

Joseph S. Streb Co., L.P.A.

Law Offices  
736 Neil Avenue  
Columbus, Ohio 43215  
Telephone (614) 224-0200  
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October 14, 2010

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OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Keystone Building, 2<sup>nd</sup> Fl. Rm. N201  
Harrisburg, PA 17120

RE: Muirfield Energy, Inc./EGS Application.

Dear Secretary:

Please be advised that I represent Muirfield Energy, Inc., an Ohio for-profit corporation, licensed to do business in Pennsylvania. Enclosed herewith please find an original executed verified EGS Application for Muirfield Energy, Inc., and one (1) copy of said Application. Also enclosed please find one CD-ROM diskette containing a PDF format copy of said Application. Also enclosed please find an original and two copies of the required bond.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Joseph S. Streb

JSS:dc  
Encl.

COPIES TO:

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

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

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Legal Department  
Attn. Paul E. Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Legal Department  
First Energy Corporation  
2800 Pottsville Pike  
Reading, PA 19612

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12<sup>th</sup> Street, Suite 360  
Post Office Box 12677  
Reading, PA 19612-2677

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P. O. Box 138  
Wellsboro, PA 16901

Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

# BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of MUIRFIELD ENERGY, INC., for approval to offer, render, furnish, or supply electricity or electric generation services as *specified in item #4b below* to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

## 1. IDENTIFICATION AND CONTACT INFORMATION

- a. **IDENTITY OF THE APPLICANT:** Provide name (*including any fictitious name or d/b/a*), primary address, web address, and telephone number of Applicant:

**Muirfield Energy, Inc.**  
5850 Venture Drive, Suite C  
Dublin, Ohio 43017  
Phone: (614) 336-8877  
Fax: (888) 370-8878  
E-mail: [poman@muirfieldenergy.com](mailto:poman@muirfieldenergy.com)

[www.muirfieldenergy.com](http://www.muirfieldenergy.com)

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- b. **PENNSYLVANIA ADDRESS / REGISTERED AGENT:** If the Applicant maintains a primary address outside of Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's secondary office within Pennsylvania. If the Applicant does not maintain a physical location within Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's Registered Agent within Pennsylvania.

**InCorp Services, Inc.**  
7208 Red Top Road  
Hummelstown, PA 17036  
Phone: 800-246-2677  
Fax: 702-865-2689

- c. **REGULATORY CONTACT:** Provide the name, title, address, telephone number, fax number, and e-mail address of the person to whom questions about this Application should be addressed.

**Perry S. Oman**  
President, Muirfield Energy, Inc.  
5850 Venture Drive, Suite C  
Dublin, Ohio 43017  
Phone: (614) 336-8877  
Fax: (888) 370-8878  
E-mail: [poman@muirfieldenergy.com](mailto:poman@muirfieldenergy.com)

- d. **ATTORNEY:** Provide the name, address, telephone number, fax number, and e-mail address of the Applicant's attorney. If the Applicant is not using an attorney, explicitly state so.

**Joseph S. Streb, Esq.**  
736 Neil Ave.  
Columbus, OH 43215  
Phone: (614) 224-0200  
Fax: (614) 224-9323

- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** Provide the name, title, address, telephone number, FAX number, and e-mail 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 the Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed EGSs.

**Perry S. Oman**  
President, Muirfield Energy, Inc.  
5850 Venture Drive, Suite C  
Dublin, Ohio 43017  
Phone: (614) 336-8877, 888-370-8898  
Fax: (888) 370-8878  
E-mail: poman@muirfieldenergy.com

## **2. BUSINESS ENTITY FILINGS AND REGISTRATION**

**a. FICTITIOUS NAME:** *(Select appropriate statement and provide supporting documentation as listed.)*

The Applicant will be using a fictitious name or doing business as ("d/b/a")

Provide a copy of the Applicant's filing with Pennsylvania's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953.

**OR**

The Applicant will not be using a fictitious name.

**b. BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

*(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)*

The Applicant is a sole proprietor.

