

# Stevens & Lee

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November 2, 2022

**VIA ELECTRONIC FILING**

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

**Re: Application of Via Energy Solutions, LLC for Approval to Offer, Render, Furnish  
or Supply Electric Generation Supply Services as a Broker/Marketer  
Docket No. A-2022-3035964**

Dear Secretary Chiavetta:

Enclosed for filing please find the Responses of Via Energy Solutions, LLC to the TUS Data Requests issued in this matter. Please note that an updated Tax Certification is being provided as an attachment and the Tax Certification contains confidential tax account information. Accordingly, the Tax Certification will be filed separately through the Secretary's Confidential Filing Portal.

Thank you, and please feel free to contact me with any questions or concerns.

Sincerely,  
STEVENS & LEE



Michael A. Gruin, Esq.

Enclosures

cc: Jeff McCracken, TUS

Responses of Via Energy Solutions, LLC  
To  
TUS Data Requests  
Docket No. A-2022-3035964

1. Reference Application, Section 1.a, Identity of Applicant – Applicant listed its name in this section (and the heading above the section) as “VIA ENERGY SOLUTIONS, LLC” rather than “Via Energy Solutions, LLC” (please note the capitalization differences). Applicant also failed to provide its web address. Please provide an updated application page with the appropriate corrections.

**RESPONSE:** Please see attached corrected page 1 to the Application

2. Reference Application, Section 1.b, Registered Agent – Applicant failed to provide a telephone number for its registered agent. Please provide an updated application page with the appropriate corrections.

**RESPONSE:** Please see attached corrected page 1 to the Application

3. Reference Application, Section 1.c, Regulatory Contact – Applicant failed to provide a title for its regulatory contact. Please provide an updated application page with the appropriate corrections.

**RESPONSE:** Please see attached corrected page 1 to the Application

4. Reference Application, Section 1.d, Attorney Contact – Applicant failed to provide an email address and telephone number for its attorney contact. Please provide an updated application page with the appropriate corrections.

**RESPONSE:** Please see attached corrected page 1 to the Application

Responses of Via Energy Solutions, LLC

To

TUS Data Requests

Docket No. A-2022-3035964

5. Reference Application, Section 1.e, Customer Complaints Contact Info – Applicant failed to list the titles for its primary and alternate contact for complaints and customer service. Please provide an updated application page with the appropriate corrections.

**RESPONSE:** Please see attached corrected page 1 to the Application

6. Reference Application, Section 5.c and 5.d, Customer/Regulatory/Prosecutory Actions – In its application, the applicant included a list containing regulatory actions from various state agencies taken against the applicant’s affiliates (affiliates). The actions from the various state agencies taken against the affiliates were related to violations of the regulations, including slamming, marketing violations, deceptive practices, and other non-compliance issues. Furthermore, the instant application contains the same officers as those other affiliates. Please explain what steps the applicant has taken to ensure that these marketing practices will not be repeated within the Commonwealth of Pennsylvania.

**RESPONSE:**

The regulatory actions referenced in the Application related to the activities of several retail energy supplier affiliates of the Applicant in connection with direct sales of retail energy to residential customers by third-party marketing vendors. The sales activity and customer interactions described in the regulatory actions against the affiliates of Applicant were not committed by employees of the Applicant, or with their knowledge, involvement or approval. Rather, those investigations stemmed from the acts of third party telemarketing sales vendors acting on behalf of the affiliate suppliers of Applicant.

The Applicant has never had any regulatory action brought against it in any jurisdiction. It is important to note that the Applicant’s proposed operations involve an entirely different business model and entirely different customers than the business model and customer base of the affiliates of Applicant that were the subject of regulatory actions. The Applicant is a broker serving commercial and industrial customers, and it does not conduct any marketing to residential customers. Its operations involve working with sophisticated commercial and industrial customers to request and compare offers for energy supply from retail supplies, and then helping these potential customers to decide on the best offer for its particular commercial needs.

