

1. <b>REPORT DATE:</b> November 23, 2004	2. <b>BUREAU AGENDA NO.</b> DEC-2004-FUS-1066*
3. <b>BUREAU:</b> Fixed Utility Services	
4. <b>SECTION(S):</b> Energy	5. <b>PUBLIC MEETING DATE:</b>
6. <b>APPROVED BY:</b> Director: R. Rosenthal 3-5242 Mgr/Spvr: R. Bennett 7-5553 Legal Review: SR	December 2, 2004
7. <b>PERSONS IN CHARGE:</b> Rodrock/Okoro 3-6185	9. <b>EFFECTIVE DATE OF FILING:</b> N/A
8. <b>DOCKET NO.:</b> A-110162	

10. (a) **CAPTION** (abbreviate if more than 4 lines)  
 (b) **Short summary of history & facts, documents & briefs**  
 (c) **Recommendation**

- (a) License Application of BOC Energy Services, Inc. ("BOC")  
 (Home Office: Murray Hill, NJ)
- (b) On October 6, 2004, BOC filed an application for a license to operate as a Broker/Marketer engaged in the business of supplying electricity services to large commercial and industrial customers in the entire Commonwealth of Pennsylvania.

The License Application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

**DOCUMENT**

**DOCKETED**

DEC 07 2004

10. **MOTION BY:** Commissioner Chm. Holland . . . . Commissioner Thomas - Yes  
 Commissioner Pizzingrilli - Yes  
**SECONDED:** Commissioner Bloom  
 Commissioner

**CONTENT OF MOTION:** Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

DECEMBER 2, 2004

A-110162

DAVID M KLEPPINGER ESQUIRE  
SUSAN E BRUCE ESQUIRE  
MCNEES WALLACE & NURICK  
100 PINE STREET  
PO BOX 1166  
HARRISBURG PA 17108-1166

**DOCKETED**  
DEC 29 2004

License Application of BOC Energy Services, Inc., for approval of the right to begin to offer, render, furnish, or supply Electricity or Electric Generation services as a generator and supplier of electric power

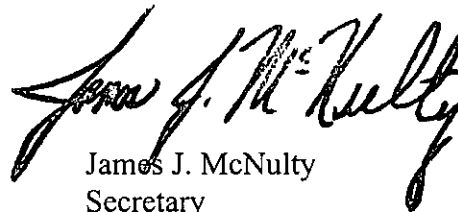
**DOCUMENT  
FOLDER**

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on December 2, 2004 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,



James J. McNulty  
Secretary

fg  
encls  
cert. mail

LARRY STALICA VP  
BOC ENERGY SERVICES INC  
575 MOUNTAIN AVENUJE  
MURRAY HILL NJ 07974

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held December 2, 2004

Commissioners Present:

Wendell F. Holland, Chairman  
Robert K. Bloom, Vice Chairman  
Glen R. Thomas  
Kim Pizzingrilli

**DOCKETED**  
DEC 29 2004

License Application of BOC Energy Services, Inc.  
for Approval to Offer, Render, Furnish  
or Supply Electricity or Electric Generation Services  
as a Generator and Supplier of Electric Power.

Docket No.  
A-110162

**ORDER**

**DOCUMENT  
FOLDER**

**BY THE COMMISSION:**

On October 6, 2004, BOC Energy Services, Inc. ("BOC") filed an application seeking to become a licensed electric generation service supplier in the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §54.31-54.43, which became effective on August 8, 1998 and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

§2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other

entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. §2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. §2803.

It is important to note that a licensee must comply with, and be governed by, our Chapter 56 regulations. 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 only to residential accounts. An electric generation supplier cannot physically disconnect a customer from the electricity grid, and the service termination provisions are not applicable. An electric generation supplier may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The customer can then attempt to repair its relationship with the supplier, seek a new supplier, or default to utility service at capped 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 Chapter 56 if the customer failed to meet its obligations to the utility or the provider of last resort.

Additionally, we take this opportunity to once again remind the licensee that its officers, representatives and employees have agreed to lawfully 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 unexpectedly develop from time-to-time in the course of doing business in Pennsylvania.

BOC is a wholly-owned subsidiary of The BOC Group, Inc., a Nevada corporation. BOC has its home office in Murray Hill, New Jersey. BOC proposes to provide electric services to large commercial and industrial customers in the entire Commonwealth of Pennsylvania.

BOC has provided proofs of publication in Pennsylvania newspapers, and proofs of service to the interested parties as required by the Commission.

Regarding the financial and technical requirements of the license application, BOC has submitted the consolidated financial statements of its parent company (The BOC Group, Inc.) for the 2003 fiscal year. The parent company is highly rated by the following credit rating companies; Moody's, Standard & Poor's, and Fitch. BOC has demonstrated its technical fitness by providing an explanation of its corporate structure and employees' expertise.

BOC has also furnished a Letter of Credit in the amount of \$250,000 to cover the financial requirement of its license application.

BOC has provided the required Pennsylvania Emergency Management Agency ("PEMA") contact information.

As of November 22, 2004, no protests have been filed.

We find that the applicant:

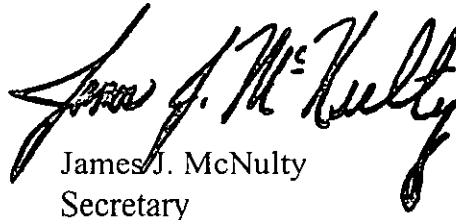
1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).
2. Has agreed to lawfully 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 unexpectedly develop from time-to-time in the course of doing business in Pennsylvania.
3. That the proposed service to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer 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 BOC Energy Services, Inc. is hereby approved, consistent with this Order.
  
2. That a license be issued authorizing BOC Energy Services, Inc. to begin to offer, render, furnish or supply electric generation supplier services to the public within the Commonwealth of Pennsylvania.
  
4. That this proceeding at Docket No. A-110162 be closed.

**BY THE COMMISSION,**

  
James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: December 2, 2004

ORDER ENTERED: **DEC 02 2004**

2. Article Number



7160 3901 9843 0005 1010

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

DAVID M KLEPPINGER ESQUIRE  
 SUSAN E BRUCE ESQUIRE  
 MCNEES WALLACE & NURICK  
 100 PINE STREET  
 PO BOX 1166  
 HARRISBURG PA 17108-1166  
 A-110162 O

PS Form

**COMPLETE THIS SECTION ON DELIVERY**

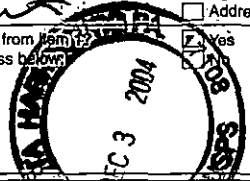
A. Received by (Please Print Clearly) *David Pletcher*

B. Date of Delivery

C. Signature *David Pletcher*


Agent  
 Addressee

D. Is delivery address different from item?  
 If YES, enter delivery address below:  Yes



Domestic Return Receipt

2. Article Number



7160 3901 9843 0005 1027

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

LARRY STALICA VP  
 BOC ENERGY SERVICES INC  
 575 MOUNTAIN AVENUE  
 MURRAY HILL NJ 07974  
 A-110162 O

PS Form 3811, February 2003

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery *12/6/04*

C. Signature *Larry Stalica*

Agent  
 Addressee

D. Is delivery address different from item?  
 If YES, enter delivery address below:  Yes  
 No

Domestic Return Receipt