

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet**

<p><b>1. <u>REPORT DATE:</u></b> December 7, 1999</p>	<p><b>2. <u>BUREAU AGENDA NO.:</u></b> DEC-1999-FUS-1139*</p>
<p><b>3. <u>BUREAU:</u></b> Fixed Utility Services</p>	<p><b>5. <u>PUBLIC MEETING DATE:</u></b> December 16, 1999</p>
<p><b>4. <u>SECTION(S):</u></b> Energy</p>	<p><b>6. <u>APPROVED BY:</u></b>                  Director: Rosenthal 3-5242 <i>ROR</i>                  Supervisor: Bennett 7-3555 <i>AB</i>                  Legal Review by: <i>PK Burke</i> 7-3464</p>
<p><b>7. <u>PERSONS IN CHARGE:</u></b> <i>JS</i> Sivolich/Deichmiller 7-5865</p>	<p><b>8. <u>DOCKET NO.:</u></b> A-125050</p>

**DOCKETED**  
JAN 11 2000

- 9. (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 MxEnergy.com Inc. d/b/a MxEnergy (Home Office: Westport, CT)

(b) On November 10, 1999, MxEnergy.com Inc. d/b/a MxEnergy ("MxEnergy") filed an application to offer render furnish or supply natural gas supply services to residential, commercial and governmental customers customers in Columbia Gas of Pennsylvania, Inc., The Peoples Natural Gas Company and Equitable Gas Company service territories within the Commonwealth of Pennsylvania, as a supplier, broker/marketer and aggregator.

EEF

The License Application is filed in accordance with the requirements of Section 2208 of the Public Utility Code, 66 Pa. C.S. §2208 and the Commission's Order at M-00991249F0002, entered July 16, 1999.

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Draft Order which conditionally approves the License Application.

Order Doc. # 164222

Calendar Doc. # 164193

**10. MOTION BY:** Commissioner Chm. Quain  
**SECONDED:** Commissioner Bloom

Commissioner Brownell - Yes  
Commissioner Wilson - Yes  
Commissioner Fitzpatrick - Yes

**CONTENT OF MOTION:** Staff recommendation adopted.



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

IN REPLY PLEASE  
REFER TO OUR FILE

DECEMBER 17, 1999

A-125050

PAM IRELAND ESQUIRE  
JEFFERS AND ASSOCIATES  
1248 POST ROAD  
FAIRFIELD CT 06430

DOCUMENT  
FOLDER

Application of MXEnergy.com Inc. to become a licensed  
Broker/marketer, and aggregator of natural gas services

To Whom It May Concern:

This is to advise you than Order has been adopted by the Commission in Public Meeting  
on December 16, 1999 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

RECEIVED  
DEC 22 1999

James J. McNulty  
Secretary

Enclosure  
Certified Mail  
FG

EEF

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA. 17105-3265

Public Meeting held December 16, 1999

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
Nora Mead Brownell  
Aaron Wilson, Jr.  
Terrance J. Fitzpatrick

Application of MxEnergy.com Inc. to  
become a licensed broker/marketer, and  
aggregator of natural gas services

Docket Number: A-125050

**ORDER**

On November 10, 1999, MxEnergy.com Inc. d/b/a ("MxEnergy")  
filed a License Application to operate as a broker/marketer, aggregator and provider  
of natural gas supply services in the Commonwealth of Pennsylvania. This  
application was filed pursuant to section 2208 of the Natural Gas Choice and  
Competition Act (Act) and the Commission's Order at M-00991249F0002, entered

DOCUMENT  
July 16, 1999  
FOLDER

§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

DEC 22 1999

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.

It is important to note that a licensee must comply with, and be governed by, our Chapter 56 regulations. 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 and small commercial accounts. A natural gas supplier cannot physically disconnect a customer from the distribution system, and thus, the service termination provisions of Chapter 56 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 customer can then attempt to repair its 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 Chapter 56 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.

Additionally, 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.

MxEnergy has stated that upon the approval of this Application, it proposes to provide natural gas supply services to residential, commercial and governmental customers in the service territories of Columbia Gas of Pennsylvania, Inc., R-00994781; The Peoples Natural Gas Company, R-00994782 and Equitable Gas Company, R-00994784 within the Commonwealth of Pennsylvania, as a supplier of natural gas services.

MxEnergy has provided proofs of publication in the Pennsylvania newspapers as required by the Commission to provide service in the following local distribution company's service territories: Columbia Gas of Pennsylvania, Inc., R-00994781; The Peoples Natural Gas Company, R-00994782 and Equitable Gas Company, R-00994784.

