|  |  |  |
| --- | --- | --- |
| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  400 NORTH STREET, HARRISBURG, PA 17120 | **IN REPLY PLEASE REFER TO OUR FILE** |

March 9, 2020

Docket No. A-2020-3018832

Utility Code: 1222996

**CERTIFIED**

JOHN P GARDINER PRESIDENT

OPEN MARKET ENERGY LLC

7625 WISCONSIN AVE STE 200

BETHESDA MD 20814

RE: Natural Gas Supplier License Application

Dear Mr. Gardiner:

On February 21, 2020, the Public Utility Commission accepted Open Market Energy LLC’s application for a Natural Gas Supplier license. The application was incomplete. In order for us to complete our analysis of your application, the Energy Industry Group requires answers to the attached question(s).

Please be advised that you are directed to forward the requested information to the Commission within **30** days of receipt of this letter. Failure to respond may result in the application being denied. As well, if Open Market Energy LLC has decided to withdraw its application, please reply notifying the Commission of such a decision.

Please forward the information to the Secretary of the Commission at the address listed below. When submitting documents, all documents requiring notary stamps must have original signatures. Please note that some responses may be e-filed to your case, <http://www.puc.pa.gov/efiling/default.aspx>. A list of document types allowed to be e-filed can be found at <http://www.puc.pa.gov/efiling/DocTypes.aspx>.

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

400 North Street

Harrisburg, PA 17120

**Your answers should be verified per 52 Pa Code § 1.36.** Accordingly, you must provide the following statement with your responses:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 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).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

In addition, to expedite completion of the application, please also e-mail the information to Jeff McCracken at [jmccracken@pa.gov](mailto:jmccracken@pa.gov). Please direct any questions to Jeff McCracken, Bureau of Technical Utility Services, at [jmccracken@pa.gov](mailto:jmccracken@pa.gov) (preferred) or (717) 783-6163.

**** Sincerely,

Rosemary Chiavetta

Secretary

Enclosure

Docket No. A-2020-3018832

Open Market Energy LLC

Data Requests

1. Reference Application, Section 1.a, Identity of Applicant – Applicant stated throughout the application that the name of the applicant is Open Market Energy, LLC (with a comma).  This is not consistent with the Pennsylvania Department of State filing which shows the company’s name as Open Market Energy LLC (without a comma).  Please either provide a corrected application page or submit a letter stating that the application contains numerous typographical errors and stating the correct name of the applicant consistent with the Pennsylvania Department of State.

2. Reference Application, Section 1.b, Registered Agent – Applicant’s Registered Agent’s address and telephone number do not match the address and telephone number listed on the Commercial Registered Office Providers website. Please provide an updated application page with the appropriate corrections.

<http://www.dos.pa.gov/BusinessCharities/Business/Resources/Pages/Commercial-Registered-Office-Providers.aspx#.Vp-Q4GQo6zV>

3. Reference Application, Section 2.b, PA Registration – Applicant failed to provide its proof of PA Registration from its initial registration on January 21, 2015. Please provide the missing documentation.

4. Reference Application, Section 3.a, Affiliates – Applicant failed to list all affiliates and companies with common ownership, including VAR Solutions, LLC and, if applicable, Plurality Energy Solutions, LLC. Please provide an updated application page with the appropriate corrections.

5. Reference Application, Section 5.b, Criminal/Civil Proceedings – Regarding the case listed in the application, the U.S. District Court for the District of Maryland’s Case No. 8:17-CV-00648-GJH, please explain:

a. All of the charges filed against the defendants;

b. Was John P. Gardiner and/or Matt Gardiner an officer or owner of Plurality Energy Solutions, LLC in 2018;

c. Are John P. Gardiner and/or Matt Gardiner currently an officer or owner of Plurality Energy Solutions, LLC;

d. Was John P. Gardiner an owner or officer of Open Market Energy, LLC in 2018;

e. How each of the charges were resolved; and

f. The ultimate resolution of the case.

6. Reference Application, Section 7.b, Financial Fitness – Please provide financial statements for the 2019 calendar year.

7. Reference Application, Section 7.f, Taxation – Applicant failed to provide its Federal Employer Identification Number on its Tax Certification Statement. Please resubmit a complete Tax Certification Statement.

8. Reference Application, Section 8.e, Technical Fitness – Applicant failed to provide detailed professional résumés of its chief officers, to include detailed descriptions on all experience and activities including date ranges. Please provide the missing documentation.

9. Reference Application, Section 11, Affidavits – The Affidavits submitted list the applicant’s name as Open Market Energy, LLC (with a comma) rather than Open Market Energy LLC (without a comma). Please resubmit the Application Affidavit and the Operations Affidavit.