



December 7, 2023

VIA E-FILING

Jonathan P. Nase

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jnase@cozen.com

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

**Re: Electric Generation Supplier License Application of Energy Center Retailco LLC;
Docket No. A-2023-3044118**

Response to Deficiency Letter

Dear Secretary Chiavetta:

This correspondence is in response to the Secretarial Letter of November 21, 2023 regarding deficiencies in the Electric Generation Supplier license application of Energy Center Retailco LLC ("ECR"). Enclosed please the following:

- A revised Section 4.e., stating that ECR will serve large industrial customers and governmental customers.
- A revised section 8e, providing information about the current job responsibilities of Rich Freed, together with an updated biography of Mr. Freed (which was previously included in Attachment 8), together with a copy of Mr. Schneider's job responsibilities (to be added to Attachment 8).
- A revised Application Affidavit (Attachment 9).

In addition, in recognition of the Applicant's obligation to advise the Pennsylvania Public Utility Commission ("Commission") of material changes in the information included in the application during the pendency of the application, 52 Pa. Code, § 54.34(a), enclosed please find:

- A replacement page showing the list of names and addresses of the officers in Section 2. Richard Freed was previously listed as the Secretary; he is now the Assistant Secretary and his address has changed. Anza D'Antonio, Esq. is now the Secretary.

Finally, enclosed is proof of publication of notice of ECR's Application, in the Pittsburgh Post-Gazette.

Copies are being served as shown on the attached Certificate of Service.

Please contact me if you have any questions or concerns about this filing.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink that reads "Jonathan P. Nase".

By: Jonathan P. Nase
Counsel for *Energy Center Retailco LLC*

JPN
Enclosures

cc: Per Certificate of Service
Jeff McCracken (Bureau of Technical Utility Services)
Anza D'Antonio, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Energy Center Retailco LLC :
for Approval to Offer, Render, Furnish or Supply :
Electricity or Electric Generation Service as a : Docket No. A-2023-3044118
Supplier of Electricity to the Public in the :
Commonwealth of Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Response of Energy Center Retailco LLC to the Deficiency Letter of the Bureau of Technical Utility Services** upon the following, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL:

Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

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

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

Pennsylvania Department of Revenue
Bureau of Compliance
P.O. Box 231230
Harrisburg, PA 17128-1230

Office of Small Business Advocate
555 Walnut Street
Forum Place, 1st Floor
Harrisburg, PA 17101-1923

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

DATED: December 7, 2023



Jonathan P. Nase, Esquire
Counsel for *Energy Center Retailco LLC*

2. BUSINESS ENTITY FILINGS AND REGISTRATION

- Give name and address of officers.

Earl Collins, President
1 East Washington St., Suite 430
Phoenix, AZ 85004

Randall Johnson, Vice President
1 East Washington St., Suite 430
Phoenix, AZ 85004

Timothy Johnston, Vice President
1 East Washington St., Suite 430
Phoenix, AZ 85004

Nelson Boyd, Vice President and Treasurer
1 East Washington St., Suite 430
Phoenix, AZ 85004

Mark Schneider, Vice President
111 South Commons
Pittsburgh, PA 15212

Richard Freed, Assistant Secretary
One East Washington St., Suite 430
Phoenix, AZ 85004

Anza D'Antonio, Esq., Secretary
1 East Washington St., Suite 430
Phoenix, AZ 85004

4. OPERATIONS

e. **CUSTOMERS:** Applicant proposes to provide services to:

- Residential Customers
- Small Commercial Customers - (25 kW and Under)
- Large Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):
- Residential and Small Commercial Customers in a Mixed Meter Capacity -
This customer class reflects situations in which a large commercial, industrial, and/or governmental customer account also contains features of residential and/or small commercial customers. In this instance, the residential and/or small commercial portion must be an incidental portion of the larger account. **This customer class alone does not allow marketing targeted directly to residential and/or small commercial customers.** Further information may be found in the Requirements Applicable to Mixed Meter Scenarios Secretarial Letter served March 25, 2011, at Docket No. M-2009-2082042.

8. TECHNICAL FITNESS:

- e. **OFFICERS:** Identify Applicant's chief officers, and include the professional resumes for any officers directly responsible for operations. All resumes should include date ranges and job descriptions containing actual work experience.

