|  |  |  |
| --- | --- | --- |
|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** |  |

|  |  |
| --- | --- |
|  | Public Meeting held January 28, 2016 |
| Commissioners Present: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Gladys M. Brown, Chairman  Andrew G. Place, Vice Chairman | |  | |
| Pamela A. Witmer  John F. Coleman, Jr. | |  | |
| Robert F. Powelson | |  | |
|  |  | |
|  |  | |
| Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security | M-2015-2490383 | |

**TENTATIVE ORDER**

**BY THE COMMISSION:**

The Commission's regulations at 52 Pa. Code §54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Failure to file the requested documentation before the financial security’s expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company’s electric supplier license, removal of each company’s information from the Commission’s website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of January 15, 2016, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

Supplier Table – List of Electric Generation Suppliers

|  |  |  |
| --- | --- | --- |
| **Docket Number** | **Company Name** | **Exp. Date** |
| A-2013-2348990 | Atlas Commodities LLC | 1/22/16 |
| A-2012-2291136 | Best Power LLC | 1/18/16 |
| A-2011-2223825 | Clear Energy Solutions LLC | 12/15/15 |
| A-2009-2148518 | Keytex Energy Solutions LLC | 12/15/15 |
| A-2012-2328016 | LVI Power LLC | 5/2/15 |
| A-2013-2398398 | National Power Source LLC | 12/31/15 |
| A-2009-2129427 | PES Brokers, Inc. | 9/3/15 |
| A-2010-2164501 | Rapid Power Management LLC | 1/15/16 |
| A-2010-2154300 | Technology Resource Solutions, Inc. | 7/10/15 |
| A-2015-2468192 | The New Marathon, Inc. | 1/13/16 |
| A-2010-2180439 | Tritium Energy Consulting LLC | 5/28/11 |

\* Taking title to electricity

As part of its EGS license validation procedures, the Commission’s Bureau of Technical Utility Services sent a 60-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 60 days prior to each entity’s security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code §54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; **THEREFORE,**

**IT IS ORDERED:**

1. That cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. That the Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue – Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. That absent the filing of adverse public comment or the filing of approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary and shall advise the affected Bureaus within the Commission in writing that the Electric Generation Supplier Licenses held by each company listed in the Supplier Table, are cancelled and the cases may be closed.

4. That upon entry of the Final Order described in ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission’s Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission’s website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. That upon entry of the Final Order described in ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

**BY THE COMMISSION**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: January 28, 2016

ORDER ENTERED: January 28, 2016