

DOCKET NO. : A-125064
RESPONDENT OR APPLICANT: ENERGY SAVERS, INC.
PARTY OR COMPLAINANT:

ENTRY	TYPE	DATE	BUREAU	PERSONNEL
1	N	12/27/99	SEC	FAHNESTOCK
APP OF ENERGY SAVERS INC AS BROKER/MARKETER, AGGREGATOR, OTHER FOR NATURAL GAS				
2	N	12/28/99	SEC	FAHNESTOCK
SEC MEMO TO FUS ASSIGNING APPLICATION				
3	N	12/28/99	SEC	FAHNESTOCK
SEC LTR TO APPLICANT ACKNOWLEDGING RECEIPT OF APPLICATION				
4	N	12/30/99	SEC	HANCOCK
RECEIPT OF \$350.00 FILING FEE ISSUED				
5	N	01/10/00	SEC	MOTTER
APPLICANT LTR REQ FUTURE CORRESPONDENCE BE DIRECTED TO J BEHR NOT ATTORNEY				
6	N	01/10/00	SEC	MOTTER
APPLICANT FILED PROOF OF SERVICE OF APPLICATION				
7	N	01/10/00	SEC	MOTTER
APPLICANT FILED PROOFS OF SERVICE OF APPLICATION				
8	N	01/02/00	SEC	ADAMS
APPLICANT FILED PROOF OF PUBLICATION (4) COPIES				
9	N	02/10/00	SEC	FRISCIA
ORDER SERVED TO PARTIES				
10	N	02/10/00	SEC	FRISCIA
LICENSE FOR NATURAL GAS SUPPLIER DATED 2/10/00 ISSUED				
11	N	02/10/00	SEC	PATRICK
RECOM ADOPTED-LICENSE APPLICATION APPROVED CONDITIONALLY				

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: FUS	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 12/27/99
8. DOCKET NO: A-125064	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: ENERGY SAVERS, INC.

COMP/APP COUNTY:

UTILITY CODE: 125064

ALLEGATION OR SUBJECT

APPLICATION OF ENERGY SAVERS, INC. FOR APPROVAL TO OFFER, RENDER, FURNISH, OR SUPPLY NATURAL GAS SERVICES AS A BROKER/MARKETER, AGGREGATOR AND OTHER TO THE PUBLIC IN THE COMMONWEALTH OF PENNSYLVANIA, SPECIFICALLY IN THE SERVICE TERRITORIES OF THE PEOPLES NATURAL GAS COMPANY; EQUITABLE GAS COMPANY; AND COLUMBIA GAS OF PA, INC.

**DOCUMENT
FOLDER**

DOCKETED

DEC 28 1999

ENERGY SAVERS, INC.

8150 Perry Highway
Suite 208
Pittsburgh, PA 15237
412/364-6468 FAX 364-6503

December 22, 1999

ORIGINAL

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Attn: James J. McNulty, Secretary

RE: Docket A-125064

Dear Secretary McNulty:

Please find attached ESI's original executed "Natural Gas Supplier" License Application along with the required eight copies plus one 3 ½ inch diskette containing all information not considered confidential.

As stated in my correspondence of November 24, 1999 we were not aware of the licensing requirement nor the December 1, 1999 deadline until a fax was received on November 3, 1999 from Thomas P. Maher regarding the PA PUC Secretarial Letter dated October 20, 1999, Requirement to Apply for License. Energy Savers, Inc has been marketing natural gas to commercial real estate in and around Western Pennsylvania since 1988 on the Equitable Gas, Peoples Gas and Columbia Gas of Pennsylvania systems and none of these LDCs forwarded the required notice.

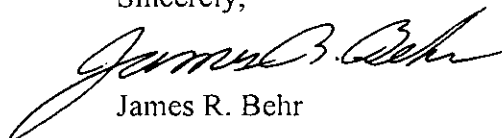
Two items have been noted "Privileged And Confidential" and only included with the original application. These items are not included in the numerous copies required or on diskette. The first item is ESI's Balance sheet and the second is the Tax Certification Statement. ESI is a Subchapter "S" Corporation and financial information is not published nor made available to the general public or our competitors. The Tax Statement contains our personal Social Security numbers and is also considered confidential.

Should you have questions or require additional information, please feel free to contact me at your convenience.

RECEIVED

DEC 27 1999

Sincerely,


James R. Behr

Attachments

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU -1-

DOCUMENT
FOLDER

47

cc: Irwin A. Popowsky w/Attachments
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut St.
Harrisburg, PA 17120-1921

Bernard A. Ryan, Jr. w/Attachments
Commerce Building, Suite 1102
Small Business Advocate
300 N. Second St.
Harrisburg, PA 17101

Office of The Attorney General w/Attachments
Bureau of Consumer Protection
Strawberry Sq., 14th Floor
Harrisburg, PA 17120

Commonwealth of Pennsylvania w/Attachments
Dept. of Revenue
Bureau of Compliance
Harrisburg, PA 17128-0946

The Peoples Natural Gas Company w/Attachments
Attn: Bill McKeown
625 Liberty Ave.
Pittsburgh, PA 15222

Equitable Gas Company w/Attachments
Attn: Antoinette Litchy
200 Allegheny Center Mall
Pittsburgh, PA 15212-5352

Columbia Gas of PA w/Attachments
Attn: Paula Frauen
650 Washington Rd.
Pittsburgh, PA 15228

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Energy Savers, Inc., d/b/a N/A, for approval to offer, render, furnish, or as a(n) [as specified in item #8 below] to the public in the Commonwealth of Pennsylvania.

