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

March 10, 2021

Docket No. A-2021-3024218

Utility Code: 1123844

**CERTIFIED**

JAMES ROSAN

HERCULES ENERGY LLC

5411 MARKET ST

BOARDMAN OH 44512

RE: Electric Generation Supplier License Application

Dear Mr. Rosan:

On February 19, 2021, the Public Utility Commission accepted Hercules 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 Hercules 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>.

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

 Sincerely,

Rosemary Chiavetta

Secretary

Enclosure

Docket No. A-2021-3024218

Hercules Energy, LLC

Data Requests

1. Reference Application, Section 1.a, Identity of Applicant – The Applicant stated throughout the Application that the name of the applicant is Hercules Energy, LLC dba Hercules Energy.  This is not consistent with the Pennsylvania Department of State filing which shows the applicant’s name Hercules Energy, LLC.  Please either provide the corrected application pages or submit the necessary documentation from the Pennsylvania Department of State for the registration of a fictitious name.

2. Reference Application, Section 1.a, Identity of Applicant – Applicant failed to provide the applicant’s web address. Please provide an updated application page with the appropriate corrections.

3. Reference Application, Section 1.b, Registered Agent – Applicant failed to provide a Name, Primary Address, and Telephone Number for the Applicant’s Registered Agent. Please provide an updated application page with the appropriate corrections.

4. Reference Application, Section 1.c, Regulatory Contact – Applicant failed to provide a Telephone Number for the Regulatory Contact. Please provide an updated application page with the appropriate corrections.

5. Reference Application, Section 2.a, Fictitious Name –Applicant checked the option that it will not be using a fictitious name. However, in section 1.a of the application, applicant did list its name with a fictitious name or “dba”. Please see Data Request No. 1.

6. Reference Application, Section 5.a and c, Customer/Regulatory/Prosecutory Actions – The Applicant’s qualifying statement (**N/A**) is non-responsive to Questions 5.a and c. Please provide a full and complete answer to Questions 5.a and c.

7. Reference Application, Section 7.b, Financial Fitness – Applicant provided financial documentation for its affiliate company, Hercules LED, please provide financial documentation in the name of the applicant. These may include 3 recent consecutive months of bank account statements. Audited or unaudited financial statements for the two most recent years (2019 and 2020) pro-forma is acceptable for 2020 or proof of an agreement between the affiliate entity and the applicant for proof of access to funding, such as a drawdown or credit agreement. Applicant may mark confidentially submitted documentation as such.

8. Reference Application, Section 7.f, Taxation – Applicant failed to provide a Revenue ID Number. Any company registered in the Commonwealth of Pennsylvania after March 2013 must contact the Pennsylvania Department of Revenue for its 10‑digit Revenue ID Number. Please resubmit a complete Tax Certification Statement.

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