



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

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-110117

April 23, 2002

COMMONWEALTH ENERGY COMPANY
15901 RED HILL AVENUE
SUITE 100
TUSTIN CA 92780-

DOCKETED
30
APR 29 2002
DMM

ATTENTION: JOHN BARTHROP

RE: License Bond or Other Financial Security

**DOCUMENT
FOLDER**

Dear Mr. Barthrop:

Pursuant to 66 Pa. C.S. §2809(c), no electric supplier license shall remain in force unless the licensee furnishes a bond or other security approved by the Commission to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail. The Commission's records indicate that the bond or other approved security provided by Commonwealth Energy Company expires on 6/25/02.

The Commission's regulations at 52 Pa. Code §54.40(d) require "the security level for each licensee will be reviewed annually and modified primarily based upon the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts." The minimum security level provided may not be less than the initial security level provided when the license was granted. Unless approved by the Commission, the initial security level is \$250,000.

The Commission's regulations at 52 Pa. Code §54.39(b) require a licensee to file an annual report on or before April 30 of each year, for the previous calendar year, in order to comply with 66 Pa. C.S. §2810(c)(6). This report discloses the total amount of gross receipts from the sale of electricity and the total amount of electricity sold during the preceding calendar year. You must use this same information in calculating the appropriate security level necessary to maintain your license.

In order for your company to maintain its status as a licensed electric supplier in the Commonwealth of Pennsylvania, it must provide proof to the Commission that a bond or other approved security has been obtained.

Your response in this matter is requested within fifteen (15) days of the date of this letter. Submit your response to the Commission's Secretary. Additionally, fax a copy of your response to James Shurskis at (717) 787-4750, Bureau of Fixed Utility Services.

Failure to respond to this matter within fifteen (15) days will cause Commission staff to initiate a formal proceeding, that may lead to the following: cancellation of your company's electric supplier license, removal of your information from the Commission's website and notification to all electric distribution companies, in which your company is licensed to do business, of the cancellation of the license.

Please direct any questions to James Shurskis at (717) 787-8763 or Darren Gill at (717) 783-5244, Bureau of Fixed Utility Services.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert A. Rosenthal".

Robert A. Rosenthal
Director, Bureau of Fixed Utility Services

cc: J. McNulty, Secretary ✓



A-110117

Facsimile Transmittal

DATE: 5/8/02	RE: Annual Electric Generation Report for electricAmerica
TO: Ms. Marino	FROM: Lynelle Lund
ATTN:	PAGES: 5 including cover
PHONE:	PHONE: 714-259-2536
FAX: 717-787-4750	FAX: 714-259-2575

DOCUMENT

- URGENT
 FOR REVIEW
 PLEASE COMMENT
 PLEASE REPLY

Ms. Marino,

Attached please find the Electric Generation Sales and Energy Source report for electricAmerica.

If you have any questions, please contact me at the above number or email me at llund@electric.com.

Thank You!

RECEIVED

MAY 08 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



COPY

April 30, 2002

**PA Public Utilities Commission
P.O. Box 3265, Harrisburg
PA 17105-3265**

Re: Commonwealth Energy Corporation d/b/a electricAmerica

Dear Sir or Madam:

In connection with the above referenced corporation, enclosed please find the original and one copy of the Annual Electric Generation Sales and Energy Source report, along with the Gross Receipts report and Tax Identification Update.

If you have any questions or require further assistance, please contact me at 714-259-2536 or at llund@electric.com.

Sincerely,

**Lynelle Lund
Regulatory, Governmental & Utility Relations**

RECEIVED

MAY 08 2002

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

License/Certificate Number (Required): A 10117

If Provider of Last Resort, Check here: _____

ANNUAL REPORT

**Electric Generation Sales (kWh) & Supply by Energy Source
(Based on Total Retail Sales in Pennsylvania)**

Pursuant to 52 Pa. Code § 54.39(b) and 52 Pa. Code § 54.6, Commonwealth Energy Corporation d/b/a electric America at _____
(Name of Company)

Tustin CA, reports the following electric generation attributes for the following calendar year:
(City) (State)

Year	Coal (%)	Nuclear (%)	Oil (%)	Hydro-power (%)	Natural Gas (%)	Renewable (%)	TOTAL RETAIL SALES (kWh)
2001				100			427,045,338

Detailed Break-down of Renewable Source by Technology (if any reported above)

See 52 Pa. Code § 54.39 (b)(4).

Technology	Percent of Total Renewable Energy Supplied	Actual Amount of Energy Supplied (Sales in kWh)
Solar Photovoltaic Energy		
Solar Thermal Energy		
Wind Power		
Low-Head Hydropower		
Geothermal Energy		
Landfill or Other Biomass-based Methane Gas		
Mine-based Methane Gas		
Energy from Waste		
Sustainable Biomass Energy		
Other (Name)		
Other (Name)		
Total Renewable Sources	*100%	

DOCKETED
MAY 28 2003
RECEIVED
MAY 08 2002
DOCUMENT
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

NOTE to the Consumer: Electricity is the product of a mix of generation energy sources that is delivered over a system of wires. This report reflects the estimated percent of total sales based on the primary fuel source used in the generation of electricity for customer end-use in the Commonwealth of Pennsylvania. Some generators may use a combination of fuel sources, such as oil and coal or oil and natural gas, which may be combined or used alternatively. In this instance, only the primary fuel source is reported. Data may also include negative sales for pumped storage hydroelectric operations, which could require the use of any fuel source except hydropower. If any supply source includes Distributed Generation or Combined Heat and Power, the applicable categories will be marked "DG" and/or "CHP." If net metering is deployed, an asterisk (*) appears within the applicable categories. Upon request by the consumer, electricity providers are required to provide information on generation energy sources, energy efficiency, environmental impacts or personal historical billing data.

NOTE to the Entity filing this report: Please review above "Note to the Consumer" for important information needed to adequately complete this form. Verification of the anticipated generation energy source, of the identifiable resources (if and when they have been "claimed") and the fact that energy characteristics were not sold more than once, shall be conducted by an independent auditor at the end of each calendar year and contained in this annual report to the Commission. If generation energy sources are not identifiable, the provider shall disclose this fact.

License/Certificate Number (Required): 110117

Corrected Report

If Provider of Last Resort, Check here: _____

ANNUAL REPORT

**Electric Generation Sales (kWh) & Supply by Energy Source
(Based on Total Retail Sales in Pennsylvania)**

Pursuant to 52 Pa. Code § 54.39(b) and 52 Pa. Code § 54.6, Commonwealth Energy Corporation dba. electric America
(Name of Company):

RECEIVED
2002 JUN 10 10:10
SECURITY SERVICES
ALLENTOWN, PA

Tustin, CA, reports the following electric generation attributes for the following calendar year:
(City) (State)

Year	Coal (%)	Nuclear (%)	Oil (%)	Hydro-power (%)	Natural Gas (%)	Renewable (%)	TOTAL RETAIL SALES (kWh)
2001				100			415,546,079

Detailed Break-down of Renewable Source by Technology (if any reported above)

See 52 Pa. Code § 54.39 (b)(4).