To the Pennsylvania Public Utility Commission:

1. IDENTITY OF THE APPLICANT: The name, address, telephone number, and FAX number of the Applicant are:

Energy Savers, Inc.
8150 Perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/364-6503, fax

ORIGINAL

Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

Energy Savers, Inc. has operated under the same name since April of 1984 when the corporation was originally created

2. a. CONTACT PERSON: The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

James R. Behr, President
Energy savers, Inc.
8150 Perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/36406503, fax

DOCUMENT FOLDER

b. CONTACT PERSON-PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY: The name, title, address telephone number and FAX number of the person with whom contact should be made by PEMA:

James R. Behr, President
Energy savers, Inc.
8150 Perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/364-6503, fax

3.a. ATTORNEY: If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:

DOCKETED

DEC 28 1999

Margolis Edelstein
Attorneys At Law
1500 Grant Building
Pittsburgh, PA 15219-2203
Attn: William R. Haushalter

412/281-4256, voice
412/642-2380, fax

RECEIVED

DEC 27 1999

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

b. **REGISTERED AGENT:** If the Applicant does not maintain a principal office in the Commonwealth, the required name, address, telephone number and FAX number of the Applicant's Registered Agent in the Commonwealth are:

N/A

4. **FICTITIOUS NAME:** (select and complete appropriate statement)

The Applicant will be using a fictitious name or doing business as ("d/b/a"):

N/A

Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953.

or

The Applicant will not be using a fictitious name.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** (select and complete appropriate statement)

The Applicant is a sole proprietor. N/A

If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

or

The Applicant is a:

- domestic general partnership (*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)
- domestic limited liability partnership (15 Pa. C.S. §8201)
- foreign limited liability general partnership (15 Pa. C.S. §8211)
- foreign limited liability limited partnership (15 Pa. C.S. §8211)

Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- * If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

or

- The Applicant is a :
- domestic corporation (none)
 - foreign corporation (15 Pa. C.S. §4124)
 - domestic limited liability company (15 Pa. C.S. §8913)
 - foreign limited liability company (15 Pa. C.S. §8981)
 - Other Domestic Sub-Chapter "S" Corporation

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation.

Articles Of Incorporation, Certificate Of Incorporation and EIN Notification are attached as 5-A, 5-B & 5-C.

Give name and address of officers.

James R. Behr, President
226 Alcott Dr.
Sewickley, PA 15143

Sandra J. Behr, Secretary
226 Alcott Dr.
Sewickley, PA 15143

The Applicant is incorporated in the state of Pennsylvania.

6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

- Affiliate(s) of the Applicant doing business in Pennsylvania are:

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities.

Behr, Inc. Not a jurisdictional public utility
226 Alcott Dr.
Sewickley, PA 15143

- Does the Applicant have any affiliation with or ownership interest in:
- (a) any other Pennsylvania retail natural gas supplier licensee or licensee applicant,
 - (b) any other Pennsylvania retail licensed electric generation supplier or license applicant,
 - (c) any Pennsylvania natural gas producer and/or marketer,
 - (d) any natural gas wells or
 - (e) any local distribution companies (LDCs) in the Commonwealth

If the response to parts a, b, c, or d above is affirmative, provide a detailed description and explanation of the affiliation and/or ownership interest.

- Provide specific details concerning the affiliation and/or ownership interests involving:
- (a) any natural gas producer and/or marketers,
 - (b) any wholesale or retail supplier or marketer of natural gas, electricity, oil, propane or other energy sources.

ARTICLES OF INCORPORATION
(PREPARE IN TRIPLICATE)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE - CORPORATION BUREAU
308 NORTH OFFICE BUILDING, HARRISBURG, PA 17120

PLEASE INDICATE (CHECK ONE) TYPE CORPORATION:

- DOMESTIC BUSINESS CORPORATION
- DOMESTIC BUSINESS CORPORATION
A CLOSE CORPORATION - COMPLETE BACK
- DOMESTIC PROFESSIONAL CORPORATION
ENTER BOARD LICENSE NO.

5A
FEE
\$75.00

010 NAME OF CORPORATION (MUST CONTAIN A CORPORATE INDICATOR UNLESS EXEMPT UNDER 15 P.S. 2908 B)
Energy Savers, Inc.

011 ADDRESS OF REGISTERED OFFICE IN PENNSYLVANIA (P.O. BOX NUMBER NOT ACCEPTABLE)
15 Alcott Circle

012 CITY	033 COUNTY	013 STATE	064 ZIP CODE
Sewickley	Allegheny	Pennsylvania	15143

050 EXPLAIN THE PURPOSE OR PURPOSES OF THE CORPORATION

The unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of May 5, 1933, P.L. 364 as amended.

