

STEVENS & LEE
LAWYERS & CONSULTANTS

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Direct Fax: (610) 988-0852

April 26, 2021

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Application of All Choice Energy MidAmerica LLC for approval to supply electricity or electric generation services as a supplier of electricity to the public
Dkt. No. A-2021-3024563

Application of All Choice Energy MidAmerica LLC for approval to supply natural gas services as a supplier or aggregator engaged in the business of supplying natural gas services
Dkt. No. A-2021-3024607

Dear Secretary Chiavetta:

Enclosed for filing on behalf of All Choice Energy MidAmerica LLC is its Motion to Dismiss the Protest filed by Choice Energy, LLC in the above-captioned matters. Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions or concerns, please do not hesitate to contact me.

Best Regards,

STEVENS & LEE



Michael A. Gruin

Enclosures

cc: Administrative Law Judge Elizabeth Barnes (via email)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :
for approval to supply electricity or electric :
generation services as a supplier of electricity to the : Dkt. No. A-2021-3024563
public in the service territories of PECO Energy :
Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :
for approval to supply natural gas services as a :
supplier or aggregator engaged in the business : Dkt. No. A-2021-3024607
of supplying natural gas services in the service :
territories of PECO Energy Company, Philadelphia :
Gas Works and UGI Utilities

NOTICE TO PLEAD

To: John D. Coyle, Esq., Counsel for Choice Energy, LLC

All Choice Energy MidAmerica LLC has filed a Motion to Dismiss the Protest of Choice Energy, LLC in the above-captioned matter, pursuant to the Pennsylvania Public Utility Commission's regulations at 52 Pa. Code §5.103. You are hereby notified to file a written response to All Choice Energy MidAmerica LLC's Motion to Strike within twenty (20) days from the date of service of the Motion to Strike, consistent with 52 Pa. Code §5.61(a) and 5.103(c). If you do not file a written response to the Motion to Strike within twenty (20) days of service, the presiding officer may rule in favor of All Choice Energy MidAmerica LLC without a hearing. All pleadings, such as Answers to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for All Choice Energy MidAmerica LLC. Failure to respond to this Motion could result in an Order dismissing the Protest.

STEVENS & LEE



DATE: April 26, 2021

Michael A. Gruin, (I.D. No. 78625)
17 N. 2nd St., 16th Fl
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

Counsel for All Choice Energy MidAmerica LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :
for approval to supply electricity or electric :
generation services as a supplier of electricity to the : Dkt. No. A-2021-3024563
public in the service territories of PECO Energy :
Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :
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supplier or aggregator engaged in the business : Dkt. No. A-2021-3024607
of supplying natural gas services in the service :
territories of PECO Energy Company, Philadelphia :
Gas Works and UGI Utilities

**ALL CHOICE ENERGY MIDAMERICA LLC’S MOTION TO DISMISS
PROTEST OF CHOICE ENERGY LLC**

PRELIMINARY STATEMENT

All Choice Energy MidAmerica LLC (“MidAmerica”), through undersigned counsel, hereby responds and moves to dismiss the purported protest (the “Purported Protest”) of Choice Energy, LLC (“Choice Energy”) which was submitted to the Pennsylvania Public Utility Commission (the “Commission”) in the form of a letter (See Ex. A), dated April 7, 2021, and filed on the Commission’s electronic filing system on April 15, 2021. For the reasons stated below, the Purported Protest should be dismissed with prejudice because the Purported Protest was (i) untimely filed, (ii) unverified, (iii) not in the proper statutory form, (iv) not served upon the designated representative for MidAmerica, (v) fails to state a claim upon which relief can be granted by the Commission, (vi) lacks any merit and (vii) is purely a frivolous attempt to restrict competition.

DISCUSSION

Through the Purported Protest, Choice Energy, an electric generation supplier (“EGS”) licensed¹ to do business in the Commonwealth of Pennsylvania (the “Commonwealth”) *solely* under the fictitious name “4 Choice Energy, LLC” endeavors to circumvent clear statutory requirements in what can only be deemed to be an attempt to impede the entry of a prospective competitor as a licensed EGS and a licensed natural gas supplier (“NGS”) in the Commonwealth. In filing its Purported Protest, Choice Energy does not object to the financial and/or technical fitness of MidAmerica to serve as a licensed EGS and/or NGS in the Commonwealth - the only attributes of an applicant that can provide grounds for a protest. Rather, Choice Energy objects solely to MidAmerica’s use of an alleged trade name, “All Choice Energy.” (See Ex. A, p. 1). In support of its position, Choice Energy asserts that the use by MidAmerica of “All Choice Energy” as a trade name in connection with marketing its services in the Commonwealth would infringe upon its trademark and trade name and that the “trade names” of the parties are so similar that the use by MidAmerica of an abbreviation of its full name, namely, “All Choice Energy,” “would create confusion in the marketplace, and infringe upon Choice Energy LLC’s intellectual property and trademark rights.” (See Ex. A, p. 1).