Technology	Percent of Total Renewable Energy Supplied	Actual Amount of Energy Supplied (Sales in kWh)
Solar Photovoltaic Energy		
Solar Thermal Energy		
Wind Power		
Low-Head Hydropower		
Geothermal Energy		
Landfill or Other Biomass-based Methane Gas		
Mine-based Methane Gas		
Energy from Waste		
Sustainable Biomass Energy		
Other (Name)		
Other (Name)		
Total Renewable Sources	*100%	

LOCKETED
MAY 28 2003
DOCUMENT

RECEIVED
02 JUN 11 11:31:40
BLK AND WHITE SERVICES
FIXED UTILITY SERVICES

NOTE to the Consumer: Electricity is the product of a mix of generation energy sources that is delivered over a system of wires. This report reflects the estimated percent of total sales based on the primary fuel source used in the generation of electricity for customer end-use in the Commonwealth of Pennsylvania. Some generators may use a combination of fuel sources, such as oil and coal or oil and natural gas, which may be combined or used alternatively. In this instance, only the primary fuel source is reported. Data may also include negative sales for pumped storage hydroelectric operations, which could require the use of any fuel source except hydropower. If any supply source includes Distributed Generation or Combined Heat and Power, the applicable categories will be marked "DG" and/or "CHP." If net metering is deployed, an asterisk (*) appears within the applicable categories. Upon request by the consumer, electricity providers are required to provide information on generation energy sources, energy efficiency, environmental impacts or personal historical billing data.

NOTE to the Entity filing this report: Please review above "Note to the Consumer" for important information needed to adequately complete this form. Verification of the anticipated generation energy source, of the identifiable resources (if and when they have been "claimed") and the fact that energy characteristics were not sold more than once, shall be conducted by an independent auditor at the end of each calendar year and contained in this annual report to the Commission. If generation energy sources are not identifiable, the provider shall disclose this fact.



June 3, 2002

PA Public Utilities Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCUMENT

RECEIVED
2002 JUN 10 AM 10:48
SECRETARY'S BUREAU

RE: Commonwealth Energy Corporation d/b/a electricAmerica

Dear Sir or Madam:

In connection with the above referenced corporation, we are resubmitting the Annual Electric Generation Sales and Energy Source report, along with the Gross Receipts report and Tax Identification Update. The original forms, dated April 30, 2002, reflected gross receipts based on wholesale and retail sales when it should have been based on retail sales only.

I have also included a copy of this letter and stated reports along with the license bond to the Secretary of PUC.

If you have any questions, please feel free to give me a call at 714-259-2568 or Lynelle Lund in our Regulatory, Governmental & Utility Relations at 714-259-2536.

Sincerely,

Tami Valdovinos
Financial Executive Assistant

RECEIVED
02 JUN 11 PM 3:40
BUREAU of
REGULATED UTILITY SERVICES

33

November 5, 2002

Secretary's Bureau
Attn: James McNulty
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Harrisburg, PA 17120

Re: Request for an updated copy of Electric Generation Supplier (EGS) License

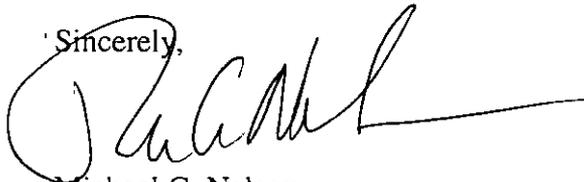
Mr. McNulty:

On October 12, 1999, Commonwealth Energy Corporation filed with the Pennsylvania Department of State to change our fictitious business name to 'electricAmerica'. This change was approved shortly after the filing. However, our current EGS license shows the old trade name 'Advantage Energy, Inc.'

On behalf of the company, I am requesting a new copy of our EGS license (A-110117) that reflects the changes to our fictitious business name (now 'electricAmerica'). The new license should read Commonwealth Energy Corporation d/b/a electricAmerica. Please fax a copy of the updated license to me at 714-481 6589, and mail an original in the enclosed envelope at your earliest convenience.

If you have any questions or require further assistance, please contact me at 714-259-2593. Thank you for your attention to this matter.

Sincerely,



Michael G. Nelson
Associate General Counsel

RECEIVED

NOV 05 2002

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

DOCUMENTED
FEB 05 2003





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

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-1101172

April 28, 2003

COMMONWEALTH ENERGY COMPANY
15901 RED HILL AVENUE
SUITE 100
TUSTIN CA 92780-

DOCUMENT
FOLDER

DOCKETED
MAY 14 2003

ATTENTION: JOHN BARTHROP

RE: License Bond or Other Financial Security

Dear Mr. Barthrop:

Pursuant to 66 Pa. C.S. §2809(c), no electric supplier license shall remain in force unless the licensee furnishes a bond or other security approved by the Commission to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail. The Commission's records indicate that the bond or other approved security provided by Commonwealth Energy Company expires on 6/25/2003.

The Commission's regulations at 52 Pa. Code §54.40(d) require "the security level for each licensee will be reviewed annually and modified primarily based upon the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts." The minimum security level provided may not be less than the initial security level provided when the license was granted. Unless approved by the Commission, the initial security level is \$250,000.

The Commission's regulations at 52 Pa. Code §54.39(b) require a licensee to file an annual report on or before April 30 of each year, for the previous calendar year, in order to comply with 66 Pa. C.S. §2810(c)(6). This report discloses the total amount of gross receipts from the sale of electricity and the total amount of electricity sold during the preceding calendar year. You must use this same information in calculating the appropriate security level necessary to maintain your license.

In order for your company to maintain its status as a licensed electric supplier in the Commonwealth of Pennsylvania, it must provide proof to the Commission that a bond or other approved security has been obtained.

Your response in this matter is requested within fifteen (15) days of the date of this letter. Submit your response to the Commission's Secretary. Additionally, fax a copy of your response to James Shurskis at (717) 787-4750, Bureau of Fixed Utility Services.

Failure to respond to this matter within fifteen (15) days will cause Commission staff to initiate a formal proceeding, that may lead to the following: cancellation of your company's electric supplier license, removal of your information from the Commission's website and notification to all electric distribution companies, in which your company is licensed to do business, of the cancellation of the license.

Please direct any questions to James Shurskis at (717) 787-8763 or Darren Gill at (717) 783-5244, Bureau of Fixed Utility Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Rosenthal
Director, Bureau of Fixed Utility Services

cc: J. McNulty, Secretary

April 29, 2003

RECEIVED
03 MAY - 1 PM 12:37

BUREAU OF
FIXED UTILITY SERVICES

PA PUC
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

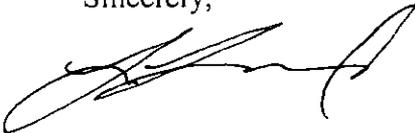
Re: Commonwealth Energy Corp. d/b/a electricAmerica

Dear Sir or Madam:

Enclosed please find the Annual Electric Generation Sales Report (2002) for the above-referenced corporation.

If you have any questions or require further assistance, please contact me at 714-259-2536.

Sincerely,



Lynelle Lund
Regulatory Affairs

RECEIVED

APR 29 2003

Encl.

cc. Bureau of Fixed Utility Services

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

65

ANNUAL REPORT

RECEIVED

**Electric Generation Sales (kWh) & Supply by Energy Source
(Based on Total Retail Sales in Pennsylvania)**

MAY - 1 PM 12:37

Pursuant to 52 Pa. Code § 54.39(b) and 52 Pa. Code § 54.6, Commonwealth Energy Corp. d/b/a at electric America
(Name of Company)

Justin, CA, reports the following electric generation attributes for the following calendar year:
(City) (State)

Year	TOTAL RETAIL SALES (kWh)	Coal (%)	Nuclear (%)	Oil (%)	Hydro-power (%)	Natural Gas (%)	Renewable (%)
2002	606,296,245				72.90*		

* balance is Net System Power

Detailed Break-down of Renewable Source by Technology (if any reported above)

See 52 Pa. Code § 54.39 (b)(4).

