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MURRAY E. BEVAN mbevan@bmg.law

September 30, 2022

#### VIA FEDERAL EXPRESS

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

**Re:** Marathon Power, LLC

**Financial Security Reduction Annual Compliance Filing** 

EGS License Number A-2017-2622882 PAPUC Docket No. A-2014-2433775

#### Dear Secretary Chiavetta:

This firm represents Marathon Power, LLC ("Marathon"). Please accept this request for Marathon to maintain its current financial security reduction of 5% of its most recent 4 quarters of gross receipts, in accordance with the Commission Order deemed final on October 16, 2018, at Docket No. P-2017-2608078. Marathon's Financial Security Reduction Petition was granted on June 29, 2022, and expires on December 31, 2022.

This filing includes the following required documentation:

- Marathon's most recent four quarters of gross receipts, including the 5% gross receipt calculation;
- Recent REV-423 Specialty Tax Estimated Payment Form from PA Department of Revenue stating the total amount of gross receipts taxes that Marathon pre-paid towards the current calendar year;
- E-Mails regarding Alternative Energy Portfolio Standard obligations. Marathon currently owes a Tier 2 Alternative Compliance Payment and is awaiting an invoice from the PUC which has been delayed due to the Director who signs the invoice being out of the office. Marathon will promptly pay the Tier 2 ACP when the invoice is received and will update this filing with the PUC to confirm payment;
- Proof of compliance with the Commission's required annual fees and supplemental annual fees;
- Proof of financial security compliance. A copy of the bond was not available at the time of filing, but will be provided upon receipt and the original will be sent to the PUC;

- Certificate of Service to all five statutory agencies and all electric distribution companies where Marathon is licensed to operate; and
- Marathon's Contact Information.

Marathon is unable to provide a Department of Revenue Tax Status Letter of Good Standing at this time due to an outstanding balance in the amount of \$550.00. \$500.00 of the balance was paid today and the remaining \$50.00 cannot be paid until Monday since only one payment is allowed per business day. Marathon will provide a Tax Status Letter to the PA PUC immediately upon receipt when the payment issue is resolved. Proof of today's \$500.00 payment is attached.

Please do not hesitate to contact me with any additional questions or concerns.

Very truly yours,

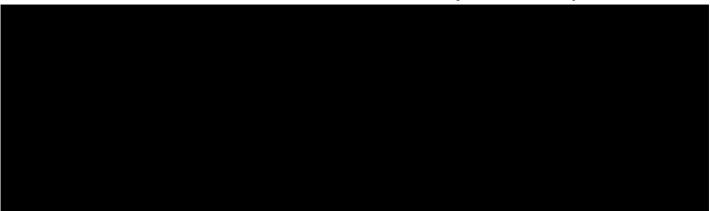
Murray E. Bevan

#### Enclosures

cc: Service List (via FedEx with enclosures)

# Marathon's Most Recent 4 Quarters of Gross Receipts

## **Marathon Power LLC - PA Most Recent Quarterly Gross Receipts**



# Recent REV-423 Specialty Tax Estimated Payment Form

• Payment Successfully Submitted.

## **REV-423 Specialty Tax Estimated Payment**

Business Name			Revenue ID	Federal Employer Identification Number	
MARATHON POWER LLC			1000778205		
<b>Period Start Date</b>	<b>Period End Date</b>	<b>Period Due Date</b>	<b>Effective Date</b>	Time Filed	
1/1/2022	12/31/2022	3/15/2022	03/15/2022	3/11/2022 11:35:14 AM	

Tax Type	<b>Payment Amount</b>	
Gross Receipts - Electric, Hydro-Electric, & Water Power		

Filed By	Transaction ID	Tax Return Status
<u>Jeff Grygier</u>	1322000008258217	Complete

Payment Method: ACH Debit (EFT) Payment Through e-TIDES

Return

# E-Mails regarding Alternative Energy Portfolio Standard obligations

#### Ralph Cicchetti Jr

From: Tom Chamberlin <tchamberlin@mecny.com>

Sent: Thursday, September 1, 2022 4:42 PM

To: Rosemary Garlapow

Subject: FW: [External] RE: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due

by September 1, 2022

info

#### **Tom Chamberlin**

#### **Chief Operating Officer**

Office: 201.330.4400 Ext.403

33 Wood Avenue South - Suite 600, Iselin, NJ 08830

mecny.com













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From: Jeff Grygier < jeff@mecny.com>