Here, however, there is no need to delve into the objections raised by Choice Energy in the Purported Protest, which is not even licensed to do business under such name in the Commonwealth. (See Ex. B). Indeed, MidAmerica respectfully submits that it is not appropriate for the Purported Protest to be before an Administrative Law Judge due to the Purported Protest’s multiple substantive and procedural defects.

¹ Choice Energy, LLC **d/b/a 4 Choice Energy, LLC** License No.: A-2012-2337893, granted effective July 16, 2013.

First of all, the Purported Protest is clearly untimely. In connection with the submission of its Applications, and in accordance with the Commission's regulations, MidAmerica published the fact that it would be applying for both an EGS and NGS license in the Commonwealth in all seven (7) newspapers designated by the Commission on or about January 15, 2021. (See Ex. C). In accordance with 52 Pa. Code. 54.35, these notices advertised a 15-day protest period. Choice Energy did not file its Purported Protest until **almost three (3) months later**, well after the 15-day period provided for the filing of protests.

Secondly, in addition to being severely delinquent in its filing, Choice Energy neither complied with applicable Commission regulations as to the contents of a protest, nor provided a verification with the Purported Protest as required by the Commission's regulations at 52 Pa. Code §1.36 .

Thirdly, Choice Energy did not serve a copy of its Purported Protest upon MidAmerica as required by 52 Pa. Code §5.52(c).

In addition to Choice Energy's failure to comply with technical requirements of filing a protest, the Purported Protest fails to state a claim upon which the Commission can grant relief, because the Purported Protest does not contest either the technical or financial fitness of MidAmerica, which are the sole grounds for protesting an EGS or NGS application. See 52 Pa. Code 54.36. As stated above, the only basis given by Choice Energy's only basis for the Purported Protest was that MidAmerica's use of "All Choice Energy" as a trade name in connection with marketing services in the Commonwealth would dilute Choice Energy's trade name "Choice Energy." (See Ex. A, p. 1). However, as reflected in MidAmerica's EGS Application, the Secretary of State of the Commonwealth authorized and, indeed, recorded the application of All Choice Energy (PJM) LLC (now known as All Choice Energy MidAmerica LLC) on November

8, 2018, and accepted an amendment changing the name on August 2, 2019. It is within the purview of the Secretary of State, not the Commission, to determine name availability and to grant the right to use a name in the Commonwealth. Clearly, by virtue of granting MidAmerica the right to register as a domestic limited liability in the Commonwealth, the Secretary of State did not see an issue with the purported similarity of the names. As the Commission does not have the authority to grant the right to use legal names or fictitious names in connection with registrations to conduct business in the Commonwealth, Choice Energy has failed to state a claim in its Purported Protest upon which the Commission can grant relief – the only rational relief one could surmise Choice Energy seeks in its Purported Protest would be that the Commission require MidAmerica to change its name before its Applications can be considered. This is not possible under the law. This is simply a meritless and frivolous action brought by Choice Energy which has caused harm to MidAmerica by unnecessarily delaying the Commission’s review of its Applications and thereby extending the time that it will take for MidAmerica to complete the steps needed to enter the Pennsylvania market.

Assuming, arguendo, that the technical and material deficiencies in Choice Energy’s Purported Protest are discounted or even overlooked, it is worth noting that there are at least two (2) other EGSs currently licensed whose names include “Choice Energy” with a word before it – the very characteristic of which Choice Energy complains in its Purported Protest - and that were actively operating in the Commonwealth *before* Choice Energy, LLC received its license. Specifically, Your Choice Energy LLC received its license to operate as an EGS on September 9, 2009, and Cleanchoice Energy Inc., received its License No.: A-2012-2308371, effective June 7, 2012. Both of these entities were granted their EGS licenses well before Choice Energy received its license on July 16, 2013, through its fictitious name, and entered the Pennsylvania market. The

records are void of any evidence of protests or petitions among or between such parties and Choice Energy when it entered the applicable market. Thus, it is reasonable to conclude there really is no issue with the name All Choice Energy MidAmerica LLC. In fact, if one were to take Choice Energy's argument in the Purported Protest to its logical conclusion (i.e. that adding a word before "Choice Energy" will infringe upon its common law trademark rights² and create confusion in the marketplace), it should be noted that Choice Energy's own trade name causes confusion because it only has the right to operate in the Commonwealth through its fictitious name, 4 Choice Energy, LLC – a name with a simple number added to its name before Choice Energy, LLC.³

CONCLUSION

For the reasons set forth above, the Purported Protest has no merit whatsoever, it is deficient in both form or substance, and as a matter of law should be dismissed with prejudice. Furthermore, in accordance with 52 Pa. Code 54.36, because the Purported Protest was filed for an improper purpose, the Commission is authorized to impose sanctions against the Protestant Choice Energy, LLC for intentional misuse of the protest process, including license revocations and fines.

