

**ECKERT**  
S E A M A N S  
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC  
213 Market Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17101

TEL: 717 237 6000  
FAX: 717 237 6019

RECEIVED

Karen O. Moury  
717.237.6036  
[kmoury@eckertseamans.com](mailto:kmoury@eckertseamans.com)

December 13, 2024

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Via Hand Delivery**

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

Re: Application of The Power Company USA, for approval as a Natural Gas Supplier (Broker)  
to the public in the Commonwealth of Pennsylvania  
Docket No. A-2024-\_\_\_\_\_

Dear Secretary Chiavetta:

Enclosed for filing please find The Power Company USA, LLC's Application for approval as a Natural Gas Supplier (Broker). Also enclosed is a check in the amount of \$350 to cover the filing fee. If you need anything further, please do not hesitate to contact me.

Sincerely,

*Karen O. Moury*  
Karen O. Moury

KOM/lww

Enclosure

cc: Cert. of Service w/enc.

DEC 13 2024

Version Revised 01/24/24

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU  
**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of **The Power Company USA, LLC**, d/b/a (not applicable), for approval to offer, render, furnish, or supply natural gas supply services as a(n) natural gas broker [as specified in item #4b below] 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 d/b/a fictitious name), primary address, web address, and telephone number of Applicant:

The Power Company USA, LLC  
111 Congress Ave. STE 500, Austin, TX 78701  
www.nextvoltenergy.com  
(877) 473-7266

- 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.

Cogency Global  
600 North 2nd Street  
Harrisburg, PA 17101  
866-621-3524 Fax 800-253-5177  
statrep@cogencyglobal.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 and future inquiries should be addressed.

**NOTE:** To ensure timely receipt of regulatory information, a contact employed directly by the Applicant, and not a consultant, is preferred.

Katie Widmar, Chief Administrative Officer  
111 Congress Ave. STE 500, Austin, TX 78701  
kwidmar@p1ec.com  
563-542-7269

- 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.

Karen O. Moury, Eckert Seamans  
213 Market Street, 8th Floor  
Harrisburg, PA 17101  
717.237.6036 Fax: 717.237.6019  
kmoury@eckertseamans.com

- e. CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** 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 Natural Gas 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 NGSs.

Katie Widmar, Chief Administrative Officer  
111 Congress Ave. STE 500, Austin, TX 78701  
kwidmar@p1ec.com  
563-542-7269

Cullen Hay, President  
111 Congress Ave. STE 500, Austin, TX 78701  
chay@p1ec.com  
(832) 259-6224

## 2. BUSINESS ENTITY FILINGS AND REGISTRATION

a. **FICTITIOUS NAME:** *(Select appropriate statement and provide supporting documentation as listed.)*

The Applicant will be using a fictitious name or doing business as ("d/b/a")

Provide a copy of the Applicant's filing with Pennsylvania's Department of State Pursuant to 54 Pa. C.S. § 311, Form DSCB: 54-311.

**OR**

✓ The Applicant will not be using a fictitious name.

b. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

*(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)*

The Applicant is a sole proprietor.

- If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. § 412 relating to Department of State filing requirements.

**OR**

The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa.C.S. § 8621)
- foreign general or limited partnership (15 Pa.C.S. §§ 411 and 412)
- domestic limited liability partnership (15 Pa.C.S. §§ 8201 and 8221)
- foreign limited liability general partnership (15 Pa.C.S. §§ 411 and 412)
- foreign limited liability limited partnership (15 Pa.C.S. §§ 411 and 412)

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.
- Provide the state in which the business is organized/formed and provide a copy of the Applicant's charter documentation.
- \* If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa.C.S. §§ 411 and 412.

**OR**

The Applicant is a:

- domestic corporation (15 Pa.C.S. § 1308)
- foreign corporation (15 Pa.C.S. §§ 411 and 412)
- domestic limited liability company (15 Pa.C.S. § 8821)
- foreign limited liability company (15 Pa.C.S. §§ 411 and 412)
- Other (Describe):

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

See Exhibit 2b

- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation.

Applicant was originally organized as an Illinois LLC.

- Give name and address of officers.

Officers:

Richard Rathvon, Chief Executive Officer

William Cannon, Vice President Sales

David Draper, Chief Financial Officer

Katie Widmar, Chief Administrative Officer

111 Congress Ave. STE 500, Austin, TX 78701 (address applicable for all officers)

### **3. AFFILIATES AND PREDECESSORS**

*(both in state and out of state)*

**a. AFFILIATES:** Give name and address of any affiliates currently doing business and state whether the affiliates are jurisdictional public utilities. If the Applicant does not have any affiliates doing business, explicitly state so. Also, state whether the applicant has any affiliates that are currently applying to do business in Pennsylvania. See Exhibit 3a for information on applicant's affiliates. Neither applicant nor any of its affiliates are jurisdictional public utilities.

**b. PREDECESSORS:** Identify any predecessors of the Applicant and provide the names under which the Applicant has operated, including address, web address, and telephone number, if applicable. If the Applicant does not have any predecessors that have done business, explicitly state so.  
Applicant has no predecessors.

**c. RELATED DOCKET NUMBERS:** Provide the Docket Numbers for any previous Pennsylvania PUC licenses for the Applicant, all affiliates, and any predecessors. If the Applicant does not have any related Docket Numbers, explicitly state so.

Docket Numbers for ResCom Energy LLC EGS license applications are listed below.

Docket No.-A-2024-3051790

Docket No. A-2011-2220388

Docket No. A-2021-3023855

Applicant also has a pending electric broker application at Docket A-2024-3051749

#### 4. OPERATIONS

a. **APPLICANT'S PRESENT OPERATIONS:** *(select and complete the appropriate statement)*

Definitions

- Supplier – an entity which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of an natural gas distribution company
- Broker/Marketer - an entity that acts as an intermediary in the sale and purchase of natural gas but does not take title to the natural gas.

- The Applicant is presently doing business in Pennsylvania as a
- natural gas interstate pipeline
  - municipality providing service outside its municipal limits
  - local gas distribution company
  - retail supplier of natural gas services in the Commonwealth
  - a natural gas producer
  - a broker/marketer engaged in the business of supplying natural gas services
  - Other. (Identify the nature of service being rendered)

**or**

- ✓ The Applicant is not presently doing business in Pennsylvania.

b. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:

- Supplier or Aggregator of natural gas services
- Municipal supplier of natural gas services
- Cooperative supplier of natural gas services
- ✓ Broker/Marketer engaged in the business of supplying natural gas services
- ✓ Check here to verify that your organization will not be taking title to the natural gas nor will you be making payments for customers.
- Other (Describe):

c. **PROPOSED SERVICES:** Describe in detail the natural gas supply services which the Applicant proposes to offer.

Applicant proposes to offer services as an energy broker in order to facilitate natural gas supply agreements between customers and licensed natural gas suppliers.

d. **PROPOSED SERVICE AREA:** Check the box of each Natural Gas Distribution Company for which the Applicant proposes to provide service.

- |   |   |
|---|---|
| <input type="checkbox"/> Columbia   | <input type="checkbox"/> Philadelphia Gas Works       |
| <input type="checkbox"/> National Fuel Gas  | <input type="checkbox"/> UGI Utilities – Gas Division |
| <input type="checkbox"/> PECO   | <input type="checkbox"/> Valley Energy                |
| <input type="checkbox"/> Peoples Natural Gas Company - Peoples Natural Gas Division |   |
| <input type="checkbox"/> Peoples Natural Gas Company - Peoples Gas Division         |   |
- ✓ All of the above

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

- Residential Customers
- Small Commercial Customers - (Less than 6,000 Mcf annually)
- Large Commercial Customers - (6,000 Mcf or more annually)
- 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 Licensing Requirements Applicable to Mixed Meter Scenarios Secretarial Letters served March 25, 2011, and July 3, 2013, at Docket No. M-2009-2082042.

f. **START DATE:** Provide the approximate date the Applicant proposes to actively market within the Commonwealth.

1/15/2024 or upon approval of this application.

## 5. COMPLIANCE

- a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

See Exhibit 5

- b. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **Applicant should also include if it had a Pennsylvania PUC EGS or NGS license previously cancelled by the Commission.** If the Applicant has no actions or complaints to list, explicitly state such.

See Exhibit 5

- c. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any actions listed above. Additionally, provide details of any actions the applicant has undertaken that will prevent the items listed above from occurring if licensed in Pennsylvania.

See Exhibit 5

## 6. PROOF OF SERVICE

***Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.  
(Example Certificate of Service is attached at Appendix C)***

- a.) **STATUTORY AGENCIES:** Pursuant to Sections 1.57, 1.58, and 62.103(c) of the Commission's Regulations, 52 Pa. Code §§ 1.57, 1.58, and 62.103(c), provide proof of service of a signed and verified Application with attachments on the following:

**Office of Consumer Advocate**  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

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

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

**Department of Revenue  
Bureau of Compliance**  
PO Box 281230  
Harrisburg, PA 17128-1230

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

b.) **NGDCs:** Pursuant to Sections 1.57, 1.58, and 62.103(c) of the Commission's Regulations, 52 Pa. Code §§ 1.57, 1.58, and 62.103(c), provide Proof of Service of the Application and attachments upon each of the Natural Gas Distribution Companies the Applicant proposed to provide service in. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code § 5.14. Contact information for each NGDC is as follows.

