# Wolf Block

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212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101 Tel: (717) 237-7160 🗆 Fax: (717) 237-7161 🗆 www.WolfBlock.com

> Kevin J. Moody Direct Dial: (717) 237-7187 Direct Fax: (717) 237-2767 E-mail: kmoody@wolfblock.com

> > February 23, 2005

# VIA HAND DELIVERY

James McNulty, Secretary PA Public Utility Commission Commonwealth Keystone Bldg. 2nd Fl. 400 Commonwealth Street Harrisburg, PA 17105-3265

> Re: EGS Application of Direct Energy Services, LLC Docket No. A-110164

Dear Secretary McNulty:

Enclosed for filing in accordance with 52 Pa. Code § 54.33(a)(9) are an original and eight copies of the certification that notice of the filing of Direct Energy's EGS application was published in accordance with 52 Pa. Code § 54.35, along with copies of the proofs of publication and the notice as published.

As evidenced by the attached Certificate of Service, in accordance with 52 Pa. Code § 54.32(d) all parties listed have been served in the manner indicated. If you have any questions concerning this or any other matter pertaining to Direct Energy's application, please contact me.

Sincerely,

Kein & Massley

DOCUMENT FOLDER

Kevin J. Moody For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

KJM/jls Enclosures

cc: Certificate of Service (w/enc) Henry Deichmiller, FUS (w/ec) Adrian Pye (w/enc)

HAR:57262.1/DIR023-216494

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Cherry Hill, NJ 
Harrisburg, PA 
New York, NY 
Norristown, PA 
Philadelphia, PA 
Roseland, NJ 
Wilmington, DE
WolfBlock Government Relations: Harrisburg, PA and Washington, DC
Wolf, Block, Schorr and Solis-Cohen LLP, a Pennsylvania Limited Liability Partnership

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Letter upon the

persons listed below via First Class Mail in accordance with the requirements of 52 Pa. Code

#### § 54.32(d):

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

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

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

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

Frank M. Nadolny, General Manager of Regulatory Affairs Unit Duquesne Light Company 411 Seventh Street P.O. Box 1930 Pittsburgh, PA 15230-1930

Blaine W. Uplinger, Jr., Director Government & Regulatory Affairs GPU Energy 100 APC Building 800 North Third Street Harrisburg, PA 17102-2025

Dated: February 23, 2005

Thomas P. Hill, Vice President & Controller PECO Energy Company 2301 Market Street Philadelphia, PA 19101-8699

John P. Litz, Division Controller UGI Utilities, Inc. Electric Division Hanover Industrial Estates 400 Stewart Road P.O. Box 3200 Wilkes-Barre, PA 18773-3200

Paul E. Russell, Associate General Counsel Pennsylvania Power & Light Co. Two North Ninth Street Allentown, PA 18108-1179

Stephen L. Feld, Esquire Pennsylvania Power Co. First Energy Corporation 76 South Main Street Akron, OH 44308

John L. Munsch, Esquire Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601-1689

Kevin J. Moody, Esquire

# AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA	:	SS.
COUNTY OF DAUPHIN	:	

I, Kevin J. Moody, Esquire, Affiant, being duly sworn according to law, deposes and say that:

I am counsel of record for Direct Energy Services, LLC d/b/a Direct Energy or Direct Energy Business Services, Applicant for an EGS license at A-110164.

I am authorized to and do make this affidavit for said Applicant.

On behalf of the Applicant herein, I certify that I caused the notice of the filing of Applicant's license application to be published in the following newspapers on the dates indicated:

Erie Daily Times, Erie, PA	February 7, 2005
Patriot-News, Harrisburg, PA	February 5, 2005
Philadelphia Inquirer, Philadelphia, PA	February 9, 2005
Pittsburgh Post-Gazette, Pittsburgh, PA	February 15, 2005
Williamsport Sun Gazette, Williamsport, PA	February 8, 2005
Scranton Times, Scranton, PA.	February, 9, 2005

A copy of the notice as it appeared in each of the newspapers is attached to the newspapers' proofs of publication, each of which states the date of publication.

The facts set forth are true and correct to the best of my knowledge, information and belief, and I expect to be able to prove the same at hearing.

