

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

Public Meeting held January 12, 2023

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Application of Progressive Light & Power LLC for
Approval to Offer, Render, Furnish, or Supply
Electricity or Electric Generation Services as a
Supplier of Retail Electric Power

Docket Number:
A-2022-3033837

Public Version

ORDER

BY THE COMMISSION:

On July 18, 2022, the Pennsylvania Public Utility Commission (Commission) accepted Progressive Light & Power LLC's (Progressive Light & Power), Utility Code 1124447, application to provide electric generation supplier (EGS) services as a supplier in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania. The application was filed 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. For the reasons expressed in this Order, the Commission approves the application consistent with this Order.

Legal Standard

Section 2809 provides in pertinent part that:

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.

An electric generation supplier is defined 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 electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa. C.S. § 2803.

Applicant

Progressive Light & Power is a domestic limited liability company, formed in the Commonwealth of Pennsylvania as of June 21, 2021. Progressive Light & Power proposes to act as a supplier of retail electric power to residential and small commercial (25 kW and under demand) customers. Progressive Light & Power has indicated that it will be taking title to the electricity.

Regarding the financial and technical requirements of the license application, Progressive Light & Power has submitted a financial statement, four recent consecutive monthly bank statements, a 2021 federal corporate income tax filing, and a credit report. Progressive Light & Power has also supplied an organizational chart, employee trainings, [BEGIN CONFIDENTIAL] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [END

CONFIDENTIAL] previous experience in the deregulated energy industry, and extensive résumé data for its chief officers. Additionally, Progressive Light & Power has a Natural Gas Supplier Application currently under review at Docket No. A-2022-3033838. We find that sufficient information has been provided by Progressive Light & Power to demonstrate its financial and technical fitness in order to be licensed as a supplier of retail electric power in the Commonwealth of Pennsylvania.

Financial Security Requirements

Progressive Light & Power has provided a \$250,000 surety bond as required.

It should be noted that, the licensee must comply with the Commission's regulations at 52 Pa. Code § 54.40(a) stating that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Furthermore, each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, at least 30-days prior to the EGS's current financial security expiration date.

Each financial instrument must be an original document that displays a “wet” signature or digital signature, preferably in blue ink, and displays a “raised seal” or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS’s license issued by the Commission.

We take this opportunity to remind the licensee that failure to file an approved financial instrument at least 30-days before the current financial security’s expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company’s electric supplier license, removal of each company’s information from the Commission’s website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

Disposition

Progressive Light & Power has provided proofs of publication in the Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission. As of January 3, 2023, no protests have been filed.

We find that the applicant:

1. Is fit, willing, and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations.
2. Has agreed to lawfully abide by all Commission regulations, procedures, and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

3. That the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation, and convenience of the public.

Regulatory Requirements

As an electric generation supplier, Progressive Light & Power, is required to comply with all applicable provisions of the Public Utility Code, Commission regulations and Commission Orders. *See* 66 Pa. C.S. § 2809(e). We will not address or list all such provisions in this Order, but will, however, highlight a few of them in this section.

Since Progressive Light & Power will be serving residential customers, it is important to note that a licensee must comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. § 2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)*, at Docket No. M-00960890 F0011, Order entered July 11, 1997. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa Code Chapter 56) is applicable to residential accounts. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service rates in accordance with the utility's obligations under Section 2807(e), 66 Pa. C.S. § 2807(e). The customer would only be disconnected from the electricity grid

pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

Since Progressive Light & Power will be serving residential and small commercial customers, it is important to note that a licensee must comply with the customer information regulations at 52 Pa. Code § 54.1, *et. seq.* that, among other things, address customer disclosure, billing information and contract expiration notices. Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws.

We further note that the licensee and its agents must comply with the Commission's sales and marketing regulations at 52 Pa. Code § 111.1, *et seq.* applicable to residential customers. Among other things, these regulations require the licensee and its agents to provide accurate information about products and services being offered and prohibit a licensee and its agents from engaging in misleading or deceptive conduct and from making false or misleading representations. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents, and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

We also note that that the licensee must comply with our decision in Docket No. M-2010-2157431, Motion adopted at the February 11, 2010, Public Meeting, regarding EGS membership in the PJM Interconnection LLC (PJM). Specifically, our Motion directed that such EGS applicants must file with the Commission, within 120 days of receiving an EGS license, proof of membership in PJM as a Load Serving Entity (LSE) or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. Since Progressive Light & Power is taking title to electricity, it is required to comply with this requirement.