Sent: Wednesday, August 31, 2022 4:11 PM

To: Gebhardt, Scott <sgebhardt@pa.gov>; Customer Service <customerservice@pennaeps.com>; Renato Corrales

<rcorrales@mecny.com>

Cc: Tom Chamberlin <tchamberlin@mecny.com>; Archie Bibawy <archie@mecny.com>; Keith Yeager

<keith@mecny.com>

Subject: RE: [External] RE: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due by September 1, 2022

Thanks for the heads up Scott.

#### **Jeff Grygier**

#### **Chief Financial Officer**

Office: 888.378.9898 Ext.120

Cell: 201.757.2964

62-01 34th Ave, Woodside, NY 11377

mecny.com













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From: Gebhardt, Scott < sgebhardt@pa.gov > Sent: Wednesday, August 31, 2022 3:49 PM

To: Jeff Grygier <jeff@mecny.com>; Customer Service <customerservice@pennaeps.com>; Renato Corrales

<rcorrales@mecny.com>

Cc: Tom Chamberlin < <a href="mailto:tchamberlin@mecny.com">tchamberlin@mecny.com</a>; Archie Bibawy < <a href="mailto:archie@mecny.com">archie@mecny.com</a>; Keith Yeager

<keith@mecny.com>

Subject: RE: [External] RE: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due by September 1, 2022

ATTENTION: THIS EMAIL MESSAGE IS FROM AN EXTERNAL SENDER. DO NOT OPEN LINKS OR ATTACHMENTS FROM UNKNOWN SOURCES. FORWARD SUSPICIOUS EMAIL AS AN ATTACHMENT TO: marathonitsupport@spinnertech.com

Hello Jeff,

This is Scott Gebhardt at the PA Public Utility Commission. Thank you for providing an email and mailing address for the ACP letter we will be sending. Please know that the letter will most likely be sent the last week of September.

If you have any questions, please let me know.

Sincerely, Scott

#### **Scott Gebhardt** | Utility Energy & Conservation Analyst

Bureau of Technical Utility Services Pennsylvania Public Utility Commission 400 North Street Keystone Building; 3-West

Harrisburg, PA 17120 Phone 717.425.2860

From: Jeff Grygier < <u>jeff@mecny.com</u>>
Sent: Wednesday, August 31, 2022 3:30 PM

**To:** Customer Service < <u>customerservice@pennaeps.com</u>>; Renato Corrales < <u>rcorrales@mecny.com</u>> **Cc:** Tom Chamberlin < <u>tchamberlin@mecny.com</u>>; Archie Bibawy < <u>archie@mecny.com</u>>; Keith Yeager <keith@mecny.com>; Gebhardt, Scott <sgebhardt@pa.gov>

Subject: [External] RE: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due by September 1, 2022

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Hi Lisa – please email it to me – Jeff Grygier – at jeff@mecny.com.

It can also be mailed to Marathon Power LLC, 100 Elwood Davis Road, Syracuse, NY 13212 but email is the most reliable method of sending.

**Thanks** 

#### **Jeff Grygier**

#### **Chief Financial Officer**

Office: 888.378.9898 Ext.120

Cell: 201.757.2964

62-01 34th Ave, Woodside, NY 11377

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From: Customer Service < customerservice@pennaeps.com >

**Sent:** Wednesday, August 31, 2022 2:54 PM **To:** Renato Corrales <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>

Cc: Jeff Grygier <jeff@mecny.com>; Tom Chamberlin <tchamberlin@mecny.com>; Archie Bibawy <archie@mecny.com>;

Keith Yeager < keith@mecny.com >; Gebhardt, Scott < sgebhardt@pa.gov >

Subject: Re: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due by September 1, 2022

ATTENTION: THIS EMAIL MESSAGE IS FROM AN EXTERNAL SENDER. DO NOT OPEN LINKS OR ATTACHMENTS FROM UNKNOWN SOURCES. FORWARD SUSPICIOUS EMAIL AS AN ATTACHMENT TO: marathonitsupport@spinnertech.com

Hi Renato,

Thanks for the update. The ACP for the 1 Tier II credit will be \$45. The PA PUC will send out a letter with payment instructions, etc. around September 15th. Please let us know who to address the letter to including both email and mailing addresses.