- If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

**OR**

The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)
- domestic limited liability partnership (15 Pa. C.S. §8201)
- foreign limited liability general partnership (15 Pa. C.S. §8211)
- foreign limited liability limited partnership (15 Pa. C.S. §8211)

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- 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.

or

The Applicant is a:

- domestic corporation (15 Pa. C.S. §1308)
- 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 (Describe):

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above. **See attached.**
- Provide the state in which the business is incorporated and provide a copy of the Applicant's Articles of Incorporation. **Ohio, see attached.**
- Give name and address of officers.

**Perry S. Oman**  
President, Muirfield Energy, Inc.  
5850 Venture Drive, Suite C  
Dublin, Ohio 43017  
Phone: (614) 336-8877  
Fax: (888) 370-8878  
E-mail: poman@muirfieldenergy.com

### **3. AFFILIATES AND PREDECESSORS**

*(both in state and out of state)*

- a. **AFFILIATES:** Give name and address of any affiliate(s) currently doing business and state whether the affiliate(s) are jurisdictional public utilities. If the Applicant does not have any affiliates doing business, explicitly state so. Also, state whether the applicant has any affiliates that are currently applying to do business in Pennsylvania. **There are no affiliates.**
  
- b. **PREDECESSORS:** Identify the predecessor(s) of the Applicant and provide the name(s) under which the Applicant has operated within the preceding five (5) years, including address, web address, and telephone number, if applicable. If the Applicant does not have any predecessors that have done business, explicitly state so. **There are no predecessors.**

## 4. OPERATIONS

**a. APPLICANT'S PRESENT OPERATIONS:** *(select and complete the appropriate statement)*

- The Applicant is presently doing business in Pennsylvania as a
- municipal electric corporation
  - electric cooperative
  - local gas distribution company
  - provider of electric generation, transmission or distribution services
  - Other; Identify the nature of service being rendered.

**or**

- The Applicant is not presently doing business in Pennsylvania.

**b. APPLICANT'S PROPOSED OPERATIONS:** *The Applicant proposes to operate as a (may check multiple):*

- Generator of electricity
- Supplier of electricity
- Aggregator engaged in the business of supplying electricity
- Broker/Marketer engaged in the business of supplying electricity services
- Electric Cooperative and supplier of electric power
- Other (Describe):

Definitions

- Supplier – an entity that sells electricity to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC.
- Aggregator - an entity that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers.
- Broker/Marketer - an entity that acts as an intermediary in the sale and purchase of electric energy but does not take title to electric energy.

**PROPOSED SERVICES:** Describe in detail the electric services or the electric generation services which the Applicant proposes to offer.

**Muirfield Energy, Inc. is an energy consulting and brokering company providing energy procurement services to commercial and industrial customers.**

c. **PROPOSED SERVICE AREA:** Provide a list of each Electric Distribution Company for which the Applicant proposes to provide service.

**FirstEnergy (Penn Power)  
First Energy (Met Ed)  
FirstEnergy (Peneic)  
Duquesne Light Company  
PPL Electric Utilities  
Philadelphia Electric Company  
Citizens' Electric Company  
Wellsboro Electric Company  
West Penn Power, dba, Allegheny Power  
Orange and Rockland Company  
UGI Utilities, Inc.**

d. **CUSTOMERS:** Applicant proposes to provide services to:

- Residential Customers
- Small Commercial Customers - (25 kW and Under)
- Large Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):

e. **PROPOSED MARKETING METHOD** (*check all that apply*)

- Internal – Applicant will use its own internal resources/employees for marketing
- External EGS – Applicant will contract with a PUC **LICENSED EGS** broker/marketer
- Affiliate – Applicant will use a **NON-EGS** affiliate marketing company and or individuals.
- External Third-Party – Applicant will contract with a **NON-EGS** third party marketing company and or individuals
- Other (Describe):

f. **DOOR TO DOOR SALES:** Will the Applicant be implementing door to door sales activities?

- Yes
- No

If yes, will the Applicant be using a Third Party Verification procedure?

- Yes
- No

If yes, describe the Applicant's Third Party Verification procedures.

g. **START DATE:** Provide the approximate date the Applicant proposes to begin services within the Commonwealth.

