

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

<b>1. REPORT DATE:</b> November 23, 2004	<b>2. BUREAU AGENDA NO.</b> DEC-2004-FUS-1061*
<b>3. BUREAU:</b> Fixed Utility Services	
<b>4. SECTION(S):</b> Energy	<b>5. PUBLIC MEETING DATE:</b>
<b>6. APPROVED BY:</b> Director: R. Rosenthal 3-5242 <i>RAC</i> Mgr/Spvr: R. Bennett 7-5553 <i>RB</i> Legal Review: <i>[Signature]</i>	December 2, 2004
<b>7. PERSONS IN CHARGE:</b> Rodrock/Okoro 3-6185	<b>9. EFFECTIVE DATE OF FILING:</b> N/A
<b>8. DOCKET NO.:</b> A-110161	

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

(a) License Application of EnergyWindow, Inc. and Petition for an Alternative Level of Bonding. (Home Office: Boulder, CO)

(b) On June 7, 2004, EnergyWindow, Inc. filed an application for a license to operate as an Aggregator engaged in the business of supplying electricity services to commercial, industrial and governmental customers in the entire Commonwealth of Pennsylvania.

EnergyWindow also requested a reduction in the amount of security bond pursuant to 66 Pa. C.S. Section 2809 and 52 Pa. Code Section 54.40(d).

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

**DOCUMENT**

**DOCKETED**  
 DEC 07 2004

10. MOTION BY: Commissioner Chm. Holland

SECONDED: Commissioner Bloom

Commissioner Thomas - Yes  
 Commissioner Pizzigrilli - Yes  
 Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



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

IN REPLY PLEASE  
REFER TO OUR FILE

DECEMBER 3, 2004

A-110161

JOAN E WRIGHT VP FINANCE  
ENERGYWINDOW INC  
4750 WALNUT STREET  
SUITE 106  
BOULDER CO 80301

**DOCKETED**  
DEC 29 2004

License Application of EnergyWindow, Inc., for approval of the right to begin to offer, render, furnish, or supply electricity or electric generation services as a generator and supplier of electric power.

**DOCUMENT  
FOLDER**

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on December 2, 2004 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty  
Secretary

fg  
encls  
cert. mail

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held December 2, 2004

Commissioners Present:

Wendell F. Holland, Chairman  
Robert K. Bloom, Vice Chairman  
Glen R. Thomas  
Kim Pizzingrilli

**DOCKETED**  
DEC 29 2004

License Application of EnergyWindow, Inc.  
for Approval to Offer, Render, Furnish  
or Supply Electricity or Electric Generation Services  
as a Generator and Supplier of Electric Power.

Docket No.  
A-110161

**ORDER**

**DOCUMENT  
FOLDER**

**BY THE COMMISSION:**

On June 7, 2004, EnergyWindow, Inc. ("EnergyWindow") filed an application seeking to become a licensed electric generation service 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 generation 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.

EnergyWindow is a Colorado state-based energy information company incorporated on May 27, 1999 in the state of Delaware. EnergyWindow proposes to provide electric services to commercial, industrial and governmental customers in the entire Commonwealth of Pennsylvania.

EnergyWindow has provided proofs of publication in Pennsylvania newspapers, and proofs of service to the interested parties as required by the Commission.

Regarding the financial and technical requirements of the license application, EnergyWindow has submitted its audited financial statements for the year ended December 2003. EnergyWindow has demonstrated its technical fitness by providing an explanation of employees' expertise, along with a business plan and corporate structure. Although EnergyWindow had a negative net income of \$275,474 for the year ended December 31, 2003, its financial condition was rated strong by Dun & Bradstreet in its March 2004 report.