Technology	Percent Renewable Energy Supplied (%)	Total Renewable Energy Supplied (kWh)
Solar Photovoltaic Energy		
Solar Thermal Energy		
Wind Power		
Low-Head Hydropower		
Geothermal Energy		
Landfill or Other Biomass-based Methane Gas		
Mine-based Methane Gas		
Energy from Waste		
Sustainable Biomass Energy		
Other (Name)		
Other (Name)		
Total Renewable Sources	*100%	

DOCKETED
MAY 29 2003

DOCUMENT

RECEIVED
03 MAY 14 AM 11:08
PA. P.U.C.
SECRETARY'S BUREAU

NOTE to the Consumer: Electricity is the product of a mix of generation energy sources that is delivered over a system of wires. This report reflects the estimated percent of total sales based on the primary fuel source used in the generation of electricity for customer end-use in the Commonwealth of Pennsylvania. Some generators may use a combination of fuel sources, such as oil and coal or oil and natural gas, which may be combined or used alternatively. In this instance, only the primary fuel source is reported. Data may also include negative sales for pumped storage hydroelectric operations, which could require the use of any fuel source except hydropower. If any supply source includes Distributed Generation or Combined Heat and Power, the applicable categories will be marked "DG" and/or "CHP." If net metering is deployed, an asterisk (*) appears within the applicable categories. Upon request by the consumer, electricity providers are required to provide information on generation energy sources, energy efficiency, environmental impacts or personal historical billing data.

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APR 29 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-110117

April 26, 2004

COMMONWEALTH ENERGY COMPANY
15901 RED HILL AVENUE
SUITE 100
TUSTIN CA 92780-

DOCKETED
JUL 08 2004

ATTENTION: JOHN BARTHROP

RE: License Bond or Other Financial Security

**DOCUMENT
FOLDER**

Dear Mr. Barthrop:

Pursuant to 66 Pa. C.S. §2809(c), no electric supplier license shall remain in force unless the licensee furnishes a bond or other security approved by the Commission to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail. The Commission's records indicate that the bond or other approved security provided by Commonwealth Energy Company expires on 6/25/2004.

The Commission's regulations at 52 Pa. Code §54.40(d) require "the security level for each licensee will be reviewed annually and modified primarily based upon the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts." The minimum security level provided may not be less than the initial security level provided when the license was granted. Unless approved by the Commission, the initial security level is \$250,000.

The Commission's regulations at 52 Pa. Code §54.39(b) require a licensee to file an annual report on or before April 30 of each year, for the previous calendar year, in order to comply with 66 Pa. C.S. §2810(c)(6). This report discloses the total amount of gross receipts from the sale of electricity and the total amount of electricity sold during the preceding calendar year. You must use this same information in calculating the appropriate security level necessary to maintain your license.

In order for your company to maintain its status as a licensed electric supplier in the Commonwealth of Pennsylvania, it must provide proof to the Commission that a bond or other approved security has been obtained.

Your response in this matter is requested within fifteen (15) days of the date of this letter. Submit your response to the Commission's Secretary. Additionally, fax a copy of your response to James Shurskis at (717) 787-4750, Bureau of Fixed Utility Services.

Failure to respond to this matter within fifteen (15) days will cause Commission staff to initiate a formal proceeding, that may lead to the following: cancellation of your company's electric supplier license, removal of your information from the Commission's website and notification to all electric distribution companies, in which your company is licensed to do business, of the cancellation of the license.

Please direct any questions to James Shurskis at (717) 787-8763 or Darren Gill at (717) 783-5244, Bureau of Fixed Utility Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Rosenthal
Director, Bureau of Fixed Utility Services

cc: J. McNulty, Secretary



RECEIVED

May 26, 2004

MAY 26 2004

James J. McNulty
Secretary – PAPUC
Commonwealth Keystone Building
2nd Floor - 400 North Street
Harrisburg, PA 17120.

DOCKETED
JUL 12 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**DOCUMENT
FOLDER**

Re: Commonwealth Energy Corporation (License No. A-110117)

Dear Mr. McNulty:

In furtherance of our telephone inquiries related to updating the Electric Service Provider License of Commonwealth Energy Corporation, doing Business as electricAmerica in the State of Pennsylvania we offer the following explanation of the new ownership structure of Commonwealth Energy Corporation.

Commonwealth Energy Corporation ("Commonwealth Energy") provides this notice to the Public Utility Commission of Pennsylvania ("PAPUC") of a change in its corporate owner and organization, as that information was originally provided in its Electric Generation Supplier ("EGS") application. Commonwealth Energy is in the process of reorganizing its corporate structure and is creating a holding company known as Commerce Energy Group, Inc. ("Commerce"), a Delaware corporation. Under the reorganization, Commonwealth Energy's shareholders will become the owner of Commerce and Commerce, in turn, will become the sole owner of Commonwealth Energy. Commonwealth Energy will continue to be the entity responsible for providing retail electric service to Pennsylvania's consumers, as set forth in its EGS application, and no other fact in that original application will change under the reorganization. Commonwealth Energy will retain all the technical expertise and financial information as reflected in its license application. Commerce will not be providing retail electric service, or any other products or services, to consumers in this state. Commonwealth is therefore providing this information solely to inform the Commission about the change in its ownership structure, since it reflects a change from the application provided in Commonwealth's original application filed on July 1st, 1999.

Commerce Energy Group, Inc. is solely in the business of owning Commonwealth Energy, which is registered in this state and licensed to provide retail electric service to this state's consumers. Commerce Energy Group, Inc. has been qualified in the State of Delaware as a foreign corporation and authorized to do business in Pennsylvania (see attached qualification and authorization), but it will not be providing electric service, or any other products or services, to the consumers in this state. Instead, Commonwealth will continue to provide such electric service and other products or services as permitted under state law.

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I am available at (714) 259-2593 to discuss any questions you may have regarding the enclosed information.

Sincerely,

Michael G. Nelson
Vice President Market Development
& Regulatory Affairs
Commonwealth Energy Corporation

RECEIVED

MAY 26 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "COMMERCE ENERGY GROUP, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FOURTH DAY OF FEBRUARY, A.D. 2004.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "COMMERCE ENERGY GROUP, INC." WAS INCORPORATED ON THE EIGHTEENTH DAY OF DECEMBER, A.D. 2003.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE NOT BEEN ASSESSED TO DATE.

RECEIVED

MAY 26 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3741290 8300

AUTHENTICATION: 2948919

040131192

DATE: 02-24-04

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
CORPORATION BUREAU
206 NORTH OFFICE BUILDING
P. O. BOX 8722
HARRISBURG, PA 17105-8722
WWW.DOS.STATE.PA.US/CORPS

RECEIVED

MAY 26 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMERCE ENERGY GROUP, INC.

THE CORPORATION BUREAU IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. PLEASE NOTE THE FILE DATE AND THE SIGNATURE OF THE SECRETARY OF THE COMMONWEALTH. THE CORPORATION BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE CORPORATION BUREAU, PLEASE VISIT OUR WEB SITE LOCATED AT WWW.DOS.STATE.PA.US/CORPS OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND / OR UCC FILINGS, PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEB SITE.

ENTITY NUMBER : 3209264

MICROFILM NUMBER : 2004028

MICROFILM START - END : 084 - 085

CSC
COUNTER
PA

2004023-84

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Application for Certificate of Authority

(15 Pa.C.S.)

Entity Number

3209264

Foreign Business Corporation (§ 4124)

Foreign Nonprofit Corporation (§ 6124)

Name

Address

City

State

Zip Code

Document will be returned to the name and address you enter to the left.



Fee: \$250

Filed in the Department of State on

MAR 19 2004

Deborah A. Cantor

Secretary of the Commonwealth

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations), the undersigned, hereby states that:

1. The name of the corporation is:

Commerce Energy Group, Inc.

