

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

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March 30, 2015

**VIA ELECTRONIC FILING**

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

**Re: Application of New America Power, LLC for Approval to Offer, Render, Furnish  
or Supply Natural Gas Services as a Broker/Marketer  
Docket No. A-2015-2468241**

Dear Secretary Chiavetta:

Enclosed please find the responses of New America Power, LLC to the data requests issued in connection with the above-referenced matter. Complete versions of these responses are being provided to Stephen Jakab of the Bureau of Technical Utility Services.

If you have questions, please do not hesitate to contact me.

Very truly yours,

STEVENS & LEE



Michael A. Gruin

Encl.

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
• Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

SL1 1359543v1 109168.00001

1. Reference application, Sections 1.e, Identification and Contact Information – Applicant failed to include an alternate contact for complaints and customer service. The application requires the full contact information for a primary and an alternate contact. Please provide an updated sheet to reflect both contacts. Please provide an original by using the submission method listed above.

**RESPONSE:**

See enclosed amended Page 5 of Application including information for alternate contact

- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** Provide the name, title, address, telephone number, fax number, and e-mail of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Natural Gas Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed NGSs.

Stephen Esposito  
President, CEO  
41 University Drive  
Suite 400  
Newtown PA 18940  
(P) 866-552-4342  
(F) 866-266-6217  
[steve@newamericapower.com](mailto:steve@newamericapower.com)

Claire Esposito  
Secretary  
41 University Drive  
Suite 400  
Newtown, PA 18940  
(P) 866-552-4342  
(F) 866-266-6217  
[Claire@newamericapower.com](mailto:Claire@newamericapower.com)

## 2. BUSINESS ENTITY FILINGS AND REGISTRATION

- a. **FICTITIOUS NAME:** *(Select appropriate statement and provide supporting documentation as listed.)*

The Applicant will be using a fictitious name or doing business as ("d/b/a")

Provide a copy of the Applicant's filing with Pennsylvania's Department of State Pursuant to 54 Pa. C.S. §311.

**Or**

The Applicant will not be using a fictitious name.

- b. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

*(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)*

The Applicant is a sole proprietor.

- If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

**Or**

The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)
- domestic limited liability partnership (15 Pa. C.S. §8201)

2. Reference application, Section 2, Business Entity and Department of State Filings – The application requires the company’s Formation documentation. Please provide an original by using the submission method listed above.

**RESPONSE:**

A copy of the Applicant’s Certificate of Organization as filed with the Pennsylvania Department of State was attached as Exhibit 1 to the Application. Another copy is enclosed herewith.

ST, PA04B

From: pac4b@state.pa.us  
Sent: Wednesday, November 24, 2010 2:54 PM  
To: ST, PA04B  
Subject: PA04B New Registration **308704**

**PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU  
Certificate of Organization  
Domestic Limited Liability Company  
(15 Pa.C.S. § 8913)**

Document will be returned to the name and address you enter below.

Name  
**Stephen Esposito**  
Address  
**310 East Elm Street**  
Address

City State Zip  
**Conshohocken PA 19428**

Email: [steve@newamericapower.com](mailto:steve@newamericapower.com)

Commonwealth of Pennsylvania  
CERTIFICATE OF ORGANIZATION 2 Page(s)



Fee: \$125

In compliance with the requirements of 15 Pa.C.S. § 8913 (relating to certificate of organization), the undersigned desiring to organize a limited liability company, hereby certifies that:

- The name of the limited liability company (designator is required, i.e., "company", "limited" or "limited liability company" or abbreviation):  
**New America Power LLC**
- The (a) address of limited liability company's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and Street	City	State	Zip	County
<b>310 East Elm Street</b>	<b>Conshohocken</b>	<b>PA</b>	<b>19428</b>	<b>46</b>

(b) Name of Commercial Registered Office Provider County  
c/o:

- The name and address, including street and number, if any, of each organizer is (all organizers must sign on page 2):

Name	Address
<b>Stephen Esposito</b>	<b>230 Oak Ridge Drive Langhorne PA 19047</b>

- Strike out if inapplicable term*  
A member's interest in the company is to be evidenced by a certificate of membership interest.
- Strike out if inapplicable*  
Management of the company is vested in a manager or managers.
- The specified effective date, if any is:

08 01 2010  
Month Day Year hour, if any

*CO \$125*

- Strike out if inapplicable term:* The company is a restricted professional company organized to render the following restricted professional service(s):
- For additional provisions of the certificate, if any, attach an 8 1/2 x 11 sheet.

