

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: October 24, 2001	2. BUREAU AGENDA NO.: OCT-2001-FUS-1119*
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Energy	5. PUBLIC MEETING DATE: October 25, 2001
6. APPROVED BY: Director: Rosenthal 3-5242 Manager: Bennett 7-5553 Legal Review by: P.K. B... 7-3464	
7. PERSONS IN CHARGE: Rodrock/Muriceak 3-6185	<p style="text-align: right;">DOCUMENT FOLDER</p> <p style="text-align: center;">DOCKETED</p> <p style="text-align: center;">NOV 8 2001</p>
8. DOCKET NO.: A-110152	

9. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) License Application of Community Energy, Inc. ("Community Energy")
 (Home Office: Wayne, PA)

(b) On August 30, 2001, Community Energy filed an application for a license to provide wind, renewable and other energy and efficiency services to all customer classes in the entire Commonwealth of Pennsylvania as a Broker/Marketer and Aggregator. On October 19, 2001, Community Energy filed a Petition for Expedited Review.

The License Application is filed in accordance with the requirements of Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

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

10. **MOTION BY:** Commissioner Chm. Thomas

SECONDED: Commissioner Bloom

Commissioner Wilson - Yes
 Commissioner Fitzpatrick - Yes
 Commissioner

CONTENTS OF MOTION: Staff recommendation adopted.



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

REFER TO OUR FILE

October 25, 2001

DOCKETED
NOV 06 2001

A-110152

LUKE E DEMBOSKY ESQUIRE
HANGLEY ARONCHICK SEGAL & PUDLIN
ONE LOGAN SQUARE 27TH FLOOR
PHILADELPHIA PA 19103-6933

DOCUMENT
FOLDER

Application of Community Energy, Inc. for Approval to Offer, Render, Furnish or Supply Electricity Generation Services as a Broker/Marketer and Aggregator of Electricity and Related Services.

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on October 25, 2001 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

Enclosure
Certified Mail
JEP

JAMES P CURRAN JR ESQUIRE
WHITE AND WILLIAMS LLP
1800 ONE LIBERTY PLACE
PHILADELPHIA PA 19103-7395

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held October 25, 2001

Commissioners Present:

Glen R. Thomas, Chairman
Robert K. Bloom, Vice Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

DOCKETED
NOV 06 2001

Application of Community Energy, Inc.
for Approval to Offer, Render, Furnish or
Supply Electricity Generation Services as
a Broker/Marketer and Aggregator of
Electricity and Related Services.

Docket No.
A-110152

ORDER

**DOCUMENT
FOLDER**

BY THE COMMISSION:

On August 30, 2001, Community Energy, Inc. ("Community Energy") filed an application seeking to become a licensed electric generation supplier in the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §54.31—54.43, which became effective on August 8, 1998 and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

§2809 provides in pertinent part that:

License Requirement--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this

chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. §2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. §2803.

It is important to note that a licensee must comply with, and be governed by, our Chapter 56 regulations. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa Code Chapter 56) is applicable only to residential accounts. An electric generation supplier cannot physically disconnect a customer from the electricity grid, and the service termination provisions are not applicable. An electric supplier may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The customer can then attempt to repair its relationship with the supplier, seek a new supplier, or default to utility service at capped rates in accordance with the utility's obligations under Section 2807(e), 66 Pa. C.S. §2807(e). The customer would only be disconnected from the electricity grid pursuant to Chapter 56 if the customer failed to meet its obligations to the utility or the provider of last resort.

Additionally, we take this opportunity to once again remind the licensee that its officers, representatives and employees have agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders which may be issued verbally, or in writing during any emergency situations that may unexpectedly develop from time-to-time in the course of doing business in Pennsylvania.

Community Energy was incorporated in the state of Delaware. Community Energy proposes to provide wind, renewable and other energy and efficiency services to all customer classes in the entire Commonwealth of Pennsylvania as a Broker/Marketer and Aggregator.

Community Energy has provided an affidavit regarding proofs of publication in Pennsylvania newspapers, as required by the Commission.

Sufficient information was included in Community Energy's Application to demonstrate its financial and technical fitness in order to be licensed to operate as an Electric Generation Supplier in Pennsylvania.

Community Energy has furnished a Letter of Credit in the amount of \$250,000 to cover the financial requirement of Community Energy's license application.

Community Energy has provided the required Pennsylvania Emergency Management Agency ("PEMA") contact information.

On October 19, 2001, Community Energy filed a Petition for Expedited Review based on the fact that Community Energy desires to submit a bid for the provision of Electric Generation Supplier ("EGS") services in response

to a Request for Proposal (“RFP”) to be issued by the Commonwealth Department of General Services (“DGS”) in mid-November, with a deadline for bid submission of December 1, 2001. Community Energy states that it cannot pre-qualify with DGS to receive a copy of the RFP until it is licensed. Community Energy therefore requests that its application be considered at the Commission’s public meeting on October 25, 2001. In order to consider the application at the October 25, 2001 public meeting, a waiver of the 15-day period for objection to the application is necessary since the 15-day period will not end until November 2, 2001.

As of October 23, 2001, no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).
2. Has agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders which may be issued verbally, or in writing during any emergency situations that may unexpectedly develop from time-to-time in the course of doing business in Pennsylvania.
3. That the proposed service to the extent authorized by the license, will be consistent with the public interest and the policy declared in the *Electricity Generation Customer Choice and Competition Act*.

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

IT IS ORDERED:

1. That the 15-day period for objection to the application be waived.
2. That the application of Community Energy, Inc. is hereby approved.
3. That a license be issued authorizing Community Energy, Inc. to begin to offer, render, furnish or supply electric generation supplier services to the public in the Commonwealth of Pennsylvania.
4. That this proceeding at Docket No. A-110152 be closed.

BY THE COMMISSION,



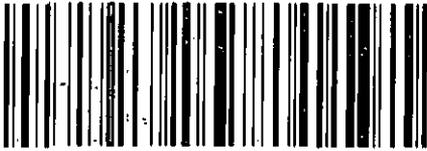
James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: October 25, 2001

ORDER ENTERED: **OCT 25 2001**

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
		A. Received by (Please Print Clearly) <i>JANIEK</i>	B. Date of Delivery <i>10/29/01</i>
7106 4575 1293 1138 4643		C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
3. Service Type CERTIFIED MAIL		D. Is delivery address different from Item 1? If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee) Yes		<input type="checkbox"/> Yes <input type="checkbox"/> No	
1. Article Addressed to:			
<p><i>A-110152</i></p> <p><i>Luke E. Dembosky Esq</i></p>			

PS Form 3811, June 2000

Domestic Return Receipt

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
		A. Received by (Please Print Clearly)	B. Date of Delivery <i>10-31-01</i>
7106 4575 1293 1138 4650		C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
3. Service Type CERTIFIED MAIL		D. Is delivery address different from Item 1? If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee) Yes		<input type="checkbox"/> Yes <input type="checkbox"/> No	
1. Article Addressed to:			
<p><i>A-110152</i></p> <p><i>JAMES P. CUCRAN JR ESQ</i></p>			

PS Form 3811, June 2000

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