Boyd Nelson, Vice President and Treasurer
Mr. Nelson's LinkedIn biography is included in **Attachment 8**.

Mark Schneider, Vice President
Mr. Schneider's LinkedIn biography and Job Description are attached.

Rich Freed, Assistant Secretary

Mr. Freed's updated LinkedIn biography is attached.

When Mr. Freed was General Counsel of Cordia, he was responsible for all company legal matters, including contract drafting and review, handling of corporate governance matters, management of legal claims and suits, management of regulatory matters and serving on the executive leadership team.

Mr. Freed currently serves as a part-time legal counsel. In this capacity, he is responsible for specific assigned legal matters, such as contract drafting and review and management of outside counsel, and certain legal legacy and transition matters.

Contact

www.linkedin.com/in/richfreed
(LinkedIn)

Top Skills

Energy
Renewable Energy
Commodity Markets

Rich Freed

General Counsel Cordia
Bellaire, Texas, United States

Summary

Skilled and industrious energy lawyer with extensive experience in wholesale and retail energy, renewable energy, power plant operation and maintenance, mergers and acquisitions, supply chain, and other commercial transactions. Excellent team player and communicator. Graduated from Duke University School of Law.

Experience

Cordia
General Counsel
October 2022 - Present (1 year 2 months)
Phoenix, Arizona, United States

Clearway Energy, Inc.
Senior Counsel
January 2019 - October 2022 (3 years 10 months)

NRG Energy
Assistant Regional General Counsel
December 2010 - January 2018 (7 years 2 months)
Houston, Texas Area

Gexa Energy
Senior Attorney
January 2007 - October 2010 (3 years 10 months)
Houston, Texas Area

Enron
Assistant General Counsel
October 1999 - December 2006 (7 years 3 months)

Education



Duke University School of Law
Juris Doctor

Duke University School of Law
Doctor of Law - JD, Law

University of Maryland College Park
Bachelor of Science (BS)



Job Title	Regional General Manager	Position Type	Full-time
Department	NE Energy Centers	FLSA Status	Exempt

Summary

Reporting to the CEO, the Regional General Manager is responsible for the safe, reliable, and profitable operations of the Energy Center businesses in the Northeast Region including support of developing and acquiring other existing local operating systems. The primary objective is to ensure compliance with all safety and environmental practices, ensure safe and reliable operations, and the growth of all business units and manage all business operations and development for the region.

Principle Responsibilities/Key Results Areas

- Managing P&L and CapEx projects.
- Improve profitability and return on assets for the plants.
- Build a business with the plant’s existing assets.
- Direct responsibility for developing and managing site O&M budget.
- Provide input for financial statements to determine progress and status.
- Marketing Strategies - Develop and implement business unit marketing strategies and programs necessary to maintain and expand the customer base. Develop and implement programs to promote more efficient use of thermal energy by customers. Develop and coordinate steam and cooling systems supply and distribution plans and strategies to determine system demand/energy requirements compatible with reliability objectives and capital expenditure limitations.
- Formulate and direct business units' marketing policies with public, governmental, and regulatory bodies.
- Sales Strategies - Expand steam and chilled water programs to include a wider range of institutional and industrial customers.
 - Function as an “industry and community leader” in customer service and relationships.
 - Responsible for business development and customer relations.
 - Provide custom energy solutions for current and future customers.
 - Responsible for local interaction with customers and the community.
 - Provide strategic consulting to existing and potential customers concerning current and future steam and chilled water service needs.
 - Develop customer retention programs.
- Maintain regulatory compliance with all Federal, State, and local regulations and associated permits. This includes all applicable environmental, health, and safety regulations.
- Responsible for the implementation, management, updating, and maintaining of all plant procedures, site policies, training programs, safety programs, and work practices.
- Authorize and execute contracts and approve transactions in accordance with Cordia policy. Responsible for customer contracts, billing services, credit, and collections.
- Fuel Planning & Procurement: Oversee fuel planning, fuel procurement, a compilation of fuel usage statistics and analysis, and participates in fuel-related regulatory proceedings.
- Asset integration: Lead the integration of any acquisition or developed project into the regional fleet.
- Community Relations: Establish and maintain direct, positive, and uniform communications with the media, civic and community groups, customers, employees, and government institutions to secure the Company’s reputation as a utility, which accepts a leadership role in the community.