2. Complete only when the corporation must adopt a corporate designator for use in Pennsylvania.

The name which the corporation adopts for use in this Commonwealth is:

3. If the name set forth in paragraph 1 or 2 is not available for use in this Commonwealth, complete the following:

The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

The corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

4. The name of the jurisdiction under the laws of which the corporation is incorporated is: Delaware

5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:

15901 Red Hill Ave., Suite 100, Tustin, CA 92780

Number and street

City

State

Zip

PA DEPT OF STATE

RECEIVED

2004023-85

DSCB:15-4124/6124-2

6. The (a) address of this corporation's proposed registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street City State Zip County

(b) Name of Commercial Registered Office Provider County
c/o: C T Corporation System, 1515 Market Street, Suite 12101, Philadelphia, PA 19102 Philadelphia

7. Check one of the following:

Business Corporation: The corporation is a corporation incorporated for a purpose or purposes involving pecuniary profit, incidental or otherwise.

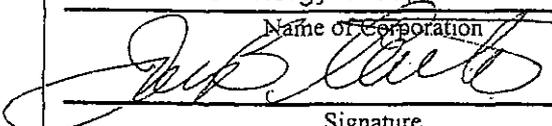
Nonprofit Corporation: The corporation is a corporation incorporated for a purpose or purposes not involving pecuniary profit, incidental or otherwise.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for Certificate of Authority to be signed by a duly authorized officer thereof this

17th day of March,
2004

Commerce Energy Group, Inc.

Name of Corporation


Signature

Chief Executive Officer

Title



June 23, 2004

A-110117

RECEIVED

JUN 24 2004

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
James J. McNulty, Secretary
400 North Street
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Renewal of licensee bond requirement and amended filing of the 2003 Annual
Generation Sales Report

DOCUMENT

Dear Mr. McNulty:

Pursuant to 66 Pa. C.S. §2809(c), please find enclosed Commonwealth Energy Corporation d/b/a electricAmerica's updated rider for the Commission's Licensee Bond requirement, effective June 25, 2004. Our license number is A-110117.

While working on this Rider it was discovered that our Annual Electric Generation Sales Report for 2003 was submitted with incorrect gross receipt amounts. The gross receipt amount reported included amounts collected for Gross Receipt Tax. electricAmerica's correct gross receipt for 2003 is \$66,432,560.21. The amended report with a spreadsheet showing our calculations are included with this letter.

According to regulation 52 Pa. Code §54.40(d), the security level will be 10% of the licensee's reported annual gross receipts. Therefore, the enclosed bond penalty is for the amount of \$6,643,256.00.

Should you have any questions or need additional information, please contact me at 714-259-2508.

Sincerely,

Inger Goodman
Sr. Regulatory Analyst

13



ORIGINAL

February 15, 2005

RECEIVED

Pennsylvania Public Utility Commission
Secretary James J. McNulty
231 State Street
Barto Building
Harrisburg, PA 17105

DOCKETED
FEB 28 2005

FEB 15 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary of the Pennsylvania Public Utility Commission:

Regrettably wholesale market conditions are making it difficult to compete in the electric marketplace. The Price to Compare offered by PECO is so much lower than Commonwealth Energy Corp. d.b.a. electricAmerica can offer its smaller customers (non-contracted month to month residential & smaller commercial) we feel forced to take somewhat drastic measures. It is important to us that our customers receive the best rate available, and rather than continue to raise prices above those of PECO, we have elected to cancel service to these customers effective the first scheduled meter read, on or after March 30, 2005.

We will be mailing the appropriate advanced written notification, with options, as required by the Pennsylvania Public Utility Commission (PA PUC) to approximately 17,850 customers the last full week of February. A copy of the letter, approved by PA PUC and PECO staffs, is included here with. By utilizing a local printer/mailhouse delivery is expedited to within a day or two in most cases. We have requested "Important 30-Day Notice Enclosed" be added to the envelopes to encourage customers to read the material immediately.

electricAmerica has been working closely with the PA PUC and PECO Energy to ensure this matter is handled appropriately. On February 3, 2005 we informed Robert Bennett at the PAPUC/Licensing/Electric Competition, Jim Farley at the Bureau of Consumer Affairs/PAPUC, and PECO (EGC) of our intentions. Subsequently Mr. Farley forwarded the information to David Mick also at the PAPUC.

electricAmerica has been licensed, number A-110117, to supply electricity to PA consumers since September 15, 1999. We are not exiting the Pennsylvania energy market now. We will continue to service approximately 15,000 customers within the PECO service territory where we continue to offer competitive rates, and we will strive to establish competitive offerings to customers of all classes as the market conditions allow. We have done a great deal of advanced research and believe we are well prepared to handle this matter appropriately. We are attempting to do everything in our power to treat our smaller customers as fairly as possible and follow PA Code.

Additionally Commerce Energy Group, Inc., the holding company for Commonwealth Energy Corp. and electricAmerica, has an agreement to acquire the assets of ACN Energy, a division of ACN, Inc. Commerce Energy Group will eventually be transitioning ACN Energy and re-branding Commonwealth Energy Corp. d.b.a. electricAmerica to Commerce Energy, Inc. (CEI). While this is a totally separate matter, we wanted to be certain you were made aware of it.

Please feel free to contact me if you have any questions. I may be reached by telephone at (714) 481-6598 or via email at rschlanert@electric.com.

Thank you,

Rebecca A. Schlanert
Associate Vice President Retail Markets
Commonwealth Energy/electricAmerica

DOCUMENT
FOLDER

82



IMPORTANT NOTICE – PLEASE READ IMMEDIATELY

Tuesday, February 15, 2005

Dear *electricAmerica* Customer:

Regrettably *electricAmerica* must notify you that effective at least thirty days from the date of this notice, your electric generation service will be returned to PECO Energy Company, your Electric Distribution Company (EDC). This change will become effective with your first scheduled meter reading, on or after March 30, 2005.

Currently the Price to Compare offered by PECO is lower than *electricAmerica* can offer due to wholesale market conditions. It is important to us that customers receive the best rate available, and rather than continue to raise prices above those you can get from PECO, we have elected to cancel service.

Your options for new electric service include:

- Return to tariff rates - Under this option, no action is required. Your electric generation and transmission service will be returned to PECO at the PECO tariff rates on your first scheduled meter read date on or after March 30, 2005. PECO can be reached at 1-800-494-4000 or by mail at 2301 Market Street, P.O. Box 8699, Philadelphia, PA 19101.
- Choose another supplier -- Under this option, you will need to contact another supplier and request enrollment through them. You can find an updated list of licensed electric generation suppliers and the customer classes they serve by visiting the PA Utility Choice web site at www.utilitychoice.org or by calling 1-888-782-3228. You can obtain the Residential Electric Shopping Guide by visiting the web site of the Office of Consumer Advocate www.oca.state.pa.us or by calling 1-800-684-6560.

Upon enrolling with *electricAmerica* you received a "Terms of Services" document. **In accordance with the Cancellation Provisions within the Terms of Services, this is your 30-day written notice of cancellation.**

As primary notification of cancellation, it is important that you save this letter. This represents the formal cancellation of your agreement with *electricAmerica*.

electricAmerica appreciates your loyalty and business throughout the years. It is with deep regret that we take these steps. Should you have any questions please contact one of our customer service representatives at 1-800-556-8457.

Sincerely,

electricAmerica



Defining the Market

Pennsylvania Public Utility Commission
Secretary James J. McNulty
231 State Street
Barto Building
Harrisburg, PA 17105

February 18, 2005

ORIGINAL

A-110117
~~A-110102~~
~~A-110102~~ 2000

FEB 18 2005

Re: Acquisition of ACN Energy by Commerce Energy Group, Inc.

