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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held September 11, 2014 | | |
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| Commissioners Present: | | |  | |
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| Robert F. Powelson, Chairman | | | | |
| John F. Coleman, Jr., Vice Chairman | | | | |
| James H. Cawley | | | | |
| Pamela A. Witmer | | | | |
| Gladys M. Brown | | | | |
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| Electric Generation Supplier Broker/Marketer License Amendment of Capital Energy, Inc. | | | Docket Number:  A-2010-2209014 | |
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**ORDER**

**BY THE COMMISSION:**

On January 19, 2011, Capital Energy, Inc. (Capital), Utility Code: 1112945, was licensed as an electric generation supplier (EGS) as a broker/marketer to small commercial (25 kw and under demand), large commercial (over 25 kw demand), industrial, and governmental customers in the PECO Energy Co. service territory within the Commonwealth of Pennsylvania.

On July 28, 2014, Capital filed an application to amend its license to include all electric distribution company service territories within the Commonwealth of Pennsylvania. The proposed amendment was filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.

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

Capital does not serve residential customers. If Capital chooses to provide broker/marketer services to residential customers in the future, however, Capitalmust file a request for a license modification with the Commission Secretary by letter immediately and shall be required to 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. § 2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)* at Docket No. M-00960890F0011, Order entered July 11, 1997. 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. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service 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 appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

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 § 54.43 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 consumer’s personal information, and compliance with applicable state and federal consumer protection laws. We further note that the licensee and its agents must comply with the Commission’s sales and marketing regulations at 52 Pa. Code §111.1, et seq. applicable to residential customers.  Among other things, these regulations require the licensee and its agents to provide accurate information about products and services being offered and prohibit a licensee and its agents from engaging in misleading or deceptive conduct and from making false or misleading representations.

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 business.

As of September 2, 2014, no protests to the application have been filed.

In summary, we find that:

1. The Applicant 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. The Applicant 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. 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.

Accordingly, 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 Capital Energy, Inc. is hereby approved, consistent with this Order.

2. That a license be issued authorizing Capital Energy, Inc., to begin to offer, render, furnish or supply electric generation supplier services as a broker/marketer to Small Commercial (25 kw and under demand), Large Commercial (over 25 kw demand), Industrial and Governmental Customers in all electric distribution company service territories in the Commonwealth of Pennsylvania.

3. That this proceeding at Docket No. A-2010-2209014 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: September 11, 2014

ORDER ENTERED: September 11, 2014