



Todd S. Stewart
Office: 717 236-1300 x242
Direct: 717 703-0806
tsstewart@hmslegal.com

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

November 21, 2019

VIA ELECTRONIC FILING

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

RE: Application of EMEX, LLC; Docket No. A-2019-3014305; **APPLICATION FOR ELECTRIC GENERATION SUPPLIER LICENSE – RESPONSE TO STAFF DATA REQUEST**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the Responses of EMEX LLC, to the Staff Data Requests issued in the above-captioned Application for License as an Electric Generation Supplier.

Thank you for your attention to this matter. Please contact this office at the above-listed number with any questions you may have.

Very truly yours,

Todd S. Stewart
Counsel to EMEX, LLC

TSS/jld

Enclosures

cc: Jeremy Haring, BTUS (via email – jharing@pa.gov)
Per Certificate of Service (w/o encls.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL

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

Wellsboro Electric Company
Attn: EGS Coordination
33 Austin Street
PO Box 138
Wellsboro, PA 16901

Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120

UGI Utilities, Inc.
Attn: Rates Dept. – Choice Coordinator
1 UGI Drive
Denver, PA 17517

Office of Small Business Advocate
Commonwealth of Pennsylvania
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

Duquesne Light Company
Regulatory Affairs
411 Seventh Street, MD 16-4
Pittsburgh, PA 15219

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

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

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

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

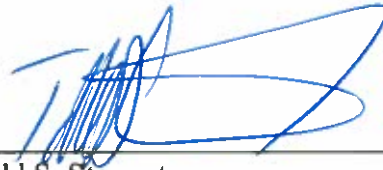
First Energy
Legal Department
2800 Pottsville Pike
Reading, PA 19612

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

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

Pike County Light & Power Company
Vice President - Energy Supply
Corning Natural Gas Holding Corporation
330 West William Street
Corning, NY 14830

DATED: November 21, 2019



Todd S. Stewart

**RESPONSES OF EMEX, LLC
TO DATA REQUESTS
OF THE STAFF**

Docket No. A-2019-3014305

1. Reference Application, Section 3.b, Predecessors – Applicant provided an incorrect Docket No. for the EGS license that was previously cancelled. Please file an updated Application page with the corrected Docket No.

RESPONSE:

See attached revised page 4 of the Application.

Provided By: Kevin McAlpin

**RESPONSES OF EMEX, LLC
TO DATA REQUESTS
OF THE STAFF**

Docket No. A-2019-3014305

2. Reference Application, Section 4.a, Present Operations – Applicant failed to indicate if it has been doing business in PA, as an EGS, since the cancellation of the previous License on July 16, 2019. Please file an updated Application page with the requested information.

RESPONSE:

See attached revised page 4 of the Application.

Provided By: Kevin McAlpin

**RESPONSES OF EMEX, LLC
TO DATA REQUESTS
OF THE STAFF**

Docket No. A-2019-3014305

3. Reference Application, Section 5.c, Customer/Regulatory/Prosecutory Actions – Applicant provided an incorrect Docket No. of its prior EGS License (Docket No. A-2010-2179537) for financial security EGS regulation non-compliance. Please file an updated Application page with the corrected information.

RESPONSE:

See Attached revised page 6 of the Application.

Provided By: Kevin McAlpin

ATTACHMENT
REVISED PAGE 4

Applicant has no predecessors; however, Applicant currently has a Petition for Reconsideration pending before the Commission with respect to the Commission's cancellation of EGS license # A-2010-2179537 for failure to furnish and maintain approved financial security. Applicant's Petition for Reconsideration is based upon the fact that Applicant has had the required bond in place throughout the relevant time period and did not respond to Commission's requests to provide the bond simply because Commission had addressed those requests to the wrong regulatory contact.

4. OPERATIONS

a. **APPLICANT'S PRESENT OPERATIONS:** *(select and complete the appropriate statement)*

Definitions

- Supplier – an entity that sells electricity to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC.
- Aggregator - an entity that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers.
- Broker/Marketer - an entity that acts as an intermediary in the sale and purchase of electric energy but does not take title to electric energy.

The Applicant is presently doing business in Pennsylvania as a

- municipal electric corporation
- electric cooperative
- local gas distribution company
- provider of electric generation, transmission or distribution services
- broker/marketer engaged in the business of supplying electricity services
- X Other; Identify the nature of service being rendered.

Applicant is a broker/marketer in the business of supplying natural gas services under license # A-2013-2365773. Because of the previously documented issue regarding the Commission sending mail to a person no longer employed by EMEX, EMEX did not become aware of the Commission's Order cancelling its license until it was informed via a press release on July 18, 2019, and it continued to operate as an EGS to that date.

OR

The Applicant is not presently doing business in Pennsylvania.

b. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a *(may check multiple)*:

- Generator of electricity
- Supplier of electricity
- Aggregator engaged in the business of supplying electricity
- X Broker/Marketer engaged in the business of supplying electricity services
 - X Check here to verify that your organization will not be taking title to the electricity nor will you be making payments for customers.
- Electric Cooperative and supplier of electric power
- Other (Describe):

c. **PROPOSED SERVICES:** Describe in detail the electric services or the electric generation services which the Applicant proposes to offer.

ATTACHMENT
REVISED PAGE 6

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

None

- b. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any such proceedings listed above.

None

- c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints, in the Commonwealth of Pennsylvania or any state, filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **Applicant should also include if it had a Pennsylvania PUC EGS or NGS license previously cancelled by the Commission.** If the Applicant has no actions or complaints to list, explicitly state such.

Applicant currently has a Petition for Reconsideration pending before the Commission with respect to the Commission's cancellation of EGS license # A-2010-2179537 for failure to furnish and maintain approved financial security. Applicant's Petition for Reconsideration is based upon the fact that Applicant has had the required bond in place throughout the relevant time period and did not respond to Commission's requests to provide the bond simply because Commission had addressed those requests to the wrong regulatory contact.

Applicant has no other relevant items to report.

- d. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any actions listed above.

The referenced Petition for Reconsideration is pending before the Commission (Docket # M-2019-3006865).

6. PROOF OF SERVICE

***Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.
(Example Certificate of Service is attached at Appendix C)***

- a. **STATUTORY AGENCIES:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, provide proof of service of a signed and verified Application with attachments on the following:

VERIFICATION

I, Kevin McAlpin, hereby state that the facts above set forth 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 held 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).

11/21/2019
Date


Kevin McAlpin