(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)

The Aggregate Number Shares, Classes of Shares and Par Value of Shares Which the Corporation Shall have Authority to Issue:

040 Number and Class of Shares	200 shares same class	041 Stated Par Value Per Share If Any	none	042 Total Authorized Capital	\$12,000.00	031 Term of Existence	Perpetual
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The Name and Address of Each Incorporator, and the Number and Class of Shares Subscribed to by each Incorporator

060 Name	061, 062 063, 064 Address (Street, City, State, Zip Code)	Number & Class of Shares
James Behr	15 Alcott Circle, Sewickley, PA 15143	100 shares
(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)		

IN TESTIMONY WHEREOF, THE INCORPORATOR (S) HAS (HAVE) SIGNED AND SEALED THE ARTICLES OF INCORPORATION
THIS 18th DAY OF April 19 84

James R. Behr
James Behr

- FOR OFFICE USE ONLY -

030 FILED APR 20 1984	002 CODE AIB	003 REV BOX	SEQUENTIAL NO. 24343	100 MICROFILM NUMBER 8426 850
	REVIEWED BY TES	004 SIC	AMOUNT \$ 75	001 CORPORATION NUMBER 807274
<i>William R. Davis</i> Secretary of the Commonwealth Department of State Commonwealth of Pennsylvania P. O. Naly Co., 427 Fourth Ave., Pgh., PA 15219	DATE APPROVED APR 20 1984	CERTIFY TO <input checked="" type="checkbox"/> REV. <input checked="" type="checkbox"/> L & I <input type="checkbox"/> OTHER	INPUT BY EARS	LOG IN 4/20
	DATE REJECTED		LOG OUT	LOG IN (REFILE)
	MAILED BY DATE		LOG OUT (REFILE)	

5 B

Commonwealth of Pennsylvania

Department of State



CERTIFICATE OF INCORPORATION

Office of the Secretary of the Commonwealth

To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Laws of the Commonwealth, the Secretary of the Commonwealth is authorized and required to issue a "Certificate of Incorporation" evidencing the incorporation of an entity.

Whereas, The stipulations and conditions of the Law have been fully complied with by

ENERGY SAVERS, INC. (A CLOSE CORPORATION)

Therefore, Know Ye, That subject to the Constitution of this Commonwealth, and under the authority of the Laws thereof, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, declare and certify the creation, erection and incorporation of the above in deed and in law by the name chosen hereinbefore specified.

Such corporation shall have and enjoy and shall be subject to all the powers, duties, requirements, and restrictions, specified and enjoined in and by the applicable laws of this Commonwealth.

Given under my Hand and the Great Seal of the Commonwealth,
at the City of Harrisburg, this 20th day
of April in the year of our
Lord one thousand nine hundred and eighty-four
and of the Commonwealth the two hundred eighth



William P. Davis

Secretary of the Commonwealth

5C

Department of the Treasury
Internal Revenue Service
PHILADELPHIA, PA 19255

In reply refer to: 28081872
AUG. 30, 1985 LTR 385C
25-1464683

00703

ENERGY SAVERS INC
15 ALCOTT CIRCLE
SEWICKLEY, PA 15143

Employer Identification Number: 25-1464683

Dear Taxpayer:

Your election to be treated as an S corporation with an accounting period of Dec. 31, 1986 is accepted beginning Jan. 01, 1986, subject to verification if we examine your return.

When you file your business returns, or if you write to us, please include your employer identification number shown above.

Your name is now on our mailing list so that you will receive the necessary tax forms.

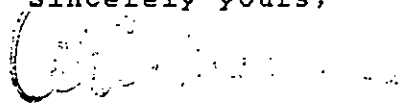
Please keep this letter in your permanent records as proof of acceptance as an S corporation.

If you have any questions, please write to us at the address shown on this letter. If you prefer, you may call the IRS telephone number listed in your local directory. An employee there may be able to help you, but the office at the address shown on this letter is most familiar with your case.

If you write to us with questions about this letter, please provide your telephone number and the most convenient time for us to call in case we need additional information. Attach this letter to any correspondence to help us identify your case. Keep the copy for your records.

Thank you for your cooperation.

Sincerely yours,



Chief, Taxpayer Assistance Section

Enclosure:
Copy of this letter

- Provide the Pa PUC Document Number if the applicant has ever applied:
 - (a) for a Pennsylvania Natural Gas Supplier license, or
 - (b) for a Pennsylvania Electric Generation Supplier license.

- If the Applicant or an affiliate has a predecessor who has done business within Pennsylvania, give name and address of the predecessor(s) and state whether the predecessor(s) were jurisdictional public utilities.

or

- The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

7. **APPLICANT'S PRESENT OPERATIONS:** (select and complete the appropriate statement)

- The Applicant is presently doing business in Pennsylvania as a
 - natural gas interstate pipeline.
 - municipal providing service outside its municipal limits.
 - local gas distribution company
 - retail supplier of natural gas services in the Commonwealth
 - a natural gas producer
 - Other. **See Attachment 6-A**

or

- The Applicant is not presently doing business in Pennsylvania.

8. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:

- supplier of natural gas services.
- Municipal supplier of natural gas services.
- Cooperative supplier of natural gas services.
- Broker/Marketer engaged in the business of supplying natural gas services.
- Aggregator engaged in the business of supplying natural gas services.
- Other **See Attachment 6-A**

7. Energy Savers originally began supplying a broad menu of services relative to the consumption and conservation of energy as it relates to residential customers, commercial real estate and industrial complexes. After incorporating in 1984 residential projects were replaced with commercial projects and ESI focused on the commercial and industrial markets. Services include:
 - A. Design, installation and maintenance of Energy Management and Facility Automation systems specifically designed to reduce the cost of electrical power and natural gas. Design strategies include load shedding and load rotation to reduce electrical demand, scheduling to reduce KWH and natural gas consumption and load shifting to take advantage of "off peak" rates. The primary goal is to interface a central microprocessor based control system, effectively matching a facilities heating and/or air-conditioning equipment to the heat gain or loss of a specific building. This approach utilizes state of the art microprocessors and custom tailored software.
 - B. Design, installation and maintenance of dedicated systems to reduce energy consumption by controlling a specific area or piece of equipment within a facility.
 - C. Power factor studies to assess power factor penalties imposed by electric utilities.
 - D. Power factor correction utilizing capacitors to correct a facilities power factor to near unity, thereby, reducing or completely eliminating power factor penalties.
 - E. Energy audits to determine exactly where and when energy is consumed.
 - F. Energy rate studies to insure a facility is receiving the most economical rate.
 - G. Pre planning site evaluations to determine utility costs prior to a client developing a new facility. This service essentially compares utility costs between two sites chosen by a customer for development. We then recommend the lowest cost energy sources for each individual site and project operating costs as they pertain to energy consumption.
 - H. Pre purchase evaluation of existing facilities energy costs as part of a clients due-diligence program before purchasing new real estate

Starting in 1988 after extensive research, ESI began offering transportation gas to our larger commercial clients and successfully arranged for the first apartment buildings to utilize transportation service on the Peoples Gas system. This was accomplished at a time when the Peoples Gas tariff required a buyer group to consume a minimum of 50,000 Mcf per year. This success pioneered the use of transportation service for the commercial real estate market in the Pittsburgh area.

ESI has continued to offer transportation service to commercial real estate as the buyer group requirements decreased. As the minimum flow decreased we continued to offer service to smaller and smaller end users. Our services are offered in several ways.

1. ESI operates as an independent agent arranging contracts for larger marketers. At this time we are writing contracts for two large marketers: Volunteer Energy, Inc. of Columbus, Ohio (recently acquired by FirstEnergy) and V-P Energy, Inc. of Pittsburgh, Pennsylvania. These services are offer on the three major LDCs servicing the Pittsburgh metropolitan area, Peoples Gas, Equitable Gas and Columbia Gas of Pennsylvania.
2. Smaller commercial accounts on the equitable Gas system are supplied directly through a pool operated by Energy Savers, Inc.
3. ESI also markets transportation gas outside the Commonwealth of Pennsylvania on a limited basis.

The sale of transportation gas to commercial real estate currently represents approximately 75% of Energy Savers, Inc's. total business.

8. There are no substantial changes anticipated in future operations.

9. **PROPOSED SERVICES:** Generally describe the natural gas services which the Applicant proposes to offer.

See Attachment 7-A

10. **SERVICE AREA:** Generally describe the geographic area in which Applicant proposes to offer services.

That portion of western Pennsylvania serviced by local jurisdictional utilities including: The Peoples Natural Gas Company, Equitable Gas Company and Columbia Gas of Pennsylvania.

Services are also provided outside the Commonwealth of Pennsylvania including southwestern New York, Ohio and West Virginia.

11. **CUSTOMERS:** Applicant proposes to initially provide services to:

- Residential Customers
- Commercial Customers - (Less than 6,000 Mcf annually)
- Commercial Customers - (6,000 Mcf or more annually)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):

12. **START DATE:** The Applicant proposes to begin delivering services on June 1988 (approximate date).

See Attachment 7-A

9.
 - A. Purchase and resale of natural gas, delivered through existing LDC lines, to commercial and industrial end-users on the Equitable Gas system.
 - B. Consulting services relative to energy use and conservation.
 - C. Act on behalf of other larger marketers acquiring larger commercial and industrial accounts on The Equitable Gas, Peoples Gas and Columbia Gas of Pennsylvania systems plus other systems located outside the Commonwealth of Pennsylvania.

12. Energy Savers, Inc. has been marketing natural gas and aggregating natural gas loads since June of 1998. Our customer base was originally limited to extremely large commercial and industrial end users. However, as the transportation gas industry evolved ESI made transportation gas available to a greater number of increasingly smaller end users.

13. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, serve a copy of the signed and verified Application with attachments on the following:

Irwin A. Popowsky
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120-1921

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

Bernard A. Ryan, Jr.
Commerce Building, Suite 1102
Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
Harrisburg, PA 17128-0946

Any of the following Natural Gas Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

<p>NUI Valley Cities Gas (NUI Transportation Services) Mike Vogel PO Box 3175 Union, NJ 07083-1975 PH: 908.289.5000 ext. 5441 FAX: 908.289.6444</p>	<p>National Fuel Gas Distribution Corp. James E. Patterson 10 Lafayette Square Buffalo, NY 14203 PH: 716.857.7130 FAX: 716.857-7823</p>
<p>Penn Fuel [North Penn Gas Company & Penn Fuel Gas] Jim Evans <u>or</u> Tom Olsen 2 North 9th Street GENA94 Allentown, PA 18101 PH: 610.774.7981 610.774.4975 FAX: 610.774.5694 610.774.4975 e-mail: jevans@papl.com <u>or</u> teolson@papl.com</p>	<p>The Peoples Natural Gas Company Joe Gregorini <u>or</u> Bill McKeown 625 Liberty Avenue Pittsburgh, PA 15222 e-mail: jgregorini@png.cng.com PH: 412.497.6851 <u>or</u> 412.497.6840 FAX: 412.497.6630</p>
<p>T. W. Phillips Gas and Oil Company Robert M. Hovanec 205 North Main Street Butler, PA 16001 PH: 724.287.2725 FAX: 724.287.5021 e-mail: rhovanec@twphillips.com</p>	<p>UGI David Beaston <u>or</u> Bob Krieger PO Box 12677 <u>or</u> 225 Morgantown Rd Reading, PA 15222 Reading, PA 15222 PH: 610.796.3425 PH: 610.796.3516 FAX: 610.796.3559</p>
<p>PG Energy Richard N. Marshall <u>or</u> Wendy K. Saxe One PEI Center Wilkes-Barre, PA 18711-0601 e-mail: marshall@pgenergy.com <u>or</u> saxe@pgenergy.com PH: 570.829.8795 FAX: 570.829.8652</p>	<p>Equitable Gas Company Antionette Litchy 200 Allegheny Center Mall Pittsburgh, PA 15212-5352 PH: 412.395.3117 FAX: 412.395.3156</p>
<p>Carnegie Natural Gas Company Donald A. Melzer 800 Regis Avenue Pittsburgh, PA 19236 PH: 412.655.8510 ext. 331 FAX: 412.655.0335</p>	<p>Columbia Gas of PA, Inc. Paula Frauen <u>or</u> Shirley Bardes-Hasson 650 Washington Road Pittsburgh, PA 15228 e-mail: pfrauen@columbiaenergygroup.com PH: 412.572.7131 FAX: 412.572.7161</p>
	<p>PECO Kevin Carrabine 300 Front Street Building 2 Conshohocken, PA 19428 PH: 610.832.6413</p>

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

14. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.
15. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings. **See Attachment 9-A**
16. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** All services should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.
- a. **Contacts for Consumer Service and Complaints:** Provide the name, title, address, telephone number and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with Applicant, the Distribution Company, the Pennsylvania Public Utility Commission or other agencies.
See Attachment 9-A
- b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers. **No Residential Services will be provided.**
- c. If proposing to serve Residential and/or Small Commercial customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix B6 to this Application.
See Attachment 9-B
17. **FINANCIAL FITNESS:**
- A. Applicant shall provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following: See **"PRIVILEGED AND CONFIDENTIAL" Attachment 9-C**
- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.
 - Published parent company financial and credit information.
 - Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available.
 - Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form or other independent financial service reports.
 - A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.
 - Audited financial statements
 - Such other information that demonstrates Applicant's financial fitness.
- B. Applicant must provide the following information:
- Identify Applicant's chief officers including names and their professional resumes.
See Attachments 9-D & 9-E

15. Neither Energy Savers, Inc. nor its officers, James R. Behr and Sandra J. Behr, have ever been accused or convicted of a crime involving fraud or other similar activity.

16. A. Contacts for customer complaints

Shirley Bosilivac, Customer Support
Energy Savers, Inc.
8150 Perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/3564-6503, fax

E-mail: Sbosilivac@EnergySaversInc.com

OR

John A. Abel, Sales Manager
Energy Savers, Inc.
8150 Perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/364-6503, fax

E-mail: Jabel@EnergySaversInc.com

B. Energy Savers, Inc. does not offer residential gas service, therefore, no copy of a contract is required. Should the PUC require copies of commercial contracts they will be supplied upon request.

Energy Savers, Inc.8150 Perry Hwy.
Pittsburgh, PA 15237**Disclosure Statement**

This is an addendum to an agreement for natural gas services, between *Energy Savers, Inc.* and customer's name and address.

Background

We at *Energy Savers, Inc.* are licensed by the Pennsylvania Public Utility Commission to offer and supply natural gas services in Pennsylvania. Our PUC license number is _____

We set the prices and charges that you pay. The Public Utility Commission regulates distribution or delivery prices and services. The Federal Energy Regulatory Commission regulates interstate pipeline prices and services.

If you ask us, we can bill you directly for our service.

Right of Recession - (residential accounts only) You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

Definitions

Interstate Pipeline Charges - Charges for moving natural gas to the distribution lines of a distribution company.

