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October 26, 2001

The Honorable Stan Wise
Vice Chairman
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334
Via email and Express Mail

RE: Marketer Information Disclosures

Dear Vice-Chairman Wise:

I am writing this letter on behalf of the members of the National Energy Marketers Association (NEM). NEM is a national, non-profit trade association representing a regionally diverse cross-section of both wholesale and retail marketers of energy and energy-related products, services, information and technology throughout the United States. NEM members include small regional marketers; large international wholesale and retail energy suppliers; energy consumers; billing firms, metering firms, Internet energy providers, energy-related software developers, risk managers, energy brokerage firms, customer service and information technology providers as well as providers of distributed generation and clean coal technologies.

The purpose of this letter is to express NEM's concerns about a proposal raised at the last Commission meeting that would require marketers to open their books and records for a Commission audit. The media described the rationale as an inquiry into the success of deregulation. Needless to say, such a broadly described inquiry into the proprietary books and records of unregulated entities has the members of NEM quite concerned.

Requiring marketers to open their books and records for a surprise audit to determine "the success of deregulation" imposes a degree of political, financial and business risk that was never factored into the business models of unregulated energy related services. This widely reported proposal could have a chilling effect on competitive entry into the Georgia market as well as markets across the country. NEM would suggest that if marketers are required to open their books there should be probable cause that some fraud has been committed. Even in this instance, marketers should be guaranteed their full due process rights in defending such a claim prior to a Commission audit.

We are not aware of any other unregulated markets that are subject to surprise audits by regulatory commissions. NEM and its members have looked to the Georgia deregulation model as a prototype for the rest of the country. We offer the full resources of our organization and our members to assist the Commission to make deregulation in Georgia a success.

Please let us know how we can be most helpful in this process.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Craig Goodman", followed by a vertical line.

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