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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **HARRISBURG, PA 17120** | | |  |
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|  | | Public Meeting held November 8, 2017 | | |
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| Commissioners Present: | | |  | |
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| Gladys M. Brown, Chairman | | | | |
| Andrew G. Place, Vice Chairman | | | | |
| David W. Sweet  John F. Coleman, Jr. | | | | |
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| Application of Navigate Power LLC  to Become a Broker/Marketer of Natural Gas Services | | | Docket Number:  A-2017-2603811 | |
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**ORDER**

**BY THE COMMISSION:**

On May 4, 2017, the Commission accepted Navigate Power LLC’s (Navigate Power), Utility Code 1217228, application to operate as a broker/marketer of natural gas supply services in the natural gas distribution company (NGDC) service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC, Peoples Natural Gas Company, LLC - Equitable Division, Peoples Gas Company, LLC, Philadelphia Gas Works, UGI Central Penn Gas, UGI Penn Natural Gas, UGI Utilities, Inc., and Valley Energy, within the Commonwealth of Pennsylvania. This application was filed pursuant to section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52 of the Pennsylvania Code, Chapter 62, Subchapter D.

§2208 provides in pertinent part that:

Requirements for Natural Gas Suppliers.--No entity shall engage in the business of a natural gas supplier unless it holds a license issued by the Commission. To the extent that a natural gas distribution company provides natural gas supply service outside of its chartered or certificated territory, it also must hold a license. A license shall not be required for customers who make de minimis incidental sales or resales to themselves, an affiliate or to other nonresidential retail gas customers.

66 Pa. C.S. §2208.

A natural gas supplier is defined as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply services outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;

(ii) total natural gas supply services in de minimis amounts;

(iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or

(iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of

September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.

66 Pa. C.S. § 2202.

As used in the above definition of a natural gas supplier, the term natural gas supply services includes: (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the Act (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service. 66 Pa. C.S. § 2202.

Upon review of Navigate Power’s NGS application, Commission staff sent, by certified mail, a Secretarial Letter containing Data Requests, Set 1 on May 22, 2017. The data requests asked for missing or insufficient information in regards to the applicant’s registered agent, regulatory contact, customer complaints contact, fictitious name registration, limited liability formation, chief officers, bonding letters, accounting records custodian contact, Tax Certification Statement, and affidavits. On August 2, 2017, Navigate Power partially responded to the data requests. On August 4, 2017, Commission staff sent, by certified mail, a Secretarial Letter containing Data Requests, Set 2. This set of data requests asked for the information missing from responses to the initial set of data requests. On September 28, 2017, Navigate Power partially responded to this second set of data requests. On October 5, 2017, Commission staff sent, by certified mail, a Secretarial Letter containing Data Requests, Set 3. This third set of data requests required that the applicant provide complete answers to the questions posed in the previous sets of data requests. All three Secretarial Letters stated that failure to properly respond may result in the application being denied. To date, incomplete responses to Data Requests, Set 1 and Data Requests, Set 2, and no reply to Data Requests Set 3, have been received by the Commission’s Secretary’s Bureau.

Navigate Power was given ample time to completely respond to the Commission data requests. Given Navigate Power’s failure to completely reply, we must deny Navigate Power’s application, without prejudice; **THEREFORE,**

**IT IS ORDERED:**

1. That the application of Navigate Power LLC is hereby denied, without prejudice, consistent with this Order.

2. That a copy of this Order be served on Navigate Power LLC.

3. That this proceeding, at Docket No. A-2017-2603811, be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: November 8, 2017

ORDER ENTERED: November 8, 2017