Signature of Affiant

NOTARIAL SEAL JENNIFER L. GARBERICH, Notary Public City of Harrisburg, Dauphin County My Commission Expires December 9, 2006

official administering oath

My commission expires



Term,

# **Proof of Publication of Notice in Pittsburgh Post-Gazette**

Under Act No. 587, Approved May 16, 1929, P.L. 1784, as last amended by Act No. 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss: <u>H. Java</u> \_\_\_\_\_, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the \_\_\_\_\_regular \_\_\_\_\_ editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

#### 15 of February, 2005

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette; that, as such agent, affiant is duly authorized to verify the foregoing statement under oath; that affiant is not interested in the subject matter of the aforesaid notice or publication; and that all allegations in the foregoing statement as to time, place and character of publication are true.

#### **COPY OF NOTICE OR PUBLICATION**

DOCUMENT PUBLIC:UTILITY PUBLIC:UTILITY COMMISSION 1/2 Application/of Direct Energy Services, ALLC apo Oirect Energy For PG Publishing Company Size Conversion of the second Sworn to and subscribed before me this day of: February 15, 2005 maryto COMMONIVEALTER OF PEAKE PLANATEA Notarial Scal Mary E. Vianting in M. Fry Publiq City of Pillate (7, Frankery Coons My Commission Property 1995, 19, 20 Member, Penta Annia Costa Inton of Nov-MAR 10 2005 STATEMENT OF ADVERTISING COSTS Wolf Block Schorr & Solis-Cohen LLP 212 Locust St. Ste 300 Total Rosemary E. Martin isions of the Cust eneration Cust holce and Comp Phone (Direct Energy, Services), for By <u><u><u>yrian</u> McGarvey</u> I hereby centre isolis-Conert LLC in hereby centre isolis-Conert LLP ing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of sa 2121/Court Street (11), 237-7167 (Phone)</u>



DOCUMENT

FOLDER

PROOF OF PUBLICATION OF NOTICE IN THE WILLIAMSPORT SUN-GAZETTE UNDER ACT NO. 587, APPROVED MAY 16, 1929

SS:

#### STATE OF PENNSYLVANIA COUNTY OF LYCOMING

<u>John Yahner</u> Publisher of the Sun-Gazette Company, publishers of the Williamsport, Sun-Gazette, successor to the Williamsport Sun and the Gazette & Bulletin, both daily newspapers of general circulation, published at 252 West Fourth Street, Williamsport, Pennsylvania, being duly sworn, deposes and says that the Williamsport sun was established in 1870 and the Gazette & Bulletin was established in 1801, since which dates said successor the Williamsport Sun-Gazette has been regularly issued and published in the County of Lycoming aforesaid, and that a copy of the printed notice is attached hereto exactly as the same was printed and published in the regular editions and issues of said Williamsport Sun-Gazette on the following dates, viz.

2005 ebruary 81

Affiant further deposes that he is an officer daily authorized by the Sun-Gazette Company, publisher of the Williamsport Sun-Gazette, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all the allegations in the foregoing statement as to time, place and character of publication are true.

PENNSYLVANIA PUBLIC UTILITY COMMISSION Services (FLUC & db/a ectilEnerby, stril Direct argy (FBusines Services GAZETTE COMPANY Sworn to and subscribed before me day of february 2005 the /6 Lica La nerov. Jon Holesch Enerov (Business Services) (1) a correction to (1) offer) (1) a correction of supply electric forwer, correction supplying electricity to the supplying electricity to the manual electricity of manual electricity to the manual electricity to the provide electric power (and other sorties as(1)) of sen-erator and supplet of sector manual electricity electricity manual electricity electricity manual electricity energy of the disposition of the business of dispositions of the business services at a sector conset to the formation electricity energy and the business of sortions at the provisions of the business services at the business services at the business services at the business services at the business of dispositions of the Electricity of Renore the business services at the business of the business of the electricity of the sector of the electricity of the В Q Notary Public NOTARIAL SEAL CATHY A. BILLEY, Notary Public City of Williamsport, Lycoming County My Commission Expires May 12, 2607 STATEMENT OF ADVERTISING COSTS To the Sun-Gazette Company, Dr: For publishing the notice attached Probated same ..... ....\$ 251.81 Total..... MAR 10 2005 Box (3265: Harrisburg, PA (171053265: Yycu2atoutta'sont copies of iony, protest (to olirect, VEnergy, Services, Uirc (abor)Direct Energy (on Direct - Energy (sous) Biservices - Control - Control oddress, collisted bislow Please - Include the JBUC (so docket, number, and about correspondence, (which - is, A 1004 141, 300 (sous) By and through Counsel (sous) - Sous - Source - Source (sous) - Source - Source - Source (source) - Source - Source - Source (source) - Source - Source - Source (source) - Source - Source - Source - Source (source) - Source - Source - Source - Source (source) - Source - Source

