



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 8, 2013

Docket No. A-125050

STEPHEN BAKER  
LEGAL COMPLIANCE  
CONSTELLATION ENERGY  
GAS CHOICE LLC  
9600 CORPORATE CAMPUS DR STE 2000  
LOUISVILLE KY 40223

Re: Natural Gas Supplier License request for an amendment of Constellation Energy Gas Choice, Inc.

Dear Mr. Baker:

The Commission's Regulation at 52 Pa. Code 62.109(b) states that:

Completed applications, with all supporting documentation, including any documentation or clarifying information requested by Commission staff, if unopposed, will be processed within 45 days after acceptance by the Commission. If the application is not processed within the time period, the application will be deemed approved. The review period may be extended for a reasonable period of time by Secretarial Letter.

You are hereby notified that the Commission has extended the period for consideration of the Application for authority to market natural gas for one hundred and twenty (120) days or until further order of the Commission.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5.44, file a petition with the Commission within twenty (20) days of the date of this letter.

Please direct any questions to Lee Yalcin, Bureau of Technical Utility Services at (717) 787-6723 or by email at [lyalcin@pa.gov](mailto:lyalcin@pa.gov).

Sincerely,

Rosemary Chiavetta  
Secretary

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PA.P.U.C.  
SECRETARY'S BUREAU

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held October 31, 2013

Commissioners Present:

Robert F. Powelson, Chairman  
John F. Coleman, Jr., Vice Chairman  
James H. Cawley  
Pamela A. Witmer  
Gladys M. Brown

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Application of Constellation Energy Gas Choice,  
Inc. to amend its natural gas supplier services  
license by adding additional territories

A-125050

**ORDER**

**BY THE COMMISSION:**

On December 17, 1999, Constellation Energy Gas Choice, Inc. (CEGC or Company) f/k/a MxEnergy.com Inc. d/b/a MxEnergy was conditionally licensed to operate as a supplier of natural gas services to residential, small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually) and governmental customers in the natural gas distribution company (NGDC) service territories of Columbia Gas of Pennsylvania Inc.(Columbia), Peoples Natural Gas Company, LLC (Peoples) and Equitable Gas Company (Equitable). The license was conditioned upon providing proof of the bonding requirements of the NGDC's. On September 6, 2006, the Company filed a request to amend its license to include the additional NGDC service territories of UGI Utilities, Inc. (UGI), PECO Energy Company (PECO) and PPL Utilities Corporation (currently UGI Central Penn). On July 18, 2007, the Company withdrew its September 6, 2006, request to amend its license and requested that the

Commission remove Equitable and Peoples from its conditional license because it had failed to provide proof of bonding for these companies; as a result CEGC is currently licensed for Columbia only.

In its most recent filing, dated September 12, 2013, CEGC requests the addition of the NGDC service territories of PECO, Peoples, Philadelphia Gas Works (PGW) and UGI to its license. CEGC has stated that upon the approval of this Application, it proposes to provide natural gas supply services to residential, small commercial (less than 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial and governmental customers.

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." CEGC has provided documentation to evidence its compliance with the Section 2208(c) bonding requirement for the following additional natural gas distribution company service territories: PECO, Peoples, PGW, and UGI within the Commonwealth of Pennsylvania.

CEGC has published notice of its application request for additional territories in Pennsylvania newspapers, and proofs of service to the interested parties as required by the Commission.

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

As of October 22, 2013, no protests have been filed.

We find that CEGC:

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, and special conditions outlined in the order dated July 19, 2012, 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 Constellation Energy Gas Choice, Inc. is hereby approved, consistent with this Order.

2. That a license be issued authorizing Constellation Energy Gas Choice, Inc. the right to begin to offer, render, furnish or supply natural gas supply services as a supplier, broker/marketer, and aggregator to the public, limited to residential, small commercial (under 6,000 Mcf annually), large commercial (6,000 Mcf or more annually), industrial, and governmental customers within the following local distribution company service territories within the Commonwealth of Pennsylvania: Columbia Gas of Pennsylvania, PECO Energy Company, Peoples Natural Gas Company LLC, Philadelphia Gas Works, and UGI Utilities, Inc.

3. That this proceeding, at Docket No. A-125050 be closed.

**BY THE COMMISSION,**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: October 31, 2013

ORDER ENTERED: October 31, 2013