

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 05/16/07
8. DOCKET NO: C-20077795	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: NEWLIN, BOB JR./NEWLIN BROS. AUTO SERV

RESPONDENT/APPLICANT: COMMERCE ENERGY, INC.

COMP/APP COUNTY: CHESTER

UTILITY CODE: 110117

ALLEGATION OR SUBJECT

COMPLAINANT STATES HE HAS BEEN SLAMMED BY THIS COMPANY TWO TIMES WITHOUT HIS AUTHORIZATION. HE WANTS HIS OVERCHARGES REFUNDED TO HIM AND FOR THE PUC TO FINE COMMERCE ENERGY FOR UNFAIR PRACTICES AND STOP ELECTRIC SLAMMING.

DOCKETED
MAY 29 2007

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

Please print or type.

C-2007795

MAY 16 2007

ORIGINAL

1. CUSTOMER NAME (COMPLAINANT)

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Your name, mailing address, county, telephone number, utility account number and service address:

Name Bob NEWLIN Jr / NEWLIN Dress And Service

Street/P.O. Box 336 Blanning St. / 340 Hwy St Apt #

City Coatesville State PA Zip 19320

County Chester

Area Code/HOME Phone

Area Code/WORK Phone 610-388-4636

Utility Account Number (from your bill) 32573-02008 / 3567-01107

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Commerce Energy

3. TYPE OF UTILITY (check one)

[X] ELECTRIC

[] STEAM HEAT

[] GAS

[] WASTE WATER

[] WATER

[] MOTOR CARRIER (taxi, moving company, limousine)

[] TELEPHONE (local, long distance)

62

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.

Other. I have been slammed by this company
 (explain) 2 times without my authorization.

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

During Feb. 07 / March 07 my electric bills went very high
 PPG's bill 734⁰⁰ March, when my bill was 450/500⁰⁰ it was then I noticed
 I had somehow been switched to Commerce Energy without my knowledge
 after many calls to both sides of my state representative I was switched
 back and given a minimal credit of 267⁰⁰ (continued)

5. RELIEF

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

I want my ovr charges refunded, I want the PUC to fine Commerce Energy for unfair practices and stop electric slamming.

→ After being switched back to PUC @ my request and telling them I was not to be switched without my authorization I received my March 07 bill reflecting I was with PUC, then my April bill came and I had somehow been slammed back to Commerce Energy without my request, ⁵ authorization or knowledge.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES
(includes appeals of BCS determinations)

- BAI on Commercial Account

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Robert C. Newlin Jr, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Robert C. Newlin Jr
(Signature)

5-15-07
(Date)

There are more facts to this case which I have documented & noted, I also spoke to Dennis @ the PUC. I also spoke to Rep. Art Hershhey OFFICE spikes person Alex.

9. **LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. **FILING**

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.



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

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: MAY 30, 2007

C-20077795

COMMERCE ENERGY, INC.
600 ANTON BLVD.
SUITE 2000
COSTA MESA CA 92626

DOCUMENT
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by BOB NEWLIN, JR./NEWLIN BROS. AUTO SERVICE. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either, personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

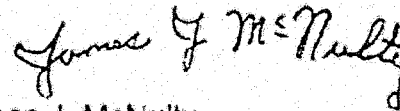
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MAY 30, 2007

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty
Secretary

jih

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MAY 30, 2007

BOB NEWLIN, JR./NEWLIN BROS.
AUTO SERVICE

Complainant

v.

Complaint Docket
No: C-20077795

COMMERCE ENERGY, INC.

Respondent

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: COMMERCE ENERGY, INC.

DOCKETED
MAY 29 2007

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

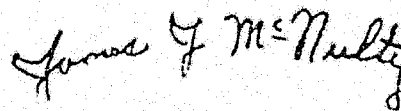
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



June 15, 2007

DOCUMENT
FOLDER
DOCKETED
JUN 19 2007

Secretary, Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

RECEIVED

JUN 16 2007

Re: Complaint Docket No. C-20077795

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

To Whom It May Concern:

This letter is Commerce Energy, Inc., former electricAmerica's response to a formal complaint filed with the Pennsylvania Public Utilities Commission (PAPUC), Docket Number C-20077795, by complainant Bob Newlin for the company Newlin Bros Auto Service. This complaint was served to Commerce Energy on June 4, 2007. Mr. Newlin's claims his electric service was switched without his authorization. His complaint is also in regards to high energy charges generated by Commerce Energy for generation and transmission used January 2007 through March 2007. Commerce Energy denies all allegations stated in Mr. Newlin's complaint.

Commerce Energy does business as an electric generation supplier in the State of Pennsylvania through PECO Energy. Commerce Energy serves residential, small commercial, large commercial and industrial customers within PECO Energy's territory. Our customers are billed through the utility under EDC Consolidated Billing, meaning our customers get a combined bill including both PECO's and Commerce Energy's charges.

