



ORIGINAL

Tuesday, February 02, 2010

Pennsylvania Public Utility Commission
James McNulty, Secretary
Keystone Building, 2nd Floor Room N201
Harrisburg, PA 17120

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FEB - 2 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Subj: License Application

Dear Mr. McNulty,

I have enclosed a corrected page 4 and a copy of our Department of State filing for Pennsylvania. Also included is the Certificate of Service. We are in the process of getting a Letter of Credit in the amount of \$10,000 from JP Morgan Chase. I will overnight the LOC once we receive. If you have any questions please contact me at apierce@rapidpower.net or 469.759.1454.

Sincerely,

Ann Pierce
Executive Assistant

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- * If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

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- The Applicant is a :
- domestic corporation (none)
 - foreign corporation (15 Pa. C.S. §4124)
 - domestic limited liability company (15 Pa. C.S. §8913)
 - foreign limited liability company (15 Pa. C.S. §8981)
 - Other _____

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation. **Attachment A**

Give name and address of officers.

James Dodson
19111 North Dallas Pkwy Ste. 125
Dallas, TX 75287

Brad Keating
19111 North Dallas Pkwy Ste. 125
Dallas, TX 75287

The Applicant is incorporated in the state of _____ **Texas** _____.

6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

- Affiliate(s) of the Applicant doing business in Pennsylvania are:

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities.

BUREAU OF BUSINESS TRUST FUND TAXES
PO BOX 280406
HARRISBURG PA 17128-0406

**CERTIFICATE OF REGISTRATION
SALES TAX LICENSE**

Account ID:..... 84999486
Notice Date:..... January 31, 2010
Notice Number:..... 434-755-910-012-6
Expiration Date:..... January 31, 2015

**RAPID POWER MANAGEMENT LLC
19111 DALLAS PKWY
STE 125
DALLAS TX 75287-6937**

THIS LICENSE MUST BE PROMINENTLY DISPLAYED

This license authorizes the holder to collect Local and/or State Sales, Use and Hotel Occupancy Tax.
Always refer to the **Account ID** above in correspondence.

This license is non-assignable and non-transferable.

RETAIN THIS PORTION FOR YOUR RECORDS

The Department received and processed your application for registration for a Sales Tax License. The license, attached above, must be prominently displayed in the location for which it was issued. The account number on this license is used by the Department to identify the account and must be included on all reports and correspondence. This account is registered to file on a **QUARTERLY** basis. However, the Department has the right to change filing frequency based on amount of tax remitted and will notify you in writing if a change in filing frequency is to be made.

On the back of this page, please find important information regarding payment of tax, change of address, cancellation of business and contact information.

Returns are to be filed whether or not taxable transactions occur. You must file and remit payments using one of the following electronic options:

- ❑ File tax returns and remit payments to the Department for Employer Withholding and Sales, Use and Hotel Occupancy Taxes online using e-TIDES (Electronic Tax Information Data Exchange System). e-TIDES is a free business tax filing system available to all registered account holders. Visit www.etides.state.pa.us to register for e-TIDES.
- ❑ TeleFile provides a fast and secure way to file Sales, Use and Hotel Occupancy Tax returns and remit payments by phone. To file returns and make payments using TeleFile, call, toll-free, 1-800-748-8299.
- ❑ Third party vendors approved by the Department to file Sales, Use and Hotel Occupancy Tax returns and remit payments through secure transmission can be found on the Revenue Web site. Visit www.revenue.state.pa.us to learn more about this electronic filing option.

IMPORTANT NOTICE

If you fail to file and pay Pennsylvania tax liabilities, the Department can refuse to issue, suspend or revoke your license pursuant to Section 208 (b.1) of Article II of the Tax Reform Code. Department enforcement agents have the authority to issue citations to people who sell or lease items subject to PA Sales Tax without a valid license. The penalties for making such sales can include a fine between \$300 and \$1,500 for each violation. In addition, the Department may publish the status and basis for revocation of your license.

GENERAL INFORMATION

RETAILERS' INFORMATION GUIDE: The Retailers' Information Guide (REV-717 AS) is a resource published by the Department every three years that contains a description of taxable services and taxability lists of common items.

CHANGE IN OWNERSHIP OF BUSINESS: A change to or from a sole proprietorship, partnership, corporate entity or death of a proprietor constitutes a change in ownership and voids a Sales, Use and Hotel Occupancy Tax License. A new registration form must be completed online at www.paopen4business.state.pa.us or a hard copy of PA-100, Enterprise Registration Form, must be submitted to the Department.

CHANGE OF ADDRESS: Notify the Department immediately of any change to your business location or mailing address by updating your e-TIDES account or completing a Tax Account Information Change/Correction Form (REV-1705).

PERMANENT DISCONTINUANCE OF BUSINESS: License holders must notify the Department of the exact date of the last taxable sale or date operations ceased for a business by updating your e-TIDES account or completing a Business/Account Cancellation Form (REV-1706).