IN TESTIMONY WHEREOF, the organizer(s)  
has (have) signed this Certificate of  
Organization this  
15 day of December, 2010.

PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU  
Signature Form For  
PA Open For Business Electronic Filing

Document must be dated, signed and mailed to the address listed below if a manual payment was selected. If an electronic payment was selected, you may fax this form to 717-705-0927. Please refer to the instructions below for filling out this form.

Department of State  
Corporation Bureau  
P.O. Box 8722  
Harrisburg, PA 17105-8722  
Inquiries: (717) 787-1057

1. The enterprise structure is:

Limited Liability Corp

2. The enterprise legal name is:

New America Power LLC

3. The enterprise's fictitious name is (if applicable):

IN TESTIMONY WHEREOF, the undersigned have caused this application to be executed this

18<sup>th</sup> day of Dec, 2010.

  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**INSTRUCTIONS:**

- Fill in the form on the items: Enterprise structure, Enterprise legal name, and fictitious name (if applicable) – do so by clicking in each box and typing in the information.
- You can retrieve the Enterprise Legal Name in your confirmation email you received from [pao4b@state.pa.us](mailto:pao4b@state.pa.us).
- If you are just filing a fictitious name, simply fill out the structure and the fictitious name sections.
- Print this form and have each owner sign on the signature lines and fill in the date.
- See above information where to mail or fax in this form.

PA DEPT. OF STATE

DEC 29 2010

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

MARCH 19, 2014

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

I DO HEREBY CERTIFY THAT,

**New America Power LLC**

Is duly organized as a Pennsylvania Limited Liability Company under the laws of the Commonwealth of Pennsylvania and remains subsisting so far as the records of this office show, as of the date herein.

I DO FURTHER CERTIFY THAT, This Subsistence Certificate shall not imply that all fees, taxes, and penalties owed to the Commonwealth of Pennsylvania are paid.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

*Carol A. Rindler*

Secretary of the Commonwealth

Certification Number: 11706766-1

Verify this certificate online at <http://www.corporations.state.pa.us/corp/soskb/verify.asp>

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

MARCH 19, 2014

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

**New America Power LLC**

I, Carol Alchele, Secretary of the Commonwealth of Pennsylvania  
do hereby certify that the foregoing and annexed is a true and correct  
copy of  
Certificate of Organization filed on December 29, 2010  
which appear of record in this department.



IN TESTIMONY WHEREOF, I have  
hereunto set my hand and caused  
the Seal of the Secretary's Office to  
be affixed, the day and year above  
written.

A handwritten signature in cursive script, appearing to read "Carol Alchele".

Secretary of the Commonwealth

Certification Number: 11706767-1

Verify this certificate online at <http://www.corporations.state.pa.us/corp/soskb/verify.asp>



3. Reference Application, Section 4.d, Proposed Service Area – Applicant has not providing any bonding letters. Please provide an original document by using the submission method listed above.

**RESPONSE:**

See enclosed bonding letters



**National Fuel**

February 12, 2015

Stephen Esposito  
President, CEO  
New America Power, LLC.  
41 University Drive Suite 400  
Newtown, PA 18940

Re: Security Requirement for New America Power, LLC:

Dear Stephen,

National Fuel Gas Distribution Corporation ("NFGDC") is aware New America Power, LLC. (NAP) has filed an application with the Pennsylvania Public Utility Commission to supply natural gas services to the public in Pennsylvania and specifically within the service territory of NFGDC.

