

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

Public Meeting held March 10, 2022

Commissioners Present:

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

License Application of The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions LLC for Approval to Offer, Render, Furnish, or Supply Electricity or Electric Generation Services as a Broker/Marketer

Docket Number:  
A-2021-3025420

**ORDER**

**BY THE COMMISSION:**

On February 24, 2022, at the above-referenced docket number, the Pennsylvania Public Utility Commission (Commission) entered an Order denying The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions LLC's (TMG Energy Solutions), Utility Code 1124057, Application for an electric generation supplier (EGS) license. For the reasons set forth in this Order, the February 24, 2022 Order denying TMG Energy Solutions' EGS Application is hereby rescinded.

## **BACKGROUND**

On April 21, 2021, the Commission accepted TMG Energy Solutions' Application seeking to become a licensed EGS as a broker/marketer for residential, small commercial, large commercial, and industrial customers in the electric distribution company service territories of Metropolitan Edison Company, PECO Energy Company, PPL Electric Utilities Corporation, UGI Utilities, Inc., and West Penn Power Company within the Commonwealth of Pennsylvania. TMG Energy Solutions filed its Application 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.

Section 2809 of the Public Utility Code provides in pertinent part:

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

Section 2803 of the Public Utility Code defines an EGS 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 utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa. C.S. § 2803.

Upon review of the EGS Application, Commission staff in the Bureau of Technical Utility Services (TUS) determined that the Application was incomplete. Accordingly, Commission staff served TMG Energy Solutions three sets of data requests by Secretarial Letter. The latest and third set of data requests served on January 18, 2022, requested that TMG Energy Solutions provide its responses to the data requests within 10 days. The January 18, 2022 Secretarial Letter stated that failure to respond may result in the Application being denied.

On February 24, 2022, the Commission entered an Order denying TMG Energy Solutions' Application without prejudice for failing to reply and provide sufficient information to determine the Applicant's technical and financial fitness.

## **DISCUSSION**

Pursuant to Section 703(g) of the Public Utility Code, 66 Pa.C.S. § 703(g), the Commission has the power and authority to rescind or amend its prior Orders. In this regard, Section 703(g) provides:

The commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.

66 Pa.C.S. § 703(g).<sup>1</sup>

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<sup>1</sup> The standards for rescission or amendment of a prior Order under Section 703(g) of the Public Utility Code were set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. PUC 553 (1982). Under *Duick*, rescission or amendment is appropriate where new and novel arguments have been raised or considerations have been overlooked or not addressed by the Commission. *Id.* at 559.

On February 25, 2022, Commission staff determined that the TMG Energy Solutions' responses to the third set of data requests were filed in a timely manner. Given that our February 24, 2022 Order denied TMG Energy Solutions' Application for failing to reply and provide sufficient information to determine the Applicant's technical and financial fitness and that Commission staff has since determined that the third set of data requests responses were timely filed, it is appropriate to rescind our Order and return the matter to TUS for review and consideration of the Application in conjunction with TMG Energy Solutions' responses to the data requests.

Thus, the Commission hereby rescinds the Order denying TMG Energy Solutions' Application pursuant to Section 703(g) of the Public Utility Code. 66 Pa.C.S. § 703(g). Rescission of the February 24, 2022 Order, however, shall *not* be considered Commission approval of TMG Energy Solutions' Application. The matter will be returned to TUS and the Commission's determination regarding the merits of the Application will be addressed in a subsequent Order upon review of the Application and subsequent responses to data requests; **THEREFORE,**

**IT IS ORDERED:**

1. That the Commission's February 24, 2022 Order denying The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions LLC's Application to become a licensed electric generation supplier as a broker/marketer for residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), and industrial customers in the electrical distribution company service territories of Metropolitan Edison Company, PECO Energy Company, PPL Electric Utilities Corporation, UGI Utilities, Inc., and West Penn Power Company within the Commonwealth of Pennsylvania is hereby rescinded, consistent with this Order.

2. That The M Group Energy Solutions, LLC d/b/a TMG Energy Solutions LLC's Application, at Docket No. A-2021-3025420, shall be returned to the Bureau of Technical Utility Services for further review.

**BY THE COMMISSION,**

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

(SEAL)

ORDER ADOPTED: March 10, 2022

ORDER ENTERED: March 10, 2022