Kind regards, Lisa

#### PA AEPS Program Administrator

Telephone: (877) 333-0573

Email: <a href="mailto:customerservice@pennaeps.com">customerservice@pennaeps.com</a>

Website: www.pennaeps.com

On Wed, Aug 31	, 2022 at 2:42 PM Renato	Corrales <	rcorrales@mecny	.com> wrote:

Hi Lisa,

Jeff forwarded me your email.

We will be short 1 Tier II credit. We were not able to get quotes for only one; so, we are going to pay the ACP rate this time.

Please let me know if you have any other question.

Regards,

#### **Renato Corrales**

Vice President, Electricity
Office: 888.378.9898 Ext.102

62-01 34th Ave, Woodside, NY 11377

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From: Customer Service < customerservice@pennaeps.com >

Sent: Wednesday, August 31, 2022 1:53 PM

**To:** Jeff Grygier < <u>jeff@mecny.com</u>>; Archie Bibawy < <u>archie@mecny.com</u>>

Subject: Re: Final Reminder: PA AEPS Energy Year 2022 AEC/SAEC Retirements due by September 1, 2022

ATTENTION: THIS EMAIL MESSAGE IS FROM AN EXTERNAL SENDER. DO NOT OPEN LINKS OR ATTACHMENTS FROM UNKNOWN SOURCES. FORWARD SUSPICIOUS EMAIL AS AN ATTACHMENT TO: <a href="mailto:marathonitsupport@spinnertech.com">marathonitsupport@spinnertech.com</a>

Hey Jeff and Archie,

I noticed that Marathon's retirements were all completed except for 1 Tier II credit. It looks like there is a surplus of 1 Tier I credit which I cannot allocate as Tier II so just let me know if this was an oversight or you will be short the 1 Tier II. Thanks!

Kind regards,

Lisa

PA AEPS Program Administrator

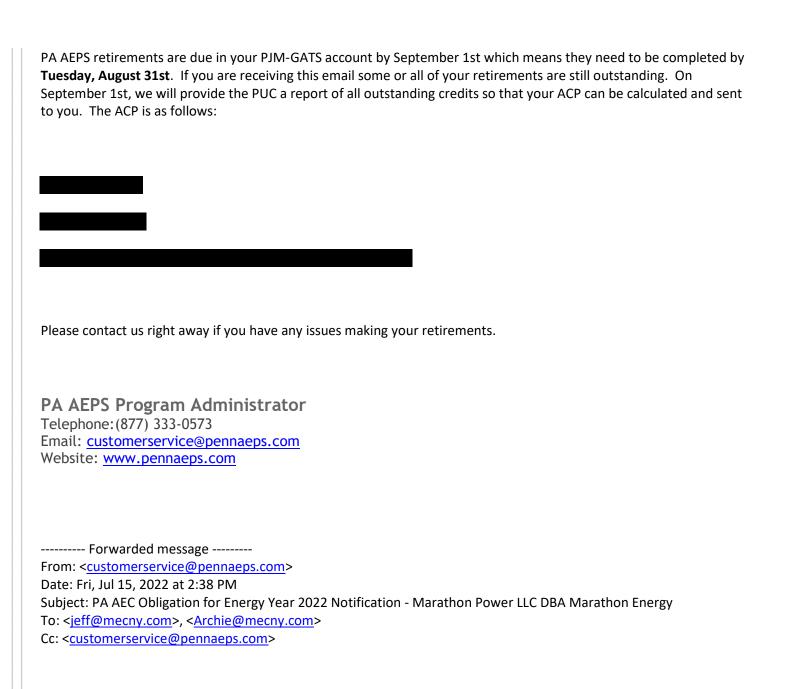
Telephone: (877) 333-0573

Email: customerservice@pennaeps.com

Website: www.pennaeps.com

On Mon, Aug 29, 2022 at 2:14 PM Customer Service <customerservice@pennaeps.com> wrote:

Dear EDC/EGS,





15 July, 2022

Dear Pennsylvania Electric Supplier:

The obligation for energy year 2022 (June 2021 through May 2022) for Marathon Power LLC DBA Marathon Energy has been determined based on your self-reported load, the load reported by the electrical distribution companies, and the load reported by PJM-GATS.