WHEREFORE, the Applicant All Choice Energy MidAmerica LLC respectfully requests that this Honorable Commission dismiss the Protest of Choice Energy, LLC, with prejudice, direct that the Application of All Choice Energy Mid America LLC be re-assigned to the Commission's Bureau of Technical Utility Services for review, and grant such other relief as the Commission may deem to be appropriate under the circumstances, including the suspension of Choice Energy LLC's EGS license and fines against Choice Energy, LLC.

² There is no evidence that Choice Energy, LLC has registered a trademark either federally or in the Commonwealth.

³ The case cited to in the Purported Protest to attempt to shore up their aforementioned argument is simply not applicable. It is undecided and involves a dispute about slamming. The named Defendant, "SunSea Energy LLC, has a name that could absolutely not be confused with "Choice Energy."

Respectfully submitted,



Julie B. Steamer*
Steamer Hart LLP
86 Fleet Place, 32E
New York, New York 11201
Tel. (917) 664-1305
Fax. (212) 500-7973
*Admission *Pro Hac Vice* pending

Michael A. Gruin, (I.D. No. 78625)
STEVENS & LEE
17 N. 2nd St., 16th Fl.
Harrisburg, PA 17101
Tel. (717) 255-7365
Fax (610) 988-0852

Attorneys for All Choice Energy MidAmerica LLC

VERIFICATION

I, Christopher Polke, holding the position of Chief Executive Officer with All Choice Energy MidAmerica LLC, hereby state that the facts set forth above 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 false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

Christopher Polke

Date: April 26, 2021

EXHIBIT A



JOHN D. COYLE
Partner
55 Madison Ave., Suite 400
Morristown, NJ 07960
jcoyle@coylelawgroup.com
t. 973.801.0454
f. 973.860.5520

April 7, 2021

VIA Electronic Filing

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

Re: Application of All Choice Energy MidAmerica LLC
Electric: A-2021-3024563
Natural Gas: A: 2021-3024607

Dear Ms. Chiavetta:

This firm represents Choice Energy, LLC, a Pennsylvania Public Utility Commission licensed provider of electric generation services ("EGS"), license number A-2012-2337893. I submit this letter in opposition to the applications from All Choice Energy MidAmerica LLC to receive Pennsylvania EGS and Natural Gas Distribution Company ("NGDC") licenses.

To clarify, we do not oppose All Choice Energy MidAmerica LLC's entry into the Pennsylvania market; we believe the robust expansion of the EGS and NGDC markets will provide the best options for Pennsylvania consumers. However, we oppose their use of the trade name "All Choice Energy" when marketing in Pennsylvania.

Choice Energy, LLC has been operating pursuant to a PUC license since 2012 under the trade name "Choice Energy." Allowing a new entrant into the marketplace to use the name "All Choice Energy" would create confusion in the marketplace, and dilute Choice Energy, LLC's intellectual property and trademark rights. A consumer who was contacted by "All Choice Energy" would reasonably believe they had been contacted by "Choice Energy," who has been operating in Pennsylvania for nearly a decade and has expended significant funds to develop and maintain the "Choice Energy" name.

An example makes this point obvious. If a proposed EGS applied to be licensed to use the name "All Pennsylvania Power Company" or "All Metropolitan Edison Company" would the PAPUC approve the license? Of course not. A customer contacted by such an entity would reasonably believe they were contacted by their local Electric Distribution Company, "Pennsylvania Power Company" or "Metropolitan Edison Company." This would have the clear potential to cause confusion for consumers.

As shown in the example above, the PUC would undoubtedly never let an EGS simply add the word "All" to the name of an EDC. Similarly, the PUC should not allow an EGS to add the word "All" to the name that a licensed EGS that has been operating in Pennsylvania since 2012.

Rosemary Chiavetta, Secretary

April 7, 2021

Page 2

Although we refer only to the potential to cause confusion to consumers, this harm is not merely hypothetical. Choice Energy LLC already is dealing with problems created by another EGS using the name “Choice Energy” to misrepresent and mislead consumers into switching to them in other states. *See, Choice Energy LLC v. SunSea Energy LLC, et al.*; Civil Action No.: 1:20-cv-14139 (United States District Court for the District of New Jersey).

As set forth above, we welcome All Choice Energy MidAmerica LLC into the market in Pennsylvania as long as it operates under a name that will not reasonably create confusion to consumers and dilute Choice Energy LLC’s vested interest and name recognition in the market.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Coyle". The signature is stylized and cursive.

John D. Coyle

EXHIBIT B

**PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU**

Application for Registration of Fictitious Name
54 Pa.C.S. § 311

Name	Choice Energy, LLC		
Address	4257 US Highway 9, Suite 6C		
City	State	Zip Code	
Freehold, NJ		07728	

Document will be returned to the name and address you enter to the left.