REGISTRATION FOR ELECTRONIC FUNDS TRANSFER (EFT): All payments of \$20,000 or more must be remitted by EFT. Taxpayers can make EFT payments by TeleFile or by registering at www.etides.state.pa.us For EFT assistance, call (717) 783-6277.

FORMS ORDERING INFORMATION: All documents referenced above can be downloaded from www.revenue.state.pa.us or requested from the Department's toll-free 24-hour Forms Ordering Service at 1-800-362-2050.

PAYMENT OF TAX: Please make checks and money orders payable to **PA Department of Revenue** and include on the payment your Account ID, Entity ID, phone number and tax period end date for which your payment is intended. Mail payments to the address below.

PA DEPARTMENT OF REVENUE
PO BOX 280406
HARRISBURG, PA 17128-0406

CONTACT NUMBERS

Taxpayer Service and Information Center	(717) 787-1064
e-Business Tax Unit	(717) 783-6277
Service for taxpayers with special hearing/speaking needs:	1-800-447-3020
Assessments Notice Assistance	(717) 787-8326
Assistance with Credits or Refunds	(717) 783-7828



pennsylvania
DEPARTMENT OF REVENUE

Dear Taxpayer:

Business tax account holders -- including those for sales and use tax, transient vendor licenses and employer withholding -- should use one of the following free methods for filing returns and remitting payments electronically to the department:

- The online e-TIDES filing system offers user-friendly access and services to business taxpayers.
- The TeleFile system allows business taxpayers to file returns and remit payments using a toll-free touch-tone telephone service.

Electronic filing provides many benefits to business taxpayers, such as increased security, the option to schedule payments in advance, verification of filing and payment transmissions and ease and speed of use.

To register online for e-TIDES, the system most convenient for business taxpayers and taxpayers that file for multiple accounts, visit www.etides.state.pa.us. Registration takes only a few minutes and allows you to take advantage of the benefits provided by electronic filing, including an online account history for record keeping.

If you do not have Internet access, TeleFile provides another fast and secure way to file returns and remit payments by telephone. To file using TeleFile, call, toll-free, 1-800-748-8299.

You may also file electronically online using third-party software vendors approved to file Pennsylvania returns. A list of such companies is available on the department's Web site, www.revenue.state.pa.us.

Enclosed, please find a due date reminder card, which features filing instructions on the reverse side for your convenience.

For additional assistance, visit www.revenue.state.pa.us or call the e-Business Services Center at 717-783-6277.

Sincerely,

PA Department of Revenue
Bureau of Business Trust Fund Taxes

Enclosure

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU
Foreign Signature Form

Document must be completed and mailed to the address listed below.

Department of State
Corporation Bureau
P.O. Box 8722
Harrisburg, PA 17105-8722
(717) 787-1057

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

- 1. The enterprise structure is:
Limited Liability Company
- 2. The enterprise legal name is:
RAPID POWER MANAGEMENT, LLC
- 3. The enterprise's fictitious name is:

IN TESTIMONY WHEREOF, the undersigned have caused this application to be executed this
25 day of January, 2010.

Rapid Power Management, LLC
Enterprise Name

[Signature]
Signature

Managing Partner
Title

0986120100125

To avoid any delay or rejection, signature form(s) should be received within 7-10 days
of the registration submission date.

15. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.
16. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.

Rapid Power Management, LLC and all persons identified in this application have not been convicted of a crime involving fraud or a similar activity.

17. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.
- a. **Contacts for Consumer Service and Complaints:** Provide the name, title, address, telephone number and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission or other agencies.

Ann Pierce
Executive Assistant
19111 North Dallas Pkwy, Suite 125
Dallas, TX 75287
Phone: 469.759.1454
Fax: 972.820.0111

- b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.

Rapid Power Management, LLC does not service Residential customers in the state of Pennsylvania.

- c. If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix C to this Application.

Rapid Power Management, LLC does not service Residential or Small Commercial customers in the state of Pennsylvania.

18. **BONDING:** In accordance with 66 PA. C.S. Section 2809(C) (1)(I), the Applicant is:
- Furnishing a copy of initial bond , letter of credit or proof of bonding to the Commission in the amount of \$250,000.
 - Furnishing proof of other initial security for Commission approval, to ensure financial responsibility.
 - Filing for a modification to the \$250,000 and furnishing a copy of an initial bond, letter of credit or proof of bonding to the Commission for the amount of \$_____. Applicant is required to provide information supporting an amount less than \$250,000.

At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.

Rapid Power Management, LLC will not be furnishing a bond, as we are not a generator or supplier of electricity.

19. **FINANCIAL FITNESS:**

A. Applicant shall provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.
- Published parent company financial and credit information.
- Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available. **Attachment C**
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form or other independent financial service reports.
- A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.
- Audited financial statements
- Such other information that demonstrates Applicant's financial fitness.

