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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



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July 24, 2019

**VIA FEDEX OVERNIGHT**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**RE: Agway Energy Services LLC. Petition for Reduction in Financial Security  
Amount to 5% of Gross Receipts: Docket No. A-2011-2277881**

Dear Secretary Chiavetta:

Agway Energy Services LLC ("Agway") is a licensed electrical generation supplier ("EGS") in the Commonwealth of Pennsylvania. Agway applied for an EGS license in 2011 and the Pennsylvania Public Utility Commission ("Commission") opened Docket No. A-2011-2277881 for that purpose. The Commission granted Agway a EGS license in April 2012. See **Exhibit A**. This letter and accompanying attachments constitute Agway's Financial Security Reduction Petition ("Petition"). This Petition is being submitted pursuant to 18 Pa.C.S. § 4904, 66 Pa.C.S. § 2809, 52 Pa. Code § 54.40, and the Commission's Bond Reduction Order.<sup>1</sup>

Through this Petition Agway respectfully requests that the level of Agway's financial security be reduced from 10% to 5% of Agway's previous twelve (12) months of gross receipts. Agway's current bond expires on November 11, 2019; ninety (90) days before the expiration of that bond is August 13, 2019. This Petition is being submitted on or before August 13, 2019.

In support of Agway's request, please find the following information and documentation:

1. Agway's gross receipts in Pennsylvania for the most recent twelve (12) months. Attached as **Exhibit B (CONFIDENTIAL)**.
2. Agway is current with payments of tax liabilities to the Commonwealth of Pennsylvania and is providing a Tax Status Letter of Good Standing from the Pennsylvania Department of Revenue. Attached as **Exhibit C (CONFIDENTIAL)**.
3. Agway is current with its tax liabilities to the Commonwealth of Pennsylvania and is providing proof of its prepaid gross receipts' taxes toward its estimated revenue of the current year via a recent REV-423 Specialty Tax Estimate Payment Form

<sup>1</sup> Public Utility Commission Bonding/Security Requirements for Electric Generation Suppliers; Acceptable Security Instruments, Docket No. M-2013-2393141, Final Order entered July 24, 2014.

from the Pennsylvania Department of Revenue. Attached as **Exhibit D (CONFIDENTIAL)**.

4. Agway's Alternative Energy Portfolio Standards compliance. Attached as **Exhibit E (CONFIDENTIAL)**.
5. Agway is compliant with the Commission's annual and supplemental fee requirements. See attached **Exhibit F**.

Agway has been a load serving entity in the Commonwealth of Pennsylvania for over two (2) years. The confidential attachments to this Petition are being provided to the Commission under seal and Agway respectfully requests that the documents be maintained in such a way as to protect the sensitive business information from being disclosed to the public or to any party not authorized to know the information.

Enclosed please find a verification attesting to the truthfulness of the facts set forth in this Petition. Also enclosed is a check in the amount of \$350.00 for the required filing fee for this Petition.

Agway has served this Petition on the statutory advocates: (i) The Commission's Bureau of Investigation & Enforcement; (ii) The Pennsylvania Department of Revenue; (iii) The Office of Consumer Advocate; (iv) The Office of Attorney General, Bureau of Consumer Protection; and (v) The Office of Small Business Advocate. The Petition has also been served on the required electric distribution companies. Attached as **Exhibit G** is a Certificate of Service.

Thank you for your time and attention to this matter. If you have any questions or concerns, please contact M. Douglas Dagan at (908) 848-5916 or [ddagan@bmg.law](mailto:ddagan@bmg.law).

Sincerely,



Michael A. Schueler  
Vice President, Product Supply

**Enclosures**

cc: Stephen Jakab, Bureau of Technical Utility Services, via email  
Parties Listed on Certificate of Service (confidential information redacted)  
M. Douglas Dagan, Esq. Bevan, Mosca & Giuditta, P.C.

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# Exhibit A

License for Electric Generation Supplier



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2011-2277881

The Application of Agway Energy Services LLC for to begin to offer, render, furnish or supply electric generation supplier services to residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in all electric distribution company service territories throughout the Commonwealth of Pennsylvania.