**December 1, 2010**

## 5. COMPLIANCE

- a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years. **Applicant is not and has not been a criminal or civil defendant.**

*Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.*  
**No, there are none.**

- b. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any such proceedings listed above. **N/A.**

- c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. If the Applicant has no actions or complaints to list, explicitly state such. **There are none.**

- d. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any actions listed above. **N/A.**

## 6. PROOF OF SERVICE

*(Certificate of Service is attached at Appendix C)*

- a.) **STATUTORY AGENCIES:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, provide proof of service of a signed and verified Application with attachments on the following:

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

Office of the Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

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

- b.) **EDCs:** Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, provide Proof of Service of the Application and attachments upon each of the Electric Distribution Companies the Applicant proposed to provide service in. 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. Contact information for each EDC is as follows.

**Allegheny Power:**

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

**PECO:**

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

**Duquesne Light:**

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

**PPL:**

Legal Department  
Attn: Paul Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

**Met-Ed, Penelec, and Penn Power:**

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

**UGI:**

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12th Street, Suite 360  
Post Office Box 12677  
Reading, Pa 19612-2677

**Citizens' Electric Company:**

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

**Pike County Light & Power Company:**

Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

**Wellsboro Electric Company:**

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P. O. Box 138  
Wellsboro, PA 16901

## 7. FINANCIAL FITNESS

a. **BONDING:** In accordance with 66 Pa. C.S. Section 2809(c)(1)(i), the Applicant is required to file a bond or other instrument to ensure its financial responsibilities and obligations as an EGS. Therefore, the Applicant is...

- Furnishing the **original** (along with copies) of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.
- Furnishing the **original** (along with copies) of another initial security for Commission approval, to ensure financial responsibility.
- Filing for a modification to the \$250,000 requirement and furnishing the **original** (along with copies) of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.

**Muirfield Energy, Inc. is an energy consulting and brokering company and will not take title nor pay electricity bills on behalf of its customers.**

- *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.*
- *Example version of a bond and letter of credit are attached at Appendix D & E, Applicant's security must follow language from these examples.*
- *Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.*

b. **FINANCIAL RECORDS, STATEMENTS, AND RATINGS:** Applicant must 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 Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient)
- Applicant's accounting statements, including balance sheet and income statements for the past two years.
- 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, evidence of Moody's, S&P, or Fitch ratings, and/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 exhibiting accounts over a minimum two year period.
- Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.

**See attached.**

- c. **ACCOUNTING RECORDS CUSTODIAN:** Provide the name, title, address, telephone number, FAX number, and e-mail address of Applicant's custodian for its accounting records.

**Carol Fidler, CPA**  
5025 Arlington Centre, Suite 230  
Upper Arlington, Ohio 43220  
Phone: (614) 451-5522  
Fax: (614) 451-5577

- d. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix F to this application.

*All sections of the Tax Certification Statement must be completed. Absence (submitting N/A) of any of the TAX identifications numbers (items 7A through 7C) shall be accompanied by supporting documentation or an explanation validating the absence of such information.*

*Items 7A and 7C on the Tax Certification Statement are designated by the Pennsylvania Department of Revenue. Item 7B on the Tax Certification Statement is designated by the Internal Revenue Service.*

## **8. 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.

- a.) **EXPERIENCE, PLAN, STRUCTURE:** such information may include:

- Applicant's previous experience in the electricity industry. **See attached.**
- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions. **See attached.**
- Type of customers and number of customers Applicant currently serves in other jurisdictions.
- Staffing structure and numbers as well as employee training commitments.
- *Business plans for operations within the Commonwealth.*
- Documentation of membership in PJM, ECAR, MAAC, other regional reliability councils, or any other membership or certification that is deemed appropriate to justify competency to operate as an EGS within the Commonwealth.
- Any other information appropriate to ensure the technical capabilities of the Applicant.

- b.) **OFFICERS:** Identify Applicant's chief officers including names and their professional resumes.

Perry S. Oman  
President, Muirfield Energy, Inc.  
5850 Venture Drive, Suite C  
Dublin, Ohio 43017  
Phone: (614) 336-8877  
Fax: (888) 370-8878  
E-mail: poman@muirfieldenergy.com

**Resume attached.**

c.) **FERC FILING:** Applicant has:

- Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.
- Received approval from FERC to be a Power Marketer at Docket or Case Number \_\_\_\_\_.
- Not applicable

## 9. DISCLOSURE STATEMENT:

a. **Disclosure Statements:** If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a Residential and/or Small Commercial disclosure statement. A sample disclosure statement is provided as Appendix G to this Application.