Your total load and specific AEC obligation, due September 1st is:





All AECs must be deposited in the appropriate GATS retirement account by September 1st, 2022. AECs used to meet Energy Year 2022 requirements must come from Energy Year 2020, 2021, or 2022 (generated between June 2019 and May 2022.) Act 40 of 2017 (Docket No.: M-2017-2631527) and Act 114 of 2020 (Docket No.: M-2020-3023323) are both in place and may impact credits available for use for compliance. Please refer to the retirement procedures guide provided by the Program Administrator for additional instructions on how to correctly make retirements for Pennsylvania AEPS compliance.

If you have any questions regarding this letter please contact InClime, the Pennsylvania AEPS Administrator, at customerservice@pennaeps.com or by phone at 877-333-0573.

Best Regards,

Pennsylvania Alternative Energy Credits Administrator

#### **Disclaimer**

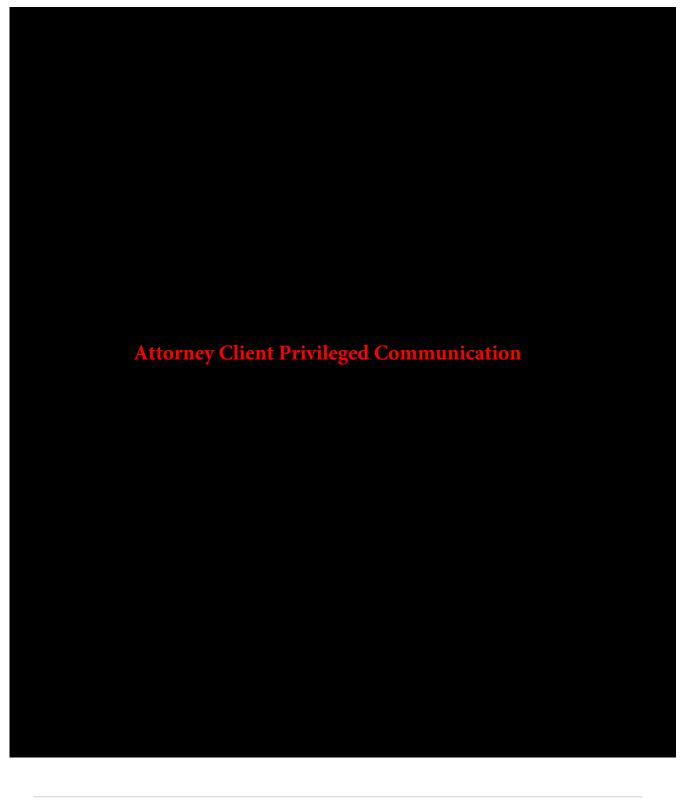
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**From:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a> **Sent:** Thursday, September 29, 2022 10:52 AM

**To:** Rosemary Garlapow < rgarlapow@mecny.com >; Tom Chamberlin < tchamberlin@mecny.com >

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

I just talked to Scott, the person who is charge of issuing the invoice (fyi, his contact information is below). He said the invoice will be sent to Jeff this Wednesday. The reason of the delay is that Director who signs the invoice has been out.

Scott Gebhardt | Utility Energy & Conservation Analyst Bureau of Technical Utility Services Pennsylvania Public Utility Commission 400 North Street Keystone Building; 3-West

Harrisburg, PA 17120 Phone 717.425.2860

#### **Renato Corrales**

**Vice President, Electricity**Office: 888.378.9898 Ext.102

62-01 34th Ave, Woodside, NY 11377

#### mecny.com



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**From:** Rosemary Garlapow < rgarlapow@mecny.com >

Sent: Thursday, September 29, 2022 10:40 AM

**To:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>>; Tom Chamberlin < <a href="mailto:tchamberlin@mecny.com">tchamberlin@mecny.com</a>>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

Thank you!

