

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

A-2022-3037305
DATE OF DEPOSIT

JAN 30 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

1/27/2023

Dear Rosemary,

Included with this cover letter is the complete electric broker license application revisions for Bright Power, Inc.,'s electric application. Please see the pages attached outlining the revisions and our edits.

I, Sophia Spangler, hereby state that the facts above set forth 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 the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Signature Sophia Spangler
Title Energy Markets Analyst
Date 1/27/2023

If you have any questions, please let us know. Thank you for your assistance with this process.

Regards,

Sophia Spangler
516.268.3686
sspangler@brightpower.com
procurement@brightpower.com
Bright Power Inc.



1. Reference Application, Section 7.e, Financial Fitness – Applicant failed to provide a Primary Address for their custodian of accounting records. Please provide an updated application page with the appropriate corrections.

Please see updated application pg. 2

2. Reference Application, Section 11.a, Application Affidavit – The Application Affidavit submitted with this application was for the Natural Gas Supplier license. Correct affidavit templates can be found in application package. Please provide a complete notarized Electric Generation Supplier Application Affidavit.

Please see updated application pg. 19 (Appendix A)

3. Reference Application, Section 12, Notarized Proofs – Applicant provided a notarized proof of publication for the Johnstown Tribune-Democrat in which the ad was missing the applicant's contact information. Please provide an original complete notarized proof of publication for the above newspaper.

Please see Attachment A

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SECRETARY'S BUREAU



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Appendix A

DATE OF DEPOSIT

APPLICATION AFFIDAVIT

JAN 30 2023

State of New York

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

New York County:

ss.

Andrew Kern, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the Vice President of Commercial & Energy Markets of Bright Power, Inc.]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That the Applicant herein Bright Power, Inc has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein Bright Power, Inc has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein Bright Power, Inc acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

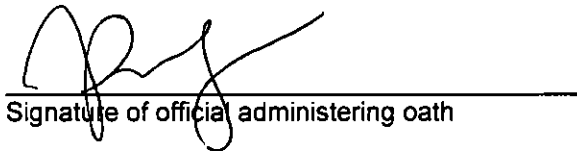
That the Applicant herein Bright Power, Inc acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.



Signature of Affiant

Sworn and subscribed before me this 26th day of January, 2023.



Signature of official administering oath

My commission expires 7/7/2023

PRISTINE JOHANNESSEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02JO6095108
Qualified in Kings County
Commission Expires July 07, 2023

①

1. FINANCIAL FITNESS

a. **BONDING:** In accordance with 66 Pa. C.S. Section 2809(c)(1)(i), the Applicant is required to file a bond or other instrument to ensure its financial responsibilities and obligations as an EGS. Therefore, the Applicant is...

- Furnishing the **ORIGINAL** of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.
- Furnishing the **ORIGINAL** of another initial security for Commission approval, to ensure financial responsibility, such as a parental guarantee, in the amount of \$250,000.
- For Marketers and Brokers** - Filing for a modification to the \$250,000 requirement and furnishing the **ORIGINAL** of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.

See Appendix E

CRITICAL BONDING NOTES:

Applicant is required to maintain a bond or other financial instrument the entire time it maintains an EGS license with the Commonwealth of Pennsylvania. If Applicant's security instrument is not continuous, Applicant **MUST** submit a Rider, Amendment, or Continuation Certificate annually based on the expiration date of its security instrument.

At least sixty days (60) prior to the security instrument's expiration date, Applicant should contact Stephen Jakab at sjakab@pa.gov to determine the appropriate bonding amount based on a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. Once the amount has been determined, Applicant should overnight the updated security instrument(s) at least thirty (30) days prior to the expiration date to ensure adequate time for staff review and approval of the security instrument(s).

Template versions of a continuous bond, fixed-term bond, continuous letter of credit, and parental guarantee are attached at Appendix E, F, G, & H, respectively. Applicant's security must follow language from these examples, and must include the unmodified language outlined in Appendix D. Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.

b) **FINANCIAL RECORDS, STATEMENTS, AND RATINGS:** Applicant must provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.
- Published Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient)
- Applicant's accounting statements, including balance sheet and income statements for the past two years.
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form, evidence of Moody's, S&P, or Fitch ratings, and/or other independent financial service reports.
- A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.

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- Audited financial statements exhibiting accounts over a minimum two-year period.
- Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.

See Appendix F

- c) **SUPPLIER FUNDING METHOD:** If Applicant is operating as anything other than **Broker/Marketer only**, explain how Applicant will fund its operations. Provide all credit agreements, lines of credit, etc., and elaborate on how much is available on each item.

N/A

- d) **BROKER PAYMENT STRUCTURE:** If applicant is a broker/marketer, explain how your organization will be collecting your fees:

Bright Power puts a margin on each contract that is built in the suppliers' rates. The customer will not pay Bright Power directly.

- e) **ACCOUNTING RECORDS CUSTODIAN:** Provide the name, title, address, telephone number, FAX number, and e-mail address of Applicant's custodian for its accounting records.

Kareem Bryan, Controller 212-803-5868, Fax: 866-379-8026, Email: finance@brightpower.com, located at 111 Hanover Square, 21st Floor, New York, New York 10005.

