

One South Centre Street
P.O. Box 1150
Pottsville, PA 17901

DOCUMENT
FOLDER

AMENDMENT TO COMMERCIAL
LETTER OF CREDIT

RECEIVED

JUL 22 1999

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Date: June 28, 1999

RECEIVED

JUL 1 1999

Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg, Pa. 17105-3265

RE: Jack Rich, Incorporated
Letter of Credit No. 23797-201

BUREAU OF FINED UTILITY SERVICE

Gentlemen:

We, the undersigned, request you to honor this amendment to our Irrevocable Letter of Credit No. 23797-201 dated April 28, 1998.

Issued for the account of: Jack Rich, Incorporated
617 Altamont Blvd.
Frackville, Pa. 17931

In the amount of: \$250,000.00

Expiration date: April 28, 1999

DOCKETED
NOV 15 1999

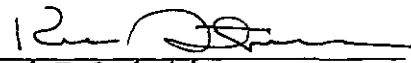
As follows:

- Credit amount increased by:
- Expiration dated extended to: April 28, 2000
- Other changes: Letter of Credit Number changed to 348710-201

All other conditions remain the same.

In consideration of your accepting this above amendment, we intend to be legally bound, and hereby agree to fulfill all the engagements under the original obligation covering this Letter of Credit.

KEYSTONE FINANCIAL BANK, N.A. formerly
PENNSYLVANIA NATIONAL BANK

By: 
Kenneth E. Stolarick
Vice President

(#19 JRich201c)

EEF

7/22/99
84

ANTHRACITE POWER & LIGHT COMPANY

Main Street
Gilberton, PA 17934

Phone: (570) 874-1603
Fax: (570) 874-2625

ORIGINAL
00 MAY 12 AM 8:21
RECEIVED
SECRETARY'S BUREAU

May 11, 2000

DOCKETED
MAY 16 2000

James J. McNulty, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

**RE: JACK RICH, INC. D/B/A, ANTHRACITE POWER AND LIGHT
COMPANY; LICENSE NO. A-110094**

Dear Secretary McNulty:

M-00981211

In reference to the attached correspondence received in my office on May 10, 2000, please be advised that Jack Rich, Inc., D/B/A, Anthracite Power and Light Co., License No. A-110094 had no reportable data for the twelve-month calendar period ending December 31, 1999.

If any additional information is required, please do not hesitate to contact me immediately.

Sincerely,



Robert B. Hoppe

25

cs

Attachment

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

May 9, 2000

IN REPLY PLEASE
REFER TO OUR FILE



511008

00 MAY 12 AM 8:27

Secretary's Bureau
PA PUC
RECEIVED
717-772-7777
SECRETARY'S BUREAU

**Re: Market Share Data Collection from Electric Generation Industry,
Docket No. M-00981211**

Dear Sir/Madam:

By Order entered September 30, 1999, at Docket No. M-00981211, the Pennsylvania Public Utility Commission ordered, inter alia:

That each licensed electric generation supplier shall submit annual reports showing sales in each electric distribution company's service territory, by customer class (residential, commercial and industrial) in total megawatt hours on 2/1/00, and 2/1/01 for the 12-month calendar periods ending 12/31/99 and 12/31/00, respectively. That each jurisdictional electric distribution company (EDC) shall submit annual reports showing total megawatt hour deliveries to connected customers in its service territory by customer class (residential, commercial and industrial) on 2/1/00 and 2/1/01 for the 12-month calendar periods ending 12/31/99 and 12/31/00 respectively. That each EDC shall include in its annual reports, the total amount of megawatt hours, on a customer class basis (residential, commercial and industrial) sold to customers by the EDC as the default supplier or provider of last resort. In the event that a competitive default supplier (CDS) is serving customers within the EDC's territory, the CDS shall submit an annual report, including ...

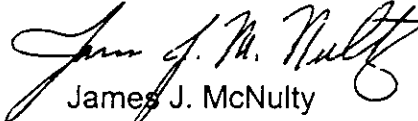
According to our records, your company has not filed the required report for the year 1999. You are hereby directed to file an original and two copies of this report within 20 days of the date of this letter with the Commission's Secretary's Bureau at:

**James J. McNulty, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, Pennsylvania 17105-3265**

Failure to provide this report will result in the matter being referred to the Law Bureau for appropriate action.