- Employee Relations: Oversee development and implementation of personnel management programs including managing collective bargaining agreements, recruiting, hiring, performance and talent management, compensation review, and other people management-related duties.
- Plan and develop operational strategies for district heating system supply and distribution, cogeneration, steam, and chilled water supply.
- Streamline administration of critical business functions including personnel management, budgeting, contract management, training, regulatory compliance, and purchasing.
- Monitor plant performance; investigate and correct any abnormal conditions.
- Propose and implement equipment modifications and plant improvements.
- Implement plant improvements and equipment upgrades with a focus on up-front capital investment through performance contracting.
- Maintain high system reliability and performance.
- Achieve high unit performance and unit production cost goals.
- Monitor, evaluate, and manage the plant for compliance with contractual requirements.

Requirements

Knowledge & Skills

- Ability to communicate, present and influence key stakeholders at all levels of an organization, including executive and C-level.
- Ability to formulate appropriate technical and business plans and objectives and direct their effective accomplishment through company personnel and consultants.
- Vital internal and external networking and cross-functional instincts. Ability to coordinate with others from across the organization and outside of formal lines of authority.
- Results-oriented, with the ability to work with minimum supervision to coordinate and facilitate activities across groups.
- Superior listening, written, and verbal communication and presentation skills.
- Occasionally requires lifting as appropriate to perform duties and responsibilities.

Experience & Education

- Bachelor's degree from an accredited college or university required, Business, Engineering, or related technical field preferred. An MBA is a plus.
- 15 years of extensive experience related to energy systems, district heating and cooling systems, technology, and operations preferred.
- At least 5 years' experience leading and developing people.
- At least 5 years' experience in technical sales and marketing.
- Detailed technical understanding, and managerial experience related to thermal systems including startup, operations, and maintenance.

Appendix A

APPLICATION AFFIDAVIT

State of Nevada :
County of Clark :

Boyd Nelson, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:
He is the Vice President and Treasurer of Energy Center Retailco LLC (the Applicant);
That he/she is authorized to and does make this affidavit for said Applicant;

That the Applicant herein, Energy Center Retailco LLC, 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, Energy Center Retailco LLC, has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein, Energy Center Retailco LLC, 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, Energy Center Retailco LLC, 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.

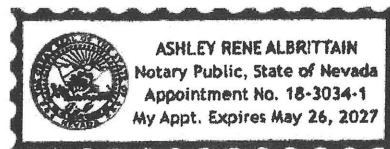
That the facts above set forth are true and correct to the best of his knowledge, information, and belief, and that he expects said Applicant to be able to prove the same at hearing.

[Handwritten Signature]
Signature of Affiant

Sworn and subscribed before me this 21 day of November, 2023.

[Handwritten Signature: Ashley Rene Albrittain]
Signature of official administering oath

My commission expires 05/26/2027



Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss D. Rullo, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

09 of November, 2023


Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COPY OF NOTICE OR PUBLICATION


PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE

Application of **Energy Center Retailco LLC** for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services to the public in The Commonwealth of Pennsylvania at Docket No. **A-2023- 3044118**. **Energy Center Retailco LLC** has filed an application with the Pennsylvania Public Utility Commission (PUC) for a license to supply electricity or electric generation services as a **supplier of electricity**. **Energy Center Retailco LLC** proposes to sell electricity and related services in Duquense Light Company's service territory under the provisions of 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 **Energy Center Retailco LLC** may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. Please include the Docket No. listed above on the protest. Additionally, please send copies of any protest to **Energy Center Retailco LLC's** attorney at the address listed below.

David P. Zambito
17 North Second Street,
Suite 1410
Harrisburg, PA 17101
(717) 703-5892



PG Publishing Company
Sworn to and subscribed before me this day of:
November 9, 2023



Commonwealth of Pennsylvania - Notary Seal
Amy McCay, Notary Public
Allegheny County
My commission expires January 24, 2026
Commission number 1323004
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS

Cozen O'Connor
17 N 2nd St., Ste. 1410
ATTN: David P. Zambito
Harrisburg, PA 17101-1236

To PG Publishing Company
Total ----- \$343.20

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
Clinton, PA 15026
legaladvertising@post-gazette.com
Phone 412-263-1440

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.