OATH OF PUBLICATION In THE ERIE TIMES-NEWS

COMBINATION EDITION

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Choice and Competition Act: (13: Wills The PUC amay: consider this application without a hearing: Profests directed to the idechnical or finan-cial fitness of Direct En-ergy Senices, LLC d/b/a Direct, Energy, or Direct Energy, Business Services may, be filed within 215 days of the idefe of this notice with the Secretary of the PUC/POI Box 2255; Harrisburg/APA \* 17105-3255. 'You's should send copies of any, protest to Direct Energy Services LLC d/b/a Direct Energy or Direct Energy Services Services aftorney at the address 2 ilisted 25 below. Please Include the PUC's Socket number: on any correspondence; which is A-1101 de the Secretary

REFERENCE: L0000237 0000586023 PENNSYLVANIAPUBLICUT

STATE OF PENNSYLVANIA) COUNTY OF ERIE SS:

James E. Dible being duly sworn, deposes and says that he is the Publisher of the Times Publishing Company, which publishes: the Erie Times-News, established October 2,2000, a daily newspaper of general circulation, successor, by consolidation, of the Morning News, established January 1957, and the Erie Daily Times, established April 1888, daily newspapers of general circulation and the Erie Daily Times, established April 1888, daily newspapers of general circulation, and published at Erie, Erie County, Pennsylvania, and that the notice of which the attached is a copy published, in the regular editions of said newspaper of the dates referred to below. Affiant further deposes that he is duly authorized by the TIMES PUBLISHING COMPANY, publisher of The Erie Times-News to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

PUBLISHED ON: 02/07

TOTAL COST: FILED ON: 209.12 02/07/05 AD SPACE: 84 LINE Sworn to and subscribed before me this 2005 Affiant: COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL MARYBETH SWOGER, NOTARY PUBLIC CITY OF ERIE, ERIE COUNTY MY COMMISSION EXPIRES ON OCT. 6, 2007 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTAPIES KE 1. A MAR 1.0 2005

# THE PATRIOT NEWS THE SUNDAY PATRIOT NEWS

#### **Proof of Publication**

Under Act No. 587, Approved May 16, 1929 Commonwealth of Pennsylvania, County of Dauphin} ss

Joseph A. Dennison, being duly sworn according to law, deposes and says:

That he is the Assistant Controller of The Patriot News Co., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office and place of business at 812 to 818 Market Street, in the City of Harrisburg, County of Dauphin, State of Pennsylvania, owner and publisher of The Patriot-News and The Sunday Patriot-News newspapers of general circulation, printed and published at 812 to 818 Market Street, in the City, County and State aforesaid; that The Patriot-News and The Sunday Patriot-News were established March 4th, 1854, and September 18th, 1949, respectively, and all have been continuously published ever since;

That the printed notice or publication which is securely attached hereto is exactly as printed and published in their regular daily and/or Sunday/ Metro editions which appeared on the 5th day(s) of February 2005. That neither he nor said Company is interested in the subject matter of said printed notice or advertising, and that all of the allegations of this statement as to the time, place and character of publication are true; and

That he has personal knowledge of the facts aforesaid and is duly authorized and empowered to verify this statement on behalf of The Patriot-News Co. aforesaid by virtue and pursuant to a resolution unanimously passed and adopted severally by the stockholders and board of directors of the said Company and subsequently duly recorded in the office for the Recording of Deeds in and for said County of Dauphin in Miscellane DUBBOR 101 Volume 14, Page 317.

#### PUBLICATION

#### COPY

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AMAY PUBLIC UTILITY COMMISSION
Application of (Direct Energy Services,
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LLC d/b/d Direct Energy or Direct Energy
Business Services for approval to offer / ren-
other services as a generator, and supplier of
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Sworn to and subscribed before methis 8th day of February 72005 A.D.

