



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Vasiliki Karandrikas
Direct Dial: 717.237.5274
Direct Fax: 717.260.1707
vkarandrikas@mwn.com

April 18, 2013

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

VIA HAND DELIVERY

**RE: Application of SFE Energy Pennsylvania, Inc. (d/b/a SFE or SFE Energy) for Approval To Offer, Render, Furnish, or as a Supplier and/or Aggregator of Natural Gas to the Public in the Commonwealth of Pennsylvania;
Docket No. A-2013-2346185**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") please find the data responses of SFE Energy Pennsylvania, Inc. (d/b/a SFE or SFE Energy) ("SFE"), in the above-referenced proceeding.

SFE respectfully requests that the Commission grant confidential treatment of the documents found at Attachments B, C, and D. SFE believes this information is of a proprietary or confidential nature because it may reveal nonpublic financial information, sensitive information about SFE's current and future business plans, and other information that is commercially sensitive and whose release may be injurious to SFE's competitive position. To this end, the proprietary confidential information set forth in Attachments B through D is so designated by being stamped "Confidential" and is being provided under protective seal to the Commission only. For these reasons, SFE requests that the Commission treat these documents as confidential and prevent public disclosure in accordance with the Commission's procedures. Any party desiring access to the foregoing responses can contact the undersigned counsel with such a request.

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Rosemary Chiavetta, Secretary
April 18, 2013
Page 2

Please date stamp an extra copy of this transmittal letter, and kindly return it for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Charis Mincavage
Vasiliki Karandrikas

Counsel to SFE Energy Pennsylvania, Inc., d/b/a
SFE or SFE Energy

VK/sds

Enclosures

c: Jeff McCracken, Bureau of Technical Utility Services (via E-mail)
Certificate of Service

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**RESPONSES OF SFE ENERGY PENNSYLVANIA, INC.
(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

1. Reference application, Section 5, Business Entity and Department of State Filings – Applicant claims that Michael Gerald Haggarty is the President, Secretary, and Treasurer of the organization. In the organization chart, it shows that the parent of SFE Energy is Summitt Energy, Inc. Is this the same Summitt Energy that was purchased by Schneider Electric, or is this a different Summitt Energy? If this is the same Summitt Energy, has the management changed? Also, please provide the web address for the parent organization. Please provide original documents by using the submission method listed above.

RESPONSE:

SFE Energy Pennsylvania, Inc.'s ("SFE") parent company is Summitt Energy, Inc. ("Summitt"), which is a privately held company located in Mississauga, Ontario, Canada. Summitt is a retail energy marketer who provides natural gas and electricity to homes and businesses across Canada. For more detailed information about Summitt, please visit: summitt.ca.

Summitt is not the entity that was acquired by Schneider Electric in 2011. Based on preliminary research performed in response to this data request, it is Summitt's understanding that Schneider Electric acquired a Kentucky-based company called Summit Energy Services, Inc., which is in the business of providing energy procurement, risk management, market intelligence, data management and sustainability consulting to commercial, industrial, and institutional enterprises in North America, South America, Europe, Asia, and Australia. See <http://www.summitenergy.com/news/press-releases/Schneider-Electric-Acquires-Summit-Energy>. Thus, despite the similarity in name, Summitt is not the same entity as, nor does it have any relationship to, Summit Energy Services, Inc.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

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(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

2. Reference application, Section 13, Publications – Applicant is required to publish notices in select newspapers, depending on their intended service area. Furthermore, applicant is required to provide Notarized Proofs of Publication from these newspapers in the application package. Applicant has provided Proofs of Publication in 4 newspapers. However, applicant must also provide Proofs of Publication for the *Erie Times-News* and the *Pittsburgh Post-Gazette*, both of which are required to provide natural gas services in the service territory of Peoples Natural Gas Company. Please provide original documents by using the submission method listed above.

RESPONSE:

Because the NGS Application materials do not contain a list of newspapers of general circulation for the Peoples Natural Gas Company's service territory, Applicant's notice was not submitted for publication to the *Erie Times-News* and *Pittsburgh Post-Gazette*.

