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December 10, 2013

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2013 DEC 10 PM 12:07
SECRETARY'S BUREAU
PA PECO

VIA HAND DELIVERY

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

RE: IDT ENERGY, INC.
Docket No. A-2009-2119279

Dear Secretary Chiavetta:

The purpose of this letter is to request that the Commission update the natural gas supplier ("NGS") license of IDT Energy, Inc. ("IDT") to clarify that IDT has the authority to provide natural gas supply services in the PECO service territory. As explained below, the fact that IDT's license does not currently reflect authorization in PECO territory appears to be an administrative oversight, and therefore the requested clarification would not require a Commission order.

On May 15, 2009, IDT filed an application with the Commission seeking NGS licensure in "any service territory within the boundaries of the State of Pennsylvania that offers single consolidated utility bill[ing]." At that time, IDT published notices of its application in every required newspaper in Pennsylvania, including the Philadelphia Inquirer, the designated newspaper for the filing of notices for NGSs seeking licensure in PECO territory. (See proof of publication in the Philadelphia Inquirer on August 13, 2009, attached hereto as Exhibit A)

By Order entered December 3, 2009, the Commission approved IDT's NGS application. The Order, however, incorrectly stated that IDT had sought approval only for the service territory of National Fuel Gas Distribution Company ("NFGDC"), and therefore the Order only referenced approval for the NFGDC territory. (Exhibit B, attached hereto).

Subsequent to filing its Application, IDT worked with PECO to satisfy PECO's credit requirements and fulfill the other steps to begin serving customers in PECO territory. IDT signed

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Secretary Chiavetta
December 10, 2013
Page 2

PECO's Supplier Coordination Agreement on August 27, 2010 (attached as Exhibit C), obtained confirmation from PECO that IDT had met the necessary credit requirements (See letter from PECO dated January 31, 2011 attached as Exhibit D), and was officially recognized by PECO as a Customer Choice retail Trading Partner (NGS) in its territory as of February 22, 2011 (See email attached as Exhibit E). Therefore, as of February 22, 2011, both PECO and IDT believed that IDT had the necessary Commission authorization to provide service in PECO's territory, and IDT began serving customers in PECO's territory shortly thereafter.

Despite the above, IDT's NGS license was never updated to reflect its service of customers within PECO's territory. IDT has provided NGS service in PECO's territory for several years without incident, and remains committed to complying with all applicable laws and Commission regulations. Because the current lack of reference to the PECO service territory on IDT's NGS license appears to be an administrative oversight, IDT respectfully requests that the Commission issue a Secretarial Letter to update its NGS license to include authorization to provide services to residential, small commercial and large commercial customers within the PECO service territory.

IDT notes that the Commission issued an update to Hess Corporation's NGS license via Secretarial Letter earlier this year to correct a nearly identical administrative oversight. (See Hess Secretarial Letter attached hereto as Exhibit F). IDT respectfully requests that the Commission similarly update its NGS license via Secretarial Letter to correct the administrative oversight described above.

Copies of this letter have been served in accordance with the attached certificate of service. If you have any questions or need any additional information, please feel free to contact me.

Best Regards,

STEVENS & LEE


Michael A. Gruin

Enclosures

cc: Certificate of Service
Paul Diskin, Director, Bureau of Technical Utility Services

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EXHIBIT A

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**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 all editions and issues of said daily newspaper on the following dates:

August 13, 2009

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she 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.

Anna Dickerson

Sworn to and subscribed before me this 13th day of August, 2009

Mary Anne Logan
Notary Public

My Commission Expires:

NOTARIAL SEAL
Mary Anne Logan, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 30, 2013

Copy of Notice of Publication

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE**
Application of IDT Energy Inc. (d/b/a "IDT Energy") For Approval To Offer, Render, Furnish, Natural Gas Supply Services as a Marketer/Broker or Aggregator Engaged in The Business Of Supplying Natural Gas Supply Services To The Public In The Commonwealth Of Pennsylvania, Docket No. A2009-2119279.

On May 15, 2009, IDT Energy filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services so (1) a supplier of natural gas, (2) a broker/marketer engaged in the business of supplying natural gas, and (3) an aggregator engaged in the business of providing natural gas supply services. IDT Energy proposes to sell natural gas and related services throughout all of Pennsylvania under the provisions of the new Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of IDT Energy may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3285, Harrisburg, PA 17105-3285. You should send copies of any protest to IDT Energy attorney at the address listed below. Please include the PUC's "docket number" on any correspondence, which is A-2009-2119279.

