



July 12, 2024

VIA E-MAIL

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

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

Motion of Energy Center Retailco LLC for an Extension of Time

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the above-referenced Motion of Energy Center Retailco LLC for an Extension of Time in the above-referenced matter.

Please contact me if you have any questions or concerns.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read "David P. Zambito", written over a faint circular stamp.

By: David P. Zambito
Counsel for *Energy Center Retailco LLC*

DPZ
Enclosures

cc: Jeffrey McCracken (*Bureau of Technical Utility Services*)
Anza D'Antonio, Esq.
Boyd Nelson

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Energy Center Retailco LLC :
For Approval to Offer, Render, Furnish or : Docket No. A-2023-3044118
Supply Electricity or Electric Generation :
Services as a Supplier of Retail Electric Power :

**MOTION OF ENERGY CENTER RETAILCO
LLC FOR AN EXTENSION OF TIME**

AND NOW COMES Energy Center Retailco LLC (“ECR”), pursuant to 52 Pa. Code §§ 1.15(a)(1) and 5.103, to file this Motion for an Extension of Time to comply with one provision of the Order entered in this matter on March 14, 2024 (the “*March 2024 Order*”). Specifically, Ordering Paragraph 5 required ECR to submit proof, within 120 days, that it is a PJM registered Load Serving Entity (“LSE”) as a party to the reliability assurance agreement, or that it has a contract with an entity who is an LSE. ECR requests that the Pennsylvania Public Utility Commission (“Commission”) grant ECR an additional ninety (90) days to submit the required proof of LSE status.

In support whereof, ECR avers as follows:

I. Procedural History

1. On December 7, 2023, the Commission accepted for review ECR’s application to provide electric generation supplier (“EGS”) services as a supplier in the service territory of Duquesne Light Company.

2. On January 11, 2024, the Commission's Bureau of Technical Utility Services ("TUS") served data requests on ECR.

3. On February 9, 2024, ECR filed its answers to TUS's data requests.

4. On March 14, 2024, the Commission granted ECR's Application and issued an EGS license to ECR. In pertinent part, the Order stated:

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 ... or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. Since Energy Center Retailco is taking title to electricity, it is required to comply with this requirement.

March 2024 Order pp. 6-7.

5. The above-referenced Motion from Docket No. M-2010-2157431 stated:

Although the Commission does not set rates that EGSs may charge, it is our responsibility to ensure that each EGS we license is fit to do business and follows all applicable rules and requirements. One such requirement for EGSs who are retail electricity suppliers or resellers, is that before they can purchase or sell electricity in PJM's territory, they must be a PJM registered Load Serving Entity (LSE) as a party to the reliability assurance agreement or have a contract with an entity who is such a party.

In order to ensure that all licensed EGSs are following through with this requirement, proof of their status as a party to the reliability assurance agreement must be filed with the Commission. This filing must be made either;

1. within 120 days of each affected EGS receiving its license or
2. EGS has already been licensed, within 45 days of the issuance of the Secretarial Letter notifying them of this decision.

6. The *March 2024 Order* therefore directed ECR to submit, within 120 days (*e.g.*, by July 12, 2024), proof that it is a PJM-registered LSE as a party to the reliability assurance agreement, or that it has a contract with an entity who is such a party. Ordering Paragraph 5.

II. Legal Standard

7. In pertinent part, 52 Pa. Code § 1.15 (extensions of time and continuances) provides:

(a) Extensions of time shall be governed by the following:

(1) Except as otherwise provided by statute, whenever under this title or by order of the Commission, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

III. ECR has Good Cause to Request an Extension

8. ECR has reasonable cause for its inability to submit the required proof within 120 days. Specifically, ECR remains in the process of becoming a PJM registered LSE; it has not yet completed this process.

9. Becoming an EGS is one part of a large, complicated transaction involving ECR and multiple other parties. Since the Commission entered its *March 2024 Order*, ECR has been focused on other integration items, such as: set up of the new business entity, post close settlement and close out with the seller, transition of operational management of the facilities, implementation of new corporate policies and procedures, and hiring and training of new staff. These activities caused delays in ECR's efforts to become a PJM-registered LSE.

10. Additional delays were caused by difficulties identifying consultants with the expertise to perform the registration.

11. Before an EGS can purchase or sell electricity in PJM's territory, it must be a PJM registered LSE as a party to the reliability assurance agreement or have a contract with an entity

who is such a party. ECR has not yet begun to provide electric generation services; it has not taken title to any electricity, nor has it sold any electricity.

12. ECR will not begin providing electric generation services until it becomes a PJM registered LSE and submits proof of its LSE status to the Commission.

13. ECR believes it can obtain the required proof of its LSE status within 90 days (*e.g.*, by October 10, 2024). If ECR is unable to obtain the required proof of its LSE status within that period, ECR will file a Second Motion for an Extension of Time on or before October 10, 2024.

14. Since ECR is not presently providing service as an EGS, and will not begin providing service as an EGS until it submits proof of its LSE status, no party will be prejudiced by the requested extension.

15. For all of the above reasons, the Commission should find that ECR has established good cause for the requested ninety-day extension.

IV. Conclusion and Request for Relief

WHEREFORE, for all of the foregoing reasons, Energy Center Retailco LLC respectfully requests that the Pennsylvania Public Utility Commission:

- (a) GRANT this Motion for an Extension of Time;
- (b) give Energy Center Retailco LLC an additional ninety days (*i.e.*, until October 10, 2024) to submit 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.

[Signature appears on next page.]

Respectfully submitted,



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Date: July 12, 2024

Counsel for *Energy Center Retailco LLC*

VERIFICATION

I, Mark Schneider, 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 the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 7-12-2024

Mark Schneider