Per this data request, SFE submitted the notices for publication in the *Erie Times-News* and *Pittsburgh Post-Gazette*, on Thursday, April 11, 2013. The proofs of publication are set forth in Attachment A hereto.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

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Attachment A

PROOF OF PUBLICATION
In
THE ERIE TIMES-NEWS
COMBINATION EDITION

SUMMITT ENERGY
100 MILVERTON DR SUITE 608
MISSISSAUGUA ON
L5R4H1

REFERENCE: L0005957
2110263 PUC NOTICE

STATE OF PENNSYLVANIA)
COUNTY OF ERIE) SS:

Lisa L. Frampton, being duly sworn, deposes and says that: (1) she is a designated agent of the Times Publishing Company (TPC) to execute Proofs of Publication on behalf of the TPC; (2) the TPC, whose principal place of business is at 205 W. 12th Street, Erie, Pennsylvania, owns and publishes the Erie Times-News, established October 2, 2000, a daily newspaper of general circulation, and published at Erie, Erie County Pennsylvania; (3) the subject notice or advertisement, a true and correct copy of which is attached, was published in the regular edition(s) of said newspaper on the date(s) referred to below. Affiant further deposes that he/she is duly authorized by the TPC, owner and publisher of the Erie Times-News, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

PUBLISHED ON: 04/11

TOTAL COST: 294.00 AD SPACE: 7.000 INCH
FILED ON: 04/11/13

Sworn to and subscribed before me this

11th day of April 2013 Affiant: *Lisa L. Frampton*

NOTARY: *Barbara J. Moore*

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Barbara J. Moore, Notary Public
City of Erie, Erie County
My Commission Expires March 23, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE
Application of SFE Energy Pennsylvania, Inc. (doing business as SFE Energy or SFE) For Approval to Offer, Render, Furnish Natural Gas Supply Services as a Marketer/Broker or Aggregator Engaged in The Business of Supplying Natural Gas Supply Services, To The Public in The Commonwealth of Pennsylvania, Docket No. A-2013-2346185.
On February 1, 2013, SFE Energy filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier of natural gas, and (2) a broker/marketer engaged in the business of supplying natural gas, and (3) an aggregator engaged in the business of supplying natural gas supply services. SFE Energy proposes to sell natural gas and related services throughout all of Pennsylvania under the provision of the new Natural Gas Choice and Competition Act.
The PUC may consider this application without a hearing. Protests to the technical or financial fitness of SFE Energy may be filed within 15 days of this notice with the Secretary of the PUC, PO Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to SFE Energy's attorney at the address listed below. Please include the PUC's "docket number" on any correspondence, which is A-2013-2346185.
By and through Counsel: Charles Mincavage McNeese Wallace & Nurick LLC 100 Pine Street, P.O. Box 1166 Harrisburg, PA 17108-1166 717.232.8000 (p) 717.237.5300 (f) cmincavage@mwnc.com

03201112

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss C. Mohamed, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the _____ regular _____ editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

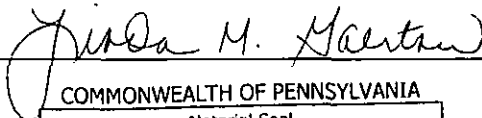
11 of April, 2013

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



PG Publishing Company

Sworn to and subscribed before me this day of:
April 11, 2013



COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Linda M. Gaertner, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 31, 2015

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**COPY OF NOTICE
OR PUBLICATION**PENNSYLVANIA
PUBLIC UTILITY
COMMISSION
NOTICE

Application of SFE Energy Pennsylvania, Inc. (doing business as SFE Energy or SFE) For Approval to Offer, Render, Furnish Natural Gas Supply Services as a Marketer/Broker or Aggregator Engaged in The Business of Supplying Natural Gas Supply Services, To The Public In The Commonwealth of Pennsylvania. Docket No. A-2013-2346185.

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The PUC may consider this application without a hearing. Protests to the technical or financial fitness of SFE Energy may be filed within 15 days of this notice with the Secretary of the PUC, PO Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to SFE Energy's attorney at the address listed below. Please include the PUC's "docket number" on any correspondence, which is A-2013-2346185.