By and through Counsel: Carl Billek

IDT Energy
520 Broad Street
Newark, New Jersey 07102
1-800-CALL IDT
FAX 973-438-1878

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

Public Meeting held December 3, 2009

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice-Chairman
Kim Pizzingrilli
Wayne E. Gardner
Robert F. Powelson

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Application of IDT Energy, Inc. to become a
Licensed Supplier of Natural Gas Services.

Docket Number:
A-2009-2119279

ORDER

BY THE COMMISSION:

On May 15, 2009, IDT Energy, Inc. (IDT) filed a License Application to operate as a broker/marketer engaged in the business of supplying natural gas services in the service territory of National Fuel Gas Distribution Corporation, 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, 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.

IDT has stated that upon the approval of this Application, it proposes to provide natural gas supply services to residential and commercial customers in the service territory of National Fuel Gas Distribution Corporation.

It is important to note that a licensee must comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C. S. §2206(a), Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. Code Chapter 56 Pursuant to §2207(b), §2208(e) and (f) and Addressing the Application of Partial Payments* (M-00991249 F003). 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 to residential accounts. A natural gas supplier cannot physically disconnect a residential customer from the distribution system, and thus, the rules relating to residential service termination are not applicable to natural gas suppliers. A natural gas supplier may seek to terminate its natural gas services through an appropriate written notice to the customer and the local distribution company. The residential customer can then attempt to repair their relationship with the natural gas supplier, seek a new natural gas supplier, or default to the natural gas distribution company's service tariffed rates in accordance with the local distribution company's obligations under Section 2207(a), 66 Pa. C.S. §2207(a). The customer would only be disconnected from the distribution system pursuant to appropriate regulations if the customer failed to meet its obligations to

the natural gas distribution company or the natural gas supplier which has been designated by the Commission as the supplier of last resort.

We take this opportunity to once again remind the licensee that its officers, representatives, and employees have 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.

IDT is a foreign corporation, incorporated in the State of Delaware as of May 24, 2005 and registered to do business in the Commonwealth of Pennsylvania as of July 9, 2009. IDT is the wholly owned subsidiary of IDT Corporation.

IDT has published notice of its Application in the Pennsylvania newspapers, as required by the Commission, to provide service in the service territory of National Fuel Gas Distribution Corporation.

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

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.” IDT has provided documentation to evidence its compliance with the Section 2208(c) bonding requirement for the following natural gas distribution companies: National Fuel Gas Distribution Corporation.

Regarding the financial and technical requirements of the license application, IDT submitted audited consolidated financial data for IDT for the fiscal years ended July 31 of 2006, 2007 and 2008, as well as, projected financial statements for IDT for the fiscal year ended July 31, 2009. Additionally, IDT provided employment information for key officers and those persons responsible for operations. Sufficient information has been provided by IDT to demonstrate its financial and technical fitness in order to be licensed as a broker/marketer engaged in the business of supplying natural gas services.

As of November 20, 2009, no protests have been filed.

We find that IDT Energy, Inc.:

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.
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,**

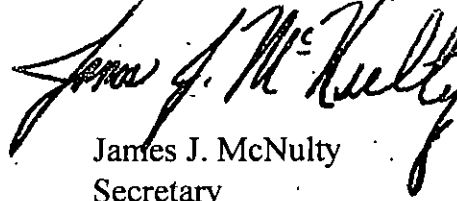
IT IS ORDERED:

1. That the application of IDT Energy, Inc. is hereby approved, consistent with this Order.

2. That a license be issued authorizing IDT Energy, Inc. to begin to offer, render, furnish, or supply natural gas supply services to the public, limited to residential and commercial customers, within the following local distribution company service territories within the Commonwealth of Pennsylvania: National Fuel Gas Distribution Corporation.

3. That this proceeding, at Docket No. A-2009-2119279, be closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "James J. McNulty". The signature is written in a cursive style with a large, sweeping initial "J".

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 3, 2009

ORDER ENTERED: December 3, 2009

EXHIBIT C

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**PA 1750
SECRETARY'S BUREAU**

SUPPLIER COORDINATION SERVICES AGREEMENT

1.0 This Agreement ("Agreement"), dated as of August 27, 2018 is entered into, by and between PECO Energy Company (the "Company") and IDT ENERGY, INC. ("Supplier").

2.0 The Company agrees to supply, and the Supplier agrees to have the Company supply, all "Coordination Services" specified in the then current Gas Choice Supplier Coordination Tariff ("Supplier Coordination Tariff"), including, but not limited to, Customer usage forecasting, gas delivery scheduling, and reconciliation services. Both Parties agree that such services are necessary to coordinate the delivery of Competitive Natural Gas Supply to Low Volume Transportation Customers ("LVT Customers") located within the Company's gas distribution service territory ("Territory").