EnergyWindow did not furnish a bond as required by the license application; however, it requests the Commission to reduce the bond requirement from \$250,000 to \$10,000. In support of this request, EnergyWindow explains that it:

“offers a comprehensive suite of information technology-based tools and extensive energy industry expertise to help businesses manage their energy supply cycle. Specifically EnergyWindow offers an online request/bid system for energy procurement on which buyers post requests for quotations and licensed suppliers bid to provide service. Service agreements are executed between buyers and suppliers; EnergyWindow is not a party to the agreements. EnergyWindow does not supply energy, take title to energy, nor accept deposits from customers. Fees for use of the EnergyWindow online system are in most cases paid by the winning supplier following execution of the agreement of the contract between buyer and seller. EnergyWindow is applying for the license as an aggregator to obtain historical usage information through Electronic Data Interchange (EDI) that’s used in the request/bid system and thereby speed the process and reduce the time and effort associated with buyer posting requests and soliciting bids.”

Furthermore, EnergyWindow argues that it:

“understands that the bond of \$250,000 is required of suppliers to ensure compliance with applicable provisions of the public utility code and the rules and regulations of the Pennsylvania Public Utility Commission by the Principal as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by the Public Utility Code; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. The only activity EnergyWindow, Inc. intends to engage in in Pennsylvania is that of obtaining historical usage information in support of posting requests for quotation. We have obtained appropriate licenses and currently obtain usage information in several other states, including New Jersey, Massachusetts, and Maryland. EnergyWindow was not required to post bond in New Jersey or Massachusetts and a bond is required there as well. The Electric Generation License bond required by the Maryland PUC, and posted by EnergyWindow is \$10,000. That bond specifically relates to the confidentiality of the historical usage information we obtain. Accordingly, EnergyWindow respectfully requests the Commission to consider reducing the bond requirement for Pennsylvania from \$250,000 to \$10,000 to guarantee EnergyWindow’s confidential treatment of customers’ information.”

The Commission believes that the reasoning on which EnergyWindow based its request for bond reduction from \$250,000 to \$10,000 is similar to that offered by at least two other EGSs who have successfully petitioned the Commission for a bonding level of \$10,000. These EGSs include Parente Energy Consulting, LLC ("Parente"), at Docket No. A-110099, whose request was granted May 4, 2001 and Affiliated Power Purchasers, Inc. ("APPI"), at Docket No. A-110041, whose request was granted January 10, 2002. In the case of Parente, the company stated that it only advised retail customers in their generation supply purchases, did not take title to electricity, and received compensation through a fee for service added to the kWh price billed by the recommended EGS. In the case of APPI, the company stated that it arranged retail electricity purchase transactions for its clients, did not purchase or take title to electricity, and received compensation through a fee for service added to the kWh price billed by the EGS. The Commission believes that EnergyWindow operates in a similar manner and therefore should be granted similar relief and permitted to provide a bond or other approved security in the reduced amount of \$10,000.

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

As of November 4, 2004, no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and 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 application of EnergyWindow, Inc. is hereby approved, consistent with this Order.

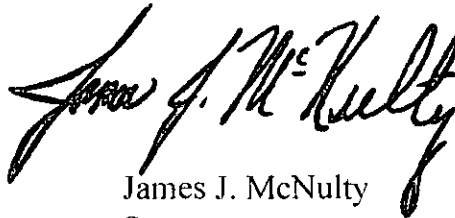


2. That EnergyWindow's request for a reduction in the bond level from \$250,000 to \$10,000 is hereby granted.

3. That a license be issued authorizing EnergyWindow, Inc. to begin to offer, render, furnish or supply electric generation supplier services to the public in the Commonwealth of Pennsylvania after EnergyWindow posts a bond in the amount of \$10,000.

4. That this proceeding at Docket No. A-110161 be closed after compliance with ordering paragraph 3.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: December 2, 2004

ORDER ENTERED:

DEC 03 2004

2. Article Number



7160 3901 9843 0005 1096

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

A-110161 0  
Joan Wright

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
	14 DEC
C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
X	<input type="checkbox"/> Yes <input type="checkbox"/> No
D. Is delivery address different from item 1? (If YES, enter delivery address below:	

PS Form 3811, February 2003

Domestic Return Receipt

PM 10 27