As you know, in making such an application, NAP must furnish acceptable security to each utility where NAP will do business. As such, under its tariff, NFGDC could require NAP to provide a bond or other financial security instrument in an amount that NFGDC determines to be appropriate.

However, you have indicated, and it is NFGDC's understanding that NAP intends only to provide natural gas aggregating, brokering and consulting services at this time. You have stated that, in performing these services, NAP will never take title to any delivered natural gas.

Based upon your representations, NFGDC has determined that, at this time, NAP does not need to post a bond or other form of security to operate in its service territory. However, if the services provided by NAP change in the future, NFGDC reserves the right to require security from NAP as it deems appropriate.

If you have any questions concerning the foregoing, please contact me at 716-857-7599.

Yours truly,

Nathan E. Barnes  
Transportation Services Department



PEOPLES NATURAL GAS



PEOPLES TWP

375 N. Shore Drive, Suite 600  
Pittsburgh, PA 15212

**Lynda W. Petrichevich**  
Manager, Rates and Regulatory Affairs

**Peoples Service Company LLC**  
Phone: 412-208-6528; Fax: 412-208-6577  
Email: lpetrichevich@peoples-gas.com

December 30, 2014

Stephen Esposito  
President, CEO  
New America Power, LLC  
41 University Drive  
Suite 400  
Newtown, PA 18940

Dear Mr. Esposito:

We are pleased that New America Power, LLC has applied for a license to provide natural gas broker/marketer services on the Peoples Group of Companies. Specifically you have requested to be licensed as a supplier on the distribution systems of Peoples Natural Gas Company LLC, Peoples TWP, and Peoples Natural Gas LLC – Equitable Division (“the Companies”).

Since New America Power, LLC is not currently operating, and has no immediate plan to operate a Pool on the Peoples systems, we have determined at this time that New America Power, LLC does not need a bond or other financial security requirement to provide these services to the Company’s customers.

If the creditworthiness requirement or the Company’s exposure to New America Power, LLC provision of services on the Peoples’ system changes in the future, the Companies may deem it appropriate to require a bond or other financial instrument.

If you have any questions feel free to contact me at 412-208-6528 or by email at Lynda.W.Petrichevich@peoples-gas.com.

Sincerely,

Lynda W. Petrichevich  
Manager, Rates and Regulatory Affairs  
Peoples Natural Gas Company LLC

Cc: Steven Kolich  
Carol Miller

SAFETY

CUSTOMER  
COMMITMENT

TRUST

COMMUNITY



**PHILADELPHIA GAS WORKS**

800 West Montgomery Avenue • Philadelphia, PA 19122

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March 12, 2015

Mr. Michael A. Gruin  
New America Power, LLC  
41 University Drive, Suite 400  
Newtown, PA 18940

RE: Security Requirement Bond – New America Power, LLC

Dear Mr. Gruin:

Philadelphia Gas Works ("PGW") is aware that New America Power, LLC, has filed an application with the Pennsylvania Public Utility Commission to supply natural gas services to the public in Pennsylvania and specifically within the services territory of Philadelphia Gas Works.

As you know, in making such an application, New America Power, LLC must furnish acceptable security to each utility where New America Power, LLC will do business. As such, under its tariff, Philadelphia Gas Works could require New America Power, LLC to provide a bond or other financial security instrument in an amount that Philadelphia Gas Works determines to be appropriate.

However, you have indicated, and it is Philadelphia Gas Works' understanding, that New America Power, LLC intends only to provide natural gas aggregating, brokering and consulting services at this time. You have stated that, in performing these services, New America Power, LLC will never take title to any delivered natural gas.

Based upon your representations, Philadelphia Gas Works has determined that, at this time, New America Power, LLC does not need to post a bond or other form of security to operate in its service territory. If the services provided by New America Power, LLC should change, Philadelphia Gas Works reserves the right to require New America Power, LLC as it deems appropriate.

If you have any questions concerning the foregoing, please contact me at (215) 684-6278.