B. Applicant must provide the following information:

- Identify Applicant's chief officers including names and their professional resumes. **Attachment B**

James Dodson
19111 North Dallas Pkwy Ste. 125
Dallas, TX 75287

Brad Keating
19111 North Dallas Pkwy Ste. 125
Dallas, TX 75287

- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.

Craig Headlee, CPA
Certified Public Accountant
3001 LBJ Freeway, Suite 128
Dallas, TX 75234
PH: 972.620.1812
Fax: 972.620.1817

20. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.

Attachment B

13. **START DATE:** The Applicant proposes to begin delivering services on 12/21/2009
(approximate date).

14. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, serve a copy of the signed and verified Application with attachments on the following:

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

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

William R. Lloyd, Jr.
Commerce Building, Suite 1102
Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

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

Any of the following Electric Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

Frank M. Nadolny, General
Manager of Regulatory Affairs Unit
Duquesne Light Company
411 Seventh Street
P.O. Box 1930
Pittsburgh, PA 15230-1930

John P. Litz, Division Controller
UGI Utilities, Inc.
Electric Division
400 Stewart Road
P.O. Box 3200
Hanover Industrial Estates
Wilkes-Barre, PA 18773-3200

(Metropolitan Edison Company or Pennsylvania Electric Company)
Blaine W. Uplinger, Jr., Director of Governmental and Regulatory Affairs
FirstEnergy
100 APC Building
800 North third Street
Harrisburg, PA 17102-2025

Paul E. Russell, Associate
General Counsel
PPL
Two North Ninth Street
Allentown, PA 18108-1179

Carlo L. Ciabattoni, Manage Energy Acquisition
PECO Energy Company
2301 Market Street
Philadelphia, PA 19101-8699
215.841.4210
carlo.ciabattoni@exeloncorp.com

Stephen L. Feld, Attorney
Pennsylvania Power Company
First Energy Corporation
76 South Main Street
Akron, OH 44308

John L. Munsch, Attorney
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601-1689

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

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 5.14 (relating to service by participant).

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

William R. Lloyd, Jr.
Commerce Building, Suite 1102
Small Business Advocate
300 North Second Street
Harrisburg, PA 17101

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

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

Frank M. Nadolny, General
Manager of Regulatory Affairs Unit
Duquesne Light Company
411 Seventh Street
P.O. Box 1930
Pittsburgh, PA 15230-1930

(Metropolitan Edison Company or Pennsylvania
Electric Company)
Blaine W. Uplinger, Jr., Director of
Governmental and
Regulatory Affairs
FirstEnergy
100 APC Building
800 North third Street
Harrisburg, PA 17102-2025

Carlo L. Ciabattoni, Manage Energy Acquisition
PECO Energy Company
2301 Market Street
Philadelphia, PA 19101-8699
215.841.4210
carlo.ciabattoni@exeloncorp.com

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General Counsel
PPL
Two North Ninth Street
Allentown, PA 18108-1179

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Pennsylvania Power Company
First Energy Corporation
76 South Main Street
Akron, OH 44308

John L. Munsch, Attorney
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601-1689

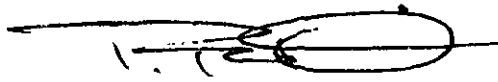
John P. Litz, Division Controller
UGI Utilities, Inc.
Electric Division
400 Stewart Road
P.O. Box 3200
Hanover Industrial Estates
Wilkes-Barre, PA 18773-3200

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated this 2nd day of February, 2010.



Brad Keating

From: Origin ID: ADSA (469) 759-1454
Ann Pierce
RPM
19111 North Dallas Parkway
Suite 125
Dallas, TX 75287



Ship Date: 02FEB10
ActWgt: 1.0 LB
CAD: 1773467/INET3010

Delivery Address Bar Code

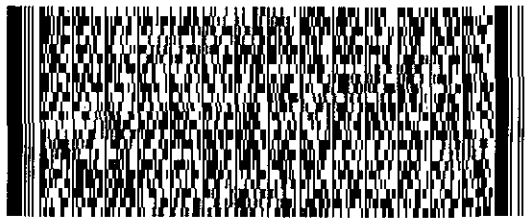


Ref #
Invoice #
PO #
Dept #

SHIP TO: (717) 787-8763 **BILL SENDER**
James McNulty
Pennsylvania PUC
KEYSTONE BUILDING FL 2
ROOM N201
HARRISBURG, PA 17120

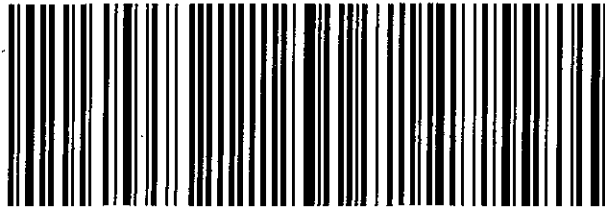
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FIRST OVERNIGHT



17120
PA-US
MDT

N1 MDTA



585G2/C733/5FE8

After printing this label:

1. Use the "Print" button on this page to print your label to your laser or inkjet printer.
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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.