Fee: \$70

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is:
4 Choice Energy, LLC

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is:
Electric Generation Supplier

3. The address, including number and street, if any, of the principal place of business (P.O. Box alone is not acceptable):
715 E. 2nd Street, Des Moines, IA 50309

Number and street	City	State	Zip	Polk County

4. The name and address, including number and street, if any, of each individual interested in the business is:

Name	Number and Street	City	State

5. Each entity, other than an individual, interested in such business is (are):

Choice Energy, LLC	Limited Liability Company	Iowa
Name	Form of Organization	Organizing Jurisdiction
715 E. 2nd Street, Des Moines, IA 50309		
Principal Office Address		
PA Registered Office, if any		
Name	Form of Organization	Organizing Jurisdiction
Principal Office Address		
PA Registered Office, if any		

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. Optional: The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed this

25th day of May, 2012.

Individual Signature	Individual Signature
Individual Signature	Individual Signature
Choice Energy, LLC	
Entity Name	Entity Name
	Signature
Co-Managing Member	Signature
Title	Title

**PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU**

Application for Registration - Foreign

(15 Pa.C.S.)

- Registered Limited Liability General Partnership (§ 8211)
 Registered Limited Liability Limited Partnership (§ 8211)
 Limited Partnership (§ 8582)
 Limited Liability Company (§ 8981)

Name	Choice Energy, LLC		
Address	4257, US Highway 9, Suite 6C		
City	State	Zip Code	
Freehold, NJ	07728		

Document will be returned to the name and address you enter to the left.

Fee: \$250

In compliance with the requirements of the applicable provisions (relating to registration), the undersigned, desiring to register to do business in this Commonwealth, hereby states that:

1. The name of the limited liability company/limited liability partnership/limited partnership in the jurisdiction in which it is formed:

Choice Energy, LLC

2. The name under which the limited liability company/limited liability partnership/limited partnership proposes to register and do business in this Commonwealth is:

4 Choice Energy, LLC

3. The name of the jurisdiction under the laws of which it was organized and the date of its formation:

Jurisdiction: Iowa Date of Formation: 01-12-2010

4. The (a) address of its initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street	City	State	Zip	County
(b) Name of Commercial Registered Office Provider				County
InCorp Services, Inc.				Dauphin

5. Check and complete one of the following:

The address of the office required to be maintained by it in the jurisdiction of its organization by the laws of that jurisdiction is:

Choice Energy, LLC	715 E. 2nd Street, Des Moines, IA 50309
Number and street	City State Zip

It is not required by the laws of its jurisdiction of organization to maintain an office therein and the address of its principal office is:

Number and street	City	State	Zip
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6. For Restricted Professional Limited Liability Company Only. Strike out if inapplicable: ~~The company is a restricted professional company organized to render the following professional service(s):~~

Limited Liability Partnership and Limited Partnership: Complete paragraphs 7 and 8

7. The name and business address of each general partner.

Name	Business Address

8. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contribution is:

Choice Energy, LLC	4257 US Highway 9, Suite 6C, Freehold, NJ 07728	Monmouth
Number and street	City State Zip	County

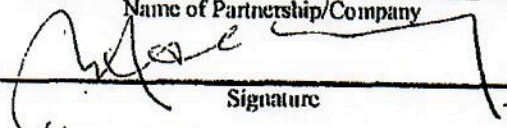
The registered partnership hereby undertakes to keep those records until its registration to do business in the Commonwealth is canceled or withdrawn.

IN TESTIMONY WHEREOF, the undersigned has caused this Application for Registration to be signed by a duly authorized officer/member or manager thereof this

25th day of May, 2012.

Choice Energy, LLC

Name of Partnership/Company



Signature

Co-Managing Member

Title



Corporations ▾ Search Business Entities (corpsearch.aspx) Search UCC Transactions (uccsearch.aspx) Forms ▾

Contact Corporations (<http://www.dos.pa.gov/BusinessCharities/Pages/default.aspx>)

Login (<https://hub.business.pa.gov/>)

Search entity / Select entity / Order documents

Order Business Documents

Date: 04/19/202

Business Name History

Name	Name Type
4 Choice Energy, LLC	Current Name

Business Entity Details

Name	4 Choice Energy, LLC
Entity Number	4118276
Entity Type	Limited Liability Company
Status	Active
Citizenship	Foreign
Entity Creation Date	06/04/2012
Effective Date	06/04/2012
State Of Inc	IA
Address	%INCORP SERVICES, INC. Dauphin

Officers

Filed Documents

The information presented below is for your reference. To place an order you will need to log in. If you do not have a PENN File account, you may register for an account by clicking here (/Account/Register_account).