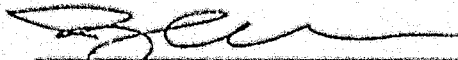
Commerce Energy has been providing electric service to Newlin Bros Auto Service at 336 Harmony Street, Coatesville, PA 19320 under two different accounts, LDC account numbers 3566701107 and 3257302008. The following is the chronological order of events as compiled from records obtained from Commerce Energy's internal systems.

- Mr. Newlin selected electricAmerica as his energy generation supplier on February 13, 2002. This is verified in a third-party voice recording. Included with this response is a transcript of the TPV and a WAV file. (Exhibit A)
- A Welcome Package including Terms and Conditions were mailed to the complainant on February 14, 2002. (Exhibit B)
- Mr. Newlin's accounts 3566701107 and 3257302008 commenced service with Commerce Energy on March 28, 2002.
- In May and June of 2005, Commerce Energy mailed out two notifications informing customer that current rate would change to a variable rate, effective July 23, 2007. (Exhibit C)
- A drop request for account 3257302008 with an end date of March 27, 2007 was received from PECO on February 15, 2007.
- Commerce Energy received a complaint inquiry from the Pennsylvania PUC on 4/24/07. A response to that complaint was sent to the PUC on 4/25/07. At that time, Commerce did not realize that the customer was complaining about a different account. Account number addressed in complaint was 3257302008.

- Mr. Newlin contacted Commerce Energy on May 8, 2007 to cancel service on his second account, 3566701107. At that time a cancellation request was sent to PECO and Commerce Energy received a response from PECO with an end date of May 24, 2007. This account was returned to service with PECO on that date.
- The Complainant has been billed at a variable rate from November 2005 through March 2006. Usage between December 2006 and March 2007 is unusual high. PECO is responsible for the accuracy of meter reads. Commerce Energy bills their customers depending on usage provided by PECO. See billing analyses enclosed. (Exhibit D).

Commerce Energy always conducts ourselves in the most professional and ethical manner possible when contacting customers, and we strive to follow all states rules and regulations. Although Commerce Energy denies the Complainants allegations, we will obey any directives that the PAPUC sees necessary to resolve this issue and we are willing to negotiate a settlement with the customer if so needed.

The information I have placed in this letter is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.



Signature

6/15/07

Date

Inger Goodman

 Printed Name

Supervisor, Consumer Affairs

 Title

For further information, please contact Inger Goodman at 714-259-2508.

**Cc: Bob Newlin
 Newlin Brothers Auto Service
 336 Harmony Street
 Coatesville, PA 19320**

Encl. (Exhibits)

- (A) Transcript and TPV Recording
- (B) Terms and Conditions
- (C) PUC Complaint Response Report
- (D) Billing Analyses

Third Party Verification

Customer Name: Bob Newlin
CEI Acct#: 3257302008
Service Address: 340 Harmony Street,
Coatesville, PA, 19320
BTN#: 6103834636
Date: 02-13-2002
TPV#: 03950231
Retrieval: CEI In house Automated.

RECEIVED

JUN 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Automated System: Customer you will need to answer the next six questions, it is very important that you clearly understand each question you are being asked. If you do not understand any of these questions please ask your representative to restate it. At the tone your representative will state your name and complete service address with city, state, and zip code if this is correct please say yes.

Representative: This is Sharon with Electric America, and I'm speaking with Bob Newlins the owner of Newlins Brothers Service Incorporated. They're located at 340 Harmony street Coatesville, Pennsylvania 19320, is this correct Mr. Newlin?

Customer: That's correct.

Representative: Is that yes or no?

Customer: yes.

Representative: Thank you.

Automated system: This recording system is design to confirm your decision to select *Electric America* as your energy service provider. You will be choosing your energy service provider but will remain with your current utility company. *Electric America* is not affiliated with any utility company. To confirm you are authorized to make this decision please say yes.

Customer: Yes.

Representative: Thank you

Automated System: At the tone your representative will state the services you have selected to confirm please say yes.

Representative: Mr. Newlin has chosen *Electric America* as your energy generation supplier for a 5 percent discount off of the generation and transmission portion off your two utility bills. This is a month to month agreement with no fees and no contract to sign and PECO will remain your utility company. Do you agree with this Mr. Newlins?

Customer: Yes.

Representative: Thank you

Automated System: To confirm that you have not been delinquent with your utility within the last ninety days, please say yes.

Customer: yes.

Representative: Thank you.

Automated System: Customer after the tone please state your rate class.

Customer: GS, GS.

Automated System: To confirm your identity at the tone please the month and date of your birth, if you prefer you can state the last four digits of your social security number.

Customer: 12060

Representative: Thank you.



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JUN 15 2007

**TERMS AND CONDITIONS OF SERVICE
SMALL COMMERCIAL
MONTH TO MONTH**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BACKGROUND

electricAmerica is licensed by the Pennsylvania Public Utility Commission (PUC) to offer and supply electric generation services in Pennsylvania. Our PUC license number is A-110117. Generation prices and charges are set by the electric generation supplier you have chosen. The PUC regulates distribution prices and services. The Federal Energy Regulatory Commission (FERC) regulates transmission prices and services.

