

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of Greencrown Energy, LLC)
For Reconsideration, Rescission,)
And Reinstatement)
)
)
)

Docket Number: A-2020-3021546

**PETITION OF GREENCROWN ENERGY, LLC
FOR RECONSIDERATION, RESCISSION AND REINSTATEMENT**

1. Petitioner Greencrown Energy, LLC (“Greencrown”) files this Petition pursuant to 52 Pa Code Section 5.572.

2. Greencrown filed an Application for Electric Generation Supplier License with the Pennsylvania Public Utility Commission (“PUC”) on August 26, 2020, which was assigned Docket Number A-2020-3021546.

3. Greencrown received two data request letters from the PUC dated September 8, 2020 (Exhibit A) and October 9, 2020 (Exhibit B). Both letters required responses within 30 days, and Greencrown responded to both letters within this time frame. Greencrown has made every effort to respond to any and all requests in a timely and efficient manner.

4. PA PUC’s letter dated September 8, 2020 noted that a response to the following question was needed.

Reference Application, Section 5.c, Customer/Regulatory/Prosecutory Actions – Applicant left this question blank. Please file an updated Application page with a response.

Greencrown advised their licensing provider, LicenseLogix, on how to respond to this request, but LicenseLogix inadvertently omitted the revised page from their response. The omission on the part of LicenseLogix, not Greencrown, and was certainly not an attempt to make any false statements to the PUC.

5. PA PUC's letter dated October 9, 2020 noted only that a response to the following question was needed, to which Greencrown responded on October 14, 2020.

Please confirm or disaffirm if Greencrown Energy LLC, is the same Greencrown Energy LLC, licensed to broker electricity on December 3, 2015 at Docket No. A-2015-2501450, and cancelled on August 6, 2019.

6. On November 19, 2020, the PUC issued an Order (Exhibit C) denying Greencrown's application and closing Docket No. A-2020-2031546, on the grounds that Section 5c of the application was not submitted, as requested in the PUC's letter dated September 8, 2020. This omission from Greencrown's response was a mere oversight, not an intent to make any false statements.

7. As noted in the response received by the Board on October 14, 2020, Greencrown acknowledges that it had previously filed an application as an Electric Generation Supplier with the PUC. Greencrown has made no attempt to make any false statements, only an honest oversight of leaving question 5c blank with respect to the September request. The October request made no mention that the PUC was still waiting for a response to item 5c, which led to the submission of the only requested item in the October Data Request. Attached is Exhibit D which provides a clear and detailed response to item 5c on the Application for Electric Generation Supplier License.

8. For the foregoing reasons, Greencrown respectfully requests that the PUC reconsider the denial of Greencrown's application, rescind its Order of Denial pursuant to the authority granted to the PUC under the Public Utility Code at 66 PS Section 703(g), and reinstate Greencrown's application under Docket Number A-2020-302154.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Errigo', written over a horizontal line.

Paul Errigo
President - Greencrown Energy, LLC

Exhibit A



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

September 8, 2020

Docket No. A-2020-3021546
Utility Code: 1123397

PAUL ERRIGO
GREENCROWN ENERGY LLC
229 MAIN STREET
BELLEVILLE NJ 07109

RE: Electric Generation Supplier License Application

Dear Mr. Errigo:

On August 26, 2020, the Public Utility Commission accepted GreenCrown Energy, LLC's application for an Electric Generation 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 questions.

Please be advised that you are directed to forward the requested information to the Commission within **30** days from the date of this letter. Failure to respond may result in the application being denied. As well, if GreenCrown 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

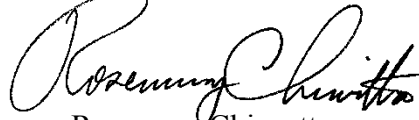
Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

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 Lee Yalcin at lyalcin@pa.gov. Please direct any questions to Lee Yalcin, Bureau of Technical Utility Services, at lyalcin@pa.gov (preferred) or (717) 787-6723.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta
Secretary

CC: Al Dorso - by email

Docket No. A-2020-3021546
GreenCrown Energy, LLC
Data Request

1. Reference Application, Section 5.c, Customer/Regulatory/Prosecutory Actions – Applicant left this question blank. Please file an updated Application page with a response.

Exhibit B



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

October 9, 2020

Docket No. A-2020-3021546
Utility Code: 1123397

CERTIFIED

PAUL ERRIGO
GREENCROWN ENERGY LLC
229 MAIN STREET
BELLEVILLE NJ 07109

RE: Electric Generation Supplier License Application

Dear Mr. Errigo:

On October 6, 2020, the Public Utility Commission accepted GreenCrown Energy, LLC's responses to the data requests sent on September 8, 2020. The responses had certain pertinent parts missing. In order for us to complete our analysis of your application, the Energy Industry Group requires answers to the attached question.

Please be advised that you are directed to forward the requested information to the Commission within **30** days from the date of this letter. Failure to respond may result in the application being denied. As well, if GreenCrown 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:

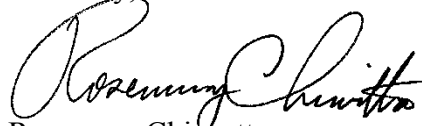
I, _____, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the

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 Lee Yalcin at lyalcin@pa.gov. Please direct any questions to Lee Yalcin, Bureau of Technical Utility Services, at lyalcin@pa.gov (preferred) or (717) 787-6723.