If you have no reportable data, you are required to file a letter to that effect.

Sincerely,


James J. McNulty
Secretary

cc: Greg Shawley
Pat Burkett



One South Centre Street
P.O. Box 1150
Pottsville, PA 17901

RECEIVED

00 SEP -1 PM 3: 08

BUREAU OF
FIXED UTILITY SERVICES

IRREVOCABLE STANDBY LETTER OF CREDIT

August 4, 2000

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

DOCKETED

SEP 22 2000

To Whom It May Concern:

DOCUMENT FILED
This Irrevocable Standby Letter of Credit No. 348710-202 ("Letter of Credit") is issued on behalf of Jack Rich, Incorporated ("Applicant") in favor of the Pennsylvania Public Utility Commission, ("Beneficiary") in an aggregate amount not to exceed Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) United States currency, effective immediately and expiring on August 4, 2001 ("expiration date").

Funds under this Letter of Credit are available against a sight draft on us for all or any portion of this credit when accompanied by the following:

1. The original of this Letter of Credit.
2. A written statement from the Beneficiary that the Applicant has not complied with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, *et seq.* and the rules and regulations of the Pennsylvania Public Utility Commission by the Applicant as a licensed electric generation supplier or the Applicant has not paid the Gross Receipts Tax as required by Section 2810 of the Public Utility Code 66 Pa C.S. 2810 or the Applicant has not supplied electricity at retail in accordance with contracts, agreements or arrangements. Therefore, reimbursement is required in the amount up to \$250,000.00

NOW THEREFORE, the condition of this obligation is such that the Applicant must act in accordance with Section 2809 (c)(1)(i) of the Public Utility Code, 66 Pa. C.S. 2809 (c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, *et seq.* and the rules and regulation of the Pennsylvania Public Utility Commission by the Applicant as a licensed electric generation supplier; to ensure the

Pennsylvania Public Utility Commission

August 4, 2000

Page Two

payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa. C.S. 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangement. Payment of claims shall have the following priority: (I) The Commonwealth of Pennsylvania; (II) Electric Distribution Companies for the reimbursement of Gross Receipts Tax; and (III) Private Individuals. Proceeds of the letter of credit may not be used to pay any penalties or fines levied against the Applicant for violations of the law, or for the payment of any other tax obligations owed to the Commonwealth of Pennsylvania.

This Letter of Credit sets forth the full terms of our obligation to the Pennsylvania Public Utility Commission. It is separate from and shall not be subject to or supplemented or modified by any agreement which refers to this Letter of Credit or to which this Letter of Credit relates.

We will promptly honor all drafts drawn in compliance with the terms of this Letter of Credit for a period of sixty (60) days after the expiration date, at Keystone Financial Bank, N.A., One South Centre Street, Pottsville, Pa. 17901, Attn: Commercial Loan Department.

Except so far as otherwise expressly stated, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500," including amendments and successor publications, and to the Uniform Commercial Code of Pennsylvania, 13 P.S. 5101 et seq. and as otherwise interpreted under Pennsylvania Law.

Sincerely

KEYSTONE FINANCIAL BANK, N.A.



Kenneth E. Stolarick
Vice President

(LC JRich 202)

Docketing

RECEIVED

AUG 10 2000

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

A 110094

DOCUMENT
FOLDER

IRREVOCABLE STANDBY LETTER OF CREDIT

August 4, 2000

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

DOCKETED
AUG 17 2000

To Whom It May Concern:

This Irrevocable Standby Letter of Credit No. 348710-202 ("Letter of Credit") is issued on behalf of Jack Rich, Incorporated ("Applicant") in favor of the Pennsylvania Public Utility Commission, ("Beneficiary") in an aggregate amount not to exceed Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) United States currency, effective immediately and expiring on August 4, 2001.

