

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, PA 17120**

**Tybec Energy Management  
Specialists, Inc.**

**Public Meeting – March 1, 2012**  
**2242385-FUS**  
**Docket No. A-2011-2242385**

**STATEMENT OF**  
**COMMISSIONER PAMELA A. WITMER**

Before the Pennsylvania Public Utility Commission (“PUC” or “Commission”) is the Natural Gas Supplier (“NGS”) License Application of TYBEC Energy Management Specialists, Inc. (TYBEC Energy) to offer, render, furnish, or supply natural gas services as a broker in various territories throughout the Commonwealth.

I note that, as explained in its application, TYBEC Energy will be acting as a marketing services consultant as defined the Commission’s regulations and will not take title to any natural gas. Our current natural gas licensing regulations exempt marketing services consultants like TYBEC from the Commission’s licensing requirements, though some exempted entities have applied for an NGS license in order to supply natural gas services to retail customers, even though they are not required to do so. To date, the Commission’s practice has been to issue NGS licenses to such entities upon demonstration that they meet the financial and technical requirements of NGS licensure and also comply with, and will be governed by, the applicable provisions of the Public Utility Code and Commission regulations.

In the past, I have raised concerns about exempting marketing services consultants and nontraditional marketers in seeming contradiction of the requirements of the Natural Gas Choice and Competition Act, 66 Pa C.S. §§2201-2212. In an effort to address these concerns, the Commission has issued a Proposed Rulemaking Order on January 12, 2012, and soliciting comments on these issues. Through this statement I wish to again express my desire for parties to comment on these proposed changes.

In the interim, I acknowledge that the NGS licensing exemptions contained in 52 Pa.Code § 62.102 shall remain in effect until such time as the Commission adopts regulations that rescind them. As such, and consistent with my previous practice, I vote to approve TYBEC’s application.

**DATE: March 1, 2012**



PAMELA A. WITMER  
COMMISSIONER