EFFECTIVE DATE: April 12, 2012

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR ELECTRIC GENERATION SUPPLIER.

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 12<sup>th</sup> day of April 2012.



Secretary

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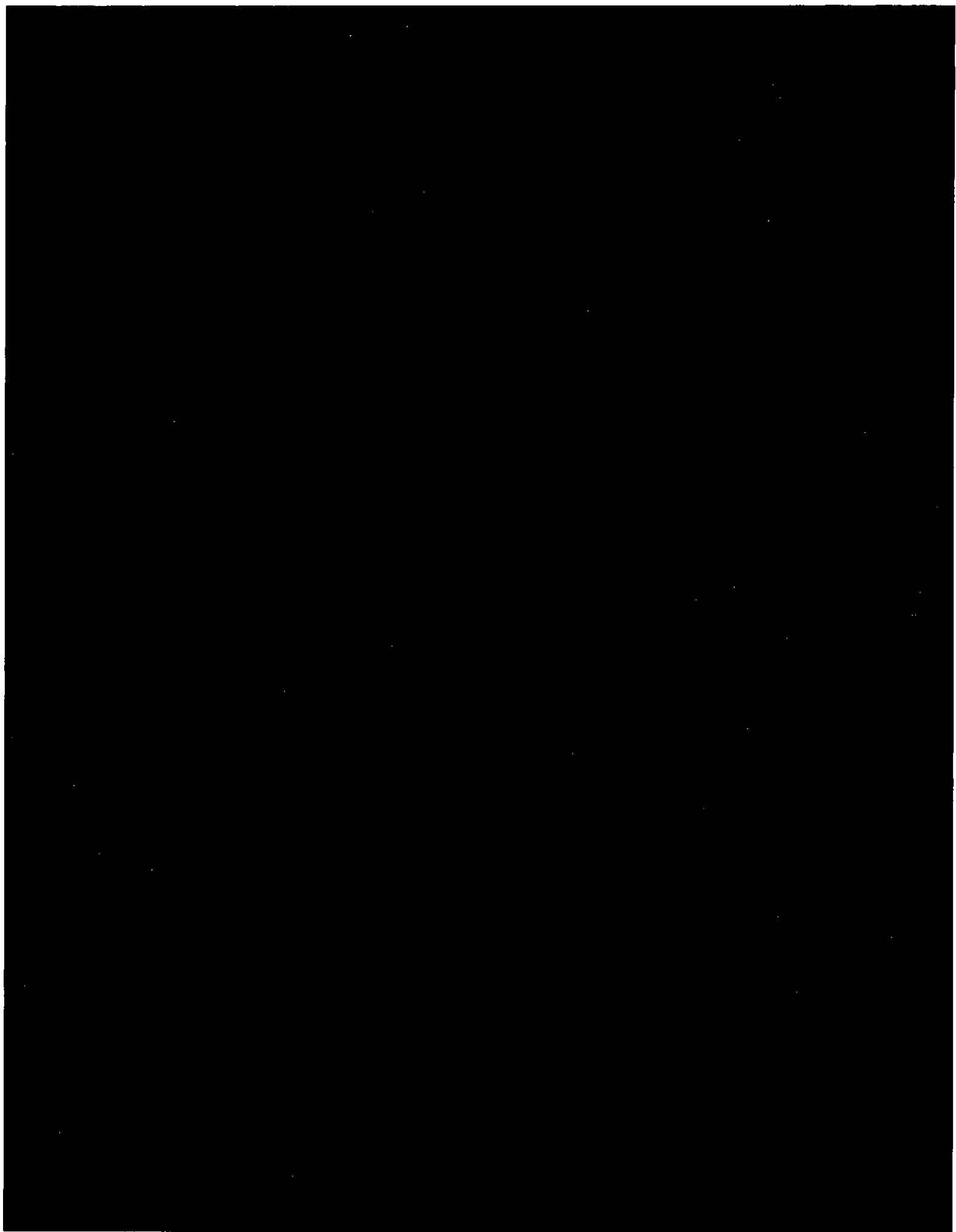
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