Funds under this Letter of Credit are available against a sight draft on us for all or any portion of this credit when accompanied by the following:

1. The original of this Letter of Credit.
2. A written statement from the Beneficiary that the Applicant has not complied with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, et seq. and the rules and regulations of the Pennsylvania Public Utility Commission by the Applicant as a licensed electric generation supplier or the Applicant has not paid the Gross Receipts Tax as required by Section 2810 of the Public Utility Code 66 Pa C.S. 2810 or the Applicant has not supplied electricity at retail in accordance with contracts, agreements or arrangements. Therefore, reimbursement is required in the amount up to \$250,000.00

This Letter of Credit is written in accordance with Section 2809 (c)(1)(i) of the Public Utility Code, 66 Pa C.S. 2909(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, et seq. and the rules and regulations of the Pennsylvania Public Utility Commission by the Applicant as a licensed electric generation

Pennsylvania Public Utility Commission
August 4, 2000
Page Two

supplier, to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa. C.S. 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. Payments made pursuant to this Letter of Credit shall ensure first to the benefit of the Commonwealth, and second, to any and all retail electric generation customers to whom the Applicant may be held legally liable for failure to supply electric generation pursuant to contract, agreements or arrangements. Any claims made by the Commonwealth shall have priority over claims made by private individuals. Proceeds of the Letter of Credit may not be used to pay any penalties or fines levied against the Applicant for violations of the law, or for payment of any other tax obligations owed to the Commonwealth.

This Letter of Credit sets forth the full terms of our obligation to the Pennsylvania Public Utility Commission. It is separate from and shall not be subject to or supplemented or modified by any agreement which refers to this Letter of Credit or to which this Letter of Credit relates.

We will promptly honor all drafts drawn in compliance with the terms of this Letter of Credit if received no later than 11:00 a.m. on August 4, 2001, at Keystone Financial Bank, N.A., One South Centre Street, Pottsville, Pa. 17901, Attn: Commercial Loan Department.

Except so far as otherwise expressly stated, this Letter of Credit is subject to the "Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500," including amendments and successor publications, and to the Uniform Commercial Code of Pennsylvania, 13 P.S. 5101 et. seq. and as otherwise interpreted under Pennsylvania Law.

Sincerely

KEYSTONE FINANCIAL BANK, N.A.



Kenneth E. Stolarick
Vice President

(LC JRich 202)



One South Centre Street
P.O. Box 1150
Pottsville, PA 17901

RECEIVED

00 SEP -1 PM 3: 08

DOCUMENT
FOLDER

BUREAU OF
FIXED UTILITY SERVICES

August 22, 2000

A-110094

Pennsylvania Public Utility Commission
P O Box 3265
Harrisburg, Pa. 17105-3265

RE: Irrevocable Standby Letter of Credit #348710-202

To Whom It May Concern,

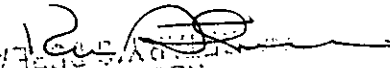
I am enclosing an amended Irrevocable Standby Letter of Credit No. 348710-202 issued on behalf of Jack Rich, Incorporated ("Applicant"). I spoke with Darren Gill earlier this week and, as a result, made the following changes to the letter:

1. Paragraph 3 has been amended in accordance with specific language provided by Mr. Gill.
2. A provision has been inserted to permit drawings for a period of up to 60 days from the expiration date.

It is my understanding that the Applicant's file is reviewed each year on October 30th. I indicated to Mr. Gill that the Bank would consider extending the expiration date to October 30, when it is reviewed next year. Given the fact that the letter was already approved and documented, I did not amend the August 4, 2001 expiration date.

I hope you find this amended letter acceptable. If so, I would appreciate it if you would return the letter of credit I issued originally, to my attention. If you have any questions, please feel free to call me at (570) 628-9214.

Sincerely,


 RECEIVED
 BUREAU OF
 FIXED UTILITY SERVICES
 Kenneth E. Stolarick
 Vice President

729585

cc: Darren Gill



Trade Services

doc

JIM SHURSKIS
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF FIXED SERVICES P.O. BOX 3265
HARRISBURG, PA 17105-3265

A-110094

DOCUMENT
FOLDER

Attached is our original Letter of Credit issued in your favor.

Please examine carefully the terms of the credit, assuring yourself of the completeness and exactness of the instrument.

Should you have any questions regarding the terms of the Credit(s) please contact a Trade Services representative at 1-800-724-1268.