BILLING

Although you, the customer, will be purchasing electricity from us, we will arrange to have your local Electric Distribution Company (EDC) send you a single bill for the utility's charges (transmission services and authorized regulatory fees) and for our charges (electricity component only). electricAmerica also reserves the right to send you a separate bill for the electricity charges only. This form of billing is called "dual billing" and you will only be charged once for the electricity you actually use during a billing cycle but may receive one bill from electricAmerica and one bill from your EDC for their separate charges. The meter reading, billing and collection functions for your bill will continue to be provided by your EDC. Your bill is subject to adjustment for any computation errors, meter misreads, or other errors.

RIGHT OF RESCISSION

You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

BASIC SERVICE PLAN

You will receive a five percent (5%) discount off the generation and transmission charges of your utility bill. This price includes gross receipt tax. This price excludes Pennsylvania tax if applicable.

LENGTH OF AGREEMENT

You will buy your electric generation service from electricAmerica beginning on a date set by your EDC and will continue on a monthly basis until canceled by either party (See "Cancellation Provisions").

LIMITATION ON LIABILITY

If electricAmerica does not comply with these Terms and Conditions of Service, electricAmerica will be responsible for any direct damages up to the price of the electric generation service that electricAmerica has supplied, limited to a thirty (30) day period. electricAmerica will not be responsible for any consequential damages that may result from such failure to comply under contract or tort law, including electricAmerica's negligence or failure to perform. electricAmerica assumes no liability or responsibility for items or services associated with your EDC; operations and maintenance of their system, interruption of service, termination of service, or deterioration of their service. We are not liable for damages caused if the supply of electric generation service fails, is interrupted, or becomes defective.

PENALTIES, FEES AND EXCEPTIONS

If you fail to pay your bill on time we will charge you a late payment interest fee of one and a half percent (1.5%) per month on outstanding balances until paid in full. A return check fee of twenty-five U.S. dollars (\$25) will be charged on all returned checks.

CANCELLATION PROVISIONS

We may cancel this Agreement for electric generation service with Thirty (30) days written notice of cancellation. If you do not pay your bill on time, we will provide you ten (10) days written notice

of cancellation for nonpayment of your bill. If your service is cancelled by us for lack of payment, you will be liable for the entire amount owing on your bill, plus any interest charges, plus reasonable collection charges not to exceed two hundred U.S. dollars (\$200), and your account will be returned to the EDC.

AGREEMENT EXPIRATION/CHANGE IN TERMS

If we propose to change our terms of service, we will send you written notice in a separate mailing fifty-two (52) days prior to the effective date of the changes. We will explain your options in this advanced notice.

DISPUTE PROCEDURES

electricAmerica will make every attempt to ensure that you are a fully satisfied customer. Our Customer Service Department will be happy to take any calls relating to your service and do their best to find a solution to any problem you may have. They are available from 8:00 a.m. until 9:00 p.m. Eastern Standard Time, Monday through Friday at 1-800-556-8457. Contact us with any questions concerning our Terms and Conditions of Service. If we are unable to satisfy you, you may call the Pennsylvania Public Utility Commission (PUC) at 1-800-782-1110.

ENTIRE AGREEMENT

These Terms and Conditions of Service constitute the entire agreement between us. They take the place of any and all prior agreements and understandings, oral or written, about electricAmerica supplying you with electric generation service.

**TO REPORT AN EMERGENCY OR DOWNED POWER LINE,
PLEASE CALL YOUR EDC AT: 1-800-494-4000**

CONTACT INFORMATION

electricAmerica

Eastern Office
535 Route 38, Suite 350
Cherry Hill, NJ 08002
1-800-962-4655

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**
P.O. Box 3265
Harrisburg, PA 17705-3265
1-800-782-1110

ELECTRIC DISTRIBUTION COMPANY

PECO ENERGY
(Provider of Last Resort)
2301 Market Street
Philadelphia, PA 19101
1-800-494-4000