NOTARIAL SEAL Terry L. Russell, Notary Publig City of Hamsburg, Dauphin County NOTARY PUBLIC My Commission Expires June 6, 2006 Member, Penneylvania Association of Notaries mission expires June 6, 2006

WOLFBLOCK ATTN: ROSEMARY E. MARTIN 212 LOCUST STREET, SUITE 300 HARRISBURG, PA. 17101



To THE PATRIOT-NEWS CO. For publishing the notice or publication attached hereto on the above stated dates

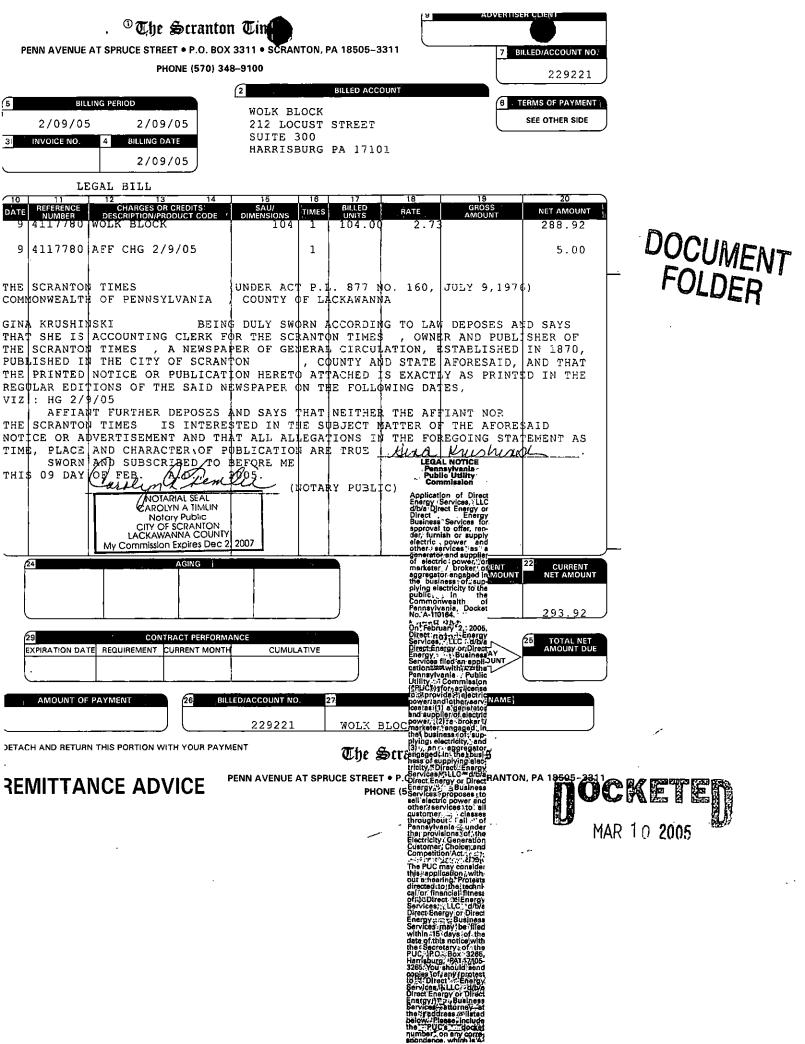
**Statement of Advertising Costs** 

219.18

#### **Publisher's Receipt for Advertising Cost**

lisher of The Patriot-News and The Sunday Patriot-News, newspapers of general receipt of the aforesaid notice and publication costs and certifies that the same have

Ву.....



## Proof of Publication in The Philadelphia Inquirer Under Act. No 160, P.L. 877, July 9, 1976

#### STATE OF PENNSYLVANIA COUNTY OF PHILADELPHIA

Anna Dickerson being duly sworn, deposes and says that **The Philadelphia Inquirer** is a daily newspaper published at Broad and Callowhill Streets, Philadelphia County, Pennsylvania, which was established in the year 1829, since which date said daily newspaper has been regularly published and distributed in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates:

February 9, 2005

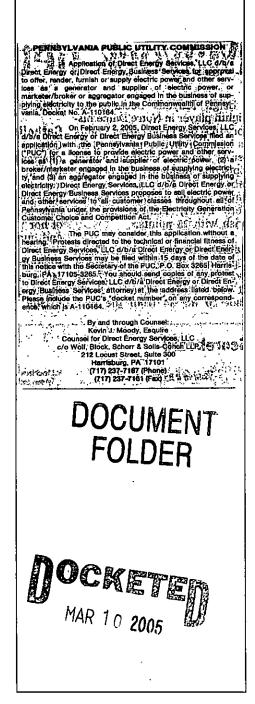
Affiant further deposes and says that he is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that he is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Annadickerson

Sworn to and subscribed before me this 9<sup>th</sup> day of February, 2005

My Commission Expires:

NOTARIAL SEAL Margaret C. Ruchalski, Notary Public City of Philadelphia, Phila. County My Commission Expires May 27, 2006



**Copy of Notice of Publication**