



William T. Hawke  
Kevin J. McKeon  
Thomas J. Sniscak  
Lillian Smith Harris  
Scott T. Wyland  
Todd S. Stewart

Craig R. Burgraff  
Janet L. Miller  
Steven K. Haas  
William E. Lehman  
Tori L. Giesler

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

July 12, 2010

**Via Electronic Filing and Hand Delivery**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street – Filing Room (2 North)  
Harrisburg, PA 17120

RE: Petition of PECO Energy Company for Approval of Its Revised Electric Purchase of Receivables Program; Docket No. P-2009-2143607;  
**ANSWER OF DOMINION RETAIL, INC. TO PETITION FOR RELIEF OF THE OFFICE OF SMALL BUSINESS ADVOCATE**

Dear Secretary Chiavetta:

Attached for filing with the Commission is the Answer of Dominion Retail, Inc. to Petition for Relief filed by the Office of Small Business Advocate in the above-captioned proceeding. This document has been served in accordance with the attached Certificate of Service.

If you have any further questions, please feel free to contact me.

Very truly yours,

Todd S. Stewart

*Counsel for Dominion Retail, Inc.*

TSS/bes  
Enclosure  
cc: Per Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA E-MAIL & FIRST U.S. CLASS MAIL**

The Honorable Cynthia W. Fordham  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Suite 4063, 801 Market Street  
Philadelphia, PA 19107

Daniel G. Asmus, Esquire  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Tanya J. McCloskey, Esquire  
Senior Assistant Consumer Advocate  
Barrett C. Sheridan, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1923

Richard A. Kanaskie, Esquire  
Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commerce Keystone Building  
400 North Street, 2nd Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Charis Mincavage, Esquire  
Saad A. Syed, Esquire  
McNees, Wallace & Nurick LLC  
100 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108-1166

Daniel Clearfield, Esquire  
Deanne M. O'Dell, Esquire  
Eckert Seamans Cherin & Mellott LLC  
213 Market Street, 8<sup>th</sup> Floor  
P.O. Box 1248  
Harrisburg, PA 17108-1248

Christopher A. Lewis, Esquire  
Christopher R. Sharp, Esquire  
Blank Rome, LLP  
One Logan Square  
130 N. 18<sup>th</sup> Street  
Philadelphia, PA 19103-6998

Thomas P. Gadsden, Esquire  
Kenneth M. Kulak, Esquire  
Catherine G. Vasudevan, Esquire  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Divesh Gupta, Esquire  
Constellation Energy Resources, LLC  
111 Market Place, Suite 500  
Baltimore, MD 21202

David I. Fein  
Vice President, Energy Policy  
Director of Retail Energy Policy  
Constellation Energy  
550 W. Washington Blvd., Suite #300  
Chicago, IL 60661

Barbara Alexander  
83 Wedgewood Drive  
Winthrop, ME 04364

Certificate of Service  
Docket No. P-2009-2143607  
Page 2

Brian Kalcic  
Excel Consulting  
225 S. Meramec Avenue  
Suite 720-T  
St. Louis, MO 63105

Anthony E. Gay  
Jack R. Garfinkle  
Exelon Business Services Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699



---

Todd S. Stewart

Dated this 12<sup>th</sup> day of July, 2010

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PECO Energy Company :  
for Approval of Its Revised Electric : Docket No. P-2009-2143607  
Purchase of Receivables Program :

---

**ANSWER OF DOMINION RETAIL, INC.  
TO PETITION FOR RELIEF OF  
OFFICE OF SMALL BUSINESS ADVOCATE**

---

NOW COMES, Dominion Retail, Inc. ("Dominion Retail"), by and through its counsel, and pursuant to 52 Pa. Code § 5.572(e), and hereby answers the Petition for Relief of the Office of Small Business Advocate ("OSBA"), ("OSBA Petition") filed with the Pennsylvania Public Utility Commission ("Commission") on or about July 2, 2010.

The OSBA Petition requests clarification of what it contends to be an ambiguity that will exist as a result of the Commission's Order in this matter that was entered on June 18, 2010. In its Order, the Commission granted PECO Energy Company's ("PECO") Exception and allowed PECO to terminate service to customers with arrearages resulting from receivables purchased through its existing purchase of receivables program ("existing POR") (which applies only to charges that are billed by PECO through consolidated billing) that might exist as of January 1, 2011, when the new POR program becomes effective, in the same manner as it would be able to do for customers that incur arrearages under its new POR program. The OSBA contends that in addition to purchasing receivables for EGS basic supply charges that are rendered via consolidated billing, that PECO also intends to purchase receivables for EGS charges that are separately billed by the EGS prior to January 1, 2011, and to then subject those customers to the potential of termination for failing to pay the charges sometime after January 1, 2011.

Dominion Retail submits that PECO has not proposed to purchase receivables for charges rendered by EGSs through an EGS's own bills to customers, either in its existing POR program or the new POR program. To the contrary, both PECO's Petition and the Joint Petition for Partial Settlement in this case, make it clear that the only receivables that will be purchased are those billed by PECO through consolidated billing—there is no ambiguity. Dominion Retail therefore believes that the OSBA's request for clarification is unnecessary.

The OSBA also requests clarification with regard to the scope of the application of Chapter 14 of the Public Utility Code, 66 Pa. C.S. § 1401, *et seq.*, and Chapter 56 of the Commission's Regulations, 52 Pa. Code § 56.01, *et seq.*, to non-residential customers. In particular, the OSBA seeks "clarification" regarding the applicability of two regulatory provisions, found at 52 Pa. Code § 56.35 and 56.83(7), to non-residential customers. These provisions prohibit utilities from seeking payment of charges more than four (4) years old as a condition of service connection, and prevent termination of service to residential customers on the basis of charges that are more than 4 years old, respectively. The OSBA contends that in light of the alleged ambiguity of the POR program regarding termination, as discussed above, that "clarification" is necessary.

Neither the Joint Petition for Settlement nor the Commission's June 18, 2010 Order in this matter approving that settlement, purport to modify the application of the Commission's regulations or the Public Utility Code. That is, the Code and Regulations should continue to apply to those customer to whom they apply--the OSBA's contentions regarding the application of what it believes to be Commission precedent on the subject notwithstanding. Accordingly, Dominion Retail submits that no further clarification is necessary.

WHEREFORE, Dominion Retail, Inc., respectfully requests that the OSBA's Petition for Relief be denied.

Respectfully submitted,



---

Todd S. Stewart  
PA Attorney I.D. #75556  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
E-mail: [tsstewart@hmslegal.com](mailto:tsstewart@hmslegal.com)  
Telephone: (717) 236-1300  
Facsimile: (717) 236-4841

*Counsel for Dominion Retail, Inc.*

Dated: July 12, 2010

## VERIFICATION

I, Todd S. Stewart, certify that I am counsel for Dominion Retail, Inc. and that, in this capacity, I am authorized to and do make this Verification on behalf of Dominion Retail, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and the Dominion Retail, Inc. expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.



---

Todd S. Stewart  
Hawke McKeon & Sniscak LLP  
100 North Tenth Street  
PO Box 1778  
Harrisburg, PA 17105  
717-236-1300

*Counsel for Dominion Retail, Inc.*

DATED: July 12, 2010