



Eckert Seamans Cherin & Mellott, LLC  
213 Market Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17101

TEL 717 237 6000  
FAX 717 237 6019  
www.eckertseamans.com

Deanne M. O'Dell  
717.255.3744  
dodell@eckertseamans.com

December 5, 2014

**Via Hand Delivery**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Petition of Energy Plus Holdings LLC to Revise its Required Level of Financial Security,  
Docket No. A-2009-2139745

Dear Secretary Chiavetta:

Enclosed for filing please find the Petition of Energy Plus Holdings LLC along with a check in the amount of \$350 for the filing fee. Please be advised that some of the attachments are marked **confidential** and should be handled accordingly.

Sincerely,

A handwritten signature in cursive script that reads "Deanne M. O'Dell".

Deanne M. O'Dell

DMO/lww  
Enclosure

cc: Attached Certificate of Service w/enc.

RECEIVED  
2014 DEC -5 PM 2:04  
SECRETARY'S OFFICE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Energy Plus Holdings LLC to :  
Revise Its Required Level of Financial : Docket No. A-2009-2139745  
Security :

RECEIVED  
2014 DEC -5 PH 2:04  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

---

**PETITION OF ENERGY PLUS HOLDINGS LLC**

---

Pursuant to the Commission's Final Order entered on July 24, 2014 at Docket Number M-2013-2393141 ("*Financial Security Order*"), Energy Plus Holdings LLC ("Energy Plus") requests that the Commission reduce the level of security it is required to maintain with the Commission from the current 10% to 5% of its last twelve months of revenue. Energy Plus is not seeking any changes to the current financial security instrument utilized to meet this requirement and, if approved, would submit a revised instrument. In support of this request, Energy Plus states as follows:

1. Energy Plus is currently licensed as an electric generation supplier ("EGS") for all customer classes within the Commonwealth of Pennsylvania. The EGS license was approved on January 15, 2010.

2. Energy Plus has maintained its license in good standing and is compliant with its current financial security requirements.

3. Pursuant to the *Financial Security Order*, the Commission concluded that an EGS, following its first year of operations, may petition to have its bonding requirement reduced from 10% to 5% of the EGS's last 12 months of revenue or \$250,000, whichever is higher, so long as the revised amount still meets the other criteria set forth in 52 Pa Code § 54.40(f).

*Financial Security Order* at 11-12.

4. The Commission also requested that EGSs seeking to revise their financial security requirements provide the following information with the request:

- Gross revenues for the sale of electricity to retail customers in Pennsylvania for the most recent 12 months;
- The amount of gross receipts taxes that the EGS has prepaid towards its estimated revenues for the current calendar year;
- Available AEPS compliance data from the most recent 12 months; and.
- Copies of all Department of Revenue documents that support the EGS's request (i.e., Gross Receipts Tax Returns for the prior three years).

5. In support of its Petition, Energy Plus is including the following attachments:

Attachment	Description
A <b>CONFIDENTIAL</b>	Energy Plus' gross revenues for the sale of electricity to retail customers in Pennsylvania from September 1, 2013 through October 31, 2014
B <b>CONFIDENTIAL</b>	Documentation Verifying Payment of Gross Receipts Estimated 2014 Liability
C <b>CONFIDENTIAL</b>	Proof of payment of Pennsylvania taxes for 2011-2013
D <b>CONFIDENTIAL</b>	Available AEPS compliance data from the most recent 12 months

6. Energy Plus submits that this supporting documentation is consistent with the Commission's *Financial Security Order* and provides appropriate support to grant its Petition. Importantly, granting Energy Plus' Petition will not in any way impede Energy Plus' ability to comply with 66 Pa. C.S. § 2809(c) or 52 Pa Code § 54.40(a) which requires Energy Plus to maintain enough financial security to ensure financial responsibility, the payment of gross receipts tax and the supply of electricity at retail. Finally, granting Energy Plus' petition will enable Energy Plus to better allocate resources to developing retail products for the benefit of consumers.

7. As Energy Plus is not seeking any revision to its current financial security instrument, if this Petition is approved, then Energy Plus will submit a newly revised bond to the Commission to replace the one currently in effect.

8. Energy Plus is prepared to work with the Commission's Bureau of Technical Utility Services to process this request and provide any additional input as needed.

**WHEREFORE**, Energy Plus respectfully requests that the Commission grant this petition and permit Energy Plus to maintain financial security in the amount of 5% of its last twelve months of revenue secured through surety bonds.

Respectfully submitted,



---

Daniel Clearfield, Esquire  
Attorney ID 26183  
Deanne M. O'Dell, Esquire  
Attorney ID 81064  
Eckert Seamans Cherin & Mellott, LLC  
213 Market St., 8th Floor  
Harrisburg, PA 17101  
717.237.6000  
Fax 717.237.6019

Date: December 5, 2014

Attorneys for Energy Plus Holdings, LLC

RECEIVED  
2014 DEC -5 PM 2:04  
PA'S  
SECRETARY'S BUREAU

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of Petition of Petition Of Energy Plus Holdings LLC (Public Version) upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via First Class Mail**

Office of Consumer Advocate  
555 Walnut Street  
5th Floor Forum Place  
Harrisburg, PA 17101-1923

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

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

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

Office of Small Business Advocate  
Commerce Building, Suite 202  
300 North Second Street  
Harrisburg, PA 17101

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

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

Legal Department  
Attn: Paul Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

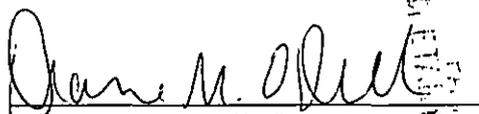
Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12th Street, Suite 360  
Post Office Box 12677  
Reading, Pa 19612-2677

Met-Ed, Penelec, and Penn Power:  
Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

Dated: December 5, 2014

  
Deanne M. O'Dell, Esq.

RECEIVED  
2014 DEC -5 PM 2:04  
SECRETARY OF STATE