Terms of Service1. **Basic Service Prices**

You will pay ____ per Mcf/Dth for the commodity of natural gas.

2. **Length of Agreement**

You will purchase natural gas services for the above address from *Energy Savers, Inc.* beginning on a date set by your natural gas distribution company and will continue for ____ months.

3. **Special Terms and Conditions**

From time to time *Energy Savers, Inc.* may offer to its renewing and/or existing customers special bonuses, optional add-ons, or promotions that may benefit you if you elect to participate. We will give existing customers advance notice of any special offers by including notices with three consecutive billing statements to allow you ample time to participate and take advantage of the offers.

4. **Commercial Account Penalties, Fees and Exceptions**

If payment is not received by the due date, we will charge interest at the rate of 1 ½ % per month from fifteen (15) days after the due date until the date payment is

received. We will charge an administration fee of \$25.00 plus any additional fees imposed by [redacted] bank for each returned check. [redacted]

5. Cancellation Provisions.

After the initial term of the agreement either you or we can give the other written notice of intent to cancel the agreement no less than thirty (30) days before the end of the initial term, or any renewal term. If this condition is met the agreement will be canceled at the end of the initial term.

If you fail to pay our invoices when due, we will give you ten (10) days written notice of our intent to cancel.

6. Renewal Provision

If neither of us cancels this Agreement as described under “Cancellation Provisions” prior to the expiration date, or we do not provide pricing for a renewal term this Agreement automatically renews on a month to month basis.

Under normal circumstances we will notify you, in writing, at least thirty (30) day prior to the end of the agreement of pricing during the renewal term. If we do not receive a written notice of cancellation as described under “Cancellation Provisions” the Agreement will automatically renew for another term.

7. Agreement Expiration/Change in Terms

If you have a fixed term agreement with us and it is approaching the expiration date and we propose to change our terms of service, we will send you written notice in each of our last three bills or in separate mailings before either the expiration date or the effective date of the changes. We will explain your options in these three advance notices.

8. Dispute Procedures

Contact us with any questions concerning our terms of service. If we are unable to resolve the issue, either party may request binding arbitration administered by the American Arbitration Association(AAA) In accordance with its commercial arbitration rules.

A demand for arbitration may only be made while such action is permitted under the applicable Pennsylvania statute of limitation. Disputes relative to the timeliness of the arbitration demand shall be decided by the arbitrator(s). Judgement on the award of the arbitrator(s) may be entered into any court having jurisdiction, to obtain compliance with the award. In rendering the award, the arbitrator(s) shall determine the rights and obligations of the parties according to the laws of the Commonwealth of Pennsylvania. The arbitration proceedings and hearings shall be conducted at the regional office of the AAA or at such other location selected by mutual agreement. Neither party nor the arbitrator(s) may disclose the existence, contents or results of any arbitration hereunder without the prior written consent of all parties

You may call the PUC if you are not satisfied after discussing your issues with us.

9. **Contact Information**

Our Name:
Address:

Energy Savers, Inc.
8150 perry Highway, Suite 208
Pittsburgh, PA 15237

Phone:
Fax:
Internet Address:

412/364-6468
412/364-6503
www.EnergySaversInc.com
*You may e-mail any ESI employee by
using the first initial of their first name
followed by the last name
@EnergySaversInc.com or e-mail
Info@EnergySaversInc.com*

Natural Gas Distribution Company:

Current LDC servicing customer

Provider of Last Resort:
Address:

Current LDC servicing customer

Phone:

Phone number of LDC servicing customer

Public Utility Commission (PUC):

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Gas Competition Hotline Phone:

888/782-3228

Universal Service Program Name:

Phone:

Customer:

Energy Savers, Inc.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Resume of
James R. Behr

226 Alcott Drive
Sewickley, PA 15143
412/364-4755, fax 364-6503

Experience

December 1982 to present
Energy Savers, Inc.
8150 Perry hwy.
Pittsburgh, PA 15237

President and General Manager responsible for overall management and marketing relative to day-to-day activities associated with the sale of building automation systems, domestic hot water controllers, power factor correction, natural gas and consulting services relative to energy management and electrical power.

Major accomplishments include pioneering the introduction of transportation gas to the commercial real estate market within the Pittsburgh Metropolitan market during the mid 1980s.

November 1989 thru May 1997
Small Transportation Interveners

Executive Director who successfully organized a coalition of commercial real estate owners and managers intervening in numerous cases before the Pennsylvania PUC against proposed rate changes by the Equitable Gas Company relative to transportation gas service. The coalition ultimately defeated Equitable's attempt to charge customers for remote reading devices and maintained monthly meter fees at reasonable levels. The largest victories involved persuading the Pennsylvania PUC to investigate Equitable Gas' practices relative to offering predatory pricing to customers in an attempt to eliminate transportation service and investigation of transportation rates.

June 1979 thru December 1982
Babcock Contractors
915 Penn Avenue
Pittsburgh, PA 15222

Senior Project Manager for a British owned engineering and construction company responsible for turnkey projects involving multi-disciplined engineering and construction projects for power generation plants, pipelines and coal handling facilities.