<p><b>Columbia Gas of PA, Inc.</b>  Transport Support Services  290 W. Nationwide Blvd.  Columbus, OH 43215  PH: 614.460.4980  e-mail: <a href="mailto:transportevaluations@nisource.com">transportevaluations@nisource.com</a></p>	<p><b>National Fuel Gas Distribution Corp.</b>  Daniel Czechowicz, Director – Gas Supply Administration  6363 Main Street  Williamsville, NY 14221  PH: 716.857.6917  e-mail: <a href="mailto:czechowiczd@natfuel.com">czechowiczd@natfuel.com</a></p>
<p><b>Peoples Natural Gas Company LLC – Peoples Natural Gas Division</b>  Carol Scanlon  375 North Shore Drive  Pittsburgh, PA 15212  PH: 412.208.6931  FAX: 412.208.6577  e-mail: <a href="mailto:Carol.Scanlon@peoples-gas.com">Carol.Scanlon@peoples-gas.com</a></p>	<p><b>Peoples Natural Gas Company LLC – Peoples Gas Division</b>  Carol Scanlon  375 North Shore Drive  Pittsburgh, PA 15212  PH: 412.208.6931  FAX: 412.208.6577  e-mail: <a href="mailto:Carol.Scanlon@peoples-gas.com">Carol.Scanlon@peoples-gas.com</a></p>
<p><b>PECO</b>  Suzette Adams, Sr. Manager, Gas Supply and Transportation  2301 Market Street, S-18  Philadelphia, PA 19103  PH: 215.841.6467  Email: <a href="mailto:Suzette.Adams@exeloncorp.com">Suzette.Adams@exeloncorp.com</a></p>	<p><b>Philadelphia Gas Works</b>  Ryan Reeves, Director Supply Transportation &amp; Control  800 West Montgomery Avenue  Philadelphia, PA 19122  PH: 215.787.5103  email: <a href="mailto:pgwchoicesupply@pgworks.com">pgwchoicesupply@pgworks.com</a></p>
<p><b>UGI Utilities, Inc. – Gas Division</b>  Sherry Epler  1 UGI Drive  Denver, PA 17517  PH: 610.796.3447  Email: <a href="mailto:sepler@ugi.com">sepler@ugi.com</a></p>	<p><b>Valley Energy Inc.</b>  Ed Rogers  523 South Keystone Avenue  Sayre, PA 18840-0340  PH: 570.888-9664  FAX: 570.888.6199  email: <a href="mailto:erogers@ctenterprises.org">erogers@ctenterprises.org</a></p>

## 7. FINANCIAL FITNESS

- a. **BONDING:** In accordance with 66 Pa.C.S. § 2208(c), no natural gas supplier license shall be issued or remain in force unless the applicant or holder furnishes a bond or other security in a form and amount to ensure the financial responsibility of the natural gas supplier. The criteria used to determine the amount and form of such bond or other security shall be set by each NGDC. Provide documentation that the applicant has met the security requirement of each NGDC by submitting the letters sent by the NGDCs stating what bonding amounts they require. The contact information is located in Section 6.b.

Applicant's understanding is that the NGDCs do not require specific collateral or financial security postings from natural gas brokers who do not take title to gas supply. Applicant is in the process of contacting each NGDC for a letter confirming this understanding. Applicant will supplement this application upon receipt of such letters.

- 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.  
Included in enclosed Exhibit 7b
  - Published Applicant or parent company financial and credit information (i.e. 10Q or 10K).  
(SEC/EDGAR web addresses are sufficient)  
Not applicable as neither Applicant nor its parent are publicly traded.
  - Applicant's accounting statements, including balance sheet and income statements for the past two years.  
Included Exhibit 7b
  - 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.  
Included in Exhibit 7b
  - 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.  
Included in Exhibit 7b
  - Audited financial statements exhibiting accounts over a minimum two-year period.  
Applicant does not have audited financial statements
  - Bank account statements (3-12 recent consecutive months), tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.  
Bank account statements for Applicant's parent company are included in Exhibit 7b-Supplemental.  
This document includes a summary table which identifies the bank statements utilized for Applicant's operations.

- 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.

Not applicable as Applicant is only seeking a license as a broker.

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

Applicant will receive compensation from the suppliers with which that it facilitates agreements. Such compensation will be reflected in the energy supply agreement price offered to the customer.

- 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.

Kurcias, Jaffe & Company LLP, Certified Public Accountants  
1400 Old Country Road, Westbury, NY 11590  
Tel. (516) 482-7777 Fax (516) 466-5836 info@kjandco.com

- f. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix D.

*All sections of the Tax Certification Statement must be completed. Submitting N/A on either the Sales Tax License Number or the Employer ID Number (items 7A and 7B) shall be accompanied by supporting documentation or an explanation validating the absence of such information.*

*Item 7A on the Tax Certification Statement is designated by the Pennsylvania Department of Revenue. Item 7B on the Tax Certification Statement is designated by the Internal Revenue Service.*

See enclosed Tax Certification Statement.

## 8. TECHNICAL FITNESS:

To ensure that the present quality and availability of service provided by natural gas distribution companies does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided.

- a. **EXPERIENCE, PLAN, STRUCTURE:** such information may include:

- Applicant's previous experience in the natural gas industry.
- Summary and proof of licenses as a supplier of natural gas services in other states or jurisdictions.
- Type of customers and number of customers Applicant currently serves in other jurisdictions.
- Staffing structure and numbers as well as employee training commitments.
- Business plans for operations within the Commonwealth.
- Any other information appropriate to ensure the technical capabilities of the Applicant.

See Exhibit 8a.

- b. **PROPOSED MARKETING METHOD** (check all that apply)

- ✓ Internal – Applicant will use its own internal resources/employees for marketing
- ✓ External NGS – Applicant will contract with a **PUC LICENSED NGS**
- Affiliate – Applicant will use a **NON-NGS affiliate that is a nontraditional marketer and/or marketing services consultant**
- ✓ External Third-Party – Applicant will contract with a **NON-NGS third party nontraditional marketer and/or non-selling marketer**
- ✓ Other (Describe):

c. **DOOR TO DOOR SALES:** Will the Applicant be implementing door to door sales activities?

- Yes  
 No

If yes, will the Applicant be using verification procedures?

- Yes  
 No

If yes, describe the Applicant's verification procedures.

d. **OVERSIGHT OF MARKETING:** Explain all methods Applicant will use to ensure all marketing is performed in an ethical manner, for both employees and subcontractors.

See Exhibit 8d.

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.

See Exhibit 8e.

## 9. **DISCLOSURE STATEMENT:**

*(Not applicable for an applicant applying for a license exclusively as a broker/marketer.)*

**DISCLOSURE STATEMENTS:** If proposing to serve Residential and/or Small Commercial (less than 6,000 Mcf annually) Customers, provide a Residential and/or Small Commercial disclosure statement.

- Natural gas should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

Not applicable as customers will receive their disclosure statement from the selected NGS.

## 10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

- a. **STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission. Further, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure set out in Commission regulations at 52 Pa. Code § 62.114.

✓           AGREED

- b. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission:  
- Reports of Gross Receipts: Applicant shall file an annual report with the Commission on an annual basis no later than April 30<sup>th</sup> following the end of the calendar year per 52 Pa. Code § 62.110.

✓           AGREED

- c. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa.C.S. § 2208(d) and 52 Pa. Code § 62.112(a). Transferee will be required to file the appropriate licensing application.

✓           AGREED

- d. **ANNUAL FEES:** The Public Utility Code authorizes the PUC to collect an annual fee of \$350 from suppliers, brokers, marketers, and aggregators selling natural gas in the Commonwealth of PA, and a supplemental fee based on annual gross intrastate revenues, applicable to suppliers only.

✓           ACKNOWLEDGED

- e. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur to the information upon which the Commission relied in approving the original filing. See 52 Pa. Code § 62.105.

✓           AGREED

- f. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa.C.S. §§ 4902, 4903, and 4904, relating to perjury and falsification in official matters.

✓   AGREED

- g. NOTIFICATION OF CHANGE:** If your answer to any of these items changes during the pendency of your application or if the information relative to any item herein changes while you are operating within the Commonwealth of Pennsylvania, you are under a duty to so inform the Commission, within thirty (30) days, as to the specifics of any changes which have a significant impact on the conduct of business in Pennsylvania. See 52 Pa. Code § 62.105.

✓           AGREED

- h. CEASING OF OPERATIONS:** Applicant is also required to officially notify the Commission if it plans to cease doing business in Pennsylvania, 90 days prior to ceasing operations.

✓           AGREED

- i. FILING FEE:** The Applicant has enclosed or paid the required, non-refundable filing fee by CERTIFIED CHECK OR MONEY ORDER in the amount of \$350.00 payable to the Commonwealth of Pennsylvania. The Commission does not accept corporate or personal checks for filing fees.

✓    **PAYMENT ENCLOSED**

## **11.   AFFIDAVITS**

**(All affidavits must be notarized before filing.)**

- a.) APPLICATION AFFIDAVIT:** Complete and submit with your filing an officially notarized Application Affidavit stating that all the information submitted in this application is truthful and correct. An example copy of this Affidavit can be found at Appendix A.

Attached.

- b.) OPERATIONS AFFIDAVIT:** Provide an officially notarized affidavit stating that you will adhere to the Public Utility Code of Pennsylvania and applicable federal and state laws. An example copy of this Affidavit can be found at Appendix B.

Attached.

## **12.   NEWSPAPER PUBLICATIONS**

***Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.***

**All Applicants MUST include a Commission issued Docket Number in their publications. Docket Numbers are issued to new applicants when an application packet is submitted to the PUC's Secretary's Bureau. Newspaper publications published without a Commission issued Docket No. will be rejected. For more information, see 52 Pa. Code § 62.107.**

Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. The newspapers in which proof of publication are required is dependent on the service territories the applicant is proposing to serve.

The chart below dictates which newspapers are necessary for each NGDC. For example, an applicant that wants to operate in Peoples Natural Gas - Peoples Natural Gas Division would need to run ads in The Erie Times-News, the Pittsburgh Post-Gazette, and the Johnstown Tribune-Democrat. If the applicant is proposing to serve the entire Commonwealth, please file proof of publication in all seven newspapers.

The only acceptable verification of this requirement is with Notarized Proofs of Publication, which may be requested from each newspaper and **must be supplied to the Commission before the applicant is licensed.**

	Erie Times-News	Harrisburg Patriot-News	Philadelphia Daily News or Philadelphia Inquirer	Pittsburgh Post-Gazette	Scranton Times-Tribune	Williamsport Sun-Gazette	Johnstown Tribune-Democrat
Columbia Gas	X	X		X		X	X
National Fuel Gas	X			X			
PECO			X				
Peoples Natural Gas – Peoples Natural Gas Division	X			X			X
Peoples Natural Gas – Peoples Gas Division				X			
Philadelphia Gas Works			X				
UGI Utilities – Gas Div.	X	X	X	X	X	X	X
Valley Energy					X	X	
Entire Commonwealth	X	X	X	X	X	X	X

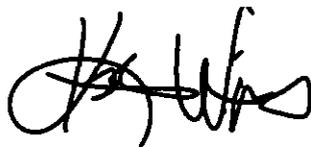
(Newspaper Publication Templates are provided at Appendices F and G)

**13. SIGNATURE**

Applicant: The Power Company USA, LLC

By: Katie Widmar

Title: Chief Administrative Officer



**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**14. CHECKLIST**

For the applicant's convenience, please use the following checklist to ensure all relevant sections are complete. The Commission Secretary's Bureau will not accept an application unless each of the following sections is complete.