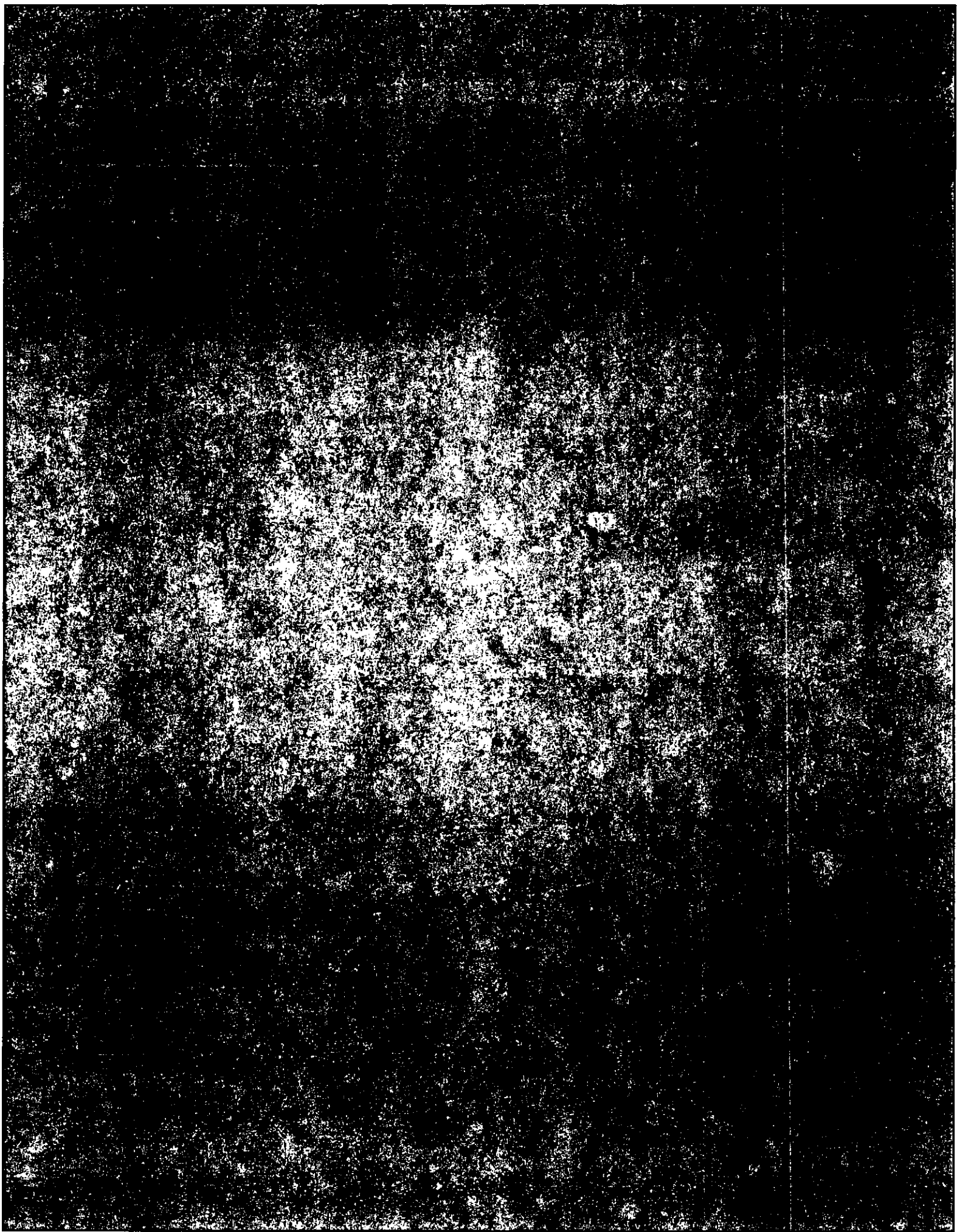
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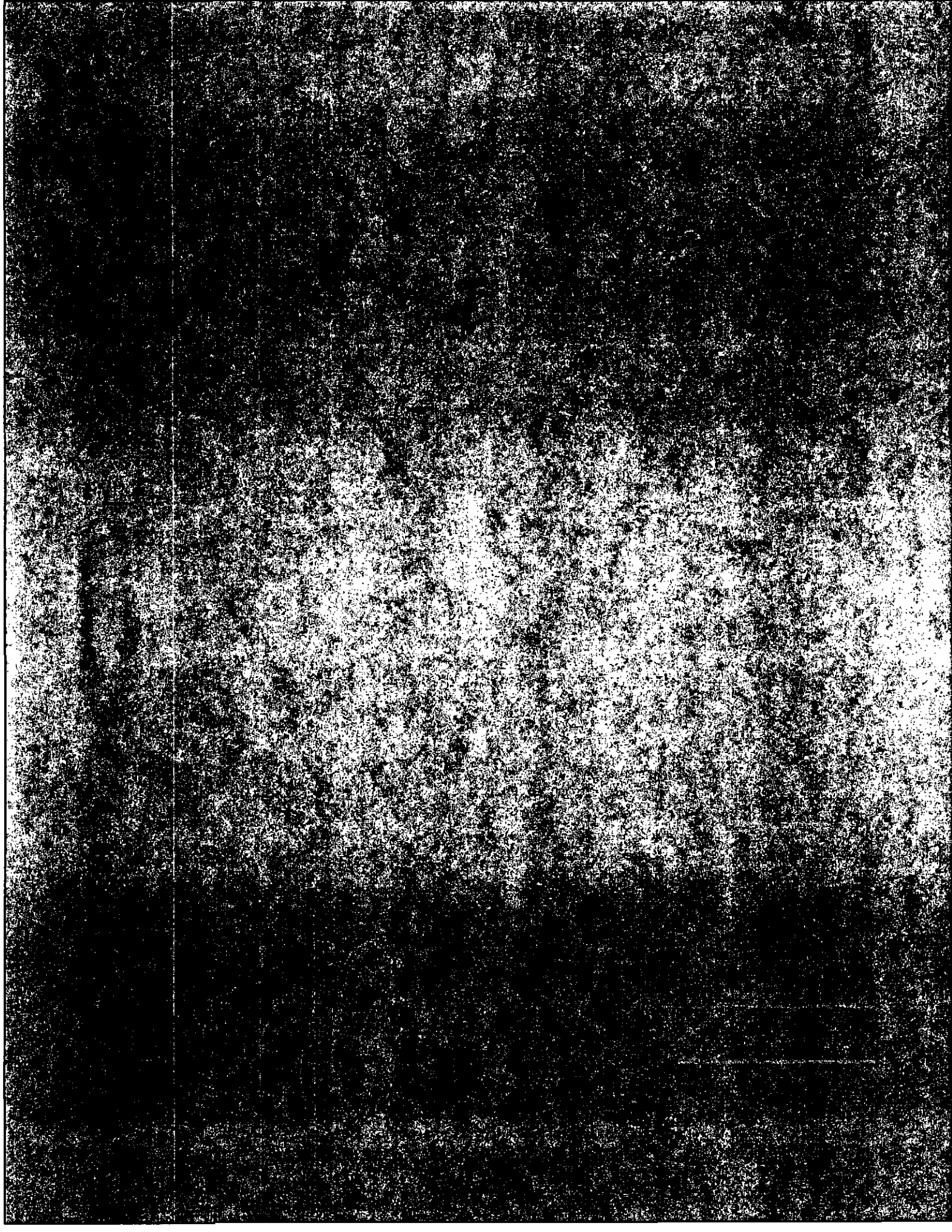
# Exhibit B