May 1973 thru May 1979
American Air Filter Company
Louisville, KY

Manager of Construction responsible for all aspects of construction relative to pollution control systems for the power generation and steel industries.

February 1971 thru May 1973
Allied Maintenance Corporation
Pittsburgh, PA 15233

Director of Maintenance responsible for maintenance and security personnel for a multi-building campus including high rise apartments and a large indoor office and shopping complex.

February 1996 thru February 1971
Westinghouse Electric Corporation
Chatham Center
Pittsburgh, PA 15219

Field Service Engineer responsible for startup and testing of computerized control systems for the steel production, energy generation, chemical and pipeline transportation industries.

Education

Gateway Polytechnical Institute
Pittsburgh, PA

Associates Degree in Industrial Electronics

Published Articles and Papers

"The True Story Behind Transportation Gas" Published, July 29, 1988, Tri-State Real Estate Journal.

"It Could Reduce Utility Costs By 20 To 30 Percent" Published, July 29, 1988, Tri-State Real Estate Journal.

"Cost-effective Energy Conservation" Published, April 1987, Building Operation Management.

"Avoiding Pitfalls When Selecting And Installing energy Management Systems" Published, November 1986, Tri-State Real estate Journal.

"Oversized Heating Equipment Can Be Costly" Published, January 1985, Pittsburgh News Record.

“Startup of The Green River Sulphur Dioxide Removal System for Kentucky Utilities Co.”

Written, published and presented to The International Conference on Flue Gas Desulphurization, New Orleans, LA, April 1976.

Other Accomplishments

Received ***“Pennsylvania Governor’s Energy Award”*** for 1989

Received ***“Pennsylvania Governor’s Energy Award”*** for 1990

Awarded ***“President’s Citation for Private Sector Initiative”*** for 1988

Listed in ***“WHO’s WHO”*** Worldwide for Achievements in Energy Conservation

Pittsburgh Business Times, March 16, 1992: Reported on expanded markets for transportation gas opened by J. R. Behr

Pittsburgh Business Times, January 26, 1987: reported on a energy management system designed by J. R. Behr

Pittsburgh Business Times, May 11, 1987: reported on an energy management system designed by J. R. Behr

Energy User News, September, 29, 1986: reported on a energy management system designed by J. R. Behr

Energy User News, September, 15, 1986: reported on a energy management system designed by J. R. Behr

Energy User News, August 31, 1987: reported on a energy conserving design by J. R. Behr

Organizations

Member: Association of Energy Engineers
Combustion Institute
Pittsburgh Executive Association
Rotary Club of McCandless, PA

Arbitrator and Mediator, Better Business Bureau of Western PA

Past District Governor, Rotary International District 7300, 1997/98

John A. Abel

2674 Timberglen Drive
Wexford, PA 15090
412/364-6468 (W) 724/935-9513 (H)

Professional Experience

Energy Savers, Inc.

April 1998 to Present

Pittsburgh, PA

Sales Manager in charge of all sales agents in Western PA. Responsible for the overall marketing effort in Western PA for all natural gas sales to commercial real estate in addition to consulting services for energy related issues and energy management systems.

Castriota Chevrolet

January 1996 to April 1998

Pittsburgh, PA

Finance Manager and Sales Consultant responsible for all alternative financing. Worked on financing clients by running credit applications and maintaining relationships with financing institutions. Daily responsibilities included working with other sales representatives to determine which lending institution would finance their customers at the best available rate, working with the customers to satisfy monetary obligations and coordinated financial advertising for the dealership.

Premier Farnell Corporation

August 1995 to January 1996

Cleveland, OH

Sales and Service Representative for the Rotanium Products Division servicing Manufacturers, Government, Public Utilities and Private Maintenance Departments in Western PA. Daily responsibilities include maintaining and servicing existing clients as well as prospecting and opening new accounts which resulted in a 35% increase in sales the first year.

Castriota Chevrolet

June 1985 to August 1995

Pittsburgh, PA

Sales and Leasing Consultant. Began working as a Lot Attendant during grade school and progressed through various positions such as: Detailer, Parts Driver, Inventory Control Manager and New Car Prep Manager. Maintained Salesman of the Year for 1993 and 1994 and was a Smart Lease and Smart Buy Certified Specialist for GMAC.

Education

University of Pittsburgh

September 1994 to June 1996

Pittsburgh, PA

Business Management studies.

Indiana University of Pennsylvania

September 1990 to May 1992

Indiana, PA

Safety Science studies.

Advanced Training

Stuker and Associates Inc.

May, 1993

Chicago, IL

Business training and telemarketing workshop. Certificate of Accomplishment.

National Automobile Dealers Association

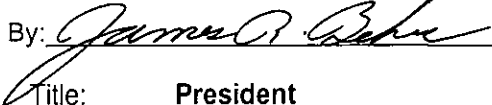
October, 1993

Pittsburgh, PA

Certified Society of Automotive Sales Professionals. Certificate of Accomplishment.