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Certified Documents

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<input type="checkbox"/>	04/19/2021	Certificate of Registration	1	<input type="text" value="1"/>	\$40.00	
<input type="checkbox"/>	04/19/2021	Index and Docket Report	1	<input type="text" value="1"/>	\$15.00	
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EXHIBIT C

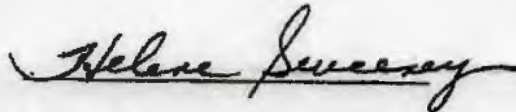
Proof of Publication in The Philadelphia Daily News
Under Act. No 587, Approved May 16, 1929

STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

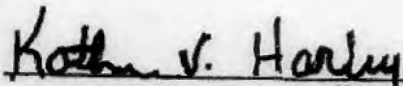
Helene Sweeney being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

JANUARY 18, 2021

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

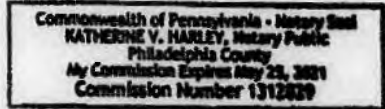


Sworn to and subscribed before me this 18th day of
January, 2021



Notary Public

My Commission Expires:



Copy of Notice of Publication

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE

Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer / Broker Engaged In The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public In The Commonwealth Of Pennsylvania. All Choice Energy MidAmerica LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier or aggregator of natural gas, and/or a (2) a broker/marketer engaged in the business of providing natural gas services. All Choice Energy MidAmerica LLC will also be filing an application with the PUC for a license to supply electricity and/or (3) an aggregator engaged in the business of supplying electricity. All Choice MidAmerica LLC proposes to sell electricity and natural gas and related services for PECO, Philadelphia Gas Works, UGI Utilities - Gas Division and PPL, under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act, respectively.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of All Choice Energy MidAmerica LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to All Choice Energy MidAmerica LLC's attorney at the address listed below.

By and through Counsel: Julie B. Steamer, Esq.
Steamer Hart LLP
88 Fleet Place, Ste. 52E
Brooklyn, NY 11201
Phone: 917-864-1306
Fax: 212-560-7973

The Scranton Times (Under act P.L. 877 No 160. July 9, 1976)
Commonwealth of Pennsylvania, County of Lackawanna

ALL CHOICE ENERGY MIDAMERICA LLC
CHRISTOPHER POLKE
3 SCHOOL STREET, SUITE 101B GLEN COVE NY 11542

Account # 640181
Order # 82508856
Ad Price: 333.05

LEGAL NOTICE PENNSYLVANIA

Sharon Venturi

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Scranton Times, owner and publisher of The Scranton Times, a newspaper of general circulation, established in 1870, published in the city of Scranton, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

01/15/2021

Affiant further deposes and says that neither the affiant nor The Scranton Times is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true Sharon Venturi

Sworn and subscribed to before me
this 14th day of January A.D., 2021

Kathleen Weaver
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Kathleen Weaver, Notary Public
City of Scranton, Lackawanna County
My Commission Expires June 14, 2021

LEGAL NOTICE

PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE
Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer/Broker Engaged In The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public In The Commonwealth Of Pennsylvania.

All Choice Energy Mid America LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier or aggregator of natural gas, and/or a (2) a broker/ marketer engaged in the business of providing natural gas services. All Choice Energy Mid America LLC will also be filing an application with the PUC for a license to supply electricity and/or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity and/or (3) an aggregator engaged in the business of supplying electricity. All Choice Energy MidAmerica LLC proposes to sell electricity and natural gas and related services for PECO, Philadelphia Gas Works, UGI Utilities - Gas Division and PPL under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act, respectively.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of All Choice Energy MidAmerica LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to All Choice Energy MidAmerica LLC's attorney at the address listed below.

By and through Counsel:
Julie B. Stearns, Esq.
Stearns Hart LLP
80 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-884-1305
Fax: 212-800-7973



The Patriot News
LEGAL AFFIDAVIT

AD#: 0008653991

Commonwealth of Pennsylvania,) ss
County of Cumberland)

Sheryl Leggere being duly sworn, deposes that he/she is principal clerk of PA Media Group; that The Patriot News is a public newspaper published in the city of Mechanicsburg, with general circulation in Cumberland and Dauphin and surrounding counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

The Patriot News 01/17/2021

Principal Clerk of the Publisher

Sworn to and subscribed before me this 19th day of January 2021

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Crystal B. Rosensteel, Notary Public
Dauphin County
My commission expires June 27, 2024
Commission number 1299212
Member, Pennsylvania Association of Notaries

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE**

Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer / Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public in The Commonwealth Of Pennsylvania.

All Choice Energy MidAmerica LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier or aggregator of natural gas, and/or a (2) a broker/marketer engaged in the business of providing natural gas services. All Choice Energy MidAmerica LLC will also be filing an application with the PUC for a license to supply electricity and/or (3) an aggregator engaged in the business of supplying electricity. All Choice MidAmerica LLC proposes to sell electricity and natural gas and related services for PECO, Philadelphia Gas Works, UGI Utilities - Gas Division and PPL under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act, respectively.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of All Choice Energy MidAmerica LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to All Choice Energy MidAmerica LLC's attorney at the address listed below.