- 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.

## 10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

a. **PJM LOAD SERVING ENTITY REQUIREMENT:** As a prospective EGS, the applicant understands that those EGSs which provide retail electric supply service (i.e. takes title to electricity) must provide either:

- proof of registration as a PJM Load Serving Entity (LSE), or
- proof of a contractual arrangement with a registered PJM LSE that facilitates the retail electricity services of the EGS.

The Applicant understands that compliance with this requirement must be filed within 120 days of the Applicant receiving a license. As well, the Applicant understands that compliance with this requirement may be filed with this instant application.

*(Select only one of the following)*

- AGREED** - Applicant has included compliance with this requirement in the instant application, labeled in correspondence with this section (10).
- AGREED** - Applicant will provide compliance with this requirement within 120 days of receiving its license
- ACKNOWLEDGED** - Applicant is not proposing to provide retail electric supply service at this time, and therefore is not presently obligated to provide such information

b. **STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission. Further, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure set out in Commission regulations at 52 Pa. Code § 54.43.

**AGREED**

c. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:

- Retail Electricity Choice Activity Reports: The regulations at 52 Pa. Code §§ 54.201--54.204 require that all active EGSs report sales activity information. An EGS will file an annual report reporting for customer groups defined by annual usage. Reports must be filed using the appropriate report form that may be obtained from the PUC's Secretary's Bureau or the forms officer, or may be down-loaded from the PUC's internet web site.
- Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
- The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
- Applicant shall report to the Commission the percentages of total electricity supplied by each fuel source on an annual basis:
- Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

AGREED

d. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa. C.S. Section 2809(D). Transferee will be required to file the appropriate licensing application.

AGREED

e. **ASSESSMENT:** The Commission does not presently assess Electric Generation Suppliers for the purposes of recovery of regulatory expenses; see *PPL Energyplus, LLC v. Commonwealth*, 800 A.2d 360 (Pa. Cmwlth. 2002).

ACKNOWLEDGED

f. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur to the information upon which the Commission relied in approving the original filing. See 52 Pa. Code § 54.34.

AGREED

**g. FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.

AGREED

**h. NOTIFICATION OF CHANGE:** If your answer to any of these items changes during the pendency of your application or if the information relative to any item herein changes while you are operating within the Commonwealth of Pennsylvania, you are under a duty to so inform the Commission, within twenty (20) days, as to the specifics of any changes which have a significant impact on the conduct of business in Pennsylvania. See 52 Pa. Code § 54.34.

AGREED

**i. CEASING OF OPERATIONS:** Applicant is also required to officially notify the Commission if it plans to cease doing business in Pennsylvania, 90 days prior to ceasing operations.

AGREED

**j. Electronic Data Interchange:** The Applicant acknowledges the Electronic Data Interchange (EDI) requirements and the relevant contacts for each EDC, as listed at appendix J.

AGREED

**k. FEE:** The Applicant has enclosed or paid the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania.

PAYMENT ENCLOSED

## 11. AFFIDAVITS

**a.) APPLICATION AFFIDAVIT:** Complete and submit with your filing an officially notarized Application Affidavit stating that all the information submitted in this application is truthful and correct. An example copy of this Affidavit can be found at Appendix A.

**b.) OPERATIONS AFFIDAVIT:** Provide an officially notarized affidavit stating that you will adhere to the reliability protocols of the North American Electric Reliability Council, the appropriate regional reliability council(s), and the Commission, and that you agree to comply with the operational requirements of the control area(s) within which you provide retail service. An example copy of this Affidavit can be found at Appendix B.

## 12. NEWSPAPER PUBLICATIONS

Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. Below is a list of newspapers which cover the publication requirements for Electric Generation Suppliers looking to do business in Pennsylvania.

The newspapers in which proof of publication is required is dependent on the service territories the applicant is proposing to serve. The chart below dictates which newspapers are necessary for each EDC. If the applicant is proposing to serve the entire Commonwealth, please file proof of publication in all seven newspapers.