**Applicant: The Power Company USA, LLC**

	<b>Signature</b>	
X	<b>Filing Fee (ONLY CERTIFIED CHECK OR MONEY ORDER)</b>	
X	<b>Application Affidavit</b>	
X	<b>Operations Affidavit</b>	
X	<b>Tax Certification Statement</b>	
X	<b>Commonwealth Department of State Verification</b>	
X	<b>Certificate of Service</b>	

Applicant's Use

PUC Secretary's Bureau Use

ORIGINAL

APPLICATION AFFIDAVIT

[Commonwealth/State] of Texas :

ss.

County of Travis :

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

[He/she is the Chief Administrative Officer (Office of Affiant) of The Power Company USA, LLC (Name of Applicant);]

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

That the Applicant herein The Power Company USA, LLC has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as a natural gas supplier pursuant to 66 Pa.C.S. § 2208 (c)(1) and 52 Pa. Code § 62.109(a).

That the Applicant herein The Power Company USA, LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein The Power Company USA, 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 The Power Company USA, 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/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

[Signature]  
Signature of Affiant

RECEIVED

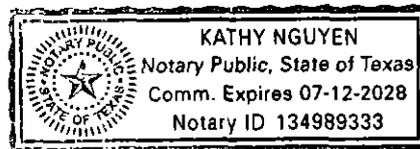
DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Sworn and subscribed before me this 10 day of December, 2024.

[Signature]  
Signature of official administering oath

My commission expires 7/12/2028



Appendix B

ORIGINAL

OPERATIONS AFFIDAVIT

[Commonwealth/State] of Texas

RECEIVED

ss.

County of Travis

DEC 13 2024

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

[He/she is the Chief Administrative Officer (Office of Affiant) of The Power Company USA, LLC (Name of Applicant);]

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

That The Power Company USA, LLC, the Applicant herein, acknowledges that [Applicant] may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations 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.

That The Power Company USA, LLC the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render natural gas supply service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That The Power Company USA, LLC, the Applicant herein, acknowledges that failure to comply with any provision of Chapter 22 of the Public Utility Code or the rules, regulations, orders or directives of the Department of Revenue or of the Commission, including, but not limited to, engaging in anticompetitive behavior, shall be cause for the Commission to revoke the Applicant's license. See 66 Pa.C.S. § 2208(c)(2). The Applicant acknowledges that it shall report to the Commission its jurisdictional natural gas sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa.C.S. § 506 (relating to the inspection of facilities and records).

Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

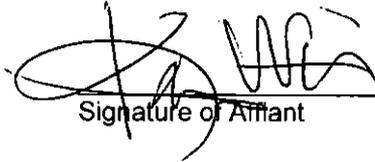
Appendix B (Continued)

ORIGINAL

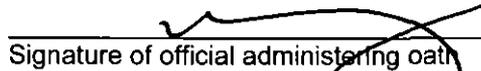
That The Power Company USA, LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa.C.S. § 506 and the standards and billing practices of 52 Pa. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Office of Communications or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

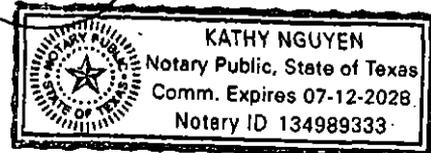
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 16 day of December, 2024.

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires 7/12/2028



## Appendix C

Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.

### CERTIFICATE OF SERVICE

RCVD PUC SEC BUR  
DEC 13 2024 PM3:36

On this the 12th day of December 2024, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as a Natural Gas Supplier and all **NON-CONFIDENTIAL** attachments have been served, as either a hardcopy or a searchable PDF version on a cd-rom or a USB flash drive, upon the following:

**Office of Consumer Advocate**  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

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

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

**National Fuel Gas Distribution Corp.**  
Daniel Czechowicz, Director – Gas Supply Administration  
6363 Main Street  
Williamsville, NY 14221  
PH: 716.857.6917  
e-mail: [czechowiczd@natfuel.com](mailto:czechowiczd@natfuel.com)

**Peoples Natural Gas Company LLC - Peoples Natural Gas  
Division**  
Carol Scanlon  
375 North Shore Drive  
Pittsburgh, PA 15212  
PH: 412.208.6931  
e-mail: [Carol.Scanlon@peoples-gas.com](mailto:Carol.Scanlon@peoples-gas.com)

**Philadelphia Gas Works**  
Ryan Reeves, Director Supply Transportation & Control  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
PH: 215.787.5103  
email: [pgwchoicesupply@pgworks.com](mailto:pgwchoicesupply@pgworks.com)

**Valley Energy Inc.**  
Ed Rogers  
523 South Keystone Avenue  
Sayre, PA 18840-0340  
PH: 570.888-9664  
email: [erogers@ctenterprises.org](mailto:erogers@ctenterprises.org)

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

**Department of Revenue  
Bureau of Compliance**  
PO Box 281230  
Harrisburg, PA 17128-1230

**Columbia Gas of PA, Inc.**  
Transport Support Services  
290 W. Nationwide Blvd.  
Columbus, OH 43215  
PH: 614.460.4980  
e-mail: [transportevaluations@nisource.com](mailto:transportevaluations@nisource.com)

**PECO**  
Suzette Adams, Sr. Manager, Gas Supply and  
Transportation  
2301 Market Street, S-18  
Philadelphia, PA 19103  
PH: 215.841.6467  
Email: [Suzette.Adams@exeloncorp.com](mailto:Suzette.Adams@exeloncorp.com)

**Peoples Natural Gas Company LLC - Peoples Gas  
Division**  
Carol Scanlon  
375 North Shore Drive  
Pittsburgh, PA 15212  
PH: 412.208.6931  
e-mail: [Carol.Scanlon@peoples-gas.com](mailto:Carol.Scanlon@peoples-gas.com)

**UGI Utilities, Inc. – Gas Division**  
Sherry Epler  
1 UGI Drive  
Denver, PA 17517  
PH: 610.796.3447  
Email: [sepler@ugi.com](mailto:sepler@ugi.com)

*Karen O. Moury*  
\_\_\_\_\_  
Karen O. Moury

Appendix D - Tax Certification Statement  
Confidential

RECEIVED

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Appendix F**

**NEWSPAPER PUBLICATION TEMPLATE FOR NGS ONLY**

**(Applicant must substitute appropriately for all bracketed areas)**

**(Applicant should choose 1 of the service options corresponding with Section 4.b of the application)**

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

Application of **[Applicant Name d/b/a Fictitious Name]** for Approval to Offer, Render, Furnish or Supply Natural Gas Supply Services to the public in The Commonwealth of Pennsylvania at Docket No. **[A-20xx-xxxxxxx]**.

**[Applicant Name]** has filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as **(1) a supplier or aggregator of natural gas services or (2) a broker/marketer engaged in the business of supplying natural gas services**. **[Applicant Name]** proposes to sell natural gas and related services in **[List NGDCs here or the entire Commonwealth of PA]** under the provisions of the Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of **[Applicant Name]** 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 **[Applicant Name's]** attorney at the address listed below.

**[Attorney's Name  
Applicant Name  
Street Address  
City, State, Zip Code  
Phone  
Email]**

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Appendix G**

**NEWSPAPER PUBLICATION TEMPLATE FOR COMBINED NGS AND EGS**

**(Applicant must substitute appropriately for all bracketed areas)**

**(Applicant should choose 1 of the service options corresponding with Section 4.b of the applications)**

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

Applications of **[Applicant Name d/b/a Fictitious Name]** for Approval to Offer, Render, Furnish or Supply Natural Gas Supply Services at Docket No. **[A-20xx-xxxxxxx]** and Electricity or Electric Generation Services at Docket No. **[A-20xx-xxxxxxx]** to the public in The Commonwealth of Pennsylvania.

**[Applicant Name]** has filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as **(1) a supplier or aggregator of natural gas services, or (2) a broker/marketer engaged in the business of supplying natural gas services.** Additionally, **[Applicant Name]** has filed an application with the PUC for a license to supply electricity or electric generation services as **(1) a supplier of electricity, (2) a broker/marketer engaged in the business of supplying electricity services, or (3) an aggregator engaged in the business of supplying electricity.** **[Applicant Name]** proposes to sell electricity, natural gas, and related services in **[List NGDCs and EDCs here or the entire Commonwealth of PA]** under the provisions of the 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 **[Applicant Name]** 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 respective NGS or EGS Docket Nos. above on the protest.

Additionally, please send copies of any protest to **[Applicant Name's]** attorney at the address listed below.

**[Attorney's Name  
Applicant Name  
Street Address  
City, State, Zip Code  
Phone  
Email]**

**RECEIVED**

DEC 13 2024

## Appendix H

### Electronic Data Interchange and Internet Requirements

Any NGS suppliers and/or broker/marketers that wish to use the Electronic Data Interchange (EDI), in the NGDCs where its available, must meet the EDI certification requirements of the NGDC. Certification is a testing process using the Commission approved Internet protocol. To initiate this process, the NGS is encouraged to contact the NGDC as early as possible after filing an application for a license with the Commission, since certification may require as many as four months to complete and customer service contract dates may not commence prior to certification. NGDC requirements of new suppliers may be found on the respective NGDC home web page. Pennsylvania's industry stakeholder group the Electronic Data Exchange Working Group (EDEWG) develops and maintains the EDI transactions and related business practices, which are found on the Pa. PUC website at [http://www.puc.pa.gov/filing\\_resources/issues\\_laws\\_regulations/electronic\\_data\\_exchange.aspx](http://www.puc.pa.gov/filing_resources/issues_laws_regulations/electronic_data_exchange.aspx). The EDEWG meets telephonically the first Thursday of each month at 2:00pm ET to discuss EDI change control requests and other issues.