By and through Counsel:
Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973

PROOF OF PUBLICATON OF NOTICE IN THE WILLIAMSPORT
SUN-GAZETTE UNDER ACT NO. 587, APPROVED MAY 16, 1929

STATE OF PENNSYLVANIA

COUNTY OF LYCOMING

SS:

Robert O. Rolley, Jr., Publisher of the Sun-Gazette LLC publishers of the Williamsport Sun-Gazette, successor to the Williamsport Sun and the Gazette & Bulletin, both daily newspapers of general circulation, published at 252 West Fourth Street, Williamsport, Pennsylvania, being duly sworn, deposes and says that the Williamsport sun was established in 1870 and the Gazette & Bulletin was established in 1801, since which dates said successor, the Williamsport Sun-Gazette, has been regularly issued and published in the County of Lycoming aforesaid, and that a copy of the printed notice is attached hereto exactly as the same was printed and published in the regular editions of said Williamsport Sun-Gazette on the following dates, viz

January 15, 2021

Affiant further deposes that he is an officer daily authorized by the Sun-Gazette LLC, publisher of the Williamsport Sun-Gazette, to verify the foregoing statement under oath and declare that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all the allegations in the foregoing statement as to time, place and character of publication are true.

PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE

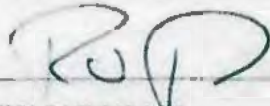
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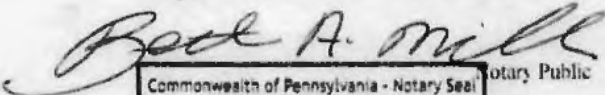
tricity and natural gas and related services for PECO, Philadelphia Gas Works, UGI Utilities - Gas Division and PPL under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act, respectively.

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By and through Counsel: Julie B. Steamer, Esq. Steamer Hart LLP 66 Fleet Place, Ste. 32E Brooklyn, NY 11201 Phone: 917-664-1305 Fax: 212-500-7973


SUN-GAZETTE LLC

Sworn to and subscribed before me
The 15th day of January 20 21



Commonwealth of Pennsylvania - Notary Seal
BETH A MILLER - Notary Public
Lycoming County
My Commission Expires Jun 4, 2024
Commission Number 1297751

STATEMENT OF ADVERTISING COSTS

To the Sun-Gazette LLC, Dr.:

For publishing the notice attached

Hereto on the above state dates \$ 308.20

Probated same \$

Total \$ 308.20

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

THE SUN-GAZETTE LLC hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid

SUN-GAZETTE LLC
BY Robert O. Rolley, Jr.

PROOF OF PUBLICATION
In
THE ERIE TIMES-NEWS
COMBINATION EDITION

All Choice Energy MidAmerica LLC
3 School St Suite 101B
Glen Cove NY 11542

REFERENCE: 151209 423784
PUC Notice

STATE OF PENNSYLVANIA)
COUNTY OF ERIE) SS:

Lorri Stefanelli, being duly sworn, deposes and says that: (1) he/she is a designated agent of the Times Publishing Company (TPC) to execute Proofs of Publication on behalf of the TPC; (2) the TPC, whose principal place of business is at 205 W. 12th Street, Erie, Pennsylvania, owns and publishes the Erie Times-News, established October 2, 2000, a daily newspaper of general circulation, and published at Erie, Erie County Pennsylvania; (3) the subject notice or advertisement, was published in the regular edition(s) of said newspaper on the date(s) referred to below. Affiant further deposes that he/she is duly authorized by the TPC, owner and publisher of the Erie Times-News, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

PUBLISHED ON: 01/15/21

TOTAL COST: \$610.00 AD SPACE: 0 Lines

FILED ON: 01/15/21

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE

Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer/Broker Engaged In The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public In The Commonwealth Of Pennsylvania.

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By and through Counsel: Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973

EP-423784

Sworn to and subscribed before me this 15th day of January 2021

Affiant: Lorri Stefanelli

NOTARY: Barbara J. Moore

Commonwealth of Pennsylvania - Notary Seal
Barbara J. Moore, Notary Public
Erie County
My commission expires March 23, 2024
Commission number 1114860
Member, Pennsylvania Association of Notaries



AD#: 0009853991

Commonwealth of Pennsylvania,) ss
County of Cumberland)

Sheryl Leggore being duly sworn, deposes that he/she is principal clerk of PA Media Group; that The Patriot News is a public newspaper published in the city of Mechanicsburg, with general circulation in Cumberland and Dauphin and surrounding counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

The Patriot News 01/17/2021

Principal Clerk of the Publisher

Sworn to and subscribed before me this 19th day of January 2021

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Crystal B. Rosensteel, Notary Public
Dauphin County
My commission expires June 27, 2024
Commission number 1299212
Member, Pennsylvania Association of Notaries

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE**

Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer / Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public in The Commonwealth Of Pennsylvania.