Regarding the financial and technical fitness requirements of the license application, MxEnergy has submitted a financial compilation completed by an independent auditor which includes a balance sheet, profit and loss statement and statement of cash flows. In addition, MxEnergy has a package policy bound with Travelers Property Casualty Company that includes coverage up to an aggregate of \$2,000,000 of general liability.

Section 2206(c)(1), 66 Pa. C.S. § 2206(c)(1), provides that a natural gas supplier license may not be issued unless the applicant furnishes a bond in an amount and form that may be negotiated between the natural gas distribution company and the supplier or failing that determined by criteria established by the Commission in each gas distribution company's restructuring proceeding. However, the restructuring proceedings will not be completed until after the November 1, 1999 start date for natural gas competition. While the bonding requirement cannot be waived, the Commission believes that it is in the public interest to defer this requirement until such time as Commission criteria on bonding is established so as not to delay or diminish customer choice in natural gas supply.

Accordingly, the Commission will issue a license to the MxEnergy and direct that within 30 days of the completion of the restructuring proceedings encompassing the following natural gas distribution company service territories within which MxEnergy has applied to provide natural gas supply services: Columbia Gas of Pennsylvania, Inc., R-00994781; The Peoples Natural Gas Company, R-00994782 and Equitable Gas Company, R-00994784, that MxEnergy, shall submit documentation to the Commission to evidence its compliance with the Section 2208(c) bonding requirement for each of the above mentioned natural gas distribution companies. Upon receipt of such documentation, a Secretarial letter will be issued advising that MxEnergy is in compliance with the bonding requirement pursuant to the Act.

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

As of December 7, 1999, no protests have been filed.

We find that the applicant:

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 and Small Commercial Utility Service).
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:**

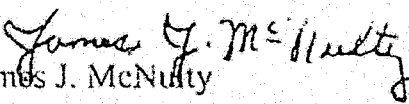
1. That the application of MxEnergy is hereby approved, consistent with this Order.

2. That a license be issued authorizing, MxEnergy the right to begin to offer, render, furnish or supply natural gas supply services to the public within the following local distribution company service territories within Commonwealth of Pennsylvania: Columbia Gas of Pennsylvania, Inc., R-00994781; The Peoples Natural Gas Company, R-00994782 and Equitable Gas Company, R-00994784.

3. That this license is granted contingent upon MxEnergy providing evidence to the Commission within 30 days of the completion of the restructuring proceedings encompassing the following natural gas distribution company territories in which MxEnergy has applied to provide natural gas supply services: Columbia Gas of Pennsylvania, Inc., R-00994781; The Peoples Natural Gas Company, R-00994782 and Equitable Gas Company, R-00994784, documenting its compliance

with the bonding requirement at 66 Pa. C.S. § 2208(c) for each of the above mentioned natural gas distribution companies.

BY THE COMMISSION,

  
James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: December 16, 1999

ORDER ENTERED: **DEC 17 1999**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-125050

Application of MXEnergy.com Inc. for the right to begin to offer, render, furnish or supply natural gas supply services to the public, within the service territories of Columbia Gas of Pennsylvania, Inc., The Peoples Natural Gas Company, and Equitable Gas Company, within the Commonwealth of Pennsylvania.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

LICENSE FOR NATURAL GAS SUPPLIER.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16th day of December, 1999.

*James G. McMillan*

Secretary

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DEC 22 1999

**mxenergy**

595 Summer Street, Suite 300  
Stamford, CT 06901-1407  
Tel: 203 356 1318  
Fax: 203 425 9562  
www.mxenergy.com

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FOLDER

May 16, 2005

RECEIVED

MAY 16 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building  
Harrisburg, PA 17101

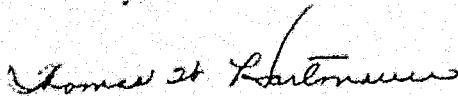
Dear Secretary McNulty:

A-125050

Please designate me as the contact person for all written and oral communication from the Commission. My direct line is 203 356 1318, x 7735 and my email address is [thartmann@mxenergy.com](mailto:thartmann@mxenergy.com). My full business address is:

MxEnergy Inc  
595 Summer Street, Suite 300  
Stamford, CT 06901

Sincerely,



Thomas W. Hartmann  
General Counsel

KJR



595 Summer Street, Suite 300  
Stamford, CT 06931-1407  
Tel: 203 356 1318  
Fax: 203 425 9562  
www.mxenergy.com

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September 6, 2006

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Dear Mr. McNulty,

Mxenergy would like to amend our Pennsylvania Public Utility Commission Natural Gas License to offer service to Industrial Class Customers and provide service in the following local distribution company's service territories: UGI Utilities Inc, PECO Energy Company and PPL Utilities. Mxenergy's License number is A-125050.

If you have any questions, please feel free to contact me at 203-356-1318 x7735.

Sincerely,

Thomas W. Hartmann  
General Counsel

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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