By and Through Counsel:
Charis Mincavage
McNees Wallace &
Nurick LLC
100 Pine Street,
P.O. Box 1166
Harrisburg, PA
17108-1166
717.232.8000 (p)
717.237.5300 (f)
cmincavage@mw1.com

STATEMENT OF ADVERTISING COSTS

Summitt Energy
Attn: Gaetana Girardi
1600 Milverton Dr, Ste 608
Mississauga ON L5R 4H1

To PG Publishing Company

----- \$532.50

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
34 Boulevard of the Allies
PITTSBURGH, PA 15222
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By 

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

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Application of SFE Energy Pennsylvania, Inc. (d/b/a SFE or SFE Energy) for
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**RESPONSES OF SFE ENERGY PENNSYLVANIA, INC.
(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

3. Reference application, Section 15, Compliance – Applicant has provided documentation related to ongoing compliance and/or civil proceedings for the parent and related organizations. However, most of the proceedings aren't very specific on the attachment. Could you please provide more information related to these claims? Furthermore, how many of these proceedings/complaints claimed there were fraudulent and/or unfair practices involved? Please provide an original document by using the submission method listed above. Applicant can elect to mark submitted information as confidential.

RESPONSE:

Please see Attachment B hereto, which contains a revised Exhibit 4 to SFE's NGS Application that provides the additional information requested by the Commission.

Attachment B is provided under protective seal to the Commission only because it contains Confidential information, as noted in the transmittal letter.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

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4. Reference application, Section 15, Compliance – Applicant has provided a list of regulatory actions taken against the parent and related organizations, with one in particular being listed as having "...sales agents engaged in 28 incidents of unfair practices." Please provide specific details of these practices, as well as any additional information related to these cases. What actions caused the sanctions? What actions were taken in regards to the employees involved? What practices have been implemented to prevented reoccurrences of these practices in the future? Please provide an original document by using the submission method listed above. Applicant can elect to mark submitted information as confidential.

RESPONSE:

Please see Attachment C hereto, which provides the additional information requested by the PUC.

Attachment C is provided under protective seal to the Commission only because it contains Confidential information, as noted in the transmittal letter.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

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**RESPONSES OF SFE ENERGY PENNSYLVANIA, INC.
(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

5. Reference application, Section 15, Compliance – Applicant has provided a list of complaints, as well as Marketing Activity for several years. Are the amounts listed as "Marketing Activity (Total Contracts Signed)" the total amount of customers for the various businesses, or is it only new contracts signed that year? If it is only new contracts, please provide the total number of customers the organization(s) had during those years. Please provide an original document by using the submission method listed above. Applicant can elect to mark submitted information as confidential.

RESPONSE:

Please see Attachment D hereto, which provides the information requested by the PUC.

Attachment D is being provided under protective seal to the Commission only because it contains Confidential information, as noted in the transmittal letter.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

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(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

6. Reference Application, Sections 19 through 24 – Applicant has left these questions blank on their application. However, these questions are required. Please resubmit these particular pages of the application with responses. Please note, it is acceptable to simply type AGREED in response to these questions. Please provide an original document by using the submission method listed above.

RESPONSE:

Per the Commission's directive, SFE has revised Sections 19-24 and is re-submitting the relevant pages, which are attached hereto as Attachment E.

RESPONSE PROVIDED BY:

**Gaetana Girardi, Director, Compliance & Regulatory Affairs, Summitt Energy, Inc.
April 18, 2013**

- Identify Applicant's chief officers including names and their professional resumes.
Shelley Lewis. Her resume is included in Exhibit 10, Attachment 4.
- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.

Shelley Lewis, CFO
SFE Energy Pennsylvania, Inc.
Suite 608, 100 Milverton Drive
Mississauga, Ontario, Canada
L5R4H1
Phone: 905-366-7004
Fax: 905-366-7011
Email: slewis@summittenergy.ca

18. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by natural gas utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.
- A copy of any Federal energy license currently held by the Applicant.
- Proposed staffing and employee training commitments.
- Business plans.

Please refer to Exhibit 10 for the technical fitness write-up of the Applicant. The Applicant has requested in its Motion for Protective Order that this information remain confidential and not be released to the public.

19. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa. C.S. Section 2208(D). Transferee will be required to file the appropriate licensing application.

