

April 15, 2013

VIA eFiling

Pennsylvania Public Utility Commission
Attn: Rosemary Chiavetta, Secretary
P. O. Box 3265
Harrisburg, PA 17105-3265

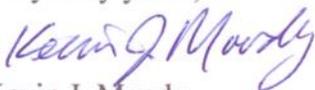
RE: Licensing Requirements for Natural Gas Suppliers Regulations
at 52 Pa. Code § 62.101-§62.102 (ANOFR)
Docket No. L-2011-2266832

Dear Secretary Chiavetta:

Enclosed are the comments of the Pennsylvania Independent Oil & Gas Association in the above-referenced matter. Courtesy copies have been provided as directed in the Commission's February 28, 2013 order.

If you have any questions regarding this filing, please contact me.

Very truly yours,



Kevin J. Moody
General Counsel

KJM/jls
Enclosure

cc: David E. Screven, Assistant Counsel (via email)
Colin Scott, Assistant Counsel (via email)
Brent Killian, Bureau of Technical Utility Services (via email)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Licensing Requirements for Natural Gas Suppliers :
Regulations at 52 Pa. Code § 62.101-§62.102 : Docket No. L-2011-2266832

**COMMENTS OF
PENNSYLVANIA INDEPENDENT OIL & GAS ASSOCIATION**

In January 2012 the Commission initiated this rulemaking to determine whether the exemption from natural gas supplier (NGS) licensing for “marketing services consultants” and “nontraditional marketers” should be discontinued, and whether all natural gas aggregators, marketers and brokers should be required to be licensed as NGSs to be permitted to offer natural gas supply services to retail customers. At its Public Meeting on February 28, 2013, the Commission adopted an Advanced Notice of Final Rulemaking (ANOFR) seeking comments on changes to the previous final rulemaking. The ANOFR was published in the Pennsylvania Bulletin on March 16, 2013, with comments due within 30 days.

The Pennsylvania Independent Oil & Gas Association (PIOGA) is the comprehensive trade association representing oil and natural gas interests throughout Pennsylvania. PIOGA has nearly 1,000 members, including oil and natural gas producers, Commission-licensed NGSs, drilling contractors and service companies, as well as various professional firms, individuals and royalty owners. PIOGA members are involved in producing and marketing natural gas from conventional and unconventional formations for retail and transportation customers of natural gas utilities.¹

PIOGA has been actively monitoring this rulemaking and, while PIOGA has not previously provided comments, PIOGA files these comments to support and adopt the general thrust of the comments of the National Energy Marketers Association (NEM):

- The proposed definitions of “energy consultant”, “non-selling marketer” and “broker” should be clarified to more accurately reflect the industry usage and understanding of the roles and functions of these entities in the marketplace.

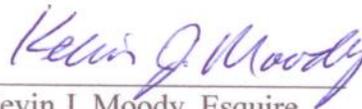
¹ Effective April 1, 2010, the Independent Oil and Gas Association of Pennsylvania (IOGA of PA) and the Pennsylvania Oil and Gas Association (POGAM) merged and the name of the organization changed to Pennsylvania Independent Oil & Gas Association.

- The licensing process should be tailored to the activities these different entities perform and the technical fitness and financial expertise required for the lawful performance of these different activities.

Specifically, PIOGA supports and adopts: (1) NEM's suggested definition of "energy consultant"; (2) NEM's suggested change of the term "non-selling marketer" to "marketing services provider" and related correction of the language in proposed Section 62.102(f) to implement the Commission's finding in the ANOFR that these entities need not be licensed;² and NEM's suggested definition of "broker".

Accordingly, PIOGA requests that the Commission adopt the changes suggested herein when finalizing its NGS licensing requirements.

Respectfully submitted,



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Dated: April 15, 2013

² While PIOGA agrees with NEM concerning the Commission's reliance on the exclusivity of the relationship of a "non-selling marketer" with an NGS as the basis for exemption from licensure, PIOGA does not adopt NEM's proposal concerning limiting the exemption a single utility service territory – to the extent that the proposal would remove the exemption for a "non-selling marketer" with an exclusive marketing relationship with an NGS operating in more than one utility service territory, as is likely in western PA where gas utility service territories overlap.