Dear Secretary James J. McNulty:

Commerce Energy Group, Inc. (AMEX: EGR) has entered into an agreement to acquire the assets of ACN Energy, a division of ACN, Inc. As a result of this transaction, Commerce Energy Group will also be re-branding Commonwealth Energy Corp. d.b.a. electricAmerica as Commerce Energy, Inc. (CEI). Commerce will be transitioning the ACN Energy licenses and customers to this entity.

Commerce Energy Inc. will not take formal control until federal, state or other approvals, including State Commission and Utility Service agreements are obtained. Although Commerce is acting as agent to ACN in the interim, ACN remains the licensee, is the principal in the agency agreement and should be considered as such by all. Nothing will change for customers, utilities etc.

ACN Energy customers will receive the appropriate advanced written notifications and options, as required by the Pennsylvania Public Utility Commission (PA PUC). electricAmerica customers will receive advanced written notice of the name change to Commerce Energy Inc. No price or product change will occur with this evolution. Commerce and ACN will be working with the PA PUC and LDC/utility for a smooth transition.

Upon completing the transition, Commerce Energy Inc. will have electricity customers in Texas, California, Pennsylvania, New Jersey, and Michigan, and natural gas customers in New York, California, Pennsylvania, Ohio, Georgia, and Maryland. Commerce Energy plans to cross sell and expand in each of these markets by offering customers in all markets both natural gas and electricity where regulations allow.

One of my staff members: Inger Goodman, Lynelle Lund, Tony Cusati or Judy Sirut, and/or one of our attorneys will be in close contact with the PA PUC regarding the transference of the ACN licenses and customers over to Commerce Energy Inc.

We have internal counsel, regulatory counsel in Washington DC and Pennsylvania, who will be assisting us with all transitions. We have done a great deal of advanced research and believe we are well prepared. Notice has already been given verbally to the PAPUC, and PECO regarding this change. A public press release was issued February 9, 2005 and may be viewed on our web-site <http://www.commerceenergy.com>.

Please feel free to contact me if you have any questions or need additional information. Again, Commerce Energy will be going through the appropriate steps, notifications and channels before transitioning any customer.

Thank you,

Rebecca A. Schlanert
Rebecca A. Schlanert

Associate Vice President Retail Markets
Commonwealth Energy/electricAmerica
Commerce Energy Group, Inc.
Office: (714) 481-6598
E-mail: rschlanert@electric.com

DOCKETED
~~SEP 13 2005~~

DOCKETED
SEP 20 2005

**DOCUMENT
FOLDER**

83



McNees Wallace & Nurick, LLC
attorneys at law

ORIGINAL

RECEIVED
2005 APR 20 PM 2:39
PUBLIC
SECRETARY'S BUREAU

DERRICK PRICE WILLIAMSON
DIRECT DIAL: (717) 237-5446
E-MAIL ADDRESS: DWILLIAMSON@MWN.COM

April 20, 2005

DOCUME
FOLDER

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

RE: Commonwealth Energy Corporation d/b/a electricAmerica, Inc. - Electric Generation Supplier License; Docket No. A-110117

Dear Secretary McNulty:

Pursuant to 52 Pa. Code Section 54.34, Commonwealth Energy Corporation ("CEC") d/b/a electricAmerica, Inc. ("electricAmerica"), provides the Pennsylvania Public Utility Commission ("PUC" or "Commission") notice that electricAmerica has changed its name to Commerce Energy, Inc. ("CEI"). CEI respectfully requests that the Commission modify electricAmerica's Electric Generation Supplier ("EGS") license to reflect this name change.

On July 1, 1999, CEC filed an Application with the PUC requesting approval to offer EGS services in Pennsylvania. On September 15, 1999, the PUC approved CEC's Application and granted Commonwealth Energy Corporation d/b/a Advantage Energy, Inc., an EGS license at Docket No. A-110117. On October 12, 1999, CEC filed an application with the Department of State to change its name to Commonwealth Energy Corporation d/b/a electricAmerica, Inc. On October 29, 1999, CEC informed the PUC of this change, and the PUC reissued CEC's license in the name of Commonwealth Energy Corporation d/b/a electricAmerica, Inc.

On March 31, 2005, CEC filed an application with the Department of State to change its name to CEI. A copy of that application is attached hereto as Attachment A. Also attached hereto as Attachment B is a copy of CEI's Amended Articles of Incorporation evidencing this name change. Accordingly, CEI provides this notification to the PUC, as required under Section 54.34 of the Commission's regulations, evidencing CEI's name change and requesting that the PUC reissue CEC's license in the name of Commerce Energy, Inc.

In addition, CEI is providing notice of this name change to its customers during the week of April 25, 2005. As of May 1, 2005, CEI will be serving approximately 42 residential customers, 28,944 commercial customers, and 1 lighting customer. Because CEI expects this name change to take effect on June 1, 2005, CEI's approximate 29,000 customers will be

40

James J. McNulty, Secretary

April 20, 2005

Page 2

receiving more than 30 days notice of this name change. A copy of this customer notice has been provided to the Commission's Bureau of Consumer Services and is also attached hereto as Attachment C.

Finally, CEI's current customers are located in only one Electric Distribution Company's ("EDCs") service territory, which is that of PECO Energy Company ("PECO"). Accordingly, CEI has informed PECO of this name change so that PECO can make any necessary system changes.

CEI has provided the requisite name change notice to the Commission, its customers, and the applicable EDC. Accordingly, CEI respectfully requests that the PUC accept this name change and reissue CEC's EGS license at Docket No. A-110117 in the name of Commerce Energy, Inc.

If you have any questions regarding this matter, please contact the undersigned. Also, we ask that you date stamp the extra copy of this letter and return it to the messenger for our files. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By


Derrick Price Williamson
Charis Mincavage

Counsel to Commerce Energy, Inc.

CM/lhe

Enclosures

c: Mr. James Shurskis, Bureau of Fixed Utility Services (via hand delivery)
Certificate of Service

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

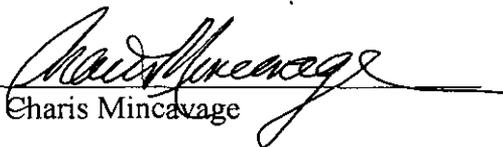
Irwin A. Popowsky
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120-1921

William Lloyd
Commerce Building, Suite 1102
Office of Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
Harrisburg, PA 17128-0946

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

Kevin Carrabine
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699


Charis Mincavage

Dated this 20th day of April, 2005, in Harrisburg, Pennsylvania.

RECEIVED
2005 APR 20 PM 2:39
SECRETARY'S BUREAU

ATTACHMENT A

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Application for Amended Certificate of Authority
Foreign Corporation

(15 Pa.C.S.)

Entity Number

2890912

Foreign Business Corporation (§ 4126)

Foreign Nonprofit Corporation (§ 6126)

Name

Betsy A. Ruth, McNees Wallace & Nurick LLC

Address

100 Pine Street, P.O. Box 1166

City

Harrisburg

State

PA

Zip Code

17108-1166

Document will be returned to the
name and address you enter to
the left.