JAN 30 2023

COMMONWEALTH OF PENNSYLVANIA } SS
County of Cambria

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION Notice
Applications of Bright Power, Inc. ("Bright Power") For Approval To Offer, Render, or Furnish Services as a 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. Bright Power will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a broker/marketer engaged in the business of providing natural gas services. Bright Power will also be filing an application with the PUC for a license to supply electricity or electric generation services as (1) a broker/marketer engaged in the business of supplying electricity. Bright Power proposes to sell electricity, natural gas, and related services in all EDC's and NGDC's in the Commonwealth of Pennsylvania under the provisions of the new Natural Gas Choice and Competition Act and the Electricity

Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Bright Power 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 Bright Power's attorney at the address listed below.

By and through Counsel:
Pristine Johannessen
Bright Power, Inc.
11 Hanover Square, 21st Floor
New York, NY 10005
212-803-5868
Fax Number: 866-379-8028

On this 20th day of January A.D. 2023, 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,

published in the County of Cambria, and Commonwealth of Pennsylvania and that the notice in the above matter published in said publication in the regular issues of The Johnstown Tribune, Johnstown, PA, on January 19, 2023; and that the Affiant is not interested in said notice or advertising and that all of the allegations as to time, place and character of the same are true.

Christine Marhefka

STATEMENT OF ADVERTISING COSTS

Signed and sworn to before me on 20th day of January, 2023, by Christine Marhefka making the statement.

[Signature]

60 Lines @	\$2.70 per line	162.00
0.00 Inches @	\$27.00 per inch	0.00
Notary Fee		5.00
Clerical Fee		2.50
Total Cost		169.50

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

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 *[Signature]*

COMMONWEALTH OF PENNSYLVANIA }
County of Cambria } SS

PENNSYLVANIA
PUBLIC Utility Commission
Notice
Applications of Bright Power, Inc. ("Bright Power") For Approval To Offer, Render, or

Generation Customer Choice and Competition Act.
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Bright Power 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 Bright Power's attorney at the address listed below.
By and through Counsel:
Pristine Johannessen
Bright Power, Inc.
11 Hanover Square, 21st Floor
New York, NY 10005
212-803-5888
Fax Number: 866-379-6026

On this 20th day of January A.D. 2023, 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,

published continuously at Johnstown Pa. in the County of Cambria, and Commonwealth of Pennsylvania and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of The Johnstown Tribune-Democrat, Johnstown, PA, on January 19, 2023; and that the Affiant is not interested in the subject matter of said notice or advertising and that all of the allegations as to time, place and character of said publication are true.

Christine Marhefka
STATEMENT OF ADVERTISING COSTS

Signed and sworn to before me on 20th day of January, 2023, by Christine Marhefka making the statement.

[Signature]

60 Lines @ \$2.70 per line	162.00
0.00 Inches @ \$27.00 per inch	0.00
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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

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 [Signature]

ORIGIN ID: SX YA (646) 780-5511
BRIGHT POWER

11 HANOVER SQUARE,
21ST FL
NEW YORK, NY 10005
UNITED STATES US

SHIP DATE: 30JAN23
ACTWGT: 1.00 LB
CAD: 110704061/NET4580

BILL SENDER

TO ROSEMARY CHIAVETTA, SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISS
400 NORTH STREET

HARRISBURG PA 17120

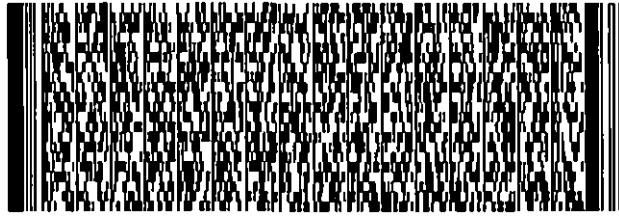
(717) 783-8163

REF:

INV.
PO

DEPT:

581J1RB002FE20

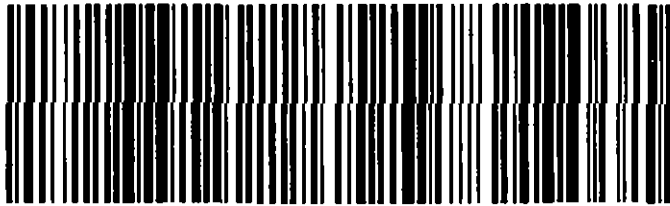


TUE - 31 JAN 10:30A
PRIORITY OVERNIGHT

TRK# 7711 6619 9062
0201

EN MDTA

17120
PA-US MDT



RECEIVED

JAN 31 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



Shipment Receipt

Address Information**Ship to:**

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility

Commiss

400 North Street

HARRISBURG, PA

17120

US

(717) 783-6163

Ship from:

Bright Power

11 Hanover Square,

21st FL

New York, NY

10005

US

6467805511

Shipment Information:

Tracking no.: 771166199062

Ship date: 01/30/2023

Estimated shipping charges: 26.41 USD

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: East Coast-579

Your reference:

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](https://www.fedex.com).

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.