

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

Public Meeting held December 4, 2025

Commissioners Present:

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

Application for the Abandonment of
Electric Generation Supplier License of
Energ Power & Gas, LLC d/b/a Marathon
Energy d/b/a Energ

Docket Number:
A-2024-3050498

ORDER

BY THE COMMISSION:

On July 31, 2024, the Pennsylvania Public Utility Commission (Commission) accepted Energ Power & Gas LLC d/b/a Marathon Energy d/b/a Energ's (Energ Power), Utility Code 1116723, Application seeking to abandon its electric generation supplier (EGS) license as a supplier. This Application was filed pursuant to the Pennsylvania Code, Title 52, Chapter 54, Subchapter B, Section 54.41 (Transfer or abandonment of license). For the reasons expressed in this Order, the Commission denies Energ Power's Application to abandon its license. The Commission, however, revokes the company's EGS license for the reasons discussed in this Order.

BACKGROUND

On October 23, 2014, Energo Power was initially approved under its former name of Marathon Power, LLC, for a license to operate as a supplier of EGS services to residential, small commercial (less than 25 kW), large commercial (over 25 kW), industrial and governmental customers in the electric distribution company service territories of PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania. *See* Docket No. A-2014-2433775. By issuance of Secretarial Letter dated March 14, 2023, Marathon Power, LLC was approved to change its name to Energo Power & Gas LLC d/b/a Marathon Energy d/b/a Energo.

Following the July 31, 2024 Application to abandon, staff issued data requests seeking additional and missing information. The data requests sought several items, including: a tax status letter or Tax Clearance Certificate (REV-181) from the Pennsylvania Department of Revenue indicating the company was in good standing status; an explanation of any open issues related to contracts, agreements, or other existing arrangements under the company's license that could affect the flow of electricity to retail customers; and details regarding any other outstanding matters that could give rise to a claim against Energo Power's bond or other financial security held by the Commission as part of the EGS licensing process.

On August 26, 2024, Energo Power submitted responses to the data requests. The company indicated that it was not aware of any outstanding issues related to contracts, agreements, or other arrangements under its license that could affect the delivery of electricity to retail customers. In addition, Energo Power provided correspondence from the Pennsylvania Department of Revenue indicating that no taxes are owed, however, this documentation did not include the company's name, employer identification number, or other identifying information necessary to verify that the submitted documents pertained specifically to Energo Power.

Additionally, on July 15, 2024, the Pennsylvania Alternative Energy Credits Program Administrator, InClime, notified Energo Power by email of its Alternative Energy Credit (AEC) compliance obligations under Act 213 of 2004, the Alternative Energy Portfolio Standards Act (AEPS Act) for the June 1, 2023 –May 31, 2024 compliance year, pursuant to 73 P.S. §§ 1648.3(b)–(c), and 52 Pa. Code § 75.61. The email specified that the AEC obligations were required to be retired by September 1, 2024.

Energo Power failed to retire enough AECs to satisfy its obligations under the AEPS Act. Accordingly, on October 9, 2024, staff issued a letter to Energo Power notifying the company of its non-compliance with the AEPS Act. The letter specifically determined that Energo Power owed a total of \$1,243,075.38 in Alternative Compliance Payments (ACPs). The correspondence further advised the company that it could challenge the ACP determination within fifteen (15) days of the letter’s issuance and that failure to respond within that period would be deemed an acceptance of the determination, pursuant to 52 Pa. Code § 75.65(c). Energo Power did not file a challenge.

We note that Energo Power maintained a Letter of Credit (LOC) issued by BNP Paribas, in compliance with the Commission’s financial security requirements pursuant to 52 Pa. Code § 54.40. In January 2025, the Commission’s Law Bureau executed a draw on Energo Power’s LOC in the full amount of \$697,386.00 to recover a portion of Energo Power’s unpaid 2023–2024 ACP obligation of \$1,243,075.38. On February 20, 2025, BNP Paribas honored the Commission’s draw, remitting the full draw amount of \$697,386.00 to the Commission. Therefore, since Energo Power has failed to completely satisfy its outstanding financial obligations, we will refer this matter to the Pennsylvania Office of Attorney General for appropriate action regarding the outstanding \$545,589.38 ACP balance.

DISCUSSION

A. Legal Standards

Section 501(b) of the Public Utility Code (Code), 66 Pa.C.S. § 501(b), grants the Commission authority to “supervise and regulate all public utilities doing business within [the] Commonwealth.” While Energo Power, an EGS, is not a “public utility” as defined in Section 102 of the Code, 66 Pa.C.S. § 102, it is considered a public utility for the limited purposes set forth in Sections 2809 and 2810 of the Code, 66 Pa.C.S. §§ 2809, 2810, regarding licensing requirements for EGSs and revenue neutral reconciliation. *See also, Delmarva Power & Light Co. v. Pa. Pub. Util. Comm’n*, 870 A.2d 901 (Pa. 2005). Section 2809 of the Code and numerous Commission regulations govern various aspects of service provided by, and requirements for, EGSs. Further, whether as a “public utility...[or any] other person or corporation subject to the provisions of [the Code], affected by or subject to any regulations or orders of the commission,” Energo Power is required to obey and comply with applicable Commission regulations and orders. *See* 66 Pa.C.S. § 501(c).