SECRETARY'S BUREAU
PA. DEPT. OF STATE

2005 APR 20 PM 2:40

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PA. DEPT. OF STATE

2005 APR - 1 AM 11:00

Fee: \$250

Filed in the Department of State on _____

Secretary of the Commonwealth

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations), the undersigned foreign corporation, desiring to receive an amended certificate of authority, hereby states that:

1. The name under which the corporation currently holds a certificate of authority to do business within the Commonwealth of Pennsylvania is:
Commonwealth Energy Corporation

2. The name of the jurisdiction under the laws of which the corporation is incorporated is: California

3. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:

600 Anton Blvd., Suite 2000 Costa Mesa CA 92626

Number and Street

City

State

Zip

4. The (a) address of this corporation's registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and Street

City

State

Zip

County

(b) Name of Commercial Registered Office Provider
c/o: CT Corporation System

County
Philadelphia

Check if applicable:

The foregoing reflects a change in Pennsylvania registered office.

DSCB.15-4126/6126-2

5 The corporation desires that its certificate of authority be amended to change the name under which it is authorized to transact business in the Commonwealth of Pennsylvania to:

Commerce Energy, Inc.

6 If the name set forth in Paragraph 5 is not available for use in this Commonwealth, complete the following:

The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

The corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

7. Check one of the following:

The change of name reflects a change effected in the jurisdiction of incorporation

Documents complying with the applicable provisions of 15 Pa.C.S. § 4123(b) or 6123(b) (relating to exception; name) accompany this application.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for an Amended Certificate of Authority to be signed by a duly authorized officer thereof this

31st day of March

2005

Commonwealth Energy Corporation

Name of Corporation



Signature

Peter Weigand, President

Title

ATTACHMENT B

A0625416

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAR 22 2005

**CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION
OF
COMMONWEALTH ENERGY CORPORATION**

Peter Weigand and Richard L. Boughrùn hereby certify that:

1. They are the President and Secretary, respectively, of Commonwealth Energy Corporation, a California corporation (the "Corporation").

2. Article I of the Articles of Incorporation of this Corporation is hereby amended to read in its entirety as follows:

"The name of this corporation is Commerce Energy, Inc."

3. The foregoing amendment of the Articles of Incorporation has been duly approved by the Board of Directors of this Corporation.

4. The foregoing amendment of the Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 903 of the Corporations Code. The total number of outstanding shares of Common Stock of the Corporation is 30,553,540. The Corporation has no outstanding shares of preferred stock. The number of shares voting in favor of the foregoing amendment equaled or exceeded the vote required. The percentage vote required was more than fifty percent (50%) of the Common Stock.

We further declare under penalty of perjury under the laws of the State of California that the matters set out in this Certificate of Amendment are true and correct of our own knowledge.

Dated: March 21, 2005


Peter Weigand, President


Richard L. Boughrùn, Secretary

PAUL
SECRETARY'S BUREAU

2005 APR 20 PM 2:50

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State of California
Secretary of State



I, Cathy Mitchell, Acting Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

MAR 23 2005



Cathy Mitchell
CATHY MITCHELL
Acting Secretary of State

ATTACHMENT C

.....

Commerce Energy acquires ACN Energy and becomes the natural gas supplier for the ACN family.

On February 9, 2005 Commerce Energy, a leading U.S. energy service provider, acquired ACN Energy,* a division of ACN, Inc. Additionally, Commerce Energy entered into a strategic alliance with ACN to continue to sell energy through ACN's Independent Representatives. Beginning June 2005, you will receive your natural gas supply from Commerce Energy. There is no impact on your current pricing plan, billing, payment, or Terms and Conditions of service.

No action is required by you. Commerce Energy will simply become your natural gas supplier, and the Commerce Energy name will begin appearing as part of your monthly bill.

You will become a valued customer of Commerce Energy, the largest non-utility energy marketer in America. We have built a solid reputation for:

- Personalized Customer Care
- Unparalleled Billing Accuracy
- Great Products and Services

As a part of our new relationship with ACN, we will continue to work with your ACN Representative and Customer Care staff. Billing questions, customer announcements and information will be addressed by Commerce Energy using the same team of dedicated customer representatives that interfaced with you at ACN.

Commerce Energy is here to serve you.

Visit us at commerceenergy.com.

Or call

800-XXX-XXXX

Mon – Fri 8:00 a.m. to 9:00 p.m. EDT

You can also reach us at:

Commerce Energy, Inc.

600 Anton Boulevard,

Suite 2000

Costa Mesa, CA 92626

.....

** Your Terms and Conditions will not change. Only your ACN Energy natural gas supplier is changing; all other products and services will remain with ACN, Inc.*

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2005 APR 20 PM 2:50
PA PUC
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

Docket No. A-110117

April 25, 2005

COMMONWEALTH ENERGY COMPANY
15901 RED HILL AVENUE
TUSTIN CA 92780-

ATTENTION: JOHN BARTHROP

RE: License Bond or Other Financial Security

Dear Mr. Barthrop:

Pursuant to 66 Pa. C.S. §2809(c), no electric supplier license shall remain in force unless the licensee furnishes a bond or other security approved by the Commission to ensure the financial responsibility of the electric generation supplier and the supply of electricity at retail. The Commission's records indicate that the bond or other approved security provided by Commonwealth Energy Company expires on June 25, 2005.

The Commission's regulations at 52 Pa. Code §54.40(d) require "the security level for each licensee will be reviewed annually and modified primarily based upon the licensee's reported annual gross receipts information. The security level will be 10% of the licensee's reported gross receipts." The minimum security level provided may not be less than the initial security level provided when the license was granted. Unless approved by the Commission, the initial security level is \$250,000.

The Commission's regulations at 52 Pa. Code §54.39(b) require a licensee to file an annual report on or before April 30 of each year, for the previous calendar year, in order to comply with 66 Pa. C.S. §2810(c)(6). This report discloses the total amount of gross receipts from the sale of electricity and the total amount of electricity sold during the preceding calendar year. You must use this same information in calculating the appropriate security level necessary to maintain your license.

In order for your company to maintain its status as a licensed electric supplier in the Commonwealth of Pennsylvania, it must provide proof to the Commission that a bond or other approved security has been obtained.

Your response in this matter is requested within fifteen (15) days of the date of this letter. Submit your response to the Commission's Secretary. Additionally, fax a copy of your response to James Shurskis at (717) 787-4750, Bureau of Fixed Utility Services.

**DOCUMENT
FOLDER**

DOCKETED
MAY 02 2005

KJR

Failure to respond to this matter within fifteen (15) days will cause Commission staff to initiate a formal proceeding, that may lead to the following: cancellation of your company's electric supplier license, removal of your information from the Commission's website and notification to all electric distribution companies, in which your company is licensed to do business, of the cancellation of the license.

Please direct any questions to James Shurskis at (717) 787-8763 or Darren Gill at (717) 783-5244, Bureau of Fixed Utility Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert A. Rosenthal
Director, Bureau of Fixed Utility Services

cc: J. McNulty, Secretary

McNees Wallace & Nurick LLC
attorneys at law

ORIGINAL

RECEIVED
2005 APR 26 PM 2:33
SECRETARY'S BUREAU

DERRICK PRICE WILLIAMSON
DIRECT DIAL: (717) 237-5446
E-MAIL ADDRESS: DWILLIAMSON@MWN.COM

April 26, 2005

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA HAND DELIVERY

A-110107

**RE: ACN Energy, Inc. - Electric Generation Supplier License;
Docket No. A-110102**

DOCUMENT
FOLDER

Dear Secretary McNulty:

Pursuant to 52 Pa. Code Section 54.34, ACN Energy, Inc. ("ACN Energy"), respectfully notifies the Pennsylvania Public Utility Commission ("PUC" or "Commission") that it is assigning its electric generation customers to Commerce Energy, Inc. ("CEI"), a licensed Electric Generation Supplier ("EGS") in Pennsylvania.