Agreed

20. **UNIFORM STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.

Agreed

21. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:

- a. Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on an annual basis no later than 30 days following the end of the calendar year.

Agreed

Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 22 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive natural gas market. Agreed

22. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.

Agreed

23. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.

Agreed

24. **FEE:** The Applicant has enclosed the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania.

Agreed

Applicant:: SFE Energy Pennsylvania, Inc.

By: [Signature] Gaetana Girardi

Title: Director, Compliance & Regulatory Affairs

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(D/B/A SFE OR SFE ENERGY) TO DATA REQUESTS**

7. Reference application Affidavits – As required, applicant has provided the three Affidavits included in the application package. However, two of the Affidavits submitted don't have expiration dates for the official administering the oath, and the seal is too black/dark to read. Could you please explain the lack of the expiration, and provide a copy with the seal visible? Please provide an original document by using the submission method listed above.

RESPONSE:

The two above-referenced affidavits were notarized by Stephen I. Selznick, who serves as corporate counsel to SFE in Canada. Mr. Selznick is a Barrister and Solicitor in good standing with the Law Society of Upper Canada. Per an appointment tied to this status, Mr. Selznick is a Notary Public in and for the Province of Ontario, Canada. Accordingly, there is no expiration date for Mr. Selznick's appointment as a Notary Public. The seals that appear on the above-referenced affidavits are Mr. Selznick's official Notary Public seals. The original seals are affixed to the original copies of the signed affidavits, which are on file with the PUC Secretary's Office.

RESPONSE PROVIDED BY:

Stephen I. Selznick, Cassels Brock Lawyers, Counsel to Summitt Energy, Inc.
April 18, 2013

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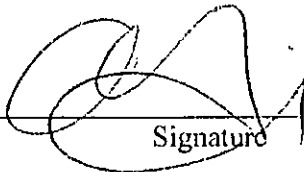
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of SFE Energy Pennsylvania,	:	
Inc. (d/b/a SFE or SFE Energy) for Approval	:	
To Offer, Render, Furnish, or as a Supplier	:	Docket No. A-2013-2346185
and/or Aggregator of Natural Gas to the	:	
Public in the Commonwealth of	:	
Pennsylvania	:	

VERIFICATION

I, Geekie Givoni, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

April 17, 2013
Date


Signature

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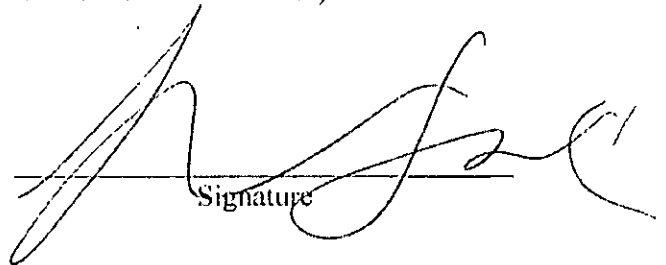
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and/or Aggregator of Natural Gas to the	:	
Public in the Commonwealth of	:	
Pennsylvania	:	

VERIFICATION

I, STEPHEN I. SELZNICK, hereby state that the facts concerning my notarial appointment and status as a barrister and solicitor in the attached E Mail are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

April 11th, 2013
Date


Signature

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of Sections 1.57, 1.58 and 5.14.

VIA FIRST-CLASS MAIL

Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120

Office of Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Street
Harrisburg, PA 17120

Office of the Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

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

PECO
Carlos Thillet, Manager, Gas Supply and
Transportation
2301 Market Street, S9-2
Philadelphia, PA 19103

Peoples Natural Gas Company LLC
Lynda Petrichevich
375 North Shore Drive, Suite 600
Pittsburgh, PA 15212

Philadelphia Gas Works
Douglas Moser
800 West Montgomery Avenue
Philadelphia, PA 19122

UGI
David Beasten
2525 N. 12th Street, Suite 360
Reading, PA 19612-2677


Vasiliki Karandrikas

Counsel to SFE Energy Pennsylvania, Inc.,
d/b/a SFE or SFE Energy

Dated this 18th day of April 2013, in Harrisburg, Pennsylvania.

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