ELECTRIC COMPETITION HOTLINE
1-888-782-3228

**PECO ENERGY CUSTOMER
ASSISTANCE PROGRAM**
1-800-494-4000

YOUR RIGHTS AS A CUSTOMER

1. You have the right to be told, both in advertising and in contracts, the price per kWh or per therm over the term of the contract, projected savings (excluding state-mandated discounts) and the period of time for which the price is valid.
2. If your supplier does not offer a fixed price, you have the right to receive price comparisons between the supplier's price and the shopping credit/basic generation charge.
3. Your contract must include a complete list of fees, including contract termination penalties, late fees and interest charges, including the amount and circumstances for which they can be imposed.
4. Your contract must explicitly show prices for services other than electric and gas supply and must identify those prices separately.
5. You may not be charged a fee to switch to or from a new supplier.
6. You cannot be denied electric or gas service because of your race, color, national origin, age, gender, religion, source of income, receipt of public benefits, family status, sexual preference or geographic location within the service territory of an electric or gas distribution company.
7. You have the right to be told the environmental characteristics of the electricity you are being offered, including pollutants, the generator's effort to conserve energy, and the types of fuel used to generate electricity. The type of fuel usually determines the amount and type of pollution the generator emits.
8. If a deposit is required, the money must be held in escrow and you must receive a receipt.
9. You have the right to choose a new supplier, at any time, subject to your contract terms. Business customers who return to basic generation service may be subject to additional charges or fees from your EDC.
10. Your Electric Distribution Company (EDC) or Gas Distribution Company (GDC) must confirm, in writing, your decision to choose a new supplier.
11. You cannot have your supplier changed without your express, written consent as slamming is prohibited by law.
12. If you are slammed, you must pay only what you would have paid the supplier you authorized to provide your electric or gas service.
13. You have the right to call upon the Pennsylvania Public Utility Commission (PUC) to investigate your complaints or inquiries. Your service may not be terminated for non-payment of disputed charges during a PUC investigation.
14. You must receive written notice at least 30 days in advance that a supplier intends to terminate your service and be told, as part of your contract, the circumstances under which your service can be terminated.
15. If you are receiving gas and electric supply from a single supplier, failure to make payment for one cannot result in termination of the other, unless your contract explicitly permits it.
16. You have the right to terminate your contract within 48 hours notice to your supplier if you move to the territory of a different EDC or GDC.
17. You have the right to have your personal or business records kept confidential by the supplier and by your EDC or GDC, unless you give written consent to have them disclosed.

Commerce Energy

June 1, 2005

FIRST NOTICE

Dear Customer,

Over the past few months, you have received several communications from us regarding the state of energy affairs and our commitment to providing our customers with savings. Enclosed is a graph depicting the rise of energy prices and the steps that we have taken to try and protect our customers from the volatility of the market. Commerce Energy, Inc.* takes pride in the fact that we are America's largest non-utility energy provider and that we view our customers as the most important aspect of our business. As a result, Commerce Energy is introducing a Market Participation product featuring a variable rate plan in place of the month-to-month rate plan previously offered. This means that your price per kWh may increase or decrease each month based on the wholesale price of electricity. Starting on or after July 23, 2005, your first month's price will be 8 cents (\$0.080) per kWh for your usage in addition to the flat generation fee of \$4.95 per month, which will remain the same.

Commerce Energy has a strong track record of customer responsiveness, billing accuracy, flexible products and honesty; consequently, we want you to be aware that the Price to Compare offered by your local Electric Distribution Company (EDC) may be less than Commerce Energy can offer at this time.

The following are your options:

- You may choose another electric generation supplier (EGS). You must call the new supplier that you choose. Should you choose to change your Electric Generation Supplier (EGS), an updated list of licensed EGS's and the customer classes they serve is available on the PA Utility Choice Web site at www.utilitychoice.org. Additionally, the Office of Consumer Advocate makes available the Electric Shopping Guide, which you may obtain by calling 1-800-684-6560 or by visiting their Web site, www.oca.state.pa.us.
- You may return to the Electric Distribution Company (EDC) or Provider of Last Resort (POLR) Service. PECO Energy Company, the EDC and POLR Service, is available by phone at 1-800-494-4000, or mail at 2301 Market St., P.O. Box 8699, Philadelphia, PA 19101.
- If you do nothing in response to this notice you will continue to receive electric generation service from Commerce Energy on a month-to-month basis under the new terms.

Energy market conditions are difficult, but rest assured that we are doing what we can to continue to lessen the impact of rising costs on our customers. We appreciate your loyalty and your business and feel that you deserve our diligence in this matter. Should you have questions, wish to cancel service or simply need assistance, please contact one of our customer care representatives at 1-800-556-8457.

Sincerely

Commerce Energy

* On June 1, 2005, electricAmerica changed its name to Commerce Energy, Inc.

June 7, 2005

IMPORTANT FINAL NOTICE

JUN 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Customer,

At this point you have received several communications from us regarding the state of energy affairs and our commitment to customer responsiveness, billing accuracy, flexible products and honesty. Most recently you should have received notification from Commerce Energy Inc.* of an upcoming rate plan change necessitated by the rising cost of providing electricity to consumers in Pennsylvania.

This letter is your final notification of the upcoming change for the electricity currently being furnished to you by Commerce Energy. **Starting on or after July 23, 2005, your first month's price will be 8 cents (\$0.080) per kWh for your usage, in addition to the existing generation fee of \$4.95 per month. This monthly flat generation fee remains the same.**

Commerce Energy is introducing this Market Participation product featuring a month-to-month variable rate plan in place of the month-to-month fixed rate previously offered. This means that your price per kWh may increase or decrease each month based on the wholesale price of electricity. You should be aware that the Price to Compare offered by your local Electric Distribution Company (EDC) may be less than Commerce Energy can offer at this time. We recognize you have options and wish to assist you in every way possible.