RECEIVED
01 AUG - 6 PM 1:23
P.U.C.
SECRETARY'S BUREAU

88



Manufacturers and Traders Trust Company

Trade Services
One Fountain Plaza
Buffalo, NY 14203-1495

Cable Address: MANDTBANK
Telex Number: 420076
Answer Back: MANDTBANK NYK
Swift Number: MANTUS 33
Telephone: (716) 848-3597
(800) 724-1268

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 15904 PAGE 1 OF 3

ISSUING BANK:
MANUFACTURERS AND TRADERS TRUST COMPANY
TRADE SERVICES - 2ND FLOOR
ONE FOUNTAIN PLAZA
BUFFALO, NEW YORK 14203-1495

Manufacturers and Traders Trust Company ("M&T Bank") hereby issues this Irrevocable Standby Letter of Credit (the "Credit") for the account of JACK RICH, INCORPORATED (the "Applicant") in favor of COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA PUBLIC UTILITY COMMISSION (the "Beneficiary").

ISSUE DATE: AUGUST 3, 2001

BENEFICIARY: COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF FIXED SERVICES
P.O. BOX 3265
HARRISBURG, PA 17105-3265

DOCKETED
AUG 21 2001

APPLICANT: JACK RICH, INCORPORATED
RT. 61, ALTAMONT BLVD.
FRACKVILLE, PA 17931-2411

DOCUMENT FOLDER

EXPIRATION DATE AT M&T BANK: AUGUST 5, 2002 or any extended date

MAXIMUM STATED AMOUNT: USD250,000.00
TWO HUNDRED FIFTY THOUSAND AND 00/100 USD

The Credit shall be available by:

1. THE BENEFICIARY'S DRAFTS DRAWN AT SIGHT ON M&T BANK BEARING THE CLAUSE "DRAWN UNDER M&T BANK LETTER OF CREDIT NUMBER 15904."
2. THE ORIGINAL OF THIS CREDIT.
3. A CERTIFICATE ON BENEFICIARY'S LETTERHEAD IN THE FORM OF EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE AND PURPORTEDLY EXECUTED ON BEHALF OF THE BENEFICIARY.

PARTIAL DRAWINGS ARE PERMITTED.



Trade Services
One Fountain Plaza
Buffalo, NY 14203-1495

Cable Address: MANDTBANK
Telex Number: 420076
Answer Back: MANDTBANK NYK
Swift Number: MANTUS 33
Telephone: (716) 848-3597
(800) 724-1268

PAGE 2 OF 3

LETTER OF CREDIT NO. 15904

It is a condition of this Credit that it shall be deemed automatically extended without amendment for one year from the expiration date hereof, or any future expiration date, unless 90 days prior to any expiration date M&T Bank notifies the Beneficiary in writing that M&T Bank elects not to consider this Credit renewed for any such additional period.

ALL BANKING CHARGES OTHER THAN THOSE OF M&T BANK ARE FOR THE ACCOUNT OF THE BENEFICIARY.

This Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce Publication No. 500 (the "UCP"). As to matters not governed by the UCP, this Credit is subject to the laws of New York State as in effect from time to time.

M&T Bank hereby agrees with the Beneficiary that drafts drawn under and in compliance with the terms of this Credit shall be duly honored upon presentation, by mail or overnight mail courier, to M&T BANK, ATTN: TRADE SERVICES - 2ND FLOOR, ONE FOUNTAIN PLAZA, BUFFALO, NEW YORK 14203-1495 on or before the expiration date stated above.

If the Beneficiary or its agent or another third party purportedly acting on behalf of the Beneficiary instructs M&T Bank to send the proceeds of the Credit to a specified account at a financial institution other than M&T Bank, M&T Bank will make such payment on the basis of the account number that appears in the Beneficiary's instructions. M&T Bank shall incur no liability if the Beneficiary's instructions do not identify the Beneficiary's account. Beneficiary will be assessed a fee of US \$25.00 for remittance made via official check.

