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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held November 10, 2011 | | |
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| Commissioners Present: | | |  | |
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| Robert F. Powelson, Chairman  John F. Coleman, Jr., Vice Chairman  Wayne E. Gardner  James H. Cawley  Pamela A. Witmer | | | | |
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| Amendment of Electric Generation Supplier License of TES Energy Services, LP. | | | Docket Number:  A-2010-2207746 | |
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**ORDER**

**BY THE COMMISSION:**

On October 15, 2010, TES Energy Services, LP (TES or the Applicant) filed an application to offer, render, furnish or supply electricity or electric generation services as a broker/marketer for large commercial (over 25 kw demand), industrial, and governmental customers in the electric distribution company service territories throughout the Commonwealth of Pennsylvania. On January 13, 2011, the Commission approved a license at Docket No. A-2010-2207746, authorizing TES to begin to offer the services described above.

On September 22, 2011, TES filed a request to amend its electric generation supplier license to also serve residential and small commercial (25 kw and under demand) customers directly as a broker/marketer throughout all the electric distribution company 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.

TES has published notice of its license application in the Pennsylvania newspapers as required by the Commission, and provided proof of service of the amendment request to the interested parties. TES has also provided a $10,000 surety bond with its original license application, explaining that as a broker, the risk associated to the customers is minimal, if any, and can be adequately covered by the reduced bond of $10,000.

TES 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.

As of November 1, 2011, no protests or complaints have been filed against the Applicant.

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 TES Energy Services, LP is hereby approved, consistent with this Order.

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

3. That this proceeding at Docket No. A-2010-2207746 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: November 10, 2011

ORDER ENTERED: November 14, 2011