3.0 Representations and Warranties.

- a. The Supplier hereby represents, warrants and covenants as follows:
 - (i) The Supplier is in compliance, and will continue to comply, with all obligations, rules and regulations, as established by the Supplier Coordination Tariff and the Company's Natural Gas Service Tariff, that are applicable to Suppliers serving LVT Customers located in the Company's Territory ; and
 - (ii) The Supplier is licensed by the Pennsylvania Public Utility Commission ("PaPUC") to provide Competitive Natural Gas Supply to Customers in Pennsylvania and has and will continue to satisfy all other PaPUC requirements applicable to Suppliers.

- b. The Company and the Supplier, individually referred to hereafter as the "Party," each represents, warrants and covenants as follows:
 - (i) Each Party's performance of its obligations hereunder has been duly authorized by all necessary action on the part of the Party and does not, and will not, conflict with or result in a breach of the Party's charter documents or bylaws or any indenture, mortgage, other agreement or instrument, or any statute or rule, regulation, order, judgment, or decree of any judicial or administrative body to which the Party is a party or by which the Party or any of its properties is bound or subject.
 - (ii) This Agreement is a valid and binding obligation of the Party, enforceable in accordance with its terms, except as such enforceability may be limited by applicable bankruptcy, insolvency or similar laws from time to time in effect that affect creditors' rights generally or by general principles of equity.

4.0 The Supplier shall provide notice to the Company via facsimile, with a copy delivered pursuant to overnight mail, at such time that the Supplier learns that any of the representations, warranties, or covenants in Section 3.0 of this Agreement

have been violated.

5.0 As consideration for Coordination Services provided by the Company, the Supplier shall pay the Company those Coordination Services Charges billed to the Supplier in accordance with the terms and conditions of the Supplier Coordination Tariff.

6.0 Coordination Services between the Company and the Supplier will commence on 8/27/10 ("Commencement Date"). This Agreement shall be for a term of twelve (12) months, and upon the anniversary of the Commencement Date, shall automatically renew for successive twelve (12) month terms, unless terminated in accordance with the Rules of the Supplier Coordination Tariff.

7.0 Any notice or request made to or by either Party regarding this Agreement shall be made to the representative of the other Party as indicated below.

To PECO Energy Company:
PECO Energy Company
2301 Market Street
Philadelphia, PA 19101
Attn.: Ronald A. Bradley
Title: Vice President, Gas

Telephone: 215-841-4483
Facsimile: 215-841-6905
Internet E-Mail: ronald.bradley@exeloncorp.com

To the Supplier:

IDT Energy, Inc.
500 Broad Street
Newark, N.J. 07102

Attn.: Wayne Staughton
Title: Vice President, Sales and Customer Service
Telephone: 973-438-7271 [for contact twenty-four hours a day, seven days a week]
Facsimile: 973-438-2476
Internet E-Mail: wayne.staughton@idt.net

8.0 The Supplier Coordination Tariff and the Company's Natural Gas Service Tariff, as the same may be amended from

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time to time, are incorporated herein by reference and made a part hereof. All terms used in this Agreement that are not otherwise defined shall have the meaning provided in the Supplier Coordination Tariff.

IN WITNESS WHEREOF, and intending to be legally bound thereby, PECO Energy Company and the Supplier identified above have caused this Coordination Services Agreement to be executed by their respective authorized officials.

PECO ENERGY COMPANY

By:

Name: Donald Bradley

Title: VP Gas

Date: 9/10/10

[Supplier]

By: ID Energy, Inc.
Name: [Signature]

Title: COO

Date: 8/27/10

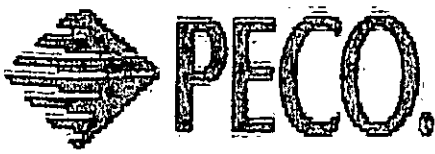
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EXHIBIT D

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An Exelon Company

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SECRETARY'S BUREAU

January 3, 2011

PECO - Exelon Corporation
Energy Acquisition
2301 Market Street
Philadelphia, PA. 19101

Mr. Wayne Stoughton,
Vice President Sales and Customer Service
IDT Energy, Inc.
550 Broad Street
Newark, NJ 07102

Energy Acquisition is providing this notification letter that IDT Energy, Incorporated has met the creditworthiness business requirement involved with the Pennsylvania Gas Choice - Low Volume Transportation program. PECO has received a initial Surety of \$35,000.00 Guaranty. PECO will hold the surety to cover potential obligations to PECO and other system costs that could result from failure of a Supplier to meet its competitive Natural Gas Supply service delivery obligations.

