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March 29, 2019

VIA HAND DELIVERY

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

**Re: Petition of AP Gas & Electric (PA) LLC to Request Reduction in Security Amount
Docket No. A-2010-2192731**

Dear Secretary Chiavetta:

Enclosed for filing please find an original and two (2) copies of the Petition of AP Gas & Electric (PA) LLC to Request a Reduction in its Security Amount. **Please note that Exhibits 1, 2, 3 and 4 to this filing contain Confidential information, and have been marked as such and provided in a separate envelope.** The Petitioner requests that Exhibits 1, 2, 3, and 4 be filed under Seal.

Also enclosed herewith is a check in the amount of \$350.00 for payment of the filing fee. Non-confidential copies of the Petition have been served in accordance with the attached Certificate of Service. Upon filing, please return a time-stamped copy of the Petition to our courier.

Thank you, and if you have questions, please do not hesitate to contact me.

Very truly yours,

STEVENS & LEE



Michael A. Grum

Encl.

cc: Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION** PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Petition of AP Gas & Electric (PA) : Docket No. A-2010-2192731
LLC To Request Reduction in :
Security Amount :

**Petition of AP Gas & Electric (PA) LLC To Request a Reduction in Security
Amount**

And Now, pursuant to 66 Pa.C.S.A. § 2809 (c)(1)(i) and the Order of the Pennsylvania Public Utility Commission (“Commission”) entered on July 24, 2014 in Docket No. M-2013-2393141, AP Gas & Electric (PA) LLC (“APG&E”) files this Petition to request that its security requirement be reduced from 10% of annual gross receipts to 5% of annual gross receipts. In support of this request, APG&E states as follows.

1. On August 6, 2010, APG&E filed an application to offer, render, furnish or supply electric generation services to residential, small commercial (25 kW and under), and large commercial (over 25 kW) customers in the electric distribution company service territories of West Penn Power, Duquesne Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, PECO Energy Company, PPL Electric Utilities Corporation and UGI Utilities Inc. within the Commonwealth of Pennsylvania.

2. By Order entered on October 18, 2010 in Docket No. A-2010-2192731, The Commission approved APG&E’s Application and authorized APG&E to begin to offer the services described above.

3. On August 19, 2013, APG&E filed a request to amend its electric generation supplier license in order to serve residential, small commercial (25 kW and under), and large

commercial (over 25 kW) customers in the additional electric distribution company service territories of Citizens Electric Company and Wellsboro Electric Company, which request was approved by the Commission by Order entered on November 14, 2013.

4. APG&E provided an initial letter of credit in the amount of \$250,000 at the time it filed its initial Electric Generation Supplier (“EGS”) license application, in accordance with the Commission’s regulations at 52 Pa. Code § 54.40.

5. In the years following its licensure, APG&E has provided either a bond or a letter of credit in an amount sufficient to satisfy the Commission’s financial security requirements for EGSs.

6. By Order entered on July 24, 2014, the Commission announced a new policy to allow EGSs, upon request, to reduce their required level of security to 5% of the EGS’s most recent 12 months of revenue, or \$250,000, whichever is higher. The Commission found that requiring an EGS to post a bond or security in the amount of 10% of reported gross receipts after the first year of EGS operation may be excessive in relation to the risk intended to be secured, unnecessarily burdening EGSs, and presenting a potential barrier to entry to Pennsylvania’s retail electric market.¹

7. On April 24, 2017, APG&E filed a Petition to request a reduction in its financial security from 10% to 5%, which Petition was granted by Secretarial Letter dated May 30, 2017.

8. APG&E did not renew its financial security reduction prior to its expiration on May 30, 2018.

9. In accordance with the July 24, 2014 Order APG&E respectfully requests the Commission’s approval to again reduce its required security amount from 10% to 5% of

¹ *Public Utility Commission Bonding/Security Requirements for Electric Generation Suppliers/Acceptable Security Instruments*, Docket No. M-2013-2393141 (Order Entered July 24, 2014)

APG&E's most recent 12 months of Pennsylvania revenue.