To retain a license to operate in Pennsylvania, an EGS must furnish and maintain on file with the Commission a bond or other financial security instrument to ensure its financial responsibility. *See* 66 Pa.C.S. § 2809(c)(1)(i), 52 Pa. Code § 54.40(a). In addition, licensed EGSs must comply with the Commission’s Alternative Energy Portfolio Standards regulations at 52 Pa. Code Chapter 75. Specifically, each EGS must:

- Obtain and retire enough AECs to demonstrate compliance with the AEPS Act obligations. *See* 52 Pa. Code § 75.61.
- Make payment to the Alternative Compliance Payment Fund, pursuant to the AEPS Act at the rate(s) established by the Commission when failing to obtain or retire a sufficient number of AECs. *See* 52 Pa. Code § 75.65.

Consistent with due process, the Commission is authorized to revoke an EGS's license for, among other things: (1) failure to furnish and maintain a bond or other financial security in the amount directed by the Commission; and (2) failure to comply with applicable provisions of the Code, the Commission's regulations, and/or the Commission's orders. *See* 52 Pa. Code § 54.42(a)(2) and (7). *See also*, 66 Pa.C.S. § 2809(c).

B. Analysis

Energio Power has not complied with statutory and regulatory directives. First, Energio Power failed to furnish financial security approved by the Commission in form and amount. Energio Power's LOC was drawn down to a zero balance as of February 20, 2025. Energio Power has not updated its financial security, which constitutes a violation of the Code and Commission's regulations. *See* 66 Pa.C.S. § 2809(c)(1)(i); 52 Pa. Code § 54.40(a). Energio Power's failure to maintain financial security coverage is sufficient reason for the Commission to revoke the company's license. *See* 66 Pa.C.S. § 2809(c) ("Failure of an [EGS] to...comply with the provisions of this paragraph shall be cause for the commission to revoke the license of the electricity supplier."); 52 Pa. Code § 54.42(a)(2).

In addition, Energio Power failed to comply with the Commission's regulations pertaining to the AEPS Act. Energio Power failed to (1) procure and retire sufficient AECs to satisfy its AEPS Act obligations and (2) make its resulting ACP. *See* 52 Pa. Code §§ 75.61 and 75.65. In violating these regulations, Energio Power also failed to comply with the requirements of Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires that any entity subject to the Commission's jurisdiction obey Commission regulations. 66 Pa.C.S. § 501(c). These failures to comply with the Code and Commission's regulations are sufficient reason for the Commission to revoke Energio Power's EGS license. *See* 52 Pa. Code § 54.42(a)(7).

Under the circumstances, the Commission finds that it is not in the public interest to grant Energo Power's Application to abandon its EGS license and therefore denies the company's Application for abandonment. The Commission, however, hereby revokes the company's EGS license pursuant to its authority under the Code and Commission regulations due to Energo Power's failure to: (1) maintain financial security coverage approved by the Commission in form and amount and (2) comply with the Code and the Commission's Alternative Energy Portfolio Standards regulations at 52 Pa. Code Chapter 75. Due to Energo Power's failure to comply with the Public Utility Code and the Commission's regulations, the Commission finds that the company is not technically or financially fit to operate as an electric generation supplier in the Commonwealth of Pennsylvania. Accordingly, the Commission hereby revokes Energo Power & Gas LLC d/b/a Marathon Energy d/b/a Energo's electric generation supplier license;

THEREFORE,

IT IS ORDERED:

1. That the Application for license abandonment filed by Energo Power & Gas LLC d/b/a Marathon Energy d/b/a Energo at Docket No. A-2024-3050498 is denied consistent with this Order.

2. That Energo Power & Gas LLC d/b/a Marathon Energy d/b/a Energo's electric generation supplier license at Docket No. A-2014-2433775 is hereby revoked consistent with this Order.

3. That the Secretary's Bureau shall strike the company's name from all active utility lists maintained by the Commission and the Bureau of Administrative Services shall remove the company from all assessment lists.

4. That this matter be referred to the Pennsylvania Office of Attorney General for appropriate action regarding the outstanding Alternative Compliance Payment.

5. That a copy of this order be served on the Pennsylvania Office of Attorney General, the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, and all jurisdictional Electric Distribution Companies.

6. That if Energo Power & Gas LLC d/b/a Marathon Energy d/b/a Energo or any of its successors, applies in the future to provide electric generation supplier services or natural gas supplier services in Pennsylvania, in any capacity, it must acknowledge this license revocation and provide information on the business controls it has in place to ensure compliance with the Code and the Commission's orders and regulations.

7. That this proceeding at Docket No. A-2024-3050498 be closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: December 4, 2025

ORDER ENTERED: December 4, 2025