PUC-77 Rev. 304007

PENNSYLVANIA PUBLIC UTILITY COMMISSION Uniform Cover and Calendar Sheet

| 1. | REPORT DATE: January 3, 2012 | 2. <u>BUREAU AGENDA NO.</u> 1183857-FUS |
|----|------------------------------------|--|
| 3. | BUREAU: Technical Utility Services | |
| 4. | SECTION(S): Energy | 5. PUBLIC MEETING DATE: |
| 6. | APPROVED BY: | January 12, 2012 |
| | Director: P. Diskin 214-5558 | |
| | Mgr/Spvr: A. Kaptetta 787-2359 | |
| | Legal Review: | |
| 7. | PERSONS IN CHARGE: | 9. DEADLINE FOR ENTRY OF ORDER: |
| | Herster 783-5392 | N/A |
| 8. | DOCKET NO.: A-125125 | |
| | | |

- 10. (a) CAPTION (abbreviate if more than 4 lines)
 - (b) Short summary of history & facts, documents & briefs
 - (c) Recommendation
- (a) Natural Gas Supplier License Application of Agway Energy Services, LLC (Home Office: Syracuse, NY)
- (b) On May 7, 2004, the Commission approved a license at Docket No. A-125125, authorizing Agway Energy Services, LLC (Agway) to begin to offer, render, furnish, or supply natural gas supply services to residential and small commercial (less than 6,000 MCF annually) customers in the service territory of Columbia Gas of Pennsylvania, Inc. and The Peoples Natural Gas Co., LLC., within the Commonwealth of Pennsylvania, as a supplier of natural gas services and as a broker/marketer. On October 18, 2011, Agway filed an application to amend its license to include the additional service territory of National Fuel Gas Distribution Corp., within the Commonwealth of Pennsylvania.

The License Application Amendment was filed pursuant to Section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52, Chapter 62, Subchapter D.

(c) The Bureau of Technical Utility Services recommends that the Commission adopt the proposed Order which approves the application amendment.

11. MOTION BY: Commissioner Chm Powelson Comm

Commissioner Gardner - Yes

SECONDED: Commissioner VC Coleman Commissioner Witmer - Yes

CONTENT OF MOTION: Staff recommendation adopted.

PENNSYLVANIA PUBLIC UTILITY COMMISSION Harrisburg, PA 17105-3265

Public Meeting held January 12, 2012

Commissioners Present:

Robert F. Powelson, Chairman John F. Coleman, Jr., Vice Chairman Wayne E. Gardner James H. Cawley Pamela A. Wittner

Application of Agway Energy Services, LLC to Amend its Natural Gas Supplier License A-125125

ORDER

BY THE COMMISSION:

On October 18, 2011, Agway Energy Services, LLC (Agway) filed an application to amend its natural gas supplier license to add the additional natural gas distribution company (NGDC) service territory of National Fuel Gas Distribution Corp.

Agway, by Order entered May 7, 2004, is currently licensed by the Commission to offer, render, furnish or supply natural gas supply services in the Commonwealth of Pennsylvania to residential and small commercial (less than 6,000 MCF annually) customers in the NGDC service territories of Columbia Gas of Pennsylvania, Inc. and The Peoples Natural Gas Co., LLC.



Agway has provided proof of publication in the Pennsylvania newspaper of general circulation serving the geographical territory affected by the application and proofs of service to the interested parties as required by the Commission.

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 NGDC's tariff. The amount and form of the bond or other security may also be mutually agreed to between the NGDC 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." Agway has provided documentation to evidence its compliance with the Section 2208(c) bonding requirement for the additional NGDC in whose service territory it proposes to expand its operations.

As of January 3, 2012, no protests have been filed. Additionally, no formal complaints have been filed against Agway, and there has been a minimal amount of informal complaints filed, all having been resolved.

Upon full consideration of all matters of record, we find that approval of these applications is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE**,

IT IS ORDERED:

1. That the application of Agway Energy Services, LLC is hereby approved, consistent with this Order.

- 2. That a license be issued authorizing Agway Energy Services, LLC to begin to offer, render, furnish or supply natural gas supply services to residential and small commercial customers (less than 6,000 MCF annually) in the additional natural gas distribution company service territory of National Fuel Gas Distribution Corp.
 - 3. That this proceeding at Docket No. A-125125 be closed.

BY THE COMMISSION,

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: January 12, 2012

ORDER ENTERED: January 12, 2012

A-125125 DIR BUSINESS DEVELOPMENT MARK J PITONZO AGWAY ENERGY SERVICES LLC PO BOX 4819 SYRACUSE NY 13221-4819

A-125125 - E-SERVE
ESQUIRE TODD S STEWART
AGWAY ENERGY SERVICES
HAWKE MCKEON & SNISCAK LLP
100 NORTH TENTH STREET
HARRISBURG PA 17101

9171 9690 0935 0015 6097 14

A-125125 JANICE MEOLA, ESQUIRE SUBURBAN PROPANE, LP LEGAL DEPARTMENT PLAZA 1 240 ROUTE 10 WEST, P O BOX 206 WHIPPANY NJ 07981

A-125125 SCOTT H DEBROFF AGWAY ENERGY SERVICES, LLC DEBROFF CONSULTING GROUP 4709 PINE RIDGE ROAD HARRISBURG PA 17110

A-125125 TERENCE X MCINERNEY AGWAY ENERGY SERVICES LLC AGWAY ENERGY SERVICES P O BOX 4819 SYRACUSE NY 13221-4819