Please file with the Commission the Certification of Publication, along with a photostatic copy of the notice to complete the notice requirements.

Proof of newspaper publications must be filed with the initial application. Applicants **do not** need a docket number in their publication. Docket numbers will be issued when all criteria on the item 14 checklist (see below) are satisfied.

	<u>Duquesne</u>	<u>Met Ed</u>	<u>PECO</u>	<u>Penelec</u>	<u>Penn Power</u>	<u>PPL</u>	<u>UGI</u>	<u>West Penn</u>	<u>Entire Commonwealth</u>
Philadelphia Daily News		X	X			X			X
Harrisburg Patriot-News		X		X		X		X	X
Scranton Times Tribune		X		X		X	X		X
Williamsport Sun Gazette				X		X		X	X
Johnstown Tribune Democrat				X				X	X
Erie Times-News				X	X				X
Pittsburgh Post-Gazette	X				X			X	X

(Example Publication is provided at Appendix H)

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OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## 13. SIGNATURE

Applicant: **MUIRFIELD ENERGY, INC.**

By: 

Perry S. Oman

Title: President

## 14. CHECKLIST

For the applicant's convenience, please use the following checklist to ensure all relevant sections are complete. The Commission Secretary's Bureau will not accept an application unless each of the following sections are complete.

**Applicant: MUIRFIELD ENERGY, INC.**

Applicant's Use	<b>Signature</b>	
	<b>Filing Fee</b>	
	<b>Application Affidavit</b>	
	<b>Operations Affidavit</b>	
	<b>Proof of Publication</b>	
	<b>Bond or Letter of Credit</b>	
	<b>Tax Certification Statement</b>	
	<b>Commonwealth Department of State Verification</b>	
	<b>Certificate of Service</b>	

PUC Secretary's Bureau Use

Appendix A

APPLICATION AFFIDAVIT

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

[Commonwealth/State] of OHIO

ss.

County of FRANKLIN

PERRY S. OMAN, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the PRESIDENT (Office of Affiant) of MUIRFIELD ENERGY, INC. (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

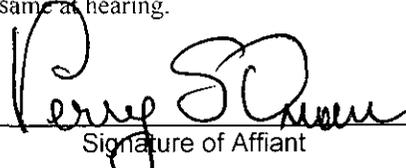
That the Applicant herein MUIRFIELD ENERGY, INC. has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein MUIRFIELD ENERGY, INC. has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein MUIRFIELD ENERGY, INC. acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein MUIRFIELD ENERGY, INC. acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 6<sup>th</sup> day of OCTOBER, 2010.

  
\_\_\_\_\_  
Signature of official administering oath

JOSEPH S. STREB  
ATTORNEY AT LAW

My commission expires \_\_\_\_\_

NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147.03 R. C.

Appendix B

OPERATIONS AFFIDAVIT

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[Commonwealth/State] of OHIO :

:

ss. PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

County of FRANKLIN :

PERRY S. OMAN, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

[He/she is the PRESIDENT (Office of Affiant) of **MUIRFIELD ENERGY, INC.**  
(Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That MUIRFIELD ENERGY, INC., the Applicant herein, acknowledges that MUIRFIELD ENERGY, INC may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations 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.

That MUIRFIELD ENERGY, INC., the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That MUIRFIELD ENERGY, INC., the Applicant herein, certifies to the Commission that it is subject to , will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2 ), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 28 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Chapter 28, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

As provided by 66 Pa. C.S. §2810 (C)(6)(iv), Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

**Appendix B (Continued)**

That MUIRFIELD ENERGY, INC., the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 6th day of OCTOBER, 2010.

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires \_\_\_\_\_

**JOSEPH S. STREB**  
ATTORNEY AT LAW  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147.03 R. C.

Appendix C

CERTIFICATE OF SERVICE

On this the \_\_\_\_ day of \_\_\_\_\_ 20\_\_, I certify that a true and correct copy of the foregoing application form for licensing within to Commonwealth of Pennsylvania as an Electric Generation Supplier and all attachments have been served upon the following:

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

Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

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

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Legal Department  
Attn: Paul Russell  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12th Street, Suite 360  
Post Office Box 12677  
Reading, Pa 19612-2677

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

Director of Customer Energy Services  
Orange and Rockland Company  
390 West Route 59  
Spring Valley, NY 10977-5300

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P. O. Box 138  
Wellsboro, PA 16901

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

  
Perry S. Oman, President, Muirfield Energy, Inc.