References available upon request

- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records. **See Attachment 10-A**
 -
18. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by natural gas utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:
- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes. **See Attachment 10-A**
 - A copy of any Federal energy license currently held by the Applicant. **N/A**
 - Proposed staffing and employee training commitments. **N/A**
 - Business plans. **N/A**
19. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa. C.S. Section 2208(D). Transferee will be required to file the appropriate licensing application.
20. **UNIFORM STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.
21. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:
- a. Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on an annual basis no later than 30 days following the end of the calendar year.
- Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 22 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive natural gas market.**
22. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
23. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.
24. **FEE:** The Applicant has enclosed the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania. **Check Attached**

Applicant: Energy Savers, Inc.
 By: 
 Title: President

17. B(2) Custodian for accounting tax records:

Stokes Kelly & Hinds, LLC
9401 McKnight Rd.
Pittsburgh, PA 15237-6000
Attn: Michael D. Sulkoske, CPA, Senior Manager

412/364-6070, voice
412/364-6176

Custodian of day to day accounting records:

Sandra J. Behr
Energy savers, Inc.
8150 perry Highway
Pittsburgh, PA 15237

412/364-6468, voice
412/364-6503, fax

18. (1) James R. Behr, President is responsible for operations, resume is enclosed as "Attachment 9-D."

- (3) Staffing:

James R. Behr, President	Operations
Sandra J. Behr, Secretary	Accounting
John A. Abel, Sales manager	Sales
Shirley Bosilivac	Customer Support.

AFFIDAVIT

[Commonwealth/State] of Pennsylvania _____ :

ss.

County of Allegheny _____ :

James R. Behr _____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President _____ (Office of Affiant) of Energy Savers, Inc.(Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That Energy Savers, Inc. _____, the Applicant herein, acknowledges that [Applicant] may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations 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 doing business in Pennsylvania.

That Energy savers, Inc. _____, the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render natural gas supply service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.


That Energy Savers, Inc. _____ the Applicant herein, certifies to the Commission that it is subject to _____, will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 22 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional natural gas sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

That Energy Savers, Inc. _____, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, and the standards and billing practices of 52 PA. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Commission's Office of Communications or other Commission bureau. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.


Signature of Affiant

Sworn and subscribed before me this 21st day of December, 1999.

Notarial Seal
John A. Abel, Notary Public
McCandless Twp., Allegheny County
My Commission Expires Sept. 2, 2002
Member, Pennsylvania Association of Notaries


Signature of official administering oath

My commission expires Sept. 2 2002.

AFFIDAVIT

[Commonwealth/State] of Pennsylvania _____ :

ss.

County of Allegheny _____ :

James R. Behr _____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President _____ (Office of Affiant) of **Energy Savers, Inc.** (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That **Energy Savers, Inc.** _____, the Applicant herein certifies that it has caused the notice of the filing of its license application to be published in the following newspapers on December 14, 1999: **Patriot News, Erie Daily Times, Williamsport Sun Gazette and Pittsburgh Post Gazette.**

A copy of the notice as it appeared in each of the above newspapers is attached. Noted on each copy is the newspaper section (name, number or letter), if applicable, and the page number on which the notice appeared.

That **Energy Savers, Inc.**, the Applicant will submit to the Commission the proof of publication from each newspaper in which notice of the application filing was published as soon as it is available.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

James R. Behr
Signature of Affiant

Sworn and subscribed before me this 21st day of December, 1999.

Notarial Seal
John A. Abel, Notary Public
McCandless Twp., Allegheny County
My Commission Expires Sept. 2, 2002
Member, Pennsylvania Association of Notaries

John A. Abel
Signature of official administering oath

My commission expires Sept. 2, 2002.

AFFIDAVIT

[Commonwealth/State] of Pennsylvania _____ :

_____ : ss.

County of Allegheny _____ :

James R. Behr _____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President _____ (Office of Affiant) of **Energy Savers, Inc.** (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]


That the Applicant herein **Energy Savers, Inc.** has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as a natural gas supplier pursuant to 66 Pa. C.S. §2208(c)(1).

That the Applicant herein **Energy Savers, Inc.** has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein **Energy Savers, Inc.** acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein **Energy Savers, Inc.**, acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

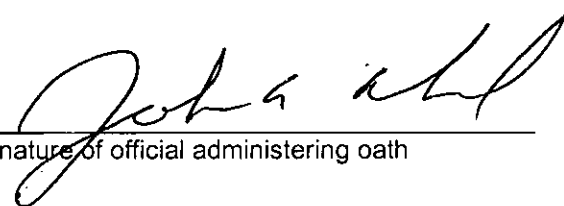
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.



Signature of Affiant

Sworn and subscribed before me this 21st day of December, 1999.

Notarial Seal
John A. Abel, Notary Public
McCandless Twp., Allegheny County
My Commission Expires Sept. 2, 2002
Member, Pennsylvania Association of Notaries



Signature of official administering oath

My commission expires Sept. 2, 2002.

PROPRIETARY INFORMATION

Docket Number A 125064

Name of Document DOCUMENT

Date Document Received 12 . 27 . 1999

DOCUMENT CONTAINS

PROPRIETARY INFORMATION