If you should find these changes do not meet your needs, you have the following options:

- You may choose another electric generation supplier (EGS). You must call the new supplier that you choose. Should you choose to change your Electric Generation Supplier (EGS), an updated list of licensed EGS's and the customer classes they serve is available on the PA Utility Choice Web site at www.utilitychoice.org. Additionally, the Office of Consumer Advocate makes available the Electric Shopping Guide, which you may obtain by calling 1-800-684-6560 or by visiting their Web site, www.oca.state.pa.us
- You may return to the Electric Distribution Company (EDC) or Provider of Last Resort (POLR) Service. PECO Energy Company, the EDC and POLR Service, is available by phone at 1-800-494-4000, or mail at 2301 Market St., P.O. Box 8699, Philadelphia, PA 19101
- If you do nothing in response to this notice you will continue to receive electric generation service from Commerce Energy on a month-to-month basis under the new terms.

Enclosed with this notification is your updated Terms of Service agreement effective July 23, 2005, explaining that your month-to-month rate will become a variable rate, subject to change. In the future, the current monthly rate may be obtained by calling our Customer Care Department at 800-556-8457.

Energy market conditions are difficult, but rest assured that we are doing what we can to continue to lessen the impact of rising costs on our customers. We appreciate your loyalty and your business and feel that you deserve our diligence in this matter. Should you have questions, wish to cancel service or simply need assistance, please contact one of our customer care representatives at 1-800-556-8457.

Sincerely,
Commerce Energy

* On June 1, 2005 *electricAmerica* changed its name to *Commerce Energy, Inc*

EGS RESPONSE TO BCS INFORMAL COMPLAINT- BILLING

Please complete this form in response to the customer's informal complaint and return it to BCS within 14 days.

CUSTOMER NAME: <i>Newlin Brothers Auto Service</i>	BCS#: <i>2205912</i>
	INVESTIGATOR: <i>Dennis Scatton</i>
SERVICE ADDRESS: <i>336 Harmony Street Coatesville, PA 19320</i>	DATE RECEIVED: <i>4/24/07</i>
	ACCOUNT NUMBER: <i>A0054271PA001PAP</i>
MAILING ADDRESS: SAME AS ABOVE	RATE: <i>Commercial</i>
	DATE CUSTOMER SERVICE STARTED: <i>3/28/02</i>
	CUSTOMER EDC: <i>PECO Energy</i>
<p>This customer's bill format (check one):</p> <p><input checked="" type="checkbox"/> Is billed by EDC for all charges</p> <p><input type="checkbox"/> Is billed separately by the EGS for generation services</p> <p><input type="checkbox"/> Is billed by the EGS for all charges</p>	

RECEIVED

JUN 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION (prior to customer contacting BCS):

Customer originally enrolled with Commerce Energy (formerly Electric-America) on 2/13/02. This was verified in a Third Party Voice Log. Copy available upon request. At that time the Customer agreed to be billed at a discounted rate, which gave the customer a discount off PECO's tariff rate.

COMPANY'S FINAL POSITION TO THE CUSTOMER (prior to customer contacting BCS):

In May and June of 2005, Commerce Energy notified all of their customers in Pennsylvania that their rate would change from a fixed month to month rate to a variable month to month rate effective July 23rd, 2005. Within that letter Commerce Energy informed the customer that the price to compare offered by the Local Utility may be less than Commerce Energy could offer at that time. Please see enclosed letters for your reference.

DETAILS OF THE COMPANY'S INVESTIGATION AFTER BCS CONTACT:

Per our records this customer has never contacted Commerce Energy. A cancellation request was received from PECO with an end date of 3/27/07. Customer will be returned to service with PECO on that date.

**Attached for your reference is a Billing Analysis. It should be noted that the account shows high usage for the months of December 06 through February 07.*

This report was prepared by:

Inger Goodman for Commerce Energy Date: 4/25/2007 Phone: 714-259-2508 Fax: 714-481-6589

Commerce Energy Account Analysis

NEWLIN BROS AUTO SERVICE
A0054272PA001PAP
3566701107
3/28/02 - 5/24/07
Zaned Ahmed
6/14/2007

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JUN 15 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Customer Name:
 ESP Number:
 Customer Number:
 Direct Access Span:
 Prepared By:
 Prepared On:

