BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of UGI)	
Energy Services, Inc. d/b/a GASMARK for)	Case No. 02-1968-GA-CRS
Certification to Provide Competitive Retail)	
Natural Gas Service in Ohio.)	

<u>ENTRY</u>

The attorney examiner finds:

- (1) On August 2, 2002, UGI Energy Services, Inc. d/b/a GASMARK (UGI) filed an application for certification to provide competitive retail natural gas services in Ohio. On August 30, 2002, the Commission issued Certificate No. 02-35(1) to UGI, allowing it to provide government aggregation service. The expiration date for Certificate 02-35(1) was August 31, 2004.
- (2) Rule 4901:1-27-09(A), Ohio Administrative Code, provides that a governmental aggregator wishing to renew a certificate shall file a renewal application "[n]o less than thirty and no more than one hundred twenty days prior to the expiration date"
- (3) On August 17, 2004, UGI filed an application for renewal of its certificate. On August 18, 2004, UGI filed a motion for extension of the expiration date of its certificate. That motion was granted on August 23, 2004. On September 22, 2004, the Commission issued Certificate No. 02-35(2), with an expiration date of September 22, 2006.
- (4) On September 21, 2006, UGI filed an application for renewal of its certificate, together with another motion for extension of the expiration date. On October 27, 2006, the Commission issued Certificate No. 02-35(3), with an expiration date of October 22, 2008.
- (5) On October 14, 2008, UGI once again filed a renewal application and a motion, under consideration here, for an extension of the expiration date of Certificate No. 02-35(3).
- (6) In its 2008 motion for an extension, UGI states that, as a result of administrative oversight, it failed to file its renewal

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application within the required time frame. UGI also states that no person or entity will be prejudiced or adversely affected by the requested extension and that it has not been the subject of any customer complaint or suspension or revocation proceeding by the Commission. It also asserts that failure to grant the extension would cause disruption in service to its customers. UGI requests that the Commission extend the expiration date of its certificate from October 22, 2008, to November 22, 2008.

(7) The examiner believes that an extension of the expiration date of Certificate No. 02-35(3) to November 14, 2008, is warranted, so that UGI's customers will not be adversely affected while its renewal application is under consideration. However, the examiner also notes that UGI has repeatedly failed to conform to the filing requirements for renewal applications. Indeed, every one of its renewal applications has been filed beyond the required deadline and has been accompanied by a motion for an extension. UGI is cautioned that filing an application for renewal on a timely basis is important. The next such filing should be made in compliance with the governing rule. Failure to due so could lead to certificate suspension or rescission, or to the assessment of civil forfeitures by the Commission.

It is, therefore,

ORDERED, That UGI's motion for an extension of the certificate expiration date be granted to the extent set forth herein. It is, further

ORDERED, That the October 22, 2008, expiration date of Certificate No. 02-35(3) be extended to November 14, 2008. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Bv:

Jeanne W. Kingery

Attorney Examiner

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Entered in the Journal OCT 2 0 2008

Reneé J. Jenkins

Secretary