This Credit sets forth in full M&T Bank's undertaking. The Credit is a separate transaction from any contract on which it may be based and the Bank is in no way concerned or bound by such contract(s) even if a reference to such contract(s) is included in the Credit

MANUFACTURERS AND TRADERS TRUST COMPANY

By: 

Betty Barabasz
Assistant Manager
Trade Services



M&T Bank
Manufacturers and Traders Trust Company

Trade Services
One Fountain Plaza
Buffalo, NY 14203-1495

Cable Address: MANDTBANK
Telex Number: 420076
Answer Back: MANDTBANK NYK
Swift Number: MANTUS 33
Telephone: (716) 848-3597
(800) 724-1268

PAGE 3 OF 3

LETTER OF CREDIT NO. 15904

CERTIFICATE TO BE TYPED ON LETTERHEAD

EXHIBIT A
Certificate

Manufacturers and Traders Trust Company
Attention: Trade Services - 2nd Floor
One Fountain Plaza
Buffalo, New York 14203-1495

RE: Irrevocable Standby Letter of Credit No. 15904

Ladies and Gentlemen:

The undersigned hereby certifies to Manufacturers and Traders Trust Company as Issuer of the above referenced Letter of Credit (the "Credit"):

1. I am a duly authorized official of COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA PUBLIC UTILITY COMMISSION (the "Beneficiary").
2. JACK RICH, INCORPORATED has not complied with the applicable provisions of the Public Utility Code, 66 PA C.S. 101, et seq. And the rules and regulations of the Pennsylvania Public Utility Commission by the Applicant as a licensed electric generation supplier.
and/or
The Applicant has not paid the Gross Receipts Tax as required by Section 2810 of the Public Utility Code 66 PA C.S. 2810.
and/or
The Applicant has not supplied electricity at retail in accordance with contracts, agreements or arrangements.
3. Beneficiary is hence entitled to and is making a drawing under the Credit in the amount of U.S. \$ _____.

The Beneficiary has executed this Certificate as of the _____ day of _____, 20__.

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

By: _____
Typed Name: _____
Title: _____



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-110094

June 4, 2002

DOCKETED

SEP 3 2002

DOCUMENT FOLDER

JACK RICH INC
617 ALTAMONT BLVD.
FRACKVILLE PA 17931-

ATTENTION: ROBERT B HOPPE

RE: License Bond or Other Financial Security

Dear Mr. Hoppe:

Pursuant to 66 Pa. C.S. §2809(c), no electric supplier license shall remain in force unless the licensee furnishes a bond or other security approved by the Commission to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail. The Commission's records indicate that the bond or other approved security provided by Jack Rich Inc will have been in place for approximately one year on 8/5/02.

The Commission's regulations at 52 Pa. Code §54.40(d) require "the security level for each licensee will be reviewed annually and modified primarily based upon the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts." The minimum security level provided may not be less than the initial security level provided when the license was granted. Unless approved by the Commission, the initial security level is \$250,000.

The Commission's regulations at 52 Pa. Code §54.39(b) require a licensee to file an annual report on or before April 30 of each year, for the previous calendar year, in order to comply with 66 Pa. C.S. §2810(c)(6). This report discloses the total amount of gross receipts from the sale of electricity and the total amount of electricity sold during the preceding calendar year. You must use this same information in calculating the appropriate security level necessary to maintain your license.

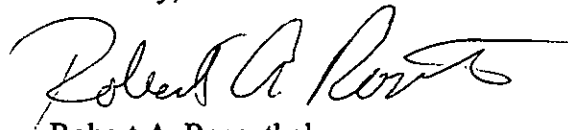
In order for your company to maintain its status as a licensed electric supplier in the Commonwealth of Pennsylvania, it must provide proof to the Commission that a bond or other approved security has been obtained.

Your response in this matter is requested within fifteen (15) days of the date of this letter. Submit your response to the Commission's Secretary. Additionally, fax a copy of your response to James Shurskis at (717) 787-4750, Bureau of Fixed Utility Services.

Failure to respond to this matter within fifteen (15) days will cause Commission staff to initiate a formal proceeding, that may lead to the following: cancellation of your company's electric supplier license, removal of your information from the Commission's website and notification to all electric distribution companies, in which your company is licensed to do business, of the cancellation of the license.

Please direct any questions to James Shurskis at (717) 787-8763 or Darren Gill at (717) 783-5244, Bureau of Fixed Utility Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Rosenthal
Director, Bureau of Fixed Utility Services

cc: J. McNulty, Secretary ✓