BEGIN READ DATE	END READ DATE	METER NUMBER	BILLING DATE	PECO RATE	EA RATE	TOTAL KWH	EA CHARGES	GEN FEES
4/24/2007	5/24/2007	105674584	5/29/2007	GS	VR400	300	\$35.39	\$4.95
3/26/2007	4/24/2007	105674584	4/26/2007	GS	VR400	299	\$35.27	\$4.95
1/25/2007	2/25/2007	105674584	2/27/2007	GS	VR400	475	\$55.53	\$4.95
12/21/2006	1/25/2007	105674584	1/29/2007	GS	VR400	355	\$41.50	\$4.95
11/20/2006	12/21/2006	105674584	12/27/2006	GS	VR400	4	\$0.47	\$4.95
10/22/2006	11/20/2006	105674584	11/22/2006	GS	VR400	2	\$0.21	\$4.95
9/21/2006	10/22/2006	105674584	10/24/2006	GS	VR400	2	\$0.24	\$4.95
8/23/2006	9/21/2006	9MLG11729	9/26/2006	GS	VR400	0	\$0.00	\$4.95
7/15/2006	8/23/2006	9MLG11729	8/28/2006	GS	VR400	2	\$0.24	\$4.95
6/26/2006	7/15/2006	9MLG11729	7/28/2006	GS	VR400	0	\$0.00	\$4.95
5/26/2006	6/26/2006	9MLG11729	6/29/2006	GS	VR400	3	\$0.36	\$4.95
4/26/2006	5/26/2006	9MLG11729	6/1/2006	GS	VR400	0	\$0.00	\$4.95
3/28/2006	4/26/2006	9MLG11729	5/1/2006	GS	VR400	3	\$0.36	\$4.95
2/24/2006	3/28/2006	9MLG11729	4/3/2006	GS	VR400	4	\$0.48	\$4.95
1/27/2006	2/24/2006	9MLG11729	3/1/2006	GS	VR400	2	\$0.24	\$4.95
12/28/2005	1/27/2006	9MLG11729	2/1/2006	GS	VR400	2	\$0.24	\$4.95
11/28/2005	12/28/2005	9MLG11729	1/3/2006	GS	VR400	0	\$0.00	\$4.95
10/27/2005	11/28/2005	9MLG11729	12/1/2005	GS	VR400	2	\$0.23	\$4.95
9/28/2005	10/27/2005	9MLG11729	11/1/2005	GS	VR400	3	\$0.34	\$4.95
8/29/2005	9/28/2005	9MLG11729	10/3/2005	GS	VR400	0	\$0.00	\$4.95
7/27/2005	8/29/2005	9MLG11729	9/1/2005	GS	VR400	6	\$0.48	\$4.95
6/28/2005	7/27/2005	9MLG11729	8/1/2005	GS	PA424	3	\$0.24	\$4.95
5/26/2005	6/28/2005	9MLG11729	7/1/2005	GS	PA55	0	\$3.97	\$4.95
4/27/2005	5/26/2005	9MLG11729	6/1/2005	GS	PA55	44	\$5.08	\$0.00

BEGIN DATE	END DATE	METER NUMBER	BILLING DATE	RECORD TYPE	RATE	UNIT	TOTAL KWH	CHARGES	GEN FEE
3/29/2005	4/27/2005	9MLG11729	5/2/2005	GS	PA55		4	\$3.97	\$0.00
2/24/2005	3/29/2005	9MLG11729	4/1/2005	GS	PA55		0	\$3.97	\$0.00
1/27/2005	2/24/2005	9MLG11729	3/1/2005	GS	PA55		8	\$3.97	\$0.00
12/28/2004	1/27/2005	9MLG11729	2/1/2005	GS	PA55		31	\$3.97	\$0.00
10/27/2004	12/28/2004	9MLG11729	1/4/2005	GS	PA55		26	\$3.97	\$0.00
9/27/2004	10/27/2004	9MLG11729	12/1/2004	GS	PA55		2	\$3.97	\$0.00
8/26/2004	9/27/2004	9MLG11729	11/1/2004	GS	PA55		4	\$3.97	\$0.00
7/27/2004	8/26/2004	9MLG11729	9/30/2004	GS	PA55		2	\$3.97	\$0.00
6/25/2004	7/27/2004	9MLG11729	8/31/2004	GS	PA55		43	\$4.90	\$0.00
4/27/2004	6/25/2004	9MLG11729	7/30/2004	GS	PA55		94	\$10.72	\$0.00
3/26/2004	4/27/2004	9MLG11729	6/30/2004	GS	PA55		172	\$15.59	\$0.00
2/25/2004	3/26/2004	9MLG11729	6/1/2004	GS	PA55		154	\$13.48	\$0.00
1/27/2004	2/25/2004	9MLG11729	4/30/2004	GS	PA55		261	\$19.29	\$0.00
12/26/2003	1/27/2004	9MLG11729	3/31/2004	GS	PA55		169	\$14.15	\$0.00
11/24/2003	12/26/2003	9MLG11729	3/1/2004	GS	PA55		3	\$3.97	\$0.00
10/27/2003	11/24/2003	9MLG11729	1/30/2004	GS	PA55		2	\$3.98	\$0.00
9/25/2003	10/27/2003	9MLG11729	12/31/2003	GS	PA55		2	\$3.98	\$0.00
8/26/2003	9/25/2003	9MLG11729	12/1/2003	GS	PA55		2	\$3.98	\$0.00
7/28/2003	8/26/2003	9MLG11729	10/30/2003	GS	PA55		2	\$3.98	\$0.00
6/26/2003	7/28/2003	9MLG11729	9/30/2003	GS	PA55		2	\$3.98	\$0.00
5/27/2003	6/26/2003	9MLG11729	8/29/2003	GS	PA55		4	\$3.98	\$0.00
4/25/2003	5/27/2003	9MLG11729	7/31/2003	GS	PA55		0	\$3.98	\$0.00
3/25/2003	4/25/2003	9MLG11729	7/1/2003	GS	PA55		69	\$7.82	\$0.00
1/28/2003	3/25/2003	9MLG11729	5/30/2003	GS	PA55		177	\$14.40	\$0.00
12/27/2002	1/28/2003	9MLG11729	4/30/2003	GS	PA55		210	\$15.84	\$0.00
11/25/2002	12/27/2002	9MLG11729	3/31/2003	GS	PA55		243	\$17.83	\$0.00
9/25/2002	11/25/2002	9MLG11729	2/28/2003	GS	PA55		250	\$18.70	\$0.00
8/27/2002	9/25/2002	9MLG11729	1/31/2003	GS	PA55		257	\$18.85	\$0.00
7/26/2002	8/27/2002	9MLG11729	1/2/2003	GS	PA55		450	\$33.28	\$0.00
6/26/2002	7/26/2002	9MLG11729	12/2/2002	GS	PA55		366	\$26.89	\$0.00
5/28/2002	6/26/2002	9MLG11729	10/30/2002	GS	PA55		241	\$17.61	\$0.00
4/26/2002	5/28/2002	9MLG11729	9/30/2002	GS	PA55		155	\$14.34	\$0.00
3/28/2002	4/26/2002	9MLG11729	8/30/2002	GS	PA55		160	\$14.64	\$0.00
			7/31/2002	GS	PA55		128	\$12.72	\$0.00
			7/1/2002	GS	PA55		133	\$13.02	\$0.00
			5/31/2002	GS	PA55		166	\$13.81	\$0.00
			5/7/2002	GS	PA55		150	\$13.12	\$0.00