To keep current with Pennsylvania EDI practices and policies, a newly licensed NGS may choose to participate in the EDEWG by contacting the following:

#### PA EDEWG EDI Contacts

Entity Name	Contact Name	Telephone	Email	Preference
PA PUC	Jeff McCracken	717-783-6163	<a href="mailto:jmccracken@pa.gov">jmccracken@pa.gov</a>	Email
PA PUC	Lee Yalcin	717-787-6723	<a href="mailto:lyalcin@pa.gov">lyalcin@pa.gov</a>	Email
PA EDEWG LDC Co-Chair	Ernie Mathie	330-384-5757	<a href="mailto:mathiee@firstenergycorp.com">mathiee@firstenergycorp.com</a>	Email
PA EDEWG ESP Co-Chair	Monica Neibert	781-347-9039	<a href="mailto:mneibert@energyservicesgroup.net">mneibert@energyservicesgroup.net</a>	Email
PA EDEWG Secretary & Regional EDI Change Control Manager	Brandon Siegel	412-817-8004	<a href="mailto:brandon.siegel@intelometry.com">brandon.siegel@intelometry.com</a>	Email

#### PA NGDC EDI Contacts

Company Name	Contact Name	Telephone	Email	Preference
PGW	PGW Gas Choice		<a href="mailto:pgwchoicemarketing@pgworks.com">pgwchoicemarketing@pgworks.com</a>	Email
UGI Utilities Inc.	EDI Technical Support		<a href="mailto:edi@ugi.com">edi@ugi.com</a>	Email
UGI Utilities Inc.	Sherry Epler	610-796-3447	<a href="mailto:sepler@ugi.com">sepler@ugi.com</a>	Email

RECEIVED

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Exhibit 2b**

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Pennsylvania Department of State**  
Bureau of Corporations and Charitable Organizations  
PO Box 8722 | Harrisburg, PA 17105-8722  
T: 717-787-1057  
dos.pa.gov/BusinessCharities

**Regarding:** The Power Company USA, LLC  
**Request Type:** Certificate of Registration **Issuance Date:** August 30, 2024  
**Request No.:** 041936630 **File No:** 0004309884  
**Receipt No.:** 1197109  
**Filing Type:** Foreign Limited Liability Company  
**Filing Subtype:** Limited Liability Company  
**Initial Filing Date:** October 27, 2014  
**Status:** Active

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:**

I DO HEREBY CERTIFY THAT

The Power Company USA, LLC

is a foreign association duly registered to do business in this Commonwealth as of the issuance date herein.

I DO FURTHER CERTIFY THAT this Certificate of Registration shall not imply that all fees, taxes and penalties owed to the Commonwealth of Pennsylvania are paid.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed, the day and year above written.

A handwritten signature in black ink, appearing to read "Albert Schmidt".

**Albert Schmidt**  
Secretary of the Commonwealth

Verify this certificate online at [www.file.dos.pa.gov](http://www.file.dos.pa.gov)

Form **LLC-5.5**

Illinois  
**Limited Liability Company Act  
Articles of Organization**

**FILE # 03412504**

**Secretary of State Jesse White**  
Department of Business Services  
Limited Liability Division  
www.cyberdriveillinois.com

Filing Fee: \$500  
Expedited Fee: \$100  
Approved By: PMM

**FILED**  
**NOV 29 2010**  
**Jesse White**  
**Secretary of State**

1. Limited Liability Company Name: THE POWER COMPANY USA, LLC
2. Address of Principal Place of Business where records of the company will be kept:  
3221 NORTH SOUTHPORT, #2  
CHICAGO, IL 60657
3. Articles of Organization effective on the filing date.
4. Registered Agent's Name and Registered Office Address:  
CHERYL ARTS  
3221 N SOUTHPORT AVE  
CHICAGO, IL 60657-3203  
COOK
5. Purpose for which the Limited Liability Company is organized:  
"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."
6. The LLC is to have perpetual existence.
7. The Limited Liability Company is managed by the manager(s).  
ARTS, CHERYL A  
3221 NORTH SOUTHPORT, #2, CHICAGO, IL 60657
8. **Name and Address of Organizer**  
I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: NOVEMBER 29, 2010

CHERYL A ARTS  
3221 NORTH SOUTHPORT, #2  
CHICAGO, IL 60657

# Exhibit 3a

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Exhibit 3a**

**3. AFFILIATES AND PREDECESSORS**

*(both in state and out of state)*

- a. **AFFILIATES:** Give name and address of any affiliate(s) currently doing business and state whether the affiliate(s) are jurisdictional public utilities. If the Applicant does not have any affiliates doing business, explicitly state so. Also, state whether the applicant has any affiliates that are currently applying to do business in Pennsylvania.

Applicant is a subsidiary of The Power 1 Energy Company ("P1EC"). Applicant's affiliates include the following:

- ResCom Energy LLC, dba NextVolt Energy, a retail electricity supplier operating in various jurisdictions.
- NextVolt Energy TX LLC, an entity in the process of seeking authority to operate as a retail electricity provider in Texas.

Neither Applicant, its parent, nor any of its affiliates fall under the category of a jurisdictional public utility in Pennsylvania. The physical address for all of these companies is: 111 Congress Ave. STE 500, Austin, TX 78701. ResCom Energy LLC has a pending EGS license application that was recently filed with the Pennsylvania Public Utility Commission.

**Exhibit 5**

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Exhibit 5

**CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

**Company Response:**

On August 8, 2024 Alexander Reents filed a class action complaint against Applicant's affiliate, ResCom Energy LLC in U.S. District Court for the Northern District of Illinois alleging violations of the Telephone Consumer Protection Act. This matter is pending. ResCom Energy intends to vigorously defend itself against this complaint which it considers to be unfounded and without merit. Mr. Reents is a known serial litigator.

On January 27, 2023, Applicant (The Power Company USA, LLC) was named as a codefendant in a complaint filed in Allegheny County Common Pleas Court in Pennsylvania alleging violations of the Telephone Consumer Protection Act. The matter is: Steward M. Abrahamson vs. Titan Gas, LLC dba CleanSky Energy, The Power Company USA, LLC, Civil Division Arbitration Docket No. AR-23-000284. The Power Company intends to vigorously defend itself against this complaint which it considers to be unfounded and without merit. Mr. Abramson is a known serial litigator.

There are no further criminal or civil proceedings involving applicant or its affiliates in the last five years.

**CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints, in the Commonwealth of Pennsylvania or any state, filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **Applicant should also include if it had a Pennsylvania PUC EGS or NGS license previously cancelled by the Commission.** If the Applicant has no actions or complaints to list, explicitly state such.

**Company Response:**

On December 19, 2019, the Pennsylvania Public Utility Commission adopted a Final Order that found ResCom Energy to be out-of compliance with 52 Pa. Code §54.40(a) and (d). The Final Order required that all the Electric Distribution Companies (EDC) in which ResCom Energy was actively serving customers to transfer RESCOM ENERGY's customers to default service or another supplier of the customers' choosing. On January 3, 2020, and January 6, 2020, Duquesne Light Company and PECO Energy Company, respectively, provided notice to the Commission that the customer transfers were completed.

On October 7, 2021, Illinois Commerce Commission issued a charging document regarding failure to file certain compliance filings. ResCom Energy did not become aware of this matter until March of 2022. ResCom Energy worked with its external counsel, Feller Law Group, and the Illinois Commerce Commission to file all outstanding compliance reports and settle the matter. Due to management changes, ResCom Energy was not aware of the initial filing.

## Exhibit 5

Although not within the specified five year window, Applicant also notes that its affiliate, ResCom Energy LLC was the subject of an investigation initiated by the Pennsylvania Public Utilities Commission, Bureau of Investigation and Enforcement in 2012 involving allegations of slamming and unauthorized marketing practices. This matter was resolved through a settlement agreement approved by the Commission. See, Opinion and Order entered on November 13, 2014 at Docket No. M-2013-2320112. Further information on the settlement terms and ResCom Energy's satisfaction of the settlement commitments is included herein.

**SUMMARY:** Provide a statement as to the resolution or present status of any proceedings or actions listed above. Additionally, provide details of any actions the applicant has undertaken that will prevent the items listed above from occurring if licensed in Pennsylvania.

### **Company Response:**

#### **Further Information:**

1. On December 19, 2019, the Pennsylvania Public Utility Commission issued an Order, at Docket No. M-2019-3006865, that cancelled ResCom Energy's ("ResCom") Pennsylvania EGS supplier license without prejudice, due to ResCom Energy's failure to provide a bond or other approved security in the amount required by the Commission. A copy of the order is attached.
2. On August 5, 2021, at Docket No. A-2021-3023855 the Pennsylvania Public Utility Commission denied an application filed by ResCom Energy seeking to again become a licensed EGS Supplier in Pennsylvania. The Commission's order cited insufficient sufficient financial documentation to demonstrate adequate financial fitness to be licensed as an EGS Supplier. A copy of the order is attached.
3. On February 22, 2024, at Docket No. A-2023-3043724 denied an application filed by ResCom Energy seeking to again become a licensed EGS Supplier in Pennsylvania. The Commission's order cited insufficient sufficient financial documentation to demonstrate adequate financial fitness to be licensed as an EGS Supplier. A copy of the order is attached.
4. ResCom Energy previously held a New Jersey third party supplier (ESL-0180) which expired on October 30, 2017 due to the company's failure to file a license renewal application. The company became aware of its license status in January 2022 after conducting an internal review of its licenses and regulatory compliance matters. At the time of this discovery in 2022, ResCom Energy did not serve customers and was not actively marketing in New Jersey. ResCom Energy took no action at that time because it did not have immediate plans to re-enter the New Jersey market. ResCom has recently filed a new application in order to re-establish its New Jersey license.

#### **Recent Developments:**

ResCom Energy has recently undergone a significant internal restructuring to position itself as a mature, well-resourced and responsible organization. ResCom Energy is fully committed to compliance with all applicable laws and regulations and believes that its recent company transformation efforts will prevent the types of compliance oversights noted above. The company would like to note the following significant changes that have recently occurred.

