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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held September 12, 2013 | | |
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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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| Application of Power Management Co., LLC  to become a licensed supplier of natural gas services as a broker/marketer | | | Docket Number:  A-2013-2357015 | |
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**ORDER**

**BY THE COMMISSION:**

On March 12, 2013, Power Management Co., LLC (Power) filed a License Application to operate as a broker/marketer engaged in the business of supplying natural gas services in the natural gas distribution company service territories of Valley Energy Inc., National Fuel Gas Distribution Corp, UGI Central Penn, UGI Utilities Inc., UGI Penn Natural, Peoples Natural Gas Company, Peoples TWP LLC, PECO Energy Company, Columbia Gas of Pennsylvania, Inc., and Philadelphia Gas Works within the Commonwealth of Pennsylvania. This application was filed pursuant to section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52 of the Pennsylvania Code, Chapter 62, Subchapter D.

§2208 provides in pertinent part that:

Requirements for Natural Gas Suppliers.--No entity shall engage in the business of a natural gas supplier unless it holds a license issued by the Commission. To the extent that a natural gas distribution company provides natural gas supply service outside of its chartered or certificated territory, it also must hold a license. A license shall not be required for customers who make de minimis incidental sales or resales to themselves, an affiliate or to other nonresidential retail gas customers.

66 Pa. C.S. §2208.

A natural gas supplier is defined as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply services outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

(i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;

(ii) total natural gas supply services in de minimis amounts;

(iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or

(iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of

September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.

66 Pa. C.S. § 2202.

As used in the above definition of a natural gas supplier, the term natural gas supply services includes: (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the Act (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service.

66 Pa. C.S. § 2202.

Power has stated that upon the approval of this Application, it proposes to provide natural gas supply services to small commercial (less than 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial and governmental customers. Power is advised that if it wishes to serve additional classes of customers in the future, it must notify the Commission Secretary by letter immediately to amend its license accordingly. Power has indicated that in its broker/marketer role it will not be taking title to gas supply, nor paying customer bills.

Regarding the financial and technical fitness requirements of the license application, Power submitted a December 31, 2012, balance sheet and a statement of profit and loss for the 2012 calendar year. Power also submitted a copy of their commercial liability insurance, a chart detailing their organizational structure, and an Experian credit report.

Power is a foreign limited liability company formed in New York on November 21, 2007. Power was registered to do business in Pennsylvania on November 18, 2009. Power has provided historical employment information for its management team indicating that they have the necessary consulting, utility and/or regulatory experience. Additionally Power is licensed to provide Electric Generation Services as a Broker/ Marketer at Docket No. A‑2010‑2162202. Based on Power’s expertise and financial information, at this time, it appears that Power is qualified to supply natural gas supply services as a broker/marketer.

Section 2208(c)(1), 66 Pa. C.S. §2208(c)(1), provides that a natural gas supplier license shall not be issued unless the applicant furnishes a bond or other security in a form and amount to ensure its financial responsibility. The criteria used to establish the form and amount of the bond or other security is set forth in the natural gas distribution company’s tariff. The amount and form of the bond or other security may also be mutually agreed to between the natural gas distribution company and the natural gas supplier. Section 2208 also provides that should the parties fail to achieve an agreement, then the form and amount of bond or other financial security “shall be determined by criteria approved by the Commission.” Power has provided documentation to evidence its compliance with the Section 2208(c) bonding requirement for the following natural gas distribution company service territory(s): Valley Energy Inc., National Fuel Gas Distribution Corp, UGI Central Penn, UGI Utilities Inc., UGI Penn Natural, Peoples Natural Gas Company, Peoples TWP LLC, PECO Energy, Columbia Gas of Pennsylvania, Inc., and Philadelphia Gas Works.

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 § 62.114 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 customer’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 doing business.

Power has published notice of its application in the Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission.

Power has provided the required Pennsylvania Emergency Management Agency (“PEMA”) contact information.

As of September 3, 2013, no protests have been filed.

We find that Power Management Co., LLC:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and the Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

2. Has agreed to abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may develop from time to time in the course of doing business in Pennsylvania.

3. Has proposed to offer natural gas supply services which, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Natural Gas Choice and Competition Act.

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

**IT IS ORDERED:**

1. That the application of Power Management Co., LLC is hereby approved, consistent with this Order.

2. That a license be issued authorizing Power Management Co., LLC the right to begin to offer, render, furnish or supply natural gas supply services as a broker/marketer to the public, limited to small commercial (under 6,000 MCF annually, large commercial (6,000 MCF or more annually), industrial, and governmental within the following local distribution company service territories within the Commonwealth of Pennsylvania: Valley Energy Inc., National Fuel Gas Distribution Corp, UGI Central Penn, UGI Utilities Inc., UGI Penn Natural, Peoples Natural Gas Company, Peoples TWP LLC, PECO Energy Company, Columbia Gas of Pennsylvania, Inc., and Philadelphia Gas Works.

3. That this proceeding, at Docket No. A-2013-2357015 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: September 12, 2013

ORDER ENTERED: September 12, 2013