The Applicant will not take title to any electricity or natural gas. Applicant will not rely on third party marketing entities to conduct outreach to its prospective commercial and industrial customers. Applicant will instead rely on internal sales professionals and referrals to establish long-term relationships with commercial customers to assist them in choosing energy supply products offered by licensed suppliers.

Responses of Via Energy Solutions, LLC  
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The Applicant's operations will be led by seasoned professionals with extensive experience in the commercial and industrial sector. The Applicant's sales and marketing functions will primarily be led by Johnathan Martin, who joined the company recently after a decade working for large C&I suppliers. Mr. Martin was not employed by the Applicant or any of its affiliates during any of the events that resulted in regulatory investigations against the affiliates of Applicant.

While the Applicant's broker operations aimed at commercial and industrial customers represents a completely different line of business from the residential energy supply marketing operations that resulted in the investigations of its affiliates, Applicant notes that only one of its affiliates was the subject of a regulatory prosecution in Pennsylvania (Verde Energy USA, LLC) ("Verde"). Verde has previously committed to the Commission that it would develop and implement a new sales quality assurance program. This program includes a detailed sales agent training program, restrictions on sales vendor activity, vendor screening, recording of telemarketing sales calls, a new sales verification system, a sales compliance and quality assurance monitoring program, new staffing commitments for compliance purposes, and ongoing reporting obligations. See the Commission's Opinion and Order issued on September 15, 2022 in Docket No. C-2020-3017229 for the details of Verde's commitment. As reflected in that Order, Verde agreed not to resume in-person or telemarketing in Pennsylvania until it has fully implemented its new sales training and quality assurance program and provides written confirmation of such implementation. Verde has stated in that Docket that it intends to go far beyond minimum compliance with the applicable provisions of the Public Utility Code and Commissions' regulations, orders, and decisions, and that its goal is to develop a best-in-class program that will set it apart as a leader in in marketing and compliance related matters.

7. Reference Application, Section 7.b, Financial Fitness – Applicant failed to provide a letter in which Via Renewables, Inc. assumes financial responsibility for applicant's electric operations within the Commonwealth. Please ensure that an officer from each entity signs this letter.

**RESPONSE:** Please see attached signed Guaranty confirming Via Renewables, Inc. will assume financial responsibility for the Applicant's operations in Pennsylvania.

8. Reference Application, Section 7.f, Taxation – Applicant failed to list the owners on its Tax Certification Statement. Please resubmit a complete Tax Certification Statement.

**RESPONSE:** Please see attached corrected Tax Certification Statement

# BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Via Energy Solutions, LLC, d/b/a \_\_\_\_\_, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) broker/marketer engaged in the business of supplying electricity services to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

## 1. **IDENTIFICATION AND CONTACT INFORMATION**

- a. **IDENTITY OF THE APPLICANT:** Provide name (*including any fictitious name or d/b/a*), primary address, web address, and telephone number of Applicant:

Via Energy Solutions, LLC  
12140 Wickchester Ln., Ste. 100  
Houston, TX 77079  
281-851-8292  
<https://viaenergysolutions.com/>

- b. **PENNSYLVANIA ADDRESS / REGISTERED AGENT:** If the Applicant maintains a primary address outside of Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's secondary office within Pennsylvania. If the Applicant does not maintain a physical location within Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's Registered Agent within Pennsylvania.

Corporation Service Company  
2595 Interstate Drive Ste 103  
Harrisburg, PA 17110 Dauphin County  
Phone:1800-927-9800  
email: [Compliancemail@cscglobal.com](mailto:Compliancemail@cscglobal.com)

- c. **REGULATORY CONTACT:** Provide the name, title, address, telephone number, fax number, and e-mail address of the person to whom questions about this Application should be addressed.

Johnathan Martin – Vice President of Sales  
12140 Wickchester Ln.,Ste 100  
Houston, TX 77079  
281-851-8292  
[j.martin@viaenergysolutions.com](mailto:j.martin@viaenergysolutions.com)

- d. **ATTORNEY:** Provide the name, address, telephone number, fax number, and e-mail address of the Applicant's attorney. If the Applicant is not using an attorney, explicitly state so.