## Exhibit 5

- The company has initiated a major brand transformation and has adopted the trade name NextVolt Energy.
- In June 2024 the company appointed Richard Rathvon as Chief Executive Officer. Mr. Rathvon has over 30 years of experience and has held management positions at several leading retail energy suppliers.
- In June 2024 the company hired several additional seasoned retail energy professionals to leadership positions, including:
  - Cullen Hay appointed as President. Mr. Hay has over 27 years experience in the energy industry.
  - David Draper appointed as Chief Financial Officer. Mr. Draper has over 25 years experience in the energy industry.
- The company has retained two well respected legal firms to assist in the management of its regulatory and compliance matters. These include: Eckert Seamans and GreeneHurlocker.
- The company has appointed Katie Widmar as Chief Administrative Officer, a role dedicated to managing the company's regulatory and compliance functions.
- The company has retained an outside consultant, Hudson Energy Consulting lead by Richard Hudson to assist in managing regulatory compliance. Mr. Hudson has over 22 years experience in regulatory matters in the energy industry.
- The company has taken significant steps to improve its financial condition, including:
  - **Begin Proprietary:**

○

**End Proprietary.**

### **Further Corporate History**

- 8/24/2009 ResCom Energy LLC was formed as a Connecticut limited liability company, with ownership by original Managing Members David Cohen and Nancy Lynn Cohen.
- 8/11/2015 ownership changed with the purchase of ResCom Energy LLC by the PowerOne Corporation which then became the sole Member of ResCom Energy LLC.
- 2/20/2019 The Power 1 Energy Company (fka AOTS 42,INC.) became the sole member of ResCom Energy LLC by the consummation of the Share Exchange Agreement between AOTS and PowerOne Corporation. Please note that The Power 1 Energy Company is a separate and distinct entity from the Power Once Corporation.
- July 2024, ResCom Energy LLC adopted the new trade name NextVolt Energy and is now operating under this brand. ResCom Energy LLC remains a wholly owned subsidiary of The Power 1 Energy Company.

**ResCom Energy PA PUC Enforcement Proceeding  
Summary of Settlement Terms (Docket M-2013-2320112)**

Settlement Term	Reference	Current Status
<p>1. Payment of \$59,000 civil settlement amount.</p>	<p>Settlement Paragraph 33 a. (p. 11)</p>	<p>Fully satisfied. Payment made by check on 11/18/2014.</p>
<p>2. Better ResCom identification and telemarketing script improvements</p>	<p>Settlement Paragraph 33 b. (p.11)</p>	<p>ResCom Energy implemented the required changes to its marketing materials in August 2012. As of August 2014, ResCom Energy, now doing business as NextVolt Energy has adopted entirely new marketing materials. These materials conform to the terms of the 2014 settlement. Specifically, the scripts:</p> <ul style="list-style-type: none"> <li>(i) Clearly confirm that the customer is the authorized party on the account</li> <li>(ii) Clearly identify the company as ResCom Energy, doing business as NextVolt Energy</li> <li>(iii) Confirm that the customer understands that ResCom Energy, dba NextVolt Energy is not affiliated with the local EDC</li> </ul>
<p>3. Call IDs and Extended Customer Service Hours</p> <ul style="list-style-type: none"> <li>• Use a unique set of 100 caller ID numbers issued to call centers</li> <li>• Direct incoming calls to any of these numbers to ResCom Energy's inbound customer service center</li> <li>• Implement customer service operating hours until 9 p.m. on weekdays</li> </ul>	<p>Settlement Paragraph 33 b. (p.12)</p>	<p>ResCom Energy implemented the required changes in 2014. Current practices are as follows:</p> <ul style="list-style-type: none"> <li>• All customer care numbers are currently unique and display caller ID as NextVolt Energy (previously ResCom Energy). If a customer were to dial any of those numbers, they would reach out customer care center during our standard operating hours, or if after-hours, weekends, or holidays, they would reach our answering service.</li> <li>• Our customer service operating hours are currently 9 am to 7 pm CST, Monday through Friday. After-hours calls and those that come in on weekends or holidays are directed to an answering service who will take a message from the customer. These calls will be returned by our customer care</li> </ul>

Exhibit 5

		agents during regular business hours.
<p>4. Do not call lists</p> <ul style="list-style-type: none"> <li>ResCom Energy to distribute to all of its call centers federal, Pennsylvania and internal Do Not Call lists on a weekly basis and require that all call centers scrub their calling lists accordingly</li> </ul>	Settlement Paragraph 33 b. (p.12)	ResCom Energy fully complied with this requirement in 2014. ResCom Energy's current practice is to maintain frequent updates to federal (every 28 days), Pennsylvania (every 28 days), and internal (weekly) do not call lists. Calling data is scrubbed and transmitted to call centers for use. Call centers are only permitted to contact numbers on these lists which have been fully scrubbed of any numbers appearing on do not call lists.
<p>5. Additional training resources</p> <ul style="list-style-type: none"> <li>Hire full time field trainer/inspector to train agents and personally certify each field agent that sells face to face for ResCom Energy.</li> <li>Increase shadowing requirement for new field agents from 7 days to 14 days.</li> </ul>	Settlement Paragraph 33 b. (p. 12)	These settlement provisions were fully implemented in August 2014. Currently, as of August 2024 these terms are no longer applicable because ResCom Energy, dba NextVolt Energy will not engage in door to door marketing.
<p>6. Phone Line Upgrade</p> <ul style="list-style-type: none"> <li>Upgrade to new phone line carrier for internal customer service center to prevent outages and reduce customer wait time.</li> </ul>	Settlement paragraph 33 b. (p. 13)	ResCom Energy fully implemented the phone line upgrade in June 2024. Currently, all calls are accepted into a queue based on language preference and are allowed to hold in that queue for up to 10 minutes, at which time, they are transferred to our answering service in order to leave a message with an agent and will be called back when the next customer care agent is available. These new processes were put in place in an effort to enhance the customer experience and allow for a customer to reach a live person, regardless of call volume, to properly disposition and escalate calls as necessary.
<p>7. ResCom Energy shall comply with all applicable Commission regulations and will provide Commission BCS staff with all marketing materials for</p>	Settlement paragraph 33 b. (p. 13)	ResCom Energy fully complied with this term of the settlement. ResCom Energy, dba NextVolt Energy agrees to continue to provide any marketing materials to BCS staff upon request.

Exhibit 5

review upon request of Staff		
<p>8. ResCom Energy will provide Commission BCS staff with written notice of any change to company practices and procedures related to marketing to Pennsylvania customers for a period of 1 year.</p>	<p>Settlement paragraph 33 b. (p. 13)</p>	<p>ResCom Energy fully complied with this term of the settlement.</p>
<p>9. ResCom Energy will file with the Commission a quarterly report on customer complaints for 1 year.</p>	<p>Settlement paragraph 33 b. (p. 13)</p>	<p>ResCom Energy complied with this term of the settlement. No further reports were filed as ResCom Energy assigned all of its customers to another EGS in October, 2014 and had no further marketing activity or customer complaint information to report.</p>
<p>10. ResCom Energy shall include it is fourth and final quarterly report information describing compliance with the Public Utility Code, Commission Orders and Regulations and the conditions set forth in this Settlement Agreement.</p>	<p>Settlement paragraph 33 b. (p. 13)</p>	<p>The final report was filed in January 2015.</p>
<p>11. ResCom Energy will confirm its single point of contact for Commission BCS staff for resolution of customer complaints and will respond to all Pennsylvania consumer inquiries and complaints in accordance with BCS requirements, including providing to BCS staff a copy of the customer contract and any audio recordings of the sales call and verification call. This requirement will remain in effect for 1 year.</p>		<p>ResCom Energy complied with this term of the settlement. Going forward, ResCom Energy, dba NextVolt Energy agrees to keep its single point of contact information updated and will provide the same information to BCS staff in response to any customer complaints.</p>

**Exhibit 7b  
Confidential**

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Exhibit 7b - Supp.  
Confidential**

**RECEIVED**

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Exhibit 8d

RECEIVED

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## Marketing Quality Assurance Program

Customer service representatives and sales persons representing The Power Company USA, LLC Energy will receive training on the following areas:

- Knowledge and awareness of state and federal consumer protection rules
- Education and training regarding products and services the agent is selling
- Understanding of the differences between fixed and variable electricity supply prices and utility rates, including default service.
- Knowledge of billing options, payment options, and the customers' right to cancel
- Providing consumers with a toll-free number or applicable contact information for additional information
- Informing customers of their right to resolve complaints with the applicable state public utility commission and/or consumer advocacy organization.
- Must agree to the enclosed Guidelines for Professional and Responsible Marketing

### **In-Person Contact with Customers**

The Power Company does not engage in door to door marketing and does not contract with third parties to conduct door to door marketing. However, The Power Company may interact with customers during in-person interactions at certain public events (trade shows, community events, etc.)

- Produce identification badge, to be visible at all times.
- During the sales presentation, the marketing representative must also state that if customer purchases electricity from The Power Company, that the customer's utility will continue to deliver their energy and will respond to any leaks or emergencies. This requirement may be fulfilled either (a) by an oral statement or (b) written material left by the marketing representative.
- Never represent that The Power Company marketing representative is an employee or representative or acting on behalf of a distribution utility. In addition, The Power Company marketing representative must clearly indicate that taking service from The Power Company will not affect the customer's distribution service and such service will continue to be provided by the customer's distribution utility.
- A The Power Company marketing representative shall leave the premises of a customer when requested to do so by the customer or the owner or occupant of the premises.
- A The Power Company marketing representative will provide the customer with written information regarding The Power Company products and services immediately upon request. These materials will include The Power Company name and telephone number for inquires, verification and complaints.
- Where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by The Power Company representative or where the customer or another third party informs The Power Company

marketing representative of this circumstance, The Power Company marketing representative shall either find a representative in the area who is fluent in the customer's language to continue the marketing activity in his/her stead or terminate the in-person contact with the customer.

- Any employee of The Power Company or representative soliciting on behalf of The Power Company must produce and make visible The Power Company photo-ID the customer that he/she represents The Power Company, an independent energy marketer; inform the customer that the customer's utility will continue to deliver their energy and will respond to any leaks or emergencies; the obligation to provide the customer with written information regarding The Power Company's products and services immediately upon request which shall include The Power Company's name and telephone number for inquiries, verification and complaints; and where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the representative or where the customer or another third party informs the representative of this circumstance, The Power Company representative shall either find a representative in the area who is fluent in the customer's language to continue the marketing activity in his/her stead or terminate the in-person contact with the customer.