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By and through Counsel:
Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973

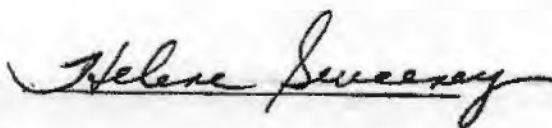
Proof of Publication in The Philadelphia Daily News
Under Act. No 587, Approved May 16, 1929

STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

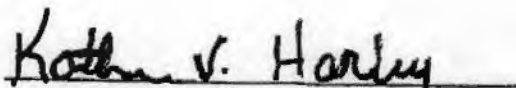
Helene Sweeney being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

JANUARY 18, 2021

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



Sworn to and subscribed before me this 18th day of
January, 2021


Notary Public

My Commission Expires:

Commonwealth of Pennsylvania • Notary Seal
KATHERINE V. HARLEY, Notary Public
Philadelphia County
My Commission Expires May 23, 2021
Commission Number 1312829

Copy of Notice of Publication

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE

Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer / Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public in The Commonwealth Of Pennsylvania. All Choice Energy MidAmerica LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier or aggregator of natural gas, and/or a (2) a broker/marketer engaged in the business of providing natural gas services. All Choice Energy MidAmerica LLC will also be filing an application with the PUC for a license to supply electricity and/or (3) an aggregator engaged in the business of supplying electricity. All Choice MidAmerica LLC proposes to sell electricity and natural gas and related services for PECO, Philadelphia Gas Works, UGI Utilities - Gas Division and PPL under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act, respectively.

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By and through Counsel: Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss D. Rullo, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

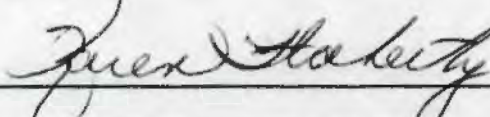
15 of January, 2021

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



PG Publishing Company

Sworn to and subscribed before me this day of:
January 15, 2021



Commonwealth of Pennsylvania - Notary Seal
Karen Flaherty, Notary Public
Allegheny County
My commission expires November 16, 2024
Commission number 1386128
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS
All Choice Energy MidAmerica LLC
3 School Street, Suite 101B
Glen Cove New York 11542

To PG Publishing Company

Total _____



Pittsburgh Post-Gazette®

Legal Advertising Department
412-263-1440 | legaladvertising@post-gazette.com
2201 Sweeney Drive, Clinton, PA 15026

Thank you for advertising with the
Pittsburgh Post-Gazette.

Attached is your Affidavit/Proof of
Publication for your legal advertisement.

Please do not process payment at this time.
An invoice will be mailed separately to your
organization from our billing department.

Please see reverse for deadline information.

COPY OF NOTICE OR PUBLICATION

**PENNSYLVANIA
PUBLIC UTILITY
COMMISSION NOTICE**
Applications of All Choice Energy MidAmerica LLC For Approval To Offer, Render, or Furnish Services as a Supplier, Aggregator, or Marketer / Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public In The Commonwealth Of Pennsylvania.
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By and through Counsel:
Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973

Publisher's Receipt
PG PUBLISHING COMPANY, publisher of general circulation, hereby acknowledges publication costs and certifies that the
Office PG Pu
2201 Sweeney Drive Pittsbu
CLINTON, PA 15026
Phone 412-263-1338

I hereby certify that the foregoing is the original subject matter of said notice.

aper

ts in the

The Scranton Times (Under act P.L. 877 No 160. July 9, 1976)
Commonwealth of Pennsylvania, County of Lackawanna

ALL CHOICE ENERGY MIDAMERICA LLC
CHRISTOPHER POLKE
3 SCHOOL STREET, SUITE 101B GLEN COVE NY 11542

Account # 640181
Order # 82508856
Ad Price: 333.05

LEGAL NOTICE PENNSYLVANIA

Sharon Venturi

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Scranton Times, owner and publisher of The Scranton Times, a newspaper of general circulation, established in 1870, published in the city of Scranton, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

01/15/2021

Affiant further deposes and says that neither the affiant nor The Scranton Times is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true Sharon Venturi

Sworn and subscribed to before me
this 14th day of January A.D., 2021

Kathleen Weaver, Notary Public
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Kathleen Weaver, Notary Public
City of Scranton, Lackawanna County
My Commission Expires June 14, 2021

LEGAL NOTICE

PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE
Applications of **All Choice Energy MidAmerica LLC** For Approval To Offer, Render, or Furnish Services as a **Supplier, Aggregator, or Marketer/Broker** Engaged In The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public In The Commonwealth Of Pennsylvania.

