

Sarah C. Stoner  
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October 5, 2015

**Via Hand Delivery**

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

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SECRETARY'S BUREAU

Re: Petition of Liberty Power Holdings, LLC to Revise Its Required Level of Financial Security, Docket No. A-110175

Dear Secretary Chiavetta:

Pursuant to the July 24, 2014, Final Order in Docket No. M-2013-2393141, enclosed for filing is a confidential version of Liberty Power Holdings, LLC's ("Liberty Power") Petition for a reduction in its required security to operate as a licensed electric generation supplier in Pennsylvania (License No A-110175). Liberty Power 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 the Petition, please find the following required information and documentation:

- Attachment A: Gross revenues for the sale of electricity to retail customers in Pennsylvania from August 1, 2014 through July 31, 2015;  
**CONFIDENTIAL**
- Attachment B: Documentation Verifying Payment of Gross Receipts Estimated 2015 Liability; **CONFIDENTIAL**
- Attachment D: Available AEPS compliance and summary data from the most recent 12 months; and **CONFIDENTIAL**
- Attachment E: Verification of Alberto Daire, President of Liberty Power, in support of the Petition.

Liberty Power requested a tax status letter from the Pennsylvania Department of Revenue on September 3, 2015 but has not yet received its tax status letter. Upon receipt of the tax status letter, Liberty Power will submit the following to support its Petition:

Attachment C: Evidence of Liberty Power's payment of PA taxes  
for 2013, 2014 and 2015; **CONFIDENTIAL**

Please do not hesitate to contact me if you have any questions.

Sincerely,



Sarah C. Stoner

SCS/kcs  
Enclosures

cc: Certificate of Service w/ enc.

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Liberty Power Holdings, LLC :  
To Revise Its Required Level Of Financial : Docket No. A-110175  
Security

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PETITION OF LIBERTY POWER HOLDINGS, LLC TO REVISE ITS REQUIRED  
LEVEL OF FINANCIAL SECURITY

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Pursuant to the Commission's Final Order entered on July 24, 2014 at Docket Number M-2013-2393141 ("*Financial Security Order*"), Liberty Power Holdings, LLC ("Liberty Power") 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. Liberty Power 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, Liberty Power states as follows:

1. Liberty Power is currently licensed as an electric generation supplier ("EGS") for all customer classes within the Commonwealth of Pennsylvania. The EGS license was approved on April 9, 2008.
2. Liberty Power 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, Liberty Power Holdings, LLC is including the following attachments:

Attachment	Description
A <b>CONFIDENTIAL</b>	Liberty Power's gross revenues for the sale of electricity to retail customers in Pennsylvania from August 1, 2014 – July 31, 2015.
B <b>CONFIDENTIAL</b>	Documentation Verifying Payment of Gross Receipts Estimated 2015 Liability.
C <b>CONFIDENTIAL</b>	Proof of payment of Pennsylvania taxes for years 2013, 2014, and 2015.
D <b>CONFIDENTIAL</b>	Available AEPS compliance data from the most recent 12 months.
E	Verification of company representative in support of petition.

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

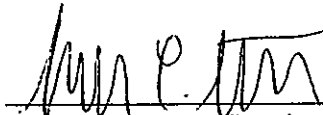
Petition will enable Liberty Power to better allocate resources to developing retail products for the benefit of consumers.

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

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

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

Respectfully submitted,



Sarah C. Stoner, Esquire

Attorney ID 313793

Deanne 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: October 5, 2015

Counsel for Liberty Power Holdings, LLC

# ATTACHMENT E

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*S.W.*  
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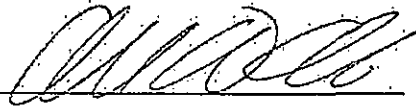
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**VERIFICATION**

I, Alberto Daire, hereby state that I am President of Liberty Power Holdings, Inc. and am authorized to make this verification on its behalf. The facts set forth in the foregoing Petition to Revise Liberty Power's current required level of financial security 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 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).

September 30, 2015

Dated \_\_\_\_\_



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SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Petition of Liberty Power LLC 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: October 5, 2015

  
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Sarah C. Stoner, Esq.