#### **Rosemary Garlapow**

**General Counsel** 

Office: 716.630.6787 Ext.161

300 International Drive - Suite 100, Buffalo, NY 14221

#### mecny.com



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**From:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>> **Sent:** Thursday, September 29, 2022 10:39 AM

**To:** Rosemary Garlapow <<u>rgarlapow@mecny.com</u>>; Tom Chamberlin <<u>tchamberlin@mecny.com</u>>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

Rosie, I sent an email to AEPS yesterday asking whether they have sent the invoice yet. But I have not received an answer. I will call them to find out.

#### **Renato Corrales**

**Vice President, Electricity**Office: 888.378.9898 Ext.102

62-01 34th Ave, Woodside, NY 11377

mecny.com





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**From:** Rosemary Garlapow < rgarlapow@mecny.com >

Sent: Thursday, September 29, 2022 10:36 AM

**To:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>>; Tom Chamberlin < <a href="mailto:tchamberlin@mecny.com">tchamberlin@mecny.com</a>>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

Hey guys, Any word on this? The filing is due tomorrow. Thanks for your help.

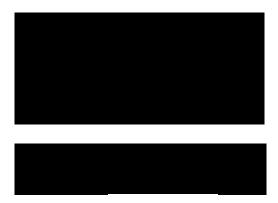
#### **Rosemary Garlapow**

**General Counsel** 

Office: 716.630.6787 Ext.161

300 International Drive - Suite 100, Buffalo, NY 14221

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**From:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>> **Sent:** Wednesday, September 28, 2022 11:27 AM

To: Tom Chamberlin < <a href="mailto:tchamberlin@mecny.com">tchamberlin@mecny.com</a>; Rosemary Garlapow <a href="mailto:rgarlapow@mecny.com">rgarlapow@mecny.com</a>>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

Will do, Tom.

#### **Renato Corrales**

Vice President, Electricity Office: 888.378.9898 Ext.102

62-01 34th Ave, Woodside, NY 11377

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From: Tom Chamberlin < tchamberlin@mecny.com > Sent: Wednesday, September 28, 2022 11:26 AM

**To:** Renato Corrales < <a href="mailto:rcorrales@mecny.com">rcorrales@mecny.com</a>>; Rosemary Garlapow < <a href="mailto:rgarlapow@mecny.com">rgarlapow@mecny.com</a>>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

Renato-Can you check with Scott to see if they sent an invoice? If so, ask if he can send you a copy. Based on them having sent an invoice, I can send a note to Payables, but I would like to have a copy of the invoice first.

#### **Tom Chamberlin**

**Chief Operating Officer** 

Office: 201.330.4400 Ext.403

33 Wood Avenue South - Suite 600, Iselin, NJ 08830

mecny.com

## **Attorney Client Privileged Communication**

From: Gebhardt, Scott <sgebhardt@pa.gov>
Sent: Thursday, September 1, 2022 2:59 PM
To: Ralph Cicchetti Jr <rcicchetti@bmg.law>

**Cc:** Rosemary Garlapow <<u>rgarlapow@mecny.com</u>>; Murray Bevan <<u>MBevan@bmg.law</u>>; Jennifer

McCave < imccave@bmg.law>

**Subject:** RE: [External] Marathon Power LLC (Utility Code 1116723)

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Ralph,

It will be a while until your request can be completed.

To explain; today is the last day of the 2021-2022 reporting year 'true-up" period for EGSs and EDCs to meet their AEPS obligations by retiring the required number of alternative energy credits (AECs). Once the true-up ends the AEPS program administrator will review the retirements for all 128 entities with obligations, to verify compliance. The administrator will then provide to EGSs, who met their obligations, an email confirming that obligations were met. The administrator will also provide commission staff a list of entities that did not retire sufficient AECs to meet their obligations. Staff from the Commission's Bureau of Technical Utility Services will issue a letter of Non-Compliance to entities who did not meet their obligations. The Non-Compliance letters allow entities to come into compliance by paying an alternative compliance payment.