Past Twelve (12) Months Gross Receipts

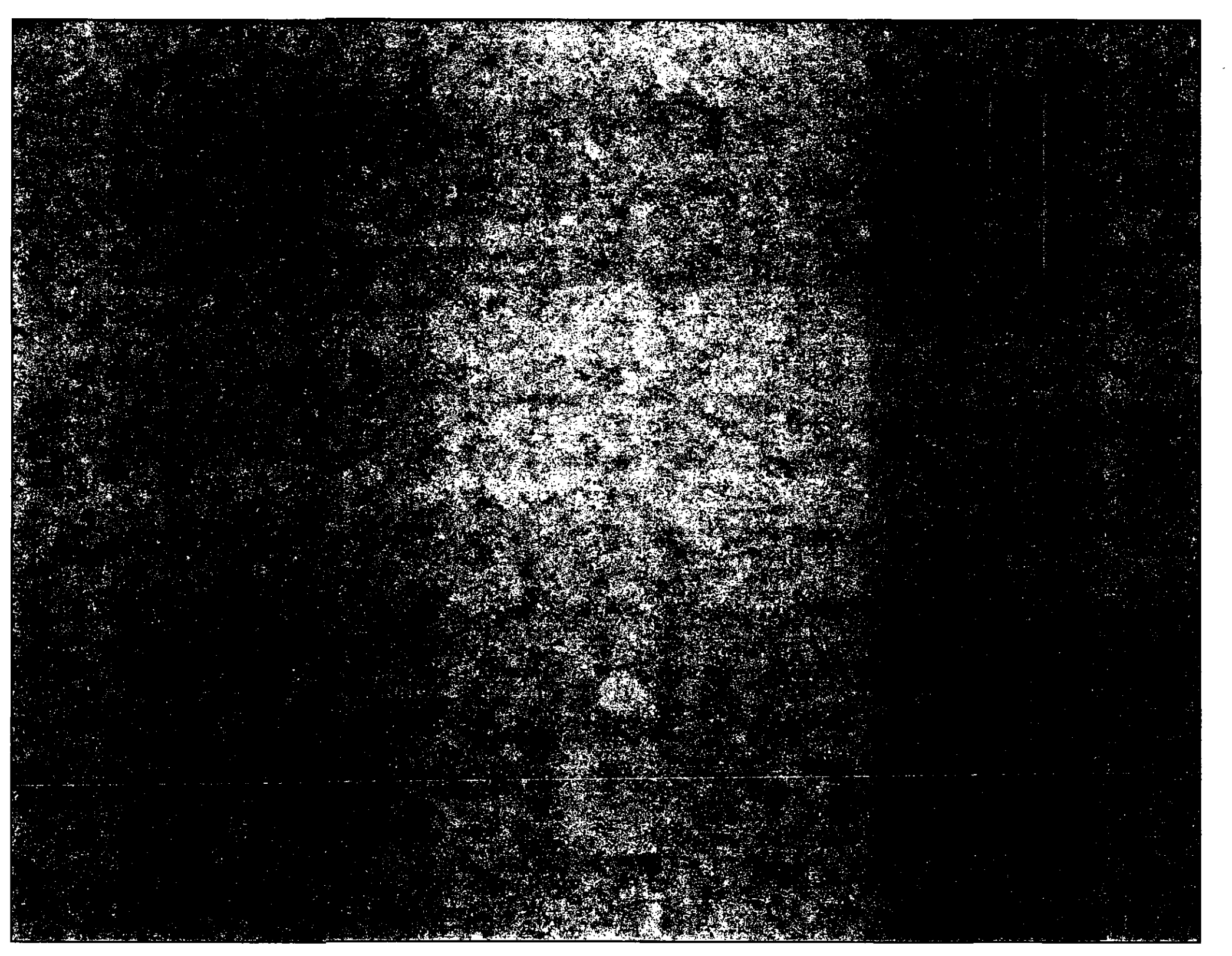












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# Exhibit C

Tax Status Letter of Good Standing from  
Pennsylvania Department of Revenue









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# Exhibit D

Recent REV-423 Specialty

Tax Estimate Payment









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# Exhibit E

Alternative Energy Portfolio

Standards Compliance







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# Exhibit F

Compliance Statement Regarding Commission's  
Annual and Supplemental Fee





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Pennsylvania Public Utility Commission  
Secretary  
400 North Street  
Keystone Building, 2<sup>nd</sup> Floor Room N201  
Harrisburg, PA 17120

**Re: Agway Energy Services LLC Compliant with Commission Fees**

To Whom It May Concern:

Please accept this letter as confirmation that Agway Energy Services LLC, ("Agway") is compliant with Pennsylvania Public Utility Commission ("Commission") required annual fees and required supplemental annual fees.

