



Eric J. Wallace
GreeneHurlocker, PLC
4908 Monument Avenue, Suite 200
Richmond, Virginia 23230
(804) 672-4544 (Direct)
EWallace@GreeneHurlocker.com

May 26, 2020

By Electronic Filing

Ms. Brinda Westbrook-Sedgwick
Commission Secretary
Public Service Commission of the District of Columbia
1325 G Street, NW, Suite 800
Washington, DC 20005

RE: Agera Energy, LLC Electricity Supplier License (EA 2014-25) and Natural Gas Supplier License (GA 2014-14) Cancellation Request

Dear Secretary Westbrook-Sedgwick:

The Commission granted Agera Energy, LLC (“Agera”) an electricity supplier license and a natural gas supplier license in Order No. 17805, which was issued on February 12, 2015 in Formal Cases EA 2014-25 and GA 2014-14. On May 7, 2020, Agera Energy, LLC (“Agera”), by counsel, filed a request (the “Request Letter”) in the above-referenced dockets asking that the Commission cancel Agera’s licenses to conduct business in the District of Columbia as an electricity supplier and as a natural gas supplier. In the Request Letter, Agera indicated that as of March 2020, Agera is no longer serving customers in the District of Columbia and no longer intends to market its electricity or natural gas supply services in the District of Columbia.

On May 11, 2020, Agera received a letter from the Commission’s Office of the General Counsel seeking additional details regarding Agera’s request. Agera’s responses are provided below.

1. 15 DCMR § 4602.10 and § 4702.10 require licensed electricity suppliers and natural gas suppliers wishing to cease providing services in the District to provide at least 60-days written notice of that intent to the Commission and to its customers.

(a) Has Agera provided the requisite notice to the Commission?

Yes. In the May 7, 2020 notice filed by Agera with the Commission, Agera notified the Commission of its intent to cease providing services in the District: “Pursuant to 15 DCMR § 4602.10(a) and 15 DCMR § 4702.10(a), Agera is providing notice of its intent to cease providing electricity and natural gas service to customers in the District of Columbia.”¹ The end of the sixty-day notice period following the May 7, 2020 Request Letter would be July 6, 2020.

¹ Letter to Ms. Westbrook-Sedgwick (May 7, 2020) at 1.

(b) Does Agera have customers? If so, has Agera provided the requisite notice to its customers?

Agera does not have any customers in the District of Columbia.

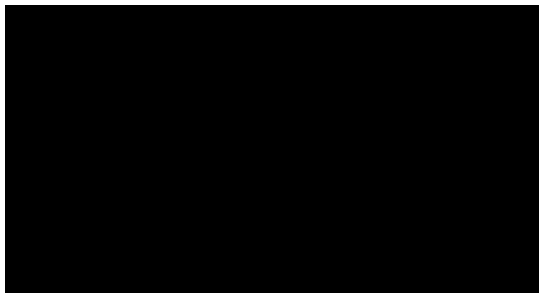
(c) If Agera has, or had, customers, what were the beginning and end dates Agera provided services to District customers?

Agera began serving its first customer in the District on September 9, 2015. The last day that a District customer was served by Agera was February 20, 2020.

(d) How many total customers did Agera serve for each year it provided services?

Agera's District customer count for each year that Agera operated in the District is as follows:

[BEGIN CONFIDENTIAL]



[END CONFIDENTIAL]

(e) What was the nature of the services Agera provided to its District customers?

Agera provided electric and natural gas supply service to residential and commercial customers.

(f) When did Agera cease providing services for the final time?

Agera has not served any customers since February 20, 2020.

(g) Has Agera provided notice to its customers that it would cease providing services?

No. Agera does not have any customers in the District to which it would provide notice.

(h) Describe the nature of the notice Agera provided to its customers. Please provide documentation of the notice.

N/A – no current customers.

2. 15 DCMR § 1300 *et seq.*, requires suppliers to pay annual assessments.

(a) Does Agera owe any outstanding fees or assessments to the Commission, the Office of the People’s Counsel (“OPC”), or to the government of the District of Columbia?

Yes.

(b) If yes, what are the amounts owed and are the amounts owed to the Commission, OPC, the District Government, or all? List the amounts separately.

Agera is compiling the amounts owed and will file an update with this information by June 5, 2020.

(c) If any amounts are owed, either to the Commission, OPC, the District Government, or all, does Agera have a payment plan in place? Describe the plan.

On October 4, 2019, Agera filed a voluntary chapter 11 bankruptcy petition in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Case”). On October 15, 2019, Agera notified the Commission of the Bankruptcy Case and that “[c]onfirmation of a chapter 11 plan may result in a discharge of debt.”² Agera is unable to pay any outstanding amounts to the Commission, OPC or District Government except as provided under its approved chapter 11 plan. Moreover, the Bankruptcy Court established April 1, 2020 as the last date for governmental units, including the Commission, OPC, and the District Government, to file proofs of claim against Agera [Docket No. 199]. The Commission, OPC, and the District Government did not file any proofs of claim against Agera prior to (or after) such deadline. Pursuant to Bankruptcy Rule 3003(c)(2) and the Bankruptcy Court’s order, “all holders of claims that fail to comply with this Bar Date Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.”

3. Are there any outstanding consumer complaints against Agera on file with the Commission, OPC, or the District Government? If yes, describe the nature of the complaint(s) and what, if any, resolution of the complaint is forthcoming.

No, Agera is not aware of any outstanding complaints.

² Notice of Chapter 11 Bankruptcy Case at 1.

Letter to Ms. Westbrook-Sedgwick
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4. The surrendering licensee must submit a Certificate of Clean Hands to the Commission. I have attached a link:

[https://eservices.dhra.dc.gov/DocumentManagementSystem/Home/retrieve?id=BBL%20Clean%20Hands%20Self-Certification%20\(Fillable\).pdf](https://eservices.dhra.dc.gov/DocumentManagementSystem/Home/retrieve?id=BBL%20Clean%20Hands%20Self-Certification%20(Fillable).pdf)

As noted above, Agera filed for Chapter 11 bankruptcy in United States Bankruptcy Court for the Southern District of New York on October 4, 2019. Accordingly, Agera is not able to provide a Certificate of Clean Hands certifying that Agera does not owe more than one hundred dollars in outstanding debt to the District of Columbia Government.

Please feel free to contact me should you have any questions or require additional information.

Respectfully Submitted,



Eric J. Wallace

Counsel for Agera Energy, LLC