Commerce Energy Account Analysis

NEWLIN BROS AUTO SERVICE
 A0054271F/A001PAP
 3257302008
 3/28/02 3/27/07
 Zareb Ahmed
 6/14/2007

Customer Name:
 ESP Number:
 Customer Number:
 Direct Access Span:
 Prepared By:
 Prepared On:

PERIOD	END METER READ	BILLING DATE	EA RATE	EA	PECO RATE	TOTAL KWH	EA CHARGES	EA PER FEE
2/25/2007	3/27/2007	3/30/2007	GS	VR400	GS	2661	\$279.41	\$4.95
1/25/2007	2/27/2007	3/30/2007	GS	VR400	GS	3978	\$465.00	\$4.95
12/21/2006	1/23/2007	1/29/2007	GS	VR400	GS	5021	\$586.95	\$4.95
11/20/2006	12/21/2006	12/27/2006	GS	VR400	GS	3967	\$463.74	\$4.95
10/22/2006	11/20/2006	11/22/2006	GS	VR400	GS	3677	\$464.48	\$4.95
9/21/2006	10/22/2006	10/24/2006	GS	VR400	GS	4480	\$297.60	\$4.95
8/23/2006	9/21/2006	8/26/2006	GS	VR400	GS	2428	\$291.36	\$4.95
7/25/2006	8/23/2006	8/28/2006	GS	VR400	GS	3021	\$362.52	\$4.95
6/26/2006	7/25/2006	7/28/2006	GS	VR400	GS	3123	\$374.76	\$4.95
5/26/2006	6/26/2006	6/29/2006	GS	VR400	GS	2899	\$347.88	\$4.95
4/26/2006	5/26/2006	6/1/2006	GS	VR400	GS	2572	\$309.64	\$4.95
3/28/2006	4/26/2006	5/1/2006	GS	VR400	GS	2461	\$295.32	\$4.95
2/24/2006	3/28/2006	4/3/2006	GS	VR400	GS	2984	\$358.08	\$4.95
1/27/2006	2/24/2006	3/1/2006	GS	VR400	GS	2842	\$341.04	\$4.95
12/28/2005	1/27/2006	2/1/2006	GS	VR400	GS	2644	\$341.28	\$4.95
11/28/2005	12/28/2005	1/3/2006	GS	VR400	GS	3120	\$356.83	\$4.95
10/27/2005	11/28/2005	12/1/2005	GS	VR400	GS	2825	\$325.10	\$4.95
9/28/2005	10/27/2005	11/1/2005	GS	VR400	GS	2502	\$286.50	\$4.95
8/29/2005	9/28/2005	10/2/2005	GS	VR400	GS	2612	\$295.26	\$4.95
7/27/2005	8/29/2005	9/1/2005	GS	VR400	GS	3417	\$273.36	\$4.95
6/28/2005	7/27/2005	8/1/2005	GS	PA424	GS	3067	\$245.36	\$4.95
5/26/2005	6/28/2005	7/1/2005	GS	PA55	GS	3129	\$212.58	\$4.95
4/27/2005	5/26/2005	6/1/2005	GS	PA55	GS	2319	\$150.03	\$0.00
3/29/2005	4/27/2005	5/2/2005	GS	PA55	GS	2444	\$160.13	\$0.00
2/24/2005	3/29/2005	4/1/2005	GS	PA55	GS	3098	\$203.74	\$0.00
1/27/2005	2/24/2005	3/1/2005	GS	PA55	GS	2771	\$183.74	\$0.00
12/28/2004	1/27/2005	2/1/2005	GS	PA55	GS	2837	\$187.60	\$0.00
11/24/2004	12/28/2004	1/4/2005	GS	PA55	GS	3065	\$191.52	\$0.00
10/27/2004	11/24/2004	12/1/2004	GS	PA55	GS	2665	\$176.99	\$0.00
9/27/2004	10/27/2004	11/1/2004	GS	PA55	GS	2692	\$171.82	\$0.00
8/28/2004	9/27/2004	9/30/2004	GS	PA55	GS	2941	\$197.47	\$0.00
7/27/2004	8/28/2004	8/31/2004	GS	PA55	GS	2992	\$204.61	\$0.00
6/25/2004	7/27/2004	7/30/2004	GS	PA55	GS	3106	\$205.48	\$0.00
5/26/2004	6/25/2004	6/30/2004	GS	PA55	GS	2620	\$175.70	\$0.00
4/27/2004	5/26/2004	6/1/2004	GS	PA55	GS	2490	\$164.09	\$0.00
3/26/2004	4/27/2004	4/30/2004	GS	PA55	GS	2624	\$166.59	\$0.00