Furthermore, should Progressive Light & Power employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as an EGS if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to Progressive Light & Power.

Finally, in order to assist in compliance with the regulatory requirements, we bring to your attention the Commission's Office of Competitive Market Oversight (OCMO) that serves to informally assist suppliers in participating in the retail market. OCMO is responsible for responding to questions from stakeholders, such as EGSs, regarding the competitive retail market. Additional responsibilities include monitoring issues hindering the development of a competitive retail market and facilitating informal dispute resolution between default service providers and suppliers. We advise you to contact OCMO and provide an email address to be included in their distribution list that is used to alert suppliers and utilities of important matters impacting the competitive retail market. OCMO can be reached at ra-OCMO@pa.gov.

Required Reports and Fees

As an electric generation supplier, Progressive Light & Power, is required to provide various reports and remit fees to the Commission on a periodic basis. We will

not address or list all such reports or fees in this Order, but will, however, highlight a few of them in this section.

Electric generation suppliers are required to file with the Commission quarterly reports due by the thirtieth day after the end of each calendar quarter. In addition, EGSs are required to file with the Commission an annual report on or before April 30 each year. These reports identify the EGS's gross Pennsylvania intrastate operating revenues from the prior calendar quarter for quarterly reports and the prior calendar year for the annual reports,¹ among other information. These quarterly and annual reports are to be filed with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

Electric generation suppliers are also required to remit to the Commission applicable annual and supplemental fees authorized by Act 155 of 2014.² These fees were established by order of the Commission³ as (1) a flat annual fee of \$350 to be paid by all licensed suppliers and brokers regardless of reported gross intrastate operating revenues due to the Commission by July 1 of each year and (2) a supplemental fee—to be paid only by EGS suppliers—based on each supplier's gross intrastate operating revenues due to the Commission within thirty days of EGSs receiving the supplemental fee invoice. The fees are to be sent to Pennsylvania Public Utility Commission, Bureau of Administrative Services Fiscal Office, 400 North Street, Harrisburg, PA, 17120. Make checks payable to “Commonwealth of Pennsylvania.”

Conclusion

We find that Progressive Light & Power LLC is fit, willing, and able to properly perform the functions of an electric generation supplier, has agreed to abide by all

¹ See 52 Pa. Code § 54.39(a) and (b)

² See 66 Pa. C.S. § 2209(g).

³ *Final Implementation Order on Implementation of Act 155 of 2014*, at pgs. 3-8, Docket No. M-2014-2448825 (Order entered April 24, 2015) (*Final Implementation Order*).

Commission regulations, procedures, and orders, and has proposed to provide such service consistent with the public interest and the policies declared in the Electricity Generation Customer Choice and Competition Act. Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation, and convenience of the public; **THEREFORE,**

IT IS ORDERED:

1. That the application of Progressive Light & Power LLC is hereby approved, consistent with this Order.

2. That a license be issued authorizing Progressive Light & Power LLC the right to begin to offer, render, furnish, or supply electricity or electric generation services as a supplier to residential and small commercial (25 kW and under demand) customers in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania.

3. That Progressive Light & Power LLC must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, at least 30-days prior to the EGS's current financial security expiration date.

4. That if Progressive Light & Power LLC should employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as electric generation suppliers if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to Progressive Light & Power LLC.

5. That Progressive Light & Power LLC must submit within 120 days, proof that it is a PJM registered Load Serving Entity as a party to the reliability assurance agreement or that it has a contract with an entity who is such a party.

6. That Progressive Light & Power LLC shall file a quarterly report with the Pennsylvania Public Utility Commission by the thirtieth day after the end of each calendar quarter as required by 52 Pa. Code § 54.39(a).

7. That Progressive Light & Power LLC shall file an annual report with the Pennsylvania Public Utility Commission by April 30 of each year as required by 52 Pa. Code § 54.39(b).

8. That Progressive Light & Power LLC shall remit all applicable annual fees by July 1 of each year and remit supplemental fees by the thirtieth day of receiving the supplemental fee invoice to the Pennsylvania Public Utility Commission as required by 66 Pa. C.S. § 2209(g).

9. That a copy of this Order be served on the Pennsylvania Department of Revenue - Bureau of Compliance, Business License Clearance Division, and the Pennsylvania Public Utility Commission's Alternate Energy Credits Administrator.

10. That this proceeding at Docket No. A-2022-3033837 be closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: January 12, 2023

ORDER ENTERED: January 12, 2023