If Marathon retired sufficient credits to meet their Alternative Energy Portfolio Standards obligations, documentation will be sent within two weeks. If Marathon did not retire enough

credits, documentation will be delayed until an alternative compliance payment is made.

Please let me know if you have questions regarding the explanation above.

Sincerely,

Scott

**Scott Gebhardt** | Utility Energy & Conservation Analyst

Bureau of Technical Utility Services Pennsylvania Public Utility Commission 400 North Street Keystone Building; 3-West

Harrisburg, PA 17120 Phone 717.425.2860

From: Ralph Cicchetti Jr < rcicchetti@bmg.law>
Sent: Thursday, September 1, 2022 9:57 AM
To: Gebhardt, Scott < sgebhardt@pa.gov>

**Cc:** Rosemary Garlapow <<u>rgarlapow@mecny.com</u>>; Murray Bevan <<u>MBevan@bmg.law</u>>; Jennifer

McCave < jmccave@bmg.law>

**Subject:** [External] Marathon Power LLC (Utility Code 1116723)

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Scott,

I am working on a Financial Security Reduction Annual Compliance Filing for Marathon Power LLC. Please accept this request for documentation of Marathon's Alternative Energy Portfolio Standards obligations being met.

Marathon's General Counsel, Rosemary Garlapow, is copied on this e-mail.

If you have any questions or require anything further, please let me know.

Thank you for your help.

Ralph Cicchetti, Jr.

**Paralegal** 

Bevan, Mosca, & Giuditta P.C.

222 Mount Airy Road, Suite 200

Basking Ridge, NJ 07920

E-mail: <a href="mailto:rcicchetti@bmg.law">rcicchetti@bmg.law</a> This e-mail address is being protected from spambots. You need JavaScript enabled to view it

# **Proof of compliance with Commission fees**

From: Corbett, Lorna
To: Ralph Cicchetti Jr
Cc: Zuvich, Amy

Subject: Marathon Power LLC (Utility Code 1116723)

Date: Tuesday, September 6, 2022 10:03:17 AM

Good morning,

Our records indicate that your account with the PUC has a zero balance.

Thank you,

Lorna Corbett

**Lorna Corbett** | Fiscal Technician Public Utility Commission | Bureau of Administrative Services Keystone Building | Room N 303 400 North Street | Harrisburg, PA 17120

Phone: 717.787-8612 | Fax: 717.783.8052

www.puc.pa.gov

**Certificate of Service** 

#### **CERTIFICATE OF SERVICE**

On this the 30th day of September 2022, I certify that a true and correct copy of the foregoing filing and all **NON-CONFIDENTIAL** attachments have been served as a hardcopy, upon the following:

Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 West Harrisburg, PA 17120

Office of the Attorney General Bureau of Consumer Protection Strawberry Square, 14th Floor Harrisburg, PA 17120

Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17120

Department of Revenue Bureau of Compliance PO Box 281230 Harrisburg, PA 17128-1230

Small Business Advocate Commerce Building, Suite 202 300 North Second Street Harrisburg, PA 17101 Manager Energy Acquisition PECO Energy Company 2301 Market Street Philadelphia, PA 19101-8699

Regulatory Affairs Duquesne Light Company 411 Seventh Street, MD 16-4 Pittsburgh, PA 15219

Office of General Counsel Attn: Kimberly A. Klock PPL Two North Ninth Street (GENTW3) Allentown, PA 18101-1179

Legal Department First Energy 2800 Pottsville Pike Reading PA, 19612

Murray E. Bevan

Attorney for Marathon Power, LLC

Dated: September 30, 2022

## **EGS Contact Information**

#### **Marathon Power, LLC Contact Information**

Rosemary Garlapow, General Counsel 300 International Drive - Suite 100 Buffalo, New York 14221

E-Mail: rgarlapow@mecny.com

Phone Number: 716-630-6787, Extension 161