## Telephone Contact with Customers

- The Power Company marketing representative must provide first name and, on request, the identification number.
- The Power Company marketing representative must state that the call is on behalf of The Power Company.
- The Power Company marketing representative must never represent that The Power Company marketing representative is an employee or representative or acting on behalf of a distribution utility. In addition, The Power Company marketing representative must clearly indicate that taking service from The Power Company will not affect the customer's distribution service and such service will continue to be provided by the customer's distribution utility.
- The Power Company marketing representative must state the purpose of the telephone call.
- Where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by The Power Company representative or where the customer or another third party informs The Power Company marketing representative of this circumstance, The Power Company marketing representative will immediately transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call.
- The Power Company marketing representative must remove a customer's name from the marketing database upon the customer's request.
- All telephonic scripts will be approved via The Power Company Document Review process and designed to comply relevant regulations.
- Any agents or third parties must adhere to the Next Volt Energy Do Not Call policy and procedures.

## Customer Service Complaint Resolution

- Investigate customer inquiries and complaints concerning marketing practices in a timely manner. The goal should be to respond within five days of receipt of the complaint or sooner if required by applicable regulatory requirements.
- Customers will be advised of their right to contact appropriate regulatory agencies (state PUC and/or consumer advocacy agencies) if a complaint cannot be resolved by Next Volt Energy.
- Cooperate with regulatory agency staff in investigations concerning deceptive marketing practices or other consumer issues.
- Respond promptly to complaints forwarded by regulatory agencies.

## Document Review Process

- The Power Company monitors accuracy of all marketing materials provided to consumers.
- All marketing materials, including telemarketing scripts, TPV scripts and print or digital advertisements are internally reviewed and approved by management before being authorized for commercial use.

## Guidelines for Professional and Responsible Marketing

---

The Power Company's approach to marketing is based on its corporate mission to empower customers with transparent and customer-friendly energy solutions. The Power Company is committed to ensuring corporate responsibility and conducting business with integrity.

In engaging with customers, developing sales and marketing plans, or in other everyday business dealings, The Power Company representatives are expected to follow these principles and to adhere to the highest ethical and professional standards, including but not limited to the following:

- Always fully disclose the nature of the product and service being offered.
- Transparently disclose all fees and charges the customer will incur.
- Understand and identify any pricing items that could be passed through to the customer.
- Do not misrepresent a contract with pass through or variable pricing items as a full fixed price.
- Make it clear who you represent - do not imply that you work for the utility company, a government entity or make any other misleading statements.
- Be clear and transparent about projected savings or expected product performance.
- Do not imply any guarantee of savings if it cannot be substantiated.
- Be clear and accurate in any price comparisons to the utility's default service price or a competitor's price.
- Vendors, business partners, and other third party marketing representatives must maintain proper licensing and registration for their business activities.
- For business customers, all customer contracts and agreements must be signed by an authorized signatory of the company signing up for service. For residential customers, contracts must be authorized by the designated account holder or properly authorized individual. Enrollments can be authorized through proper Third Party Verification procedures or through electronic signature as permitted by relevant law and regulation.

***Failure to adhere to these guidelines may result in disciplinary action, up to and including termination of employment for employees. For vendors, business partners and other third party marketing representatives, your contract with The Power Company requires adherence to these guidelines. The Power Company will promptly discontinue its business relationship with any partner violating these principles and may withhold commissions or service payments. You may also be held liable for any harm incurred by The Power Company or its customers resulting from any breach of these obligations.***

## **Do Not Call Policy**

### **Purpose**

The purpose of this DNC Policy is to outline the guidelines and procedures for telesales teams regarding compliance with Do Not Call regulations in both inbound and outbound telesales activities. This policy aims to protect consumers' privacy, maintain compliance with applicable laws, and uphold the reputation of our company.

### **Scope**

This policy applies to all employees, agents, contractors, and representatives of telesales teams involved in telesales activities, including inbound and outbound calling. Compliance with this policy is mandatory for all personnel.

### **Regulatory Framework**

All persons involved in telesales activities recognize and comply with all relevant federal, state, and local laws and regulations concerning telemarketing and Do Not Call requirements, including but not limited to:

- a. Telephone Consumer Protection Act (TCPA)
- b. Telemarketing Sales Rule (TSR)
- c. State-specific Do Not Call lists and regulations
- d. Federal Trade Commission (FTC) guidelines

### **Do Not Call List Management**

- a. National Do Not Call Registry: NextVolt Energy subscribes to the National Do Not Call Registry maintained by the Federal Trade Commission (FTC). We regularly obtain and update the registry to ensure that numbers on the list are excluded from our outbound telesales campaigns, unless there is a pre-existing business relationship or the recipient has provided explicit consent to be contacted.
- b. State and Local Do Not Call Lists: In addition to the National Registry, NextVolt Energy complies with applicable state and local Do Not Call lists. We maintain and regularly update these lists to exclude numbers registered on state-specific Do Not Call lists.
- c. Internal Do Not Call List: NextVolt Energy maintains an internal Do Not Call list that includes individuals who have directly requested not to be contacted by our company. We ensure that persons involved in telesales activities have access to this list and are trained to honor these requests promptly.

### **Training and Compliance**

## **Do Not Call Policy**

- a. **Employee Training:** NextVolt Energy provides comprehensive training to all persons involved in telesales activities. This training covers the importance of DNC compliance, relevant laws and regulations, proper handling of Do Not Call requests, and appropriate record-keeping practices.
- b. **Record-Keeping:** NextVolt Energy maintains accurate and up-to-date records of telesales campaigns, including call lists, call logs, and Do Not Call requests. These records are securely stored for the required period as per applicable regulations.
- c. **Monitoring and Auditing:** NextVolt Energy conducts regular monitoring and auditing of telesales activities to ensure compliance with DNC policies and regulations. We use appropriate systems and processes to identify and address any non-compliance issues promptly.

### **Compliance Reporting and Escalation**

- a. **Reporting Violations:** NextVolt Energy encourages reporting of any suspected violations of this DNC Policy or related regulations promptly. Reports can be made through the designated channels provided by the company.
- b. **Non-Retaliation:** NextVolt Energy prohibits any form of retaliation against individuals who report violations in good faith. We maintain a strict non-retaliation policy to ensure that employees feel safe and supported when reporting potential violations.

### **Consequences of Non-Compliance**

NextVolt Energy takes DNC compliance seriously and holds all persons involved in telesales activities accountable for adhering to this policy. Non-compliance with DNC regulations or failure to follow this policy may result in disciplinary action, up to and including termination of employment or termination of contracts with external parties.

### **Policy Review**

This Corporate DNC Policy is subject to periodic review and updates as necessary to reflect changes in applicable laws, regulations, or industry best practices. NextVolt Energy is committed to continuous improvement and staying up to date with evolving DNC requirements.

By following this Corporate DNC Policy, NextVolt Energy aims to maintain compliance with relevant regulations, respect consumers' privacy choices, and foster a culture of ethical telesales practices.

# **Sales Representative Conduct & Acknowledgements**

## **INTRODUCTION**

All telesales representatives are required to read and acknowledge their understanding of the policies and procedures in this document. It is expected that you will abide by these policies and procedures and always represent the company to the highest standard. If you do not understand any part of this agreement, please consult with a supervisor before signing this document below. Within this document, the words "customer" and "consumer" refer to both prospective customers and existing customers.

## **CALLING RESTRICTIONS & DO NOT CALL PROCEDURES**

All telesales representatives must follow the company policies regarding calling restrictions and maintaining DNC lists.

## **CALLING RESTRICTIONS**

The only language permitted for conducting a telesales presentation is English. When it would be apparent to a reasonable person that a customer's English language skills are insufficient to allow the customer to understand the telephone presentation, or if the customer or another person informs the representative of this circumstance, the representative must politely terminate the call.

Sellers may not market to children, and all telesales representatives must exercise policies of extreme caution in all matters concerning children. The only time a telephone representative may speak to a child is when a child answers the phone, at which time the representative is instructed to immediately ask for the adult whose name appears on the representative's computer screen. Telephone representatives are prohibited from engaging in phone conversations with children at any time.

Important Note: If a child answers the phone and says an adult person is not there, the appropriate telephone representative response is "I'll just call back later. Thank you. Goodbye."

Under no conditions is a telephone representative permitted to ask the child when a parent will be home, or when a better time to call would be.

## **DO NOT CALL REQUESTS**

Sellers may not call a customer who has requested to receive no more calls from or on behalf of the client. Sellers must maintain "Do-Not-Call" lists of those customers who do not wish to be contacted by phone.

A DNC request is when a person informs us verbally or in written form that he or she does not want to receive any calls from us.

Any of the following examples of customer responses require that the telephone representative must enter a Do Not Call disposition:

- "Take me off your calling list"
- "Don't ever call me again."
- "Stop calling me."
- "Don't call back."

These are just examples of statements which require that the telephone representative must add the customer phone number to the DNC list. All requests made in any manner by a customer must be honored.

## **Sales Representative Conduct & Acknowledgements**

**What to say when the customer requests to be placed on our company-specific Do Not Call list:**

**Outbound Call:**

"Mr.(s) \_\_\_\_\_, please excuse this call, I will arrange to have your name removed from the calling list immediately."

**Inbound Call:**

"Mr.(s) \_\_\_\_\_, thank you for bringing the matter to our attention. We apologize for any inconvenience that we may have caused. We will immediately remove your name and number from our calling list."

**If the customer states that they have already told us to remove their name from the list: Outbound Call:**

"Mr.(s) \_\_\_\_\_, your name must have been given to me by mistake. I am sorry for the inconvenience. I will have my manager immediately contact our customer service department so that we will not bother you again."

**Inbound Call:**

"Mr.(s) \_\_\_\_\_, I apologize for the inconvenience. I will have my manager immediately contact our customer service department so that we will not bother you again."

### **QUALITY STANDARDS**

- Do not place calls to a private residence before 8:00 a.m. or after 9:00 p.m. (local time at called party's location). NOTE: See state laws for other restrictions.
- Always be focused and prepared for each call.
- Proper identification of yourself and the client company name must be done on each call, including call-backs. Always promptly identify yourself with your first and last name. Always promptly identify the company name.
- Always promptly identify the purpose of the call.
- Always make sure that the phone system being used to dial is properly transmitting the Caller ID including telephone number and company name.
- Customers must be addressed using Mr./Mrs./Ms. salutation. Never address a customer by first name only.
- Always follow state laws that require seeking permission to continue and ending calls immediately after an objection is given.
- Always be polite and courteous with customers regardless of their response or disposition. Never engage in threats, intimidation, or the use of profane or obscene language.
- Never mislead through errors or omission of information. Ask a supervisor if you are not completely sure of any information.
- Always adhere to all Do Not Call (DNC) Policy requests, utilizing scripting provided to acknowledge all requests and disposition calls correctly.
- Talking between calls must be limited. Inappropriate or unnecessary discussions or comments regarding the disposition of a call will not be tolerated.
- The scripting must be read verbatim on every sale so the customer understands the offer.
- Always conduct the telesales presentation in English.
- Every call must be conducted from beginning to end in a pleasant manner.