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By and through Counsel:
Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-864-1305
Fax: 212-500-7973

PROOF OF PUBLICATON OF NOTICE IN THE WILLIAMSPORT
SUN-GAZETTE UNDER ACT NO. 587, APPROVED MAY 16, 1929

STATE OF PENNSYLVANIA

COUNTY OF LYCOMING

SS:

Robert O. Rollev, Jr., Publisher of the Sun-Gazette LLC publishers of the Williamsport Sun-Gazette, successor to the Williamsport Sun and the Gazette & Bulletin, both daily newspapers of general circulation, published at 252 West Fourth Street, Williamsport, Pennsylvania, being duly sworn, deposes and says that the Williamsport sun was established in 1870 and the Gazette & Bulletin was established in 1801, since which dates said successor, the Williamsport Sun-Gazette, has been regularly issued and published in the County of Lycoming aforesaid, and that a copy of the printed notice is attached hereto exactly as the same was printed and published in the regular editions of said Williamsport Sun-Gazette on the following dates, viz:

January 15, 2021

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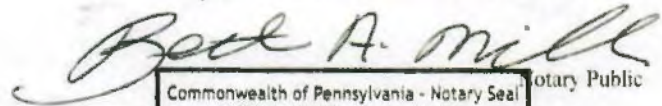
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By and through
Counsel: Julie B. Steamer, Esq.
Steamer Hart LLP
86 Fleet Place, Ste. 32E
Brooklyn, NY 11201
Phone: 917-664-1305
Fax: 212-500-7973


SUN-GAZETTE LLC

Sworn to and subscribed before me

The 15th day of January 20 21



Commonwealth of Pennsylvania - Notary Seal
BETH A MILLER - Notary Public
Lycoming County
My Commission Expires Jun 4, 2024
Commission Number 1297751

STATEMENT OF ADVERTISING COSTS

To the Sun-Gazette LLC, Dr.:

For publishing the notice attached

Hereto on the above state dates \$ 308.20

Probated same \$

Total \$ 308.20

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

THE SUN-GAZETTE LLC hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid

SUN-GAZETTE LLC

BY Robert O. Rollev, Jr

COMMONWEALTH OF PENNSYLVANIA }
 County of Cambria } SS

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By and through Counsel: Julie B. Steamer, Esq.
 Steamer Hart LLP
 86 Fleet Place, Ste. 32E
 Brooklyn, NY 11201
 Phone: 917-664-1305
 Fax: 212-500-7973

publish
 that the
 of The J
 interest
 charact

Signed
 20th day of January, 2021,
 by Christine Marhefka making the statement.

[Handwritten Signature]

Commonwealth of Pennsylvania - Notary Seal
 Vivian Ohs, Notary Public
 Cambria County
 My commission expires December 6, 2024
 Commission number 1123017
 Member, Pennsylvania Association of Notaries

On this 20th day of January A.D. 2021, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Christine Marhefka, who being duly sworn according to law, deposes and says as Sales Manager / Major Accounts of the Tribune-Democrat, Johnstown, PA, a newspaper of general circulation as defined by the "Newspaper Advertising Act", a merger September 8, 1952, of the Johnstown Tribune, established December 7, 1853; and of the Johnstown Democrat, established March 5, 1863,

County of Cambria, and Commonwealth of Pennsylvania and
 above matter published in said publication in the regular issues
 PA, on January 15, 2021; and that the Affiant is not
 advertising and that all of the allegations as to time, place and

[Handwritten Signature: Christine Marhefka]

STATEMENT OF ADVERTISING COSTS

0.00 Lines @ \$2.50 per line	0.00
8 Inches @ \$25.00 per inch	200.00
Notary Fee	5.00
Clerical Fee	2.50
Total Cost	207.50

To The Tribune-Democrat, Johnstown, PA
 For publishing the notice or publication
 attached hereto on the above stated dates.

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

VIVIAN OHS for publisher of TRIBUNE-DEMOCRAT
 a newspaper of general circulation, hereby acknowledges receipt of the aforesaid
 and publication costs and certifies that the same has been duly paid.

TRIBUNE-DEMOCRAT
 (Name of Newspaper)
 By *[Handwritten Signature]*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of All Choice Energy MidAmerica LLC :
for approval to supply electricity or electric :
generation services as a supplier of electricity to the : Dkt. No. A-2021-3024563
public in the service territories of PECO Energy :
Company and PPL Electric Utilities Corporation :

Application of All Choice Energy MidAmerica LLC :
for approval to supply natural gas services as a :
supplier or aggregator engaged in the business : Dkt. No. A-2021-3024607
of supplying natural gas services in the service :
territories of PECO Energy Company, Philadelphia :
Gas Works and UGI Utilities

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of April, 2021 a copy of the foregoing Motion has been served upon the persons listed below, in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

VIA ELECTRONIC MAIL

John D. Coyle, Esq.
Coyle Law Group, LLC
55 Madison Ave., Suite 400
Morristown, NJ 07960
jcoyle@coylelawgroup.com



DATE: April 26, 2021

Michael Guin