This confirmation is being provided as part of Agway's petition to the Commission for a reduction in the financial security amount from the current 10% to 5% of gross receipts.

Sincerely,

Michael A. Schueler  
Vice President, Product Supply



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### VERIFICATION

I, Michael Schueler state that I am Vice President of Product Supply at Suburban Propane Partners, L.P. and its wholly owned subsidiary Agway Energy Services LLC. I am authorized to make this Verification for Agway Energy Services LLC. I hereby verify that the facts set forth in the foregoing Financial Security Reduction Petition 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 any hearing in this matter. I understand that the statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

7/24/2019

Date

A handwritten signature in cursive script that reads "m. schueler".

Michael Schueler

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# Exhibit G

Certificate of Service



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## CERTIFICATE OF SERVICE

On this the 24<sup>th</sup> day of July 2019, I certify that a true and correct copy of the foregoing filing and all **NON-CONFIDENTIAL** attachments have been served as a hardcopy print out upon the following:

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor, F West  
Harrisburg, PA 17120

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

Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

Pennsylvania Office of Small  
Business Advocate  
300 North Second Street, Suite 202  
Harrisburg, PA 17101

Vice President – Energy Supply  
Corning Natural Gas Holding  
Corporation  
330 West William Street  
Corning, NY 14830

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19103

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street  
Pittsburgh, PA 15219

Office of General Counsel  
Attn: Kimberly A. Klock  
PPL  
Two North Ninth Street (GENTW3)  
Allentown, PA 18101-1179

Legal Department  
FirstEnergy  
2800 Pottsville Pike  
Reading PA, 19605

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12<sup>th</sup> Street, Suite 360  
P.O. Box 12677  
Reading, PA 19612-2677



Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

Citizens' Electric Company  
1775 Industrial Blvd.  
Lewisburg, PA 17837

Met-Ed  
P.O. Box 3687  
Akron, OH 44309-3687

Penelec  
P.O. Box 3687  
Akron, OH 44309-3687

Pike County Light & Power  
P.O. Box 1109  
Milford, PA 18337

UGI Utilities  
P.O. Box 13009  
Reading, PA 19612-3009

West Penn Power  
P.O. Box 3687  
Akron, OH 44309-3687

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

Duquesne Light Company  
411 Seventh Avenue (6-1)  
Pittsburgh, PA 15219

PECO  
Customer Service Center  
2301 Market Street  
Philadelphia, PA 19103

Penn Power  
P.O. Box 3687  
Akron, OH 44309-3687

PPL Electric Utilities  
827 Hausman Road  
Allentown, PA 18104-9392

Wellsboro Electric Company  
PO Box 138  
33 Austin Street  
Wellsboro, PA 16901



M. Douglas Dagan  
Associate  
Bevan, Mosca & Giuditta, P.C.

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ORIGIN ID:JVIA (908) 753-8300  
ANNA SULLIVAN

222 MOUNT AIRY ROAD  
SUITE 200  
BASKING RIDGE, NJ 07920  
UNITED STATES US

SHIP DATE: 24JUL19  
ACTWGT: 0.30 LB  
CAD: 5099813/NET4160

BILL SENDER

TO **ROSEMARY CHIAVETTA, SECRETARY**

**PA PUBLIC UTILITY COMMISSION  
400 NORTH STREET  
HARRISBURG PA 17120**

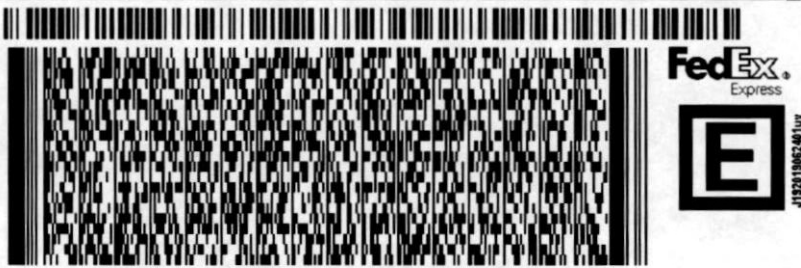
(908) 848-5940

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