

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

Public Meeting held February 6, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Application of ResCom Energy LLC dba NextVolt
Energy for Approval to Offer, Render, Furnish or
Supply Electricity or Electric Generation Services as
a Supplier of Retail Electric Power

Docket Number:
A-2024-3051790

ORDER

BY THE COMMISSION:

On November 21, 2024, the Pennsylvania Public Utility Commission (Commission) accepted, for review, ResCom Energy LLC dba NextVolt Energy's (ResCom Energy), Utility Code 1123761, Application to provide electric generation supplier (EGS) services as a supplier in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania.

The Application was filed pursuant to the Commission's regulations at 52 Pa. Code §§ 54.31-54.43, which became effective on August 8, 1998, and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809. For the

reasons expressed in this Order, the Commission approves the Application consistent with this Order.

Legal Standard

Section 2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission.

66 Pa. C.S. § 2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa. C.S. § 2803.

Applicant

ResCom Energy is a foreign limited liability company, formed in the State of Connecticut as of August 24, 2009, and registered to do business in the Commonwealth of Pennsylvania on November 23, 2010. ResCom Energy proposes to act as a supplier of retail electric power to residential, small commercial (25 kW and under demand), large

commercial (over 25 kW demand), industrial, and governmental customers. ResCom Energy has indicated that it will be taking title to the electricity.

It should be noted that, ResCom Energy previously had an EGS license at Docket No. A-2011-2220388. This EGS license was cancelled on December 19, 2019, due to an expired bond. Since ResCom Energy's previous EGS license was cancelled by the Commission for failure to maintain compliance with 52 Pa. Code § 54.40(a) and (d), ResCom Energy states it has implemented new business controls such as undergoing significant internal restructuring to position itself as a mature, well-resourced and responsible organization that is fully committed to compliance with all applicable laws and regulations. ResCom Energy believes that the restructuring will prevent the types of compliance oversights that caused its EGS license to be cancelled. In addition, since ResCom Energy has a previous EGS license cancelled, we must note that a subsequent such violation of the Commission's regulations by the EGS or its officers may result in fines, penalties and the permanent revocation of ResCom Energy's EGS license.

Regarding the financial and technical requirements of the license Application, ResCom Energy has submitted two recent consecutive years of its financial statements, two recent consecutive years of its parent company's, The Power 1 Energy Company, financial statements, 24 recent consecutive monthly bank statements for The Power 1 Energy Company, two recent consecutive years of The Power 1 Energy Company's income tax filings, a credit report for ResCom Energy and The Power 1 Energy Company, and a fully executed Financial Support Agreement between ResCom Energy and The Power 1 Energy Company. ResCom Energy has also supplied an organizational chart, proof of previous experience in the electric industry, and extensive résumé data for its chief officers. Finally, ResCom Energy has provided proof of PJM Interconnection LLC (PJM) Membership as a Load Serving Entity (LSE). We find that sufficient information has been provided by ResCom Energy to demonstrate its financial and

technical fitness in order to be licensed as a supplier of retail electric power in the Commonwealth of Pennsylvania.

Financial Security Requirements

ResCom Energy has provided a \$250,000 surety bond as required.

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

Furthermore, each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, at least 30-days prior to the EGS's current financial security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

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

Disposition

ResCom Energy has provided proofs of publication in the Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission. As of January 28, 2025, no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations.
2. Has agreed to lawfully abide by all Commission regulations, procedures, and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.
3. That the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

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

Regulatory Requirements

As an electric generation supplier, ResCom Energy is required to comply with all applicable provisions of the Public Utility Code, Commission regulations and Commission

Orders. *See* 66 Pa. C.S. § 2809(e). We will not address or list all such provisions in this Order, but will, however, highlight a few of them in this section.

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

Since ResCom Energy will be serving residential and small commercial customers, it is important to note that a licensee must comply with the customer information regulations at 52 Pa. Code § 54.1, *et. seq.* that, among other things, address customer disclosure, billing information and contract expiration notices. Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives, and independent contractors comply with, the standards of conduct and disclosure for licensees set out in Commission regulations at

52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws.

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

We also note that that the licensee must comply with our decision in Docket No. M-2010-2157431, Motion adopted at the February 11, 2010, Public Meeting, regarding EGS membership in the PJM. Specifically, our Motion directed that such EGS applicants must file with the Commission, within 120 days of receiving an EGS license, proof of membership in PJM as an LSE, or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. Since ResCom Energy is taking title to electricity, it is required to comply with this requirement and has already provided proof of PJM Memberships as an LSE.

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

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

Required Reports and Fees

As an electric generation supplier, ResCom Energy is required to provide various reports and remit fees to the Commission on a periodic basis. We will not address or list all such reports or fees in this Order, but will, however, highlight a few of them in this section.

Electric generation suppliers are required to file with the Commission quarterly reports due by the 30th day after the end of each calendar quarter. In addition, EGSs are required to file with the Commission an annual report on or before April 30 each year. These reports identify the EGS's gross Pennsylvania intrastate operating revenues from the prior calendar quarter for quarterly reports and the prior calendar year for the annual

reports,¹ among other information. These quarterly and annual reports are to be filed with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

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

Conclusion

We find that ResCom Energy LLC dba NextVolt Energy is fit, willing and able to properly perform the functions of an electric generation supplier, has agreed to abide by all Commission regulations, procedures, and orders, and has proposed to provide such service consistent with the public interest and the policies declared in the Electricity Generation Customer Choice and Competition Act. Upon full consideration of all matters of record, we find that approval of this Application is necessary and proper for the service, accommodation, and convenience of the public; **THEREFORE,**

¹ See 52 Pa. Code § 54.39(a) and (b).

² See 66 Pa. C.S. § 2809(g).

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

IT IS ORDERED:

1. That the Application of ResCom Energy LLC dba NextVolt Energy is hereby approved, consistent with this Order.

2. That a license be issued authorizing ResCom Energy LLC dba NextVolt Energy the right to begin to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania.

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

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

5. That ResCom Energy LLC dba NextVolt Energy shall file a quarterly report with the Pennsylvania Public Utility Commission by the 30th day after the end of each calendar quarter as required by 52 Pa. Code § 54.39(a).

6. That ResCom Energy LLC dba NextVolt Energy shall file an annual report with the Pennsylvania Public Utility Commission by April 30 of each year as required by 52 Pa. Code § 54.39(b).

7. That ResCom Energy LLC dba NextVolt Energy shall remit all applicable annual fees by July 1 of each year and remit supplemental fees by the thirtieth day of receiving the supplemental fee invoice to the Pennsylvania Public Utility Commission as required by 66 Pa. C.S. § 2809(g).

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

9. That this proceeding at Docket No. A-2024-3051790 be closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: February 6, 2025

ORDER ENTERED: February 7, 2025