## Sales Representative Conduct & Acknowledgements

- Proper representation: Answers to questions regarding who we are and with whom you work must be answered correctly.
- Always be empathetic to customer complaints.irate customers should be handledby supervisors.
- Overall phone courtesy: No profanity, slang, inappropriate comments, or unprofessional behavior will be tolerated during and between calls.
- Not home responses: Ask for a good time to call back unless the call is answered by a child. (Under no conditions is a telephone representative permitted to ask a child when a parent will be home or when a better time to call would be).
- Always be polite and professional when speaking with the spouse or adult non-decision maker within the household. Avoid calling around the same time daily if the best time to be reached has been given by the decision maker.
- Correct dispositions: Be careful to disposition calls correctly. Improper dispositioning of calls can result in complaints and requests to be removed from our calling list(s).
- Hang-ups: Telephone sales representatives should be sensitive to this concern and take special care to ensure they are not disconnecting calls before the customer hangs up.

### TRAINING ACKNOWLEDGEMENT

By affixing my signature to this document, I acknowledge that I fully understand the details delineated herein. I acknowledge that I am aware that any deviation from the rules and policies delineated herein will result in corrective action, up to and including termination, as well as legal action.

Sales Representative Signature	Date	Supervisor Signature	Date
Sales Representative Printed Name	Date	Supervisor Printed Name	Date

Exhibit 8e

RECEIVED

DEC 13 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## WILLIAM D. CANNON JR.

PEAK PERFORMING, SELF-MOTIVATED SALES MENTOR  
ACCOMPLISHING MILESTONES BY CREATING AN ENVIRONMENT OF  
AWARENESS RESULTING IN COHESIVE TEAMS AND PROFITS.

---

2023 - 2024 APPI Energy, A Division of Environ

*Senior Energy Consultant*

- Expanded Electricity and Natural Gas Footprint into the Northeast
- Developed a Revenue Stream of New Business Sales
- Contributed \$500,000 in annual New Business Revenue in 3 Months
- Won Coveted Year End Sales Contest

2021 – 2022 Indra Energy Brooklyn, NY

*Director of Commercial Sales*

- Developed Commercial Sales Division for procurement and renewable energy.
- Utilized several software platforms to build sales momentum and revenue growth.
- Over \$1,000,000 in annual direct and indirect sales revenue in just 12 months.
- Stimulated similar revenue results across established sales team.

2020 – 2021 Approved Energy, LLC Stamford, CT

*Director of Sales and Strategy*

- Develop market representation and ALL broker relationships.
- Introduce and perform all direct sales and deal flow process.
- Secured \$800,000 in annual electricity revenue in first 8 months.
- Grew existing natural gas business by \$200,000 annual revenue in 12 months.

2018 - 2020 Choice! Energy Management New York, NY

*Consultant*

- Rebuild and regain prominent footprint in the Northeast. Rapidly rebuild revenue streams and enforce Regional and National Account growth.

2015 – 2017 Legend Energy Advisors New York, NY – Established 100% Energy Procurement Footprint.

2010 – 2014 Choice! Energy Services New York, NY

*Senior Vice President, Power, and Natural Gas Markets*

- Brought on to expand sales efforts outside of Houston, TX including continental US and Europe.
- Immediately incorporated Choice Environmental into value proposition resulting in sustainability milestones for several premier properties in and outside of NYC.
- Established CES as one of the top 3 energy advisory firms in the northeast in only 7 months.

- Have served on the board of TEPA, several BOMA sustainability committees and have consulted with 600,000,000 square feet of properties referred to me by Cushman & Wakefield securing them 100% green energy, Energy Star Certification and LEEDS Certification

2007 – 2010 Tradition Energy Stamford CT

*Director Commercial & Industrial Sales*

- Established a unique value proposition, marketing plan and sales presence for a one-of-a-kind energy brokerage firm.
- Built a desk managing over 20 energy supply companies and 10 salespeople in New York, New Jersey, and CT
- Exceeded all sales objectives making Tradition Energy one of the top brokerage firms in the northeast in only 5 months.
- In my third year, after doubling revenues year after year, Tradition is firmly established as the largest energy advisory firm in the world with offices in 7 of The United States and an office now located in London, England.
- Responsible for moving firm away from Small/Medium C&I and into National and Global sales resulting in first sales in Scotland, England, Germany, and a Fortune 500 footprint across the USA.

2004 – 2007 Constellation New Energy NYC

*Director of Business Development*

- Established and executed direct/indirect sales channels to achieve 2005 sales goals in New York /New Jersey; initiating goals and benchmarks for 2006 success.
- Team target achieved first time ever for January /February 2006 goals.
- Increased sales revenues by \$10,000,000 year after year in new business sales alone.

Lehigh University Bethlehem, Pennsylvania

*Bachelor of Arts*

- Major in International Business
- Minor in Marketing and Architecture

35 Cedar Gate Road

Darien, CT 06820

203-858-8392

[williamdcannon@yahoo.com](mailto:williamdcannon@yahoo.com)

**David L. Draper**  
**3424 Wickersham Lane, Houston, Texas 77401**  
**(713) 667-5292**

**Onpoint Energy Holdings LLC – Houston, TX 2022- Present**

**Vice President – Finance**

- Responsible for all aspects of finance, accounting and energy operations for the creation and ongoing operations of a ERCOT based retail energy provider from initial private equity sourced funding to launch and current ongoing management.

**Diamond Energy Retail (Mitsubishi / Diamond Generating Corp) – Houston, TX 2021- 2022**

**Vice President – Operations**

- Responsible for planning the energy operations for the launch of an ERCOT based retail energy company.

**Direct Energy – Houston, TX 2006-2021**

**Senior Director –Operations – Home Protection, 2019-2021**

- Responsible for the operations of North American Home Protection business unit including a \$20M+ budget, supervision of various teams of 100+ people, and contact centers for Home Warranty of America, Direct Energy Protection Plans and American Water Heater Rentals

**Senior Director –Direct Sales and Sales Operations – Direct Energy Residential, 2015-2019**

- Responsible for the support of North American sales activities including supervision of a team of over 60 people including the teams related to door-to-door sales, retail sales, sales quality, sales technology, and sales support for 600k+ residential sales annually in ERCOT/PJM/NEPOOL

**Commercial Director –Texas –Direct Energy Residential, 2014-2015**

- Lead the profit/loss and commercial management of the Texas residential portfolio including products, pricing, and customer retention initiatives.

**Commercial Director / Controller –Direct Energy Business, 2007 – 2014**

- Responsible for the commercial management of the small business segment within DEB which included cost to acquire and cost to serve analytics, pricing, and portfolio management. Initiated and designed the initial segregation and segmentation of the small business segment within the Direct Energy financial and risk management systems. Managed the overall operations and sales of the Small Business segment working with commercial sales channels including brokers and inbound/outbound sales channels.
- Responsible for the financial reporting and accounting for the commercial and industrial retail gas and power commodities business. Assisted in the acquisition/integration of Strategic Energy into Direct Energy Business LLC including the migration of Strategic Energy to SAP. Evaluated, valued, and supported the mergers and acquisitions of various energy companies including Hess, Gateway Energy Services and First Choice Power.

**Enron Energy Services, 1998 - 2006**

**Commercial Director – Settlements/Litigation, EES Commercial**

- Negotiated settlements for multi-million-dollar commodity and service-related agreements for the resolution of the bankruptcy. Presented proposed settlements to management and bankruptcy approval committees for approval.

**Risk Analysis Director; Operational Accounting Manager**

- Supervised teams to provide primary risk support for the gas trading desk, and the Gas and Power Options desks. Supervised the distribution of the gas daily position report which communicates daily profit and loss, open volumetric position, and VAR.

**Tripetrol Oil Trading Inc.**

**Controller**

- Managed the financing and monthly purchase and sale of approximately 3,000,000 to 6,000,000 wet barrels of South American crude oil and their related hedges using documentary letters of credit. Produced management and financial reports including profit/loss analysis of the physical vs. hedge positions and the financial statements of the corporate group.

**Deloitte and Touche**

**Senior Accountant/Staff Accountant - Audit**

- Supervised staffs of accounting professionals to complete annual audits of various companies and produce final audited financial statements.

**Education / Certifications:**

Master of Business Administration - Finance, University of Houston

Bachelor of Business Administration in Accounting, Texas A&M University

Certified Public Accountant – Texas, Chartered Financial Analyst

# Richard D. Rathvon

c: (914) 610-5097

20 Liberty Knoll, Colts Neck, NJ 07722

[rrathvon@gmail.com](mailto:rrathvon@gmail.com)

## CAREER SUMMARY

Results oriented leader with expertise in developing and operating businesses for start-up and established companies. Demonstrated track record of building high performance teams that drive profitable revenue growth by generating new business lines and customer relationships. Collaborative, passionate leader who operates with a sense of urgency and motivates teams with a shared vision.

## PROFESSIONAL EXPERIENCE

**Power 1 Energy Company.** May 1, 2024 to present

**Retained corporate advisor and subsequently Chief Executive Officer**

Recruited to lead and grow this competitive energy provider serving residential and commercial customers in the US through the supply of electricity and provision of energy broker / consulting services. Responsible for positioning and growing this company through geographic expansion, increased market segments, greater product diversity. Also engaged in establishing broad risk management processes and initiating scalable front-to-back operating systems.

**RATHVON CONSULTING, LLC.** Colts Neck, NJ. January 2019 – February 2021; May 2023 to present

**Managing Director**

Formed a consulting practice engaged in advising clients on a broad range of competitive energy issues involving: business formation; startup and positioning; competitive wholesale and retail markets; demand resource and energy management; renewable energy and storage; grid and micro-grid improvements; resiliency; and sustainability planning and initiatives.

