

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

Public Meeting held February 19, 2026

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
Astral Energy, LLC

Docket Number:
A-2024-3049057

ORDER

BY THE COMMISSION:

On May 16, 2024, the Pennsylvania Public Utility Commission (Commission) accepted Astral Energy, LLC's (Astral Energy), Utility Code 1116862, Application seeking to abandon its electric generation supplier (EGS) license as a supplier. The Application, filed by the law firm Genova Burns on behalf of the Bankruptcy Trustee¹ for Astral Energy, also included a request that the Commission file a claim against Astral Energy's EGS license bond for inclusion in the bankruptcy estate.

¹ Case Number: 23-17424 VFP, Astral Energy is listed as the debtor in a Chapter 7 Bankruptcy Proceeding before the United States Bankruptcy Court for the District of New Jersey.

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 Astral Energy's Application to abandon its license. The Commission, however, revokes the company's EGS license for the reasons discussed in this Order.

BACKGROUND

On February 26, 2015, Astral Energy was approved 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 all of the Electric Distribution Company (EDC) service territories throughout the Commonwealth of Pennsylvania. *See* Docket No. A-2014-2439632.

Following the May 16, 2024 Application to abandon its license, Commission staff issued data requests on July 19, 2024, seeking additional information necessary to evaluate Astral Energy, LLC's filing. Staff directed Astral Energy to:

1) Provide all contracts, agreements, or arrangements that the company asserts relates to the supply of electricity at retail for which it seeks recovery under Bond No. 3131337;

2) Identify, for each such contract, agreement, or arrangement, the specific basis upon which the claimed amount is attributable to the supply of electricity at retail in Pennsylvania;

3) Describe the nature and purpose of each contract, agreement, or arrangement at issue, including the services provided by Astral Energy, LLC; and

4) Furnish a Tax Clearance Certificate (REV-181) issued by the Pennsylvania Department of Revenue confirming the company's tax status, along with the associated Department instructions for securing the certificate.

On August 19, 2024, Astral Energy responded, confirming that it is in Chapter 7 bankruptcy (Case No. 23-17424 VFP) and that the Bankruptcy Trustee is seeking to recover all available assets for distribution to creditors, including the proceeds of the license bond. Astral Energy also provided its bankruptcy claims register, identifying the creditors and asserted claim amounts that the company contends form the basis for its request to recover proceeds from Bond No. 3131337.

On August 28, 2024, Commission staff issued a second set of data requests seeking a detailed explanation of each creditor claim listed in the claims register.

On September 27, 2024, Astral Energy submitted its responses, stating that, as a Chapter 7 debtor in liquidation, it has no existing contracts or ongoing operations, and any claim to the bond proceeds is based solely on federal bankruptcy law and the terms of the bond. The Trustee sought to recover all available assets, including the bond proceeds, for distribution to the creditors listed in the claims register, whose claims far exceed the value of the bond.

Additionally, on July 17, 2023, and July 15, 2024, the Pennsylvania Alternative Energy Credits Program Administrator, InClime, notified Astral Energy by email of its Alternative Energy Credit (AEC) compliance obligations under Act 213 of 2004, the Alternative Energy Portfolio Standards Act (AEPS Act) obligations for the 2022–2023 and 2023–2024 compliance years pursuant to 73 P.S. §§ 1648.3(b)–(c) and 52 Pa. Code § 75.61. Astral Energy failed to retire sufficient AECs for both compliance years. Accordingly, on September 27, 2023, and October 9, 2024, Commission staff issued letters determining that Astral Energy owed Alternative Compliance Payments (ACPs) of

\$69,003.72 for the 2023 compliance year and ACPs of \$22,591.84 for the 2024 compliance year. The company did not challenge either determination within the 15-day period prescribed by 52 Pa. Code § 75.65(c).

By Order issued on December 5, 2024, the Commission addressed the Bankruptcy Trustee's request that it file a claim against Astral Energy's license bond for inclusion in the bankruptcy estate. The Trustee asserted that the bond should compensate all bankruptcy creditors. The Commission denied the request because the Bankruptcy Trustee failed to provide sufficient evidence demonstrating that Astral Energy breached the statutory or bond terms with respect to the bankruptcy creditors. The Commission also held Astral Energy's Application to abandon its EGS license in abeyance pending resolution of the bankruptcy proceeding.

Astral Energy maintained financial security in accordance with 52 Pa. Code § 54.40, however, in June 2024, the Commission executed a draw on Astral Energy's surety bond in the amount of \$92,338.16 to recover unpaid ACP obligations and a 2023 supplemental assessment of \$545.00². The ACP claim consisted of Astral Energy's actual 2023 ACP obligation of \$69,003.72 and an estimated 2024 ACP obligation of \$22,789.44, as the company's actual 2024 ACP had not yet been determined at the time of the bond draw. As a result of the draw on the bond, the company's financial security was no longer in the amount required by 52 Pa. Code § 54.40, resulting in Astral Energy failing to maintain financial security approved by the Commission. On July 18, 2024, Great American Insurance Company remitted the full amount claimed by the Commission. The funds were deposited with the Pennsylvania Treasury on July 23, 2024, and were held undisbursed pending the resolution of the

² Astral Energy's surety bond, issued by the Great American Insurance Company, expired on July 10, 2024. On July 10, 2024, Great American Insurance Company filed with the Commission a "Notice of Cancellation" cancelling Astral Energy's bond effective September 11, 2024. However, as the bond expired on July 10 and had not been continued, the "Notice of Cancellation" was superfluous.

bankruptcy-related issues. Now that the bankruptcy-related issues have been resolved, the funds held by the Pennsylvania Treasury were distributed as follows:

- \$545.00 – 2023 supplemental assessment remitted to the Commission
- \$69,003.72 – 2023 ACP remitted to the Pennsylvania Sustainable Energy Board; and
- \$22,591.84 – 2024 ACP remitted to the Pennsylvania Sustainable Energy Board.