Sincerely,

Nicholas LaPergola  
Director  
Gas Supply, Transportation & Control

NL:b



An Exelon Company

April 25th, 2014

New America Power, LLC  
41 University Drive Ste 400  
Newtown Pa 18940

Re: Bonding Requirements

Dear Michael Gruin:

PECO is aware that New America Power, LLC has applied for a license to provide brokering and consulting services to commercial and industrial customers on the distribution system of PECO.

In making such an application, New America Power, LLC could be required to provide to PECO a bond or other acceptable financial security in an amount that PECO determines to be appropriate. New America Power, LLC has indicated that it intends to provide only brokering and consulting services to commercial and industrial customers, will not take title to any delivered natural gas; nor will accept any customer payments or deposits. Therefore, PECO has determined at this time that New America Power, LLC does not need a bond or other financial security requirement, since they are not directly engaging in business with PECO and only providing brokering or consulting services to PECO customers. However, if the services provided by New America Power, LLC or the creditworthiness requirement for PECO's exposure to New America Power, LLC changes in the future, PECO reserves the right to require New America Power, LLC to provide a bond or other financial security instrument.

If you should have any questions regarding this matter, please contact Chris Sauerbaum at 215-841-6422 or myself at 215-841-6452.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carlos P. Thillet".

Carlos P. Thillet  
Manager, Gas Supply and Transportation  
2301 Market St S9-1  
Philadelphia, Pa 19103

4. Reference Application, Section 7.c, Accounting Records Custodian – Applicant failed to provide an email address of the custodian of their records. Please provide an updated application page with the appropriate corrections. Please provide an original document by using the submission method listed above.

**RESPONSE:**

See enclosed amended Page 12 of Application including the email address for the custodian of records

**New America Power will be operating a Broker/Marketer only**

- d. **BROKER PAYMENT STRUCTURE:** If applicant is a broker/marketer, explain how your organization will be collecting your fees.

**When New America Power is brokering, we will be paid by the supplier on our margin which is included in the commodity price.**

**When acting as a consultant, New America Power is paid a flat fee by the customer.**

- e. **ACCOUNTING RECORDS CUSTODIAN:** Provide the name, title, address, telephone number, FAX number, and e-mail address of Applicant's custodian for its accounting records.

**Pat Smith  
Rosenberg, Smith, Cooney, Migliore PC  
3331 Street Road # 445  
Bensalem, PA 19020  
(215) 245-7777  
psmith@rscm.us**

- f. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix D to this application.

*All sections of the Tax Certification Statement must be completed. Absence (submitting N/A) of any of the TAX identifications numbers (items 7A through 7C) shall be accompanied by supporting documentation or an explanation validating the absence of such information.*

*Items 7A and 7C on the Tax Certification Statement are designated by the Pennsylvania Department of Revenue. Item 7B on the Tax Certification Statement is designated by the Internal Revenue Service.*

**See Attached CONFIDENTIAL Tax Certification**

**8. TECHNICAL FITNESS:**

To ensure that the present quality and availability of service provided by natural gas distribution companies does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided.

- a. **EXPERIENCE, PLAN, STRUCTURE:** such information may include:
- Applicant's previous experience in the natural gas industry.
  - Summary and proof of licenses as a supplier of natural gas services in other states or jurisdictions. **N/A**
  - Type of customers and number of customers Applicant currently serves in other jurisdictions. **N/A**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

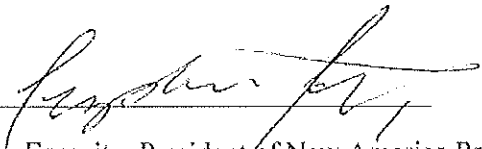
Natural Gas Supplier License :  
Application of New America Power, LLC :  
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Docket No. A-2015-2468241

**VERIFICATION**

I, Stephen Esposito, President of New America Power, LLC, hereby state that the facts set forth above 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 false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

Date: 3/25/15

  
\_\_\_\_\_  
Stephen Esposito, President of New America Power, LLC