DATE	BEGINNING HEAD	ENDING HEAD	METER NUMBER	BILLING DATE	READING	READING	READING	RATE	TOTAL	CHARGES	GE FEE
2/25/2004	375/2004	375/2004	9G3559126	3/1/2004	GS	2878	PASS	\$180.52		\$180.52	\$0.00
1/27/2004	225/2004	225/2004	9G3559126	3/1/2004	GS	3072	PASS	\$194.64		\$194.64	\$0.00
12/25/2003	127/2004	127/2004	9G3559126	1/30/2004	GS	2272	PASS	\$205.49		\$205.49	\$0.00
11/24/2003	1226/2003	1226/2003	9G3559126	12/31/2003	GS	2912	PASS	\$185.35		\$185.35	\$0.00
10/27/2003	11724/2003	11724/2003	9G3559126	12/1/2003	GS	2358	PASS	\$154.53		\$154.53	\$0.00
9/25/2003	1027/2003	1027/2003	9G3559126	10/30/2003	GS	2521	PASS	\$164.87		\$164.87	\$0.00
8/25/2003	925/2003	925/2003	9G3559126	9/30/2003	GS	2557	PASS	\$183.04		\$183.04	\$0.00
7/28/2003	826/2003	826/2003	9G3559126	8/29/2003	GS	2833	PASS	\$189.47		\$189.47	\$0.00
6/26/2003	728/2003	728/2003	9G3559126	7/31/2003	GS	2892	PASS	\$200.57		\$200.57	\$0.00
5/27/2003	625/2003	625/2003	9G3559126	7/1/2003	GS	2378	PASS	\$168.98		\$168.98	\$0.00
4/25/2003	527/2003	527/2003	9G3559126	5/30/2003	GS	2133	PASS	\$135.82		\$135.82	\$0.00
3/26/2003	425/2003	425/2003	9G3559126	4/30/2003	GS	2258	PASS	\$145.84		\$145.84	\$0.00
2/25/2003	375/2003	375/2003	9G3559126	3/31/2003	GS	2630	PASS	\$158.24		\$158.24	\$0.00
1/28/2003	225/2003	225/2003	9G3559126	2/28/2003	GS	2391	PASS	\$157.10		\$157.10	\$0.00
12/27/2002	128/2003	128/2003	9G3559126	1/31/2003	GS	2742	PASS	\$172.74		\$172.74	\$0.00
11/25/2002	12/27/2002	12/27/2002	9G3559126	1/2/2003	GS	2441	PASS	\$156.97		\$156.97	\$0.00
10/25/2002	1125/2002	1125/2002	9G3559126	12/2/2002	GS	2202	PASS	\$141.10		\$141.10	\$0.00
9/25/2002	1025/2002	1025/2002	9G3559126	1/15/2003	GS	2300	PASS	\$128.76		\$128.76	\$0.00
8/28/2002	925/2002	925/2002	9G3559126	1/15/2002	GS	2005	PASS	\$139.06		\$139.06	\$0.00
7/27/2002	826/2002	826/2002	6SS17832	8/30/2002	GS	2516	PASS	\$163.90		\$163.90	\$0.00
6/27/2002	727/2002	727/2002	6SS17832	7/31/2002	GS	2528	PASS	\$166.48		\$166.48	\$0.00
5/29/2002	527/2002	527/2002	6SS17832	7/1/2002	GS	2260	PASS	\$155.08		\$155.08	\$0.00
3/28/2002	328/2002	328/2002	6SS17832	6/9/2002	GS	4321	PASS	\$216.15		\$216.15	\$0.00



OVER SIZED DOCUMENTS