It should be noted that the *actual* 2024 ACP was \$22,591.84, \$197.60 less than the *estimated* 2024 ACP amount of \$22,789.44 claimed by the Commission and paid by Great American Insurance Company. Therefore, the \$197.60 was refunded to Great American Insurance Company³ on December 5, 2025. With the bankruptcy-related issues resolved, the Application for license abandonment is now ripe for consideration.

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 Astral Energy, 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],

³ To the Attention of: Prithvi Bhaskar, Bonds 22 301 E. Fourth St. Cincinnati, OH 45202

affected by or subject to any regulations or orders of the commission,” Astral Energy 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). An EGS must also pay annual fees established by the Commission. *See* 66 Pa. C.S. § 2809(g).⁴ 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.
- Update its bond or furnish another type of financial security, pursuant to the Code and Commission regulations. *See* 66 Pa. C.S. § 2809(c)(1)(i); 52 Pa. Code § 54.40(a).
- Pay annual assessments to defray the costs of the Commission’s regulation of licensees. *See* 66 Pa. C.S. § 2809(g); 52 Pa. Code § 54.38.

Consistent with due process, the Commission is authorized to revoke an EGS’s license for, including but not limited to: 1) failure to furnish and maintain a bond or other

⁴ The Commission, by Order entered April 24, 2015, established the requirements that (1) EGS suppliers and brokers pay a \$350 flat annual fee and (2) EGS suppliers only pay a supplemental annual fee based on the suppliers’ gross intrastate operating revenue. *See Final Implementation Order – Implementation of Act 155 of 2014*, Docket No. M-2014-2448825, at 7-8, 9-10.

financial security in the amount directed by the Commission; 2) failure to pay a yearly assessment; and 3) 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)(1), (2), and (7). *See also*, 66 Pa. C.S. § 2809(c).

B. Analysis

Although the Commission has recovered the full amount of Astral Energy's ACP obligations and related supplemental fees through a draw on the company's surety bond, such recovery does not remedy the company's underlying violations of the Public Utility Code and the Commission's regulations. Astral Energy's failure to: (1) retire sufficient AECs; (2) make timely ACP payments; (3) pay its 2023 supplemental annual fee; and (4) maintain financial security approved by the Commission constitute independent violations of 52 Pa. Code §§ 54.38, 54.40, 75.61, and 75.65, as well as 66 Pa. C.S. §§ 501(c) and 2809(g). The subsequent bond draw merely satisfied the outstanding monetary obligations; it does not negate the fact that Astral Energy failed to comply with statutory and regulatory requirements in the first instance. Accordingly, despite the full recovery of ACP obligations and supplemental fees, Astral Energy remains non-compliant with the Commission's financial security requirements, annual fee requirements, and AEPS Act regulations. These violations provide independent and sufficient grounds for revocation of Astral Energy's license pursuant to 66 Pa. C.S. § 2809(c) and 52 Pa. Code § 54.42(a)(1), (2), and (7).

Under the circumstances, the Commission finds that it is not in the public interest to grant Astral Energy's Application to abandon its EGS license and therefore denies the company's Application for abandonment. The Commission hereby revokes the company's EGS license pursuant to its authority under the Code and Commission regulations due to Astral Energy's failure to: (1) maintain financial security coverage approved by the Commission in form and amount, as required by 52 Pa. Code § 54.40; (2) pay its 2023 supplemental annual fee pursuant to 66 Pa. C.S. § 2809(g) and 52 Pa.

Code § 54.38; and (3) comply with the Code and the Commission’s Alternative Energy Portfolio Standards regulations at 52 Pa. Code Chapter 75, including the failure to timely retire AECs and make ACPs.

Astral Energy’s non-compliance with the Public Utility Code and Commission regulations demonstrates that the company is no longer technically or financially fit to operate as an electric generation supplier in the Commonwealth of Pennsylvania. Accordingly, the Commission hereby revokes Astral Energy, LLC’s electric generation supplier license; **THEREFORE**,

IT IS ORDERED:

1. That the Application for license abandonment filed by Astral Energy, LLC at Docket No. A-2024-3049057 is denied consistent with this Order.

2. That Astral Energy, LLC’s electric generation supplier license at Docket No. A-2014-2439632 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 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.

5. That if Astral Energy, LLC 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 Public Utility Code and the Commission's orders and regulations.

6. That this proceeding at Docket No. A-2024-3049057 be closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: February 19, 2026

ORDER ENTERED: February 19, 2026