Sincerely

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta
Secretary

CC: Al Dorso by email

Docket No. A-2020-3021546
GreenCrown Energy, LLC
Data Request
Set II

1. Please confirm or disaffirm if Greencrown Energy LLC, is the same Greencrown Energy LLC, licensed to broker electricity on December 3, 2015 at Docket No. A-2015-2501450, and cancelled on August 6, 2019.

Exhibit C

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held November 19, 2020

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
John F. Coleman, Jr.
Ralph V. Yanora

License Application of GREENCROWN Energy,
LLC for Approval to Offer, Render, Furnish, or
Supply Electricity or Electric Generation Services as
a Broker/Marketer

Docket Number:
A-2020-3021546

ORDER

BY THE COMMISSION:

On August 26, 2020, the Pennsylvania Public Utility Commission (Commission) accepted GREENCROWN Energy, LLC's (GREENCROWN Energy), Utility Code 1123397, application seeking to become a licensed electric generation supplier (EGS) as a broker/marketer, in all the electric distribution company (EDC) service territories throughout the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §§54.31-54.43, which became effective on August 8, 1998, and which were established under section 2809 of the Public Utility Code, 66 Pa. C.S. §2809. For the reasons expressed in this Order, the Commission denies the application consistent with this Order.

Section 2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission.

66 Pa. C.S. §2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa. C.S. § 2803.

Upon review of GREENCROWN Energy's EGS application, Commission staff sent a data request to GREENCROWN Energy on September 8, 2020, seeking additional information. Specifically, the data request asked for missing or insufficient information regarding Section 5.c of the application (Compliance Section) that was left unanswered in GREENCROWN Energy's application. The data request asked GREENCROWN Energy to file an updated application page with a response to Section 5.c. On September 25, 2020, GREENCROWN Energy submitted a response providing the same information it submitted in the application on August 26, 2020, leaving Section 5.c still unanswered.

On October 9, 2020, Commission staff sent a second data request to GREENCROWN Energy. The data request asked if the applicant was the same GREENCROWN Energy LLC that had its EGS license cancelled by the Commission, at Docket No. A-2015-2501450, for failure to maintain an approved financial security in compliance with 52 Pa. Code §54.40(a)&(d). On October 14, 2020, GREENCROWN Energy submitted a response confirming it was the entity previously licensed at A-2015-2501450. However, in its response, GREENCROWN Energy failed to provide a reason for its failure to properly disclose its previous EGS license cancellation when completing Section 5.c. of the application, nor did GREENCROWN Energy provide an update to its application.

The Commission's EGS application, Compliance Section 5.c. states:

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.

GREENCROWN Energy provided no response to Section 5.c. We find this response inadequate and incomplete as GREENCROWN Energy now acknowledges that it had its previous EGS license cancelled by the Commission at Docket No. A-2015-2501450, for failure to maintain an approved financial security in compliance with 52 Pa. Code §54.40(a)&(d).

In addition, Section 10.g. of the Commission's EGS application states:

g. FALSIFICATION: The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.

GREENCROWN Energy signified its agreement to this section of its application, indicating that it was aware of its responsibility to provide complete and candid responses in the submitted license application. As indicated above, GREENCROWN Energy had a previous EGS license cancelled by the Commission due to non-compliance with 52 Pa. Code §54.40(a)&(d) regarding EGS financial security requirements. GREENCROWN Energy failed, in the application, to disclose that it had its license cancelled by the Commission as required by Section 5.c. of the EGS Application. The fact that GREENCROWN Energy was cancelled, and that GREENCROWN Energy failed to disclose such on the instant application, raises a concern regarding the integrity of the applicant as a broker/marketer of retail power in the Commonwealth of Pennsylvania. The Commission finds that this lack of candor and integrity puts into question GREENCROWN Energy's technical fitness as a broker/marketer of retail power. We note that all licensed suppliers are obligated to comply with Commission regulations and orders, accordingly, we find that GREENCROWN Energy's lack of candor and integrity on the application raises questions as to whether GREENCROWN Energy has the ability to comply with all such regulations and orders when they cannot complete the electric generation supplier application in a manner that is candidly responsive to all sections of said application.

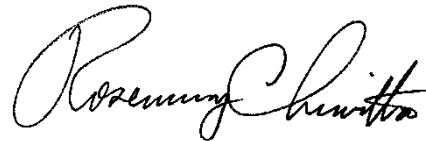
Given the applicant's failure to provide accurate information in response to Section 5.c. of the EGS Application, the application of GREENCROWN Energy, LLC to become a licensed electric generation supplier as a broker/marketer to small commercial

(25 kW and under demand), and large commercial (over 25 kW demand) customers, in all the electric distribution company service territories throughout the Commonwealth of Pennsylvania is denied in accordance with Section 10.g. of the EGS application and its failure to demonstrate the technical fitness to act in that capacity; **THEREFORE,**

IT IS ORDERED:

1. That the application of GREENCROWN Energy, LLC is hereby denied, without prejudice, consistent with this Order.
2. That a copy of this Order be served on GREENCROWN Energy, LLC.
3. That this proceeding at Docket No. A-2020-3021546 be closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: November 19, 2020

ORDER ENTERED: November 19, 2020

5. COMPLIANCE

- a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.

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.

The applicant has not been a defendant in a criminal case or civil proceeding within the past five (5) years.

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

NOT APPLICABLE

- 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.

Greencrown Energy, LLC had an EGS application on December 3, 2015 at Docket No. A-2015-2501450, and cancelled on August 6, 2019 by the commission.

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

NOT APPLICABLE