Please note, although the creditworthiness requirements were met, as referenced within Section 7.13 (Creditworthiness of a Natural Gas Supplier (NGS) Serving Low Volume Transportation Customers) of the Gas Service Tariff, PECO has the right to re-assess the creditworthiness of the company if PECO has any reason to suspect a change in the marketer's financial condition.

If you should have any questions regarding this matter, please contact the Electric & Gas Choice Hotline at 215-841-3700.

Sincerely,

A handwritten signature in cursive script that reads "Carol Reilly".

Carol Reilly
Manager
Energy Acquisition

EXHIBIT E

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HAIR
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From: Electric and Gas Choice
Sent: Wednesday, February 23, 2011 9:10 AM
To: 'steve@latitudetech.net'; 'wayne.stoughton@idt.net'; 'edi@latitudetech.net'
Subject: Certification of IDT Energy as a PECO NGS

IDT Energy has successfully completed PECO's test plan for Gas Consolidated Billing. The testing was done in accordance with current PA Public Utility Commission guidelines. All business requirements have been met.

As a result, it is our pleasure to inform you that PECO has officially certified IDT Energy as a Customer Choice retail Trading Partner (NGS) in its territory as of February 22, 2011. The PECO team wishes you the best of luck and looks forward to working with you.

When IDT Energy submits its first transactions to PECO, we would appreciate an e-mail to this "Electric & Gas Choice" mailbox (egc@peco-energy.com) so that we may monitor those transactions in production accordingly.

Congratulations!
Deborah Keenan
PECO Electric & Gas Choice Department
(215) 841-3700

EXHIBIT F

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

April 2, 2013

A-125098

DAVID A CETOLA
HESS CORPORATION
1 HESS PLAZA
WOODBIDGE NJ 07095-0961

Re: Natural Gas Supply Services License A-125098

Dear Mr. Cetola:

On April 5, 2001, the Commission issued a license at Docket No. A-125098 authorizing Amerada Hess Corporation ("AHC") the right to begin to offer, render, furnish or supply natural gas supply services to large commercial, industrial and governmental customers, in the natural gas distribution company (NGDC) service territories of Columbia Gas of Pennsylvania, Inc., Peoples Natural Gas Company, PG Energy, Inc. (now UGI Central Penn), National Fuel Gas Distribution Corporation; UGI Utilities, Inc.; PECO Energy Company; and PFG Gas, Inc. (now UGI Central Penn), within the Commonwealth of Pennsylvania.

On March 17, 2003, the Commission approved, by Secretarial Letter, the modification of AHC's license to include the additional NGDC service territory of Philadelphia Gas Works, on a temporary basis. Permanent approval was contingent upon AHC submitting an updated license application at the conclusion of Philadelphia Gas Works' Restructuring Case.

On June 21, 2006, the Commission approved, by Secretarial Letter, AHC's request to change the name on its license to provide natural gas supply services to Hess Corporation.

On March 12, 2013, Hess Corporation filed a request for a modification to their license to include the additional service territories of Philadelphia Gas Works and Equitable Gas Company, within the Commonwealth of Pennsylvania.

Hess Corporation has provided proper documentation as required by this Commission.

Therefore, the Commission approves, by this Secretarial Letter, the modification of Hess Corporation's license to include the additional NGDC service territories of Philadelphia Gas Works and Equitable Gas Company, within the Commonwealth of Pennsylvania.

The Secretary's Bureau will issue a new license that authorizes Hess Corporation the right to begin to offer, render, furnish or supply natural gas supply services to the public, limited to large commercial (6,000 MCF or more annually), industrial, and governmental customers within the NGDC service territories of Columbia Gas of Pennsylvania, Inc., Peoples Natural Gas Company, UGI Central Penn, National Fuel Gas Distribution Corporation, UGI Utilities, Inc., PECO Energy Company, UGI Central Penn, Philadelphia Gas Works and Equitable Gas Company.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

LICENSE ENCLOSED

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December 2013 copies of the foregoing letter have been served upon the persons listed below via First Class U.S. Mail in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

Tanya McCloskey, Esq.
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1921

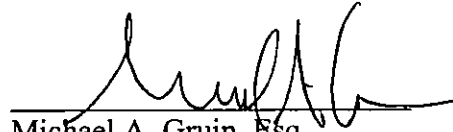
John Evans
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

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

PECO
Carlos Thillet, Manager, Gas Supply and Transportation
2301 Market Street, S9-2
Philadelphia, PA 19103

DATE: December 10, 2013


Michael A. Gruin, Esq.

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