On November 19, 1998, the PUC granted ACN Energy an EGS license at Docket No. A-110102. On February 9, 2005, ACN Energy entered into an agreement under which CEI acquired the assets of ACN Energy.¹ As a result of this acquisition, ACN Energy is assigning all of its EGS customers to CEI, beginning the week of June 1, 2005. Pursuant to this letter, ACN Energy is providing notification of this transfer to the Commission.

RECEIVED

ACN Energy is also providing notice of this assignment to its customers during the week of April 25, 2005. Because this assignment will begin on June 1, 2005, ACN Energy's approximate 8,000 customers will be receiving more than 30 days notice of the assignment. A copy of this customer notice has been provided to the Commission's Bureau of Consumer Services and is also attached hereto as Attachment A. Moreover, CEI will continue to provide service to ACN Energy's electric customers pursuant to the terms and conditions of ACN Energy's Disclosure Statement. A copy of this Disclosure Statement, which has been modified only to reflect the change to CEI, is attached hereto as Attachment B.

MAY 16 2005

Finally, ACN Energy's current customers are located in only one Electric Distribution Company's ("EDCs") service territory, which is that of PECO Energy Company ("PECO"). ACN Energy has informed PECO of this assignment so that PECO can make any necessary system changes.

¹ CEI has an EGS license at Docket No. A-110117, which is currently under the name of Commonwealth Energy Corporation d/b/a electricAmerica, Inc. On April 20, 2005, CEI filed notice with the Commission regarding its official name change and requesting that the PUC reissue the EGS license in the name of CEI.

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James J. McNulty, Secretary
April 26, 2005
Page 2

Accordingly, ACN Energy has provided the assignment notice to the Commission, its customers, and the applicable EDC. ACN Energy believes it has met all of the necessary notice requirements and that this assignment of customers should occur seamlessly. To that end, ACN Energy is providing the following contact information regarding CEI for the Commission's convenience.

General Contact Information

Commerce Energy, Inc.
600 Anton Boulevard, Suite 2000
Costa Mesa, CA 92626
Telephone - 714.259.2500
Facsimile - 714.259.2501

Customer Service Representative

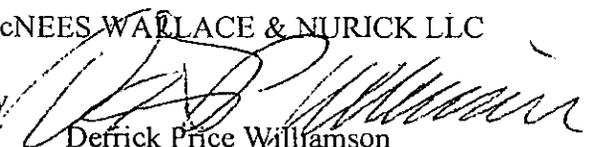
Barbara St. Amant
Commerce Energy, Inc.
600 Anton Boulevard, Suite 2000
Costa Mesa, CA 92626
Telephone - 714.481.6583
Facsimile - 714.258.0480
Customer Service No.: 1.800.ELECTRIC, ext. 6583

If you have any questions regarding this matter, please contact the undersigned. Also, we ask that you date stamp the extra copy of this letter and return it to the messenger for our files. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By:


Derrick Price Williamson
Charis Mincavage

Counsel to ACN Energy, Inc.

CM/lhe

Enclosures

c: Mr. James Shurskis, Bureau of Fixed Utility Services (via hand delivery)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below, in accordance with the requirements of Section 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

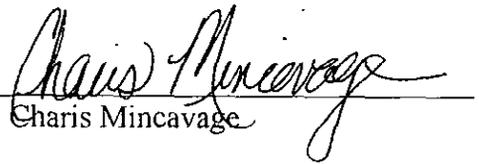
Irwin A. Popowsky
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120-1921

William Lloyd
Commerce Building, Suite 1102
Office of Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
Harrisburg, PA 17128-0946

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

Kevin Carrabine
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699


Charis Mincavage

Dated this 26th day of April, 2005, in Harrisburg, Pennsylvania.

RECEIVED
APR 26 2005 PM 2:33
SECTION 5 BUREAU

RECEIVED

2905 APR 25 PM 2:33

SECURITY BUREAU

ATTACHMENT A

.....

Commerce Energy acquires ACN Energy and becomes the electric generation supplier for the ACN family.

On February 9, 2005 Commerce Energy, a leading U.S. energy service provider, acquired ACN Energy,* a division of ACN, Inc. Additionally, Commerce Energy entered into a strategic alliance with ACN to continue to sell energy through ACN's Independent Representatives. Beginning June 2005, you will receive your electric generation supply from Commerce Energy. There is no impact on your current pricing plan, billing, payment, or Terms and Conditions of service.

No action is required by you. Commerce Energy will simply become your electric generation supplier, and the Commerce Energy name will begin appearing as part of your monthly bill.

You will become a valued customer of Commerce Energy, the largest non-utility energy marketer in America. We have built a solid reputation for:

- Personalized Customer Care
- Unparalleled Billing Accuracy
- Great Products and Services

As a part of our new relationship with ACN, we will continue to work with your ACN Representative and Customer Care staff. Billing questions, customer announcements and information will be addressed by Commerce Energy using the same team of dedicated customer representatives that interfaced with you at ACN.

Commerce Energy is here to serve you.
Visit us at commerceenergy.com.

Or call
800-XXX-XXXX

Mon – Fri 8:00 a.m. to 9:00 p.m. EDT

You can also reach us at:

Commerce Energy, Inc.
600 Anton Boulevard,
Suite 2000
Costa Mesa, CA 92626

.....

** Your Terms and Conditions will not change. Only your ACN Energy electric generation supplier is changing; all other products and services will remain with ACN, Inc.*

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2005 FEB 26 PM 2:38

RECEIVED

ATTACHMENT B

Disclosure Statement for Electric Generation Service

This is an agreement for electric generation service, between Commerce Energy, Inc., ("Commerce Energy") and

(Customer's name and full address)

Background

We at Commerce Energy are licensed by the Pennsylvania Public Utility Commission to offer and supply electric generation services in Pennsylvania. Our PUC license number is A-110117.

- We set the generation prices and charges that you pay. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
- You will receive a single bill from your electric distribution company ("EDC") for our charges as well as the EDC's charges. Commerce Energy reserves the right to assume the billing function for our services.
- Rights of Recision — You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

Definitions

- Generation Charge — Charge for production of electricity.
- Transmission Charge — Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.
- Customer Charge — A fixed monthly charge for costs incurred by Commerce Energy, Inc., in servicing your account.

TERMS OF SERVICE

1. Basic Service Prices

a. Generation and Transmission Charges

You will pay a variable rate ("price") starting at a price of at least four cents per kWh for electric generation and transmission services, which may be increased up to fourteen cents per kWh due to increases in the wholesale price of electricity. This price includes estimated total state tax. This price excludes state sales and local taxes, if applicable. For current prices, visit our website at www.commerceenergy.com or call our Commerce Energy Rate Hotline at 1-800-353-2874 Ext. 6583.

b. Customer Charge

You will pay \$2.78 per month for the customer charge.

c. Security Deposits

We may perform a credit check. Based upon the results of a credit check, and prior to switching your account to Commerce Energy, you may be required to either: (1) pay a security deposit; or (2) agree to pre-authorized credit card payments for your monthly bills. Commerce Energy will follow applicable regulations.

2. Length of Agreement

This is a month to month agreement. You will buy your electricity generation services for the above street address from Commerce Energy beginning on your first meter read date on or after _____ and will continue until this agreement is cancelled by either one of us according to paragraph 5.

3. Limitation of Liability

Commerce Energy assumes no liability or responsibility for losses or consequential damages arising from the following items associated with your local electric distribution company: operations and maintenance of their system; any interruption of service; termination of service; or deterioration of service. Nor does Commerce Energy assume responsibility or liability for losses or consequential damages arising from any in-home or building wiring damages. The remedy in any claim or suit by you against Commerce Energy will be limited to direct actual damages. By entering into this agreement, you waive any right to any other remedy. In no event will either Commerce Energy or you be liable for consequential, incidental or punitive damages. These limitations apply without regard to the cause of any liability or damages.

