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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held June 9, 2011 | | |
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| Commissioners Present: | | |  | |
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| Robert F. Powelson, Chairman  John F. Coleman, Jr., Vice Chairman  Tyrone J. Christy  Wayne E. Gardner  James H. Cawley | | | | |
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| Amendment of Electric Generation Supplier License of ConocoPhillips Company for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Broker/Marketer and Aggregator. | | | Docket Number:  A-2010-2162977 | |
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**ORDER**

**BY THE COMMISSION:**

On February 18, 2010, ConocoPhillips Company (Conoco or the Applicant) filed an application to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for industrial customers in the electric distribution service territory of PECO in the Commonwealth of Pennsylvania. On April 2, 2010, Conoco revised its application proposing to also operate as an aggregator, taking title to the electricity it sells. On April 22, 2010, the Commission approved a license at Docket No. A‑2010-2162977, authorizing the Applicant to begin to offer the services described above.

On April 29, 2011, Conoco filed a request to amend its electric generation supplier license to expand customer classes and territories served. Specifically, Conoco proposes to serve all customer classes, including residential, small commercial (25kW and under), large commercial (over 25kW), industrial, and governmental customers throughout all the electric distribution service territories within the Commonwealth of Pennsylvania. This proposed amendment is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.

At this time, the Applicant intends to serve only large commercial, industrial, and governmental customers, but to the extent that residential or small commercial customers may be served incidentally with its larger customers, Conoco seeks to serve such customers.

Since Conoco has no present intention to separately serve any residential or small commercial customers, and seeks authorization to serve these customer classes only in the event that a residential or small commercial customer is incidentally served in a mixed meter scenario, Conoco need not submit a disclosure statement at this time. However, if Conoco would begin to interact directly with such customers in the future, Conoco is directed to submit a disclosure statement as required by 52 Pa. Code § 54.5.[[1]](#footnote-1)

Conoco has published notice of its license application in the Pennsylvania newspapers as required by the Commission for the expanded territories, and proofs of service to the interested parties as required by the Commission. Conoco also provided a $250,000 surety bond with its original license application.

Conoco is required to comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. § 2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)* at Docket No. M-00960890 F0011, Order entered July 11, 1997. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa. Code Chapter 56) is applicable to residential accounts. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service rates in accordance with the utility's obligations under section 2807(e), 66 Pa. C.S. § 2807(e). The customer would only be disconnected from the electricity grid pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer’s personal information, and compliance with applicable state and federal consumer protection laws. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of business.

Upon full consideration of all matters of record, we find that approval of this request is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:**

1. That the request of ConocoPhillips Company is hereby approved, consistent with this Order.

2. That a license be issued authorizing ConocoPhillips Company to begin to offer, render, furnish or supply electric generation supplier services as a broker/marketer and aggregator to residential, small commercial (25kW and under), large commercial (over 25kW), industrial, and governmental customers throughout all the electric distribution service territories within the Commonwealth of Pennsylvania.

3. That a copy of this Order be served on the Department of Revenue, Bureau of Corporation Taxes.

4. That this proceeding at Docket No. A-2010-2162977 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: June 9, 2011

ORDER ENTERED: June 13, 2011

1. See Secretarial Letter dated March 25, 2011 at Docket No. M-2009-2082042. [↑](#footnote-ref-1)