10. Since becoming licensed in Pennsylvania, APG&E has always met all of its financial and annual reporting obligations.

11. APG&E has no outstanding Pennsylvania Tax liabilities, and since becoming licensed APG&E has paid its Gross Receipts Tax obligations in full and in a timely manner.

12. APG&E also has no outstanding financial obligations to any of its customers, to any of the Electric Distribution Companies ("EDCs") in Pennsylvania or to PJM Interconnection, LLC ("PJM").

13. Attached hereto as Confidential Exhibit 1 is a statement showing APG&E's gross revenues for sales of electricity to retail customers in Pennsylvania for the months of March 2018 through February 2019.

14. Attached hereto as Confidential Exhibit 2 is a copy of APG&E's Form Rev-426 form as filed with the Pennsylvania Department of Revenue, reflecting the amounts of Gross Receipts Tax obligations pre-paid for the past four quarters.

15. Attached hereto as Confidential Exhibit 3 is a Tax Status Letter of Good Standing from the Pennsylvania Department of Revenue to confirm that APG&E is current with all of its Pennsylvania tax obligations.

16. Attached hereto as Confidential Exhibit 4 is a report from the Statewide Administrator of the Pennsylvania Alternative Energy Portfolio Standards Act, showing APG&E's compliance for the most recent energy year.

17. APG&E's current bond on file with the Commission expires on August 17, 2019, so APG&E respectfully requests expeditious consideration of this Petition so that the proper amount of security can be submitted to the Commission prior to the expiration of the APG&E's

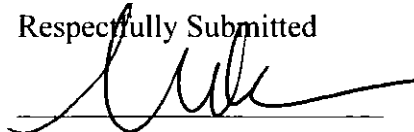
current bond.

18. Copies of this Petition are being served on the Bureau of Technical Utility Services, the Office of Consumer Advocate, Office of Small Business Advocate, Bureau of Investigation and Enforcement, PA Department of Revenue, Office of Attorney General Bureau of Consumer Protection and all of the EDCs in Pennsylvania in whose territories APG&E is licensed to operate.

WHEREFORE, for the foregoing reasons, AP Gas & Electric (PA), LLC respectfully requests the Commission grant this Petition and reduce AP Gas & Electric (PA) LLC's security requirement from 10% of its most recent annual gross receipts to 5% of most recent annual gross receipts. Upon approval of this Petition by the Commission, AP Gas & Electric (PA) LLC will provide an updated bond which will comply with the Commission's bond requirements for EGSs at 52 Pa. Code § 54.40(f).

Dated: March 29, 2019

Respectfully Submitted



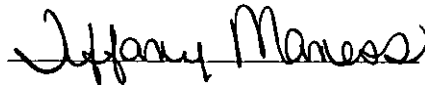
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PA I.D. 78625
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Counsel for APG&E

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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VERIFICATION

I, Tiffany Maness, holding the title of Manager of Legal and Regulatory Reporting with AP Gas & Electric (PA) LLC verify that the statements made in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



Tiffany Maness

3/28/19
Date

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Petition of AP Gas & Electric (PA) : Docket No. A-2010-2192731
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I hereby certify that on this 29th day of March, 2019 copies of the foregoing Petition have been served upon the persons listed below via First Class U.S. Mail in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

Tanya McCloskey, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1921

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

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

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
P.O. Box 280946
Harrisburg, PA 17128-0946

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor, F West
Harrisburg, PA 17120

Legal Department
PPL
Two North Ninth Street
Allentown, PA 18108-1179

James Shurskis
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

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

Legal Department
First Energy
2800 Pottsville Pike
Reading PA, 19612

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

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

Citizens' Electric Company
Attn: EGS Coordination
1775 Industrial Boulevard

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MAR 29 2019

Lewisburg, PA 17837

DATE: March 29, 2019



Michael A. Guin, Esq.