4. Penalties, Fees and Exceptions

You agree that you will pay your bill on or before the due date shown on the bill. If you do not pay the full amount of the bill by the due date, you will be charged interest at a rate of 1.5% per month on unpaid balances or otherwise in accordance with your EDC's policies and procedures. If PECO Energy is billing for Commerce Energy, you will be charged interest at a rate of 1.25% per month on unpaid balances.

5. Cancellation Provisions

You may cancel this agreement for any reason by giving Commerce Energy 30 days written notice. Commerce Energy may cancel this agreement for any reason by giving you two written notices. The first notice will be sent to you between 52 and 90 days before the effective date of the cancellation, and the second will be sent to you at least seven days after the first notice and at least 45 days before the effective date of the cancellation. If you do not pay your bill on time, we may cancel this agreement for non-

payment by providing 10 days written notice. If Commerce Energy cancels your service for nonpayment, you must pay the balance owed under this agreement plus our reasonable collection costs up to \$50.00.

6. Agreement Expiration/Change in Terms

If we propose to change the terms of our service, we will send you two written notices. The first notice will be sent to you between 52 and 90 days before the effective date of the changes, and the second will be sent to you at least seven days after the first notice and at least 45 days before the effective date of the changes. We will explain your options in these advance notices.

7. Dispute Procedures

Contact us with any questions concerning our terms of service. You may call the Public Utility Commission if you are not satisfied after discussing the terms of service with us.

8. Contact Information

Supplier Name: Commerce Energy, Inc.
Address: 600 Anton Blvd., Suite 2000
Costa Mesa, CA 92626
Telephone Number: 1-800-353-2874 Ext. 6583
Internet Address: www.commerceenergy.com

Electric Distribution
Company Name/Provider of
Last Resort

In PECO Utility Area: PECO Energy
2301 Market St.
Philadelphia, Pennsylvania 19101
1-800-494-4000

Universal Service Program: PECO Energy Customer Assistance Program 1-800-494-4000

Public Utility Commission: Pennsylvania Public Utility Commission
Address: P.O. Box 3265
Harrisburg, PA 17105-3265

Utility Choice Hotline: 1-888-782-3228



McNees Wallace & Nurick LLC
attorneys at law

CHARIS MINCAVAGE
DIRECT DIAL: (717) 237-5437
E-MAIL ADDRESS: CMINCAVAGE@MWN.COM

May 13, 2005

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
The Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

DOCKETED
SEP 26 2005

2005 MAY 13 PM 4: 13
SECRETARY'S BUREAU

RECEIVED

Re: Commerce Energy, Inc.; Docket No. A-110117

**DOCUMENT
FOLDER**

Dear Secretary McNulty:

On April 25, 2005, the Pennsylvania Public Utility Commission ("PUC" or "Commission") issued a letter requesting an update on the status of Commerce Energy, Inc.'s ("CEI") Electric Generation Supplier ("EGS") bond, which is currently in place with the Commission.¹

CEI understands that the Commission requested a response to this matter within fifteen days from the date of this letter, which would have been Tuesday, May 10, 2005. CEI greatly apologizes for the delay, which has resulted in providing this response slightly after the fifteen-day time period. CEI has recently undergone some internal modifications; therefore, the Commission's letter of April 25 was sent to a person who is no longer directly responsible for these matters. CEI understands that failure to respond to the PUC's letter within the requested timeframe could cause the PUC to initiate formal proceedings; however, CEI respectfully requests that the PUC consider this letter to be an appropriate and adequate response that would negate any further action by the PUC. In addition, as set forth below, CEI has identified the appropriate contact person to receive any additional information regarding this matter. CEI can assure the Commission that any requests sent to this address will allow CEI to respond in a prompt and expeditious manner.

With respect to CEI's security level, the PUC notes that CEI's bond is in place through June 25, 2005, and requests that CEI provide an update regarding the approved security that will be in place after June 25, 2005. CEI is in the process of renewing this instrument, and CEI fully intends to have this renewal completed prior to June 25, 2005. CEI will provide evidence of this renewal to the Commission upon completion.

¹ The PUC's letter was directed to Commonwealth Energy Company; however, as indicated in our notice filing of April 20, 2005, Commonwealth Energy Company d/b/a electricAmerica, Inc., has changed its name to Commerce Energy, Inc. As part of this filing, CEI requested that the PUC reissue Commonwealth Energy Company's EGS license in the name of CEI. CEI is currently awaiting this reissued license.

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James J. McNulty, Secretary
May 13, 2005
Page 2

The PUC's letter also references Commission regulations that require the security level of each EGS to be based upon 10% of the EGS's reported gross receipts. Pursuant to 66 Pa. C.S. § 2810(c)(6) and 52 Pa. Code § 54.39(b), CEI filed its Annual Report on April 30, 2005, which indicated CEI's gross receipts for 2004. CEI will undertake the measures necessary to ensure that the renewed bond meets this requirement.

As noted above, CEI also respectfully requests that any further information regarding this matter be sent to the following contact person:

Anthony Cusati, III
Commerce Energy, Inc.
32991 Hamilton Court
Farmington Hills, MI 48334
Telephone: 703.618.2218
Facsimile: 703.935.1267

If you have any questions or require any additional information regarding this matter, please contact the undersigned. In addition, please date stamp the enclosed copy of this letter and kindly return it for our filing purposes. Thank you.

Sincerely,

McNEES WALLACE & NURICK LLC

By 
Derrick Price Williamson
Charis Mincavage

Counsel for Commerce Energy, Inc.

Enclosure

CM/lhe

c: Mr. James Shurskis, Bureau of Fixed Utility Services (via facsimile and hand delivery)
Mr. Anthony Cusati, Commerce Energy, Inc. (via first class mail)

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

IN REPLY PLEASE
REFER TO OUR FILE
Secretary
717-772-7777

May 17, 2005

A-110102 F2000
A-110117

DERRICK PRICE WILLIAMSON ESQUIRE
CHARIS MINCAVAGE ESQUIRE
MCNEES WALLACE AND NURICK LLC
P O BOX 1166
100 PINE STREET
HARRISBURG PA 17108-1166

DOCKETED

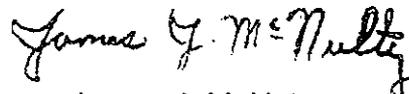
MAY 16 2005

Dear Mr. Williamson:

The Application of ACN Energy, Inc., and Commerce Energy, Inc., filed in this Office on April 26, 2005, for approval to transfer the Electric Generation Supplier License of ACN Energy, Inc., to Commerce Energy, for ACN Energy to abandon, and for Commerce Energy to begin providing Electric Generation Supplier Services to the existing customers of ACN Energy, is hereby acknowledged.

This matter will receive the attention of the Commission, and you will be advised of any further necessary procedure.

Sincerely,



James J. McNulty
Secretary

JJM:ddt

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: May 17, 2005

SUBJECT: A-110102F2000
A-110117

TO: Bureau of Fixed Utility Services

FROM: James J. McNulty, Secretary *ddt*

Attached is a copy of the Application of ACN Energy, Inc., for approval of the transfer of its assets as well as its electric generation customers to Commerce Energy, Inc., the cancellation of ACN Energy's electric generation license, and for Commerce Energy, Inc., to begin to supply Electric Generation Services to the existing customers of ACN Energy, Inc., which has been captioned and docketed to the above numbers.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: Law

ddt

DOCKETED
MAY 16 2005

DOCUMENT
FOLDER