each company is responsible to adhere to all of the established rules, regulations and directives of the Commission on reporting requirements of utilities. For questions on a specific report please contact the person listed as the PUC Contact for that report. All other inquiries may be directed to the Bureau of Technical Utility Services at (717) 783-5242.



# Technical Utility Services

## **Electric Choice Annual Report (Gross Receipts) (52 Pa. Code § 54.39(b))**

A mandatory report for all EGSs and brokers to report their total gross receipts for the prior calendar year. All brokers/marketers who do not take title to any electricity should report \$0 as their total gross receipts on this report.

Due Date: April 30 of each year.

Karl Germick; [kgermick@pa.gov](mailto:kgermick@pa.gov) (717) 787-6476



# Technical Utility Services

## Natural Gas Supplier Annual Report (52 Pa. Code § 62.110)

A mandatory report for all NGSs to report the following:

- Total revenue from the sales of natural gas for the preceding calendar year.
- Total amount (volume) of natural gas sold during the preceding calendar year.



# Technical Utility Services

Continued...

- The names and addresses of nontraditional marketers and nonselling marketers who are currently or will be acting as agents for the licensee in the upcoming year.
- **Due Date:** April 30 of each year.
- Karl Germick, [kgermick@pa.gov](mailto:kgermick@pa.gov) ,(717) 787-6476



# Technical Utility Services

## Electric Choice Quarterly Report (Gross Receipts) (52 Pa. Code § 54.39(a))

A mandatory report for EGSs to report their total gross receipts for the prior quarter. Only EGSs whom take title to electricity are required to file this report. EGSs that do not serve actual retail electricity load, such as brokers, are not required to file this report.

**Due Dates:** April 30, July 31, October 31, and January 31 for 1st, 2nd, 3rd, and 4th Quarter Reports, respectively.

Karl Germick; [kgermick@pa.gov](mailto:kgermick@pa.gov) (717) 787-6476



# Technical Utility Services

## **Load Serving Entity Compliance (Docket M-2010-2157431)**

A mandate for all EGSs to provide proof of registration as a PJM Load Serving Entity. Only EGSs whom take title to electricity are required to file this report. EGSs that do not serve actual retail electricity load, such as brokers, are not required to file this report.

**Due Date:** April 30 of each year.

**(717) 783-5242**



# Technical Utility Services

## Retail Choice Activity Report (52 Pa. Code § 54.201)

A mandatory report for all active EGSs to report retail sales activity on a statewide basis. Only EGSs whom take title to electricity are required to file this report. EGSs that do not serve actual retail electricity load, such as brokers, are not required to file this report.

**Due Date:** April 30 of each year.

Chuck Covage, [ccovage@pa.gov](mailto:ccovage@pa.gov) (717) 783-3835



# Technical Utility Services

## **Financial Security Renewal (License Bond) (66 Pa. C.S. § 2809(c)) (52 Pa. Code § 54.40)**

A mandate that requires all EGSs to file an original bond, or other security, approved by the Commission, to ensure the EGS's financial responsibility under 66 Pa. C.S. § 2809(c). The security level, or bond amount, must be 10% of the licensee's reported gross receipts, or a minimum of \$250,000, whichever is greater. A Broker is only required to maintain a security level of \$10,000.



## Technical Utility Services

An EGS supplier may file a Security Reduction Petition to request Commission approval for a reduction in the 10% security requirement to 5% of the licensee's gross receipts. If approved by the Commission, the EGS supplier must renew its Security Reduction annually, along with its financial security.



# Technical Utility Services

**Due Date Financial Security Renewal:** At least 30 days prior to expiration date of current approved security.

**Due Date Financial Security Reduction Petition Renewal:** At least 90 days prior to the EGS's Financial Security Reduction Approval date.

**BOND REDUCTION:** Refer to the Commission's April 8, 2016 Secretarial Letter (M-2013-2393141).

Stephen Jakab, [sjakab@pa.gov](mailto:sjakab@pa.gov), (717) 783-6174



## Technical Utility Services

What if a bond self-renews or is “evergreen”?  
Does a supplier have to refile?

Answer: A supplier needs to look at their Gross Receipts Tax (GRT). If the GRT has not changed – then no action is needed. However, if the GRT liability has increased – then an increased security amount will be needed.



## Technical Utility Services

Failure to keep the bond current will result in the supplier being listed in a public Tentative Order seeking to cancel or suspend the supplier's license for failure to maintain adequate security.



**Questions?**



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## Office of Administration

### Assessments



# Act 155 of 2014

- **\$350 annual fee**
  - Due by July 1 each year
  - Applicable to each licensed EGS and each licensed NGS



# Act 155 of 2014

- Form RR-XX
  - Applicable to suppliers only
  - Brokers/marketers do not report
  - Forms will be mailed out in March of each year



# Act 155 of 2014

- Form RR-XX
  - Due by April 30 each year
  - Reporting of PA Intrastate Revenues
  - XX equals the last digits of the reporting year



**Questions?**