Michael A. Gruin Stevens & Lee 17 N. 2nd Street, 16th Fl. Harrisburg, PA 17101	T: (717) 255-7365 F: (610) 988-0852 <a href="mailto:michael.gruin@stevenslee.com">michael.gruin@stevenslee.com</a>
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- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS: (Required of ALL Applicants)** Provide the name, title, address, telephone number, FAX number, and e-mail **OF THE PERSON AND AN ALTERNATE PERSON (2 REQUIRED)** responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed EGSS.

Johnathan Martin – Vice President of Sales 12140 Wickchester Ln.,Ste 100 Houston, TX 77079 281-851-8292 <a href="mailto:j.martin@viaenergysolutions.com">j.martin@viaenergysolutions.com</a>	Paul Konikowski – Chief Operating Officer 12140 Wickchester Ln.,Suite 100 Houston, TX 77079 832-294-1955 <a href="mailto:pkonikowski@viarenewables.com">pkonikowski@viarenewables.com</a>
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## PARENT GUARANTY

This Parent Guaranty, dated as of October 26, 2022 (this “**Guaranty**”) is made by Via Renewables, Inc. (the “**Guarantor**”), in favor of Via Energy Solutions, LLC (“**Solutions**”).

WHEREAS, Solutions is in the process of obtaining retail supplier licenses from the Pennsylvania Public Utility Commission; and

WHEREAS, Solutions is a subsidiary of the Guarantor, and the Guarantor has agreed to guarantee Solutions’ payment obligations in connection with Solutions’ operations in the Commonwealth of Pennsylvania’s retail electricity and natural gas market, subject to the limitations of this Guaranty.

NOW, THEREFORE, in consideration of the promises and covenants set forth herein and other good and valuable consideration, receipt of which is acknowledged, the Guarantor hereby agrees as follows:


The Guarantor hereby absolutely, irrevocably and unconditionally guarantees to Solutions the due, punctual and full payment of Solutions’ payment obligations related to its operations in the Commonwealth of Pennsylvania’s retail electric and natural gas market up to an amount of five million dollars (\$5,000,000) (the “**Guaranteed Obligations**”).

This Guaranty may not be revoked and shall remain in full force and effect and binding on the Guarantor, its successors and permitted assigns until the date on which the Guaranteed Obligations have been fully paid and satisfied.

This Guaranty shall be binding upon and inure to the benefit of the parties hereto and their successors and permitted assigns. This Guaranty constitutes the entire agreement between the parties with respect to the subject matter and supersedes any and all prior and contemporaneous representations, agreements, negotiations, advertisements, statements, or understanding, whether oral or written. This Guaranty shall be construed in accordance with and governed by the laws of the Commonwealth of Pennsylvania. No amendment to this Guaranty shall be binding on either party unless such amendment is in writing and executed by authorized representatives of both parties to this Guaranty.

IN WITNESS WHEREOF, THIS GUARANTY HAS BEEN DULY EXECUTED AND DELIVERED AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

VIA RENEWABLES, INC.

By:   
Name: Mike Barajas  
Title: CFO

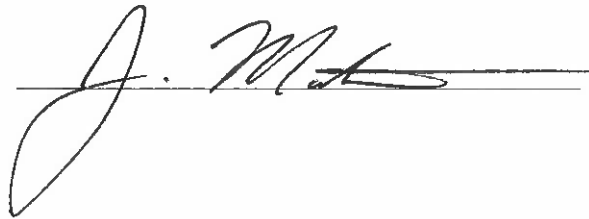
VIA ENERGY SOLUTIONS, LLC

By:   
Name: Johnathan Martin  
Title: VP Sales

## VERIFICATION

I, Johnathan Martin holding the title of Vice President of Sales with Via Energy Solutions, 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.

Date: October 26, 2022

A handwritten signature in black ink, appearing to read "J. Martin", is written over a horizontal line. The signature is stylized and cursive.