**DIAMOND ENERGY** (subsidiary of Diamond Generating Corporation and Mitsubishi Corporation). January 2019 – February 2021; March 2021 – April 2023

**Retained consultant and subsequently Chief Executive Officer**

Developed the strategy, business scope and launch of this consumer-facing energy business for DGC focused on commercial and residential customers in the Mid-Atlantic states and Texas. Led all phases of business formation, start-up and segment positioning, including formation and licensing of various business entities, establishing front-to-back operating and billing systems, and hiring key leaders and staff. Also, proved out a sustainability solutions business for MC's North American subsidiaries that involved renewable energy projects, energy procurement services, resiliency and energy reduction services/projects.

**SOURCE POWER & GAS LLC** (subsidiary of ERM Power LLC). Sugar Land, TX. June 2018 – December 2018

**Executive Vice President, Sales and Operations**

Recruited to join the senior management team and lead sales and operations for this retail electricity business focused on commercial and industrial customers acquired primarily through channel relationships.

**CONSTELLATION** (subsidiary of Exelon Corporation). Valhalla, NY. September 2016 – December 2017

**Vice President and General Manager**

After Constellation's acquisition of ConEdison Solutions' retail commodity business, was:

- Responsible for integrating ConEdison Solutions retail assets and personnel into Constellation, including retaining key staff and maintaining legacy business performance.
- Directly responsible for growing and managing the P&L for the retail energy business comprised of large and medium commercial businesses in the New York ISO annually generating over \$1.4B in revenues.

**CONEDISON SOLUTIONS, INC.** (subsidiary of ConEdison, Inc), Valhalla, NY, August 2012 – August 2016

**Member, Senior Management Group**

Member of management team of ConEdison Solutions, a company with three lines of business providing retail electric and gas commodity, energy efficiency, behind-the-meter renewables, demand response, and demand management services. Assisted in developing strategic direction, advising on execution, and reviewing management results for all lines of business.

**Vice President**

Recruited to join the senior management team and lead ConEdison Solutions retail commodity line of business with a team of 75 persons. Directly responsible for managing and growing this retail electric and gas commodity business serving large, medium and small commercial businesses as well as the mass market segment. Responsible for the P&L of this retail commodity business generating annually \$1.2B in revenues and gross profit of over \$100M.

**LIBERTY POWER CORP.**, Fort Lauderdale, FL, February 2010 – July 2012

**Senior Vice President**

Recruited to join the senior management team and lead the sales and business development efforts for this retail electric business in all de-regulated markets across the U.S. Managed all direct and indirect C&I sales and sales support activities (excluding mass markets) involving 40 employees. Hired, developed and led a sales team that increased gross margin by over 95%.

**UNITED SOLAR OVONIC** (subsidiary of Energy Conversion Devices), Detroit, MI, March 2009 – February 2010

**Vice President**

Recruited by this manufacturer and distributor of thin-film solar products to lead commercial activities focused on utility and utility-scale solar opportunities in the US and Canada. Led all aspects of developing and shaping utility solar programs involving targeted end use customers, and solar projects with customers under utility and/or regulatory incentive mechanisms. Developed over 150 MWs of solar opportunities creating over \$450M in project value.

**RELIANT RESOURCES, INC.**, various subsidiaries, Houston, TX and Edison, NJ, March 2002 – February 2009

**Vice President and General Manager, Energy Marketing**

Hired to lead Reliant's business unit focused on sales and marketing of complex energy-related transactions involving large commercial and industrial customers nationally. Promoted to lead a new growth strategy for the retail electric business by creating a new business focusing on the Mid-Atlantic, Mid-West and Northeast regions. Developed relationships with a broad range of nationally recognized commercial and industrial customers adding \$700M annually of profitable revenue growth with a new team of 29 employees.

Provided commercial direction in regulatory affairs related to promoting competitive markets, and represented the company and/or other retail supply companies in multiple state legislative, regulatory and policy-making proceedings.

**ENRON CORPORATION**, various subsidiaries, Houston, TX, 1998 – 2001

**Senior Director, Business Origination and Energy Transactions**

Recruited to build the transaction structuring and deal management team of 35 employees focused on developing, structuring and negotiating complex customized solutions to reduce energy costs for a broad range of commercial and manufacturing businesses. Promoted to lead the origination of complex energy-related, multi-year outsourcing transactions in industrial markets. Negotiated complex multi-year outsourcing transactions resulting in an expected \$4'B in term revenue, and developed relationships with a broad range of nationally known industrial customers, adding an additional \$2B of profitable revenue growth.

**PUBLIC SERVICE ENTERPRISE GROUP** and various affiliates, Newark, NJ, 1993 – 1998

**General Counsel & Associate General Counsel of PSEG subsidiary, 1996 – 1998**

Led transaction-oriented legal affairs of this non-regulated utility affiliate offering energy related services including gas and electricity supply, energy efficiency engineering/design, construction, consulting and financing services.

**Vice President, Business Development and Operation of PSEG subsidiary, 1994 – 1996**

Organized and led the operations, and successfully implemented project management, financing and accounting practices resulting in improved project control and timing. Subsequently asked to lead business development, generating \$700'M of term revenue involving multi-year energy outsourcing solutions for Fortune 500 and other customers.

**General Counsel of PSEG subsidiary, 1993 – 1994**

Managed the legal affairs of this utility affiliate, which involved structuring and negotiating legal, financial and commercial terms for project development and finance agreements, PPAs, engineering and construction activities, and trade channel relationships.

## **OTHER PROFESSIONAL ACTIVITIES**

**POWER 1 ENERGY COMPANY, 2023 - present**

**Board Member**

Board member and member of the senior management team of this competitive energy retailer providing a broad range of energy services to residential, commercial and industrial customers..

**BOSS CONTROLS, INC., 2020 - present**

**Corporate Business Advisor**

Member of the senior management team of this technology and software driven sustainable solutions and grid services company. Responsible for leading the positioning and go-to-market strategy in the evolving energy industry, with a focus on enabling customers to manage power usage and connect with the grid and wholesale markets via a cyber-secure interface.

**MELITE, LLC**, formerly Enlighten Luminaires, dba LumaNEXT, 2018 – present

**Managing Director**

One of three managing directors for this technology and services company providing low/high voltage direct current systems involving energy efficient equipment, solar and battery technologies for larger commercial and industrial buildings.

**EMIL FRIES ENDOWMENT FUND, COMMUNITY FOUNDATION OF SOUTHWEST WASHINGTON** (formerly, School of Piano Technology for the Blind), 2017 – present

**Board Member**

One of three board members for this not-for-profit fund promoting the visually impaired in Washington State.

**THE ENERGY PROFESSIONALS ASSOCIATION (TEPA)**, 2024 – present

**Committee Member - Sustainability**

One of the six members selected from the TEPA membership to participate in this committee devoted to this topically critical component of the energy transition.

**RETAIL ENERGY SUPPLY ASSOCIATION**, 2003 – 2008

**President and Board Member**

Led the restructuring and significant expansion of this leading industry trade association representing retail energy suppliers in state regulatory and legislative proceedings.

**ENRON EMPLOYEE ISSUES RELATED COMMITTEE** (appointed by the United States Bankruptcy Court), 2002 – 2011

**Co-Chair**

Initiator, organizer and co-chair of this official committee in the Enron bankruptcy proceedings representing all of the claims and interests of all employees, former employees and retirees. In addition to pursuing customary employee related claims, successfully: (i) negotiated up-front payments early in the bankruptcy process for constituents; and (ii) pursued and recovered preference and fraudulent conveyance claims amounting to nearly \$100M.

## **PROFESSIONAL AFFILIATIONS**

American Bar Association and District of Columbia Bar Association

## **EDUCATION**

University of Washington: Juris Doctor, Master of Public Policy studies and Bachelor of Science in Psychology

**CERTIFICATE OF SERVICE**

I hereby certify that this day I served a copy of The Power Company's Natural Gas Broker Application upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

**Via Email or First Class Mail**

Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120  
[Ra-oca@pa.gov](mailto:Ra-oca@pa.gov)

Office of Small Business Advocate  
Forum Place  
555 Walnut Street, 1st Floor  
Harrisburg, PA 17101  
[Ra-sba@pa.gov](mailto:Ra-sba@pa.gov)

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

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

Department of Revenue  
Bureau of Compliance  
PO Box 281230  
Harrisburg, PA 17128-1230

Columbia Gas of PA, Inc.  
Transport Support Services  
290 W. Nationwide Blvd.  
Columbus, OH 43215  
PH: 614.460.4980  
[transportevaluations@nisource.com](mailto:transportevaluations@nisource.com)

Peoples Natural Gas Company LLC –  
Peoples Natural Gas Division  
Carol Scanlon  
375 North Shore Drive  
Pittsburgh, PA 15212  
[Carol.Scanlon@peoples-gas.com](mailto:Carol.Scanlon@peoples-gas.com)

PECO  
Suzette Adams, Sr. Manager, Gas Supply  
and Transportation  
2301 Market Street, S-18  
Philadelphia, PA 19103  
[Suzette.Adams@exeloncorp.com](mailto:Suzette.Adams@exeloncorp.com)

UGI Utilities, Inc. – Gas Division  
Sherry Epler  
1 UGI Drive  
Denver, PA 17517  
Email: [sepler@ugi.com](mailto:sepler@ugi.com)

National Fuel Gas Distribution Corp.  
Daniel Czechowicz, Director – Gas Supply  
Administration  
6363 Main Street  
Williamsville, NY 14221  
[czechowiczd@natfuel.com](mailto:czechowiczd@natfuel.com)

Peoples Natural Gas Company LLC –  
Peoples Gas Division  
Carol Scanlon  
375 North Shore Drive  
Pittsburgh, PA 15212  
[Carol.Scanlon@peoples-gas.com](mailto:Carol.Scanlon@peoples-gas.com)

**RECEIVED**

DEC 13 2024

Philadelphia Gas Works  
Ryan Reeves, Director Supply  
Transportation & Control  
800 West Montgomery Avenue  
Philadelphia, PA 19122  
[pgwchoicesupply@pgworks.com](mailto:pgwchoicesupply@pgworks.com)

RCVD PUC SEC BUR  
DEC 13 2024 PM 3:35

Valley Energy Inc.  
Ed Rogers  
523 South Keystone Avenue  
Sayre, PA 18840-0340  
[erogers@ctenterprises.org](mailto:erogers@ctenterprises.org)

Dated: December 13, 2024

*Karen O. Moury*

---

Karen O. Moury, Esq.