**Electric Generation Supplier License Bonds**

Bonds submitted in order to satisfy the licensing process must comply with the following:

The bond in the amount of \$250,000 should name the Pennsylvania Public Utility Commission as the obligee or beneficiary, and should contain the following language:

This bond is written in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa. C.S. § 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa. C.S. §§101, et seq., and the rules and regulations of the Pennsylvania Public Utility Commission by the Principle as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa. C.S. § 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangements. Payment of claims shall have the following priority: (i) The Commonwealth; (ii) Electric Distribution Companies for the reimbursement of Gross Receipts Tax; and (iii) Private individuals. Proceeds of the bond may not be used to pay any penalties or fines levied against the Principal for violations of the law, or for payment of any other tax obligations owed to the Commonwealth.

The original and two copies of the bond must be submitted to the Office of the Secretary, Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. The entry date of the Commission's Order will be the effective date for the license.

**WESTERN SURETY COMPANY**  
**Sioux Falls, South Dakota**  
**Statement of Condition and Affairs**  
**December 31, 2009**

ASSETS

Bonds	\$1,193,435,614
Stocks	22,759,271
Cash and short-term investments	29,157,255
Uncollected premiums and agents' balances	33,002,353
Amounts recoverable from reinsurers	(3,057,290)
Funds held by or deposited with reinsured companies	26,355,884
Net deferred tax asset	19,445,837
Electronic data processing equipment and software	3,117,199
Investment income due and accrued	15,587,378
Other assets	<u>2,217,560</u>
Total Assets	<u>\$1,342,021,061</u>

LIABILITIES AND SURPLUS

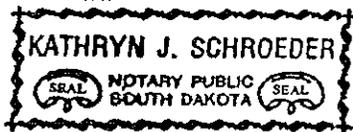
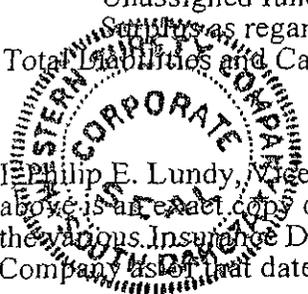
Losses	\$269,022,299
Loss adjustment expense	70,589,857
Contingent and other commissions payable	5,229,781
Other expense	29,445,697
Taxes, licenses and fees	2,337,499
Federal and foreign income taxes payable	13,593,490
Unearned premiums	241,078,902
Retroactive reinsurance reserve assumed	11,093,043
Other liabilities	<u>20,328,654</u>
Total Liabilities	662,719,222

Surplus Account:

Capital paid up	\$4,000,000
Gross paid in and contributed surplus	176,435,232
Unassigned funds	<u>498,866,607</u>

Total Liabilities and Capital \$679,301,839  
\$1,342,021,061

Philip E. Lundy, Vice President and Treasurer of Western Surety Company hereby certify that the above is an exact copy of the financial statement of the Company dated December 31, 2009, as filed with the various Insurance Departments and is a true and correct statement of the condition of Western Surety Company as of that date.



Western Surety Company

By Philip E. Lundy  
Vice President, Treasurer

Subscribed and sworn to me this 10th day of March, 2010.

My commission expires:

KATHRYN J. SCHROEDER  
My Commission Expires 7-21-2015

Kathryn J. Schroeder  
Notary Public

**Appendix E**  
Example Letter of Credit

<b>ISSUING BANK:</b> XYZ Bank address	<b>IRREVOCABLE STANDBY LETTER OF CREDIT</b>	<b>NUMBER</b>
<b>PLACE AND DATE OF ISSUE:</b> Location Date	<b>PLACE AND DATE OF EXPIRY:</b> Expiration Date AT OUR COUNTERS	
<b>APPLICANT:</b>	<b>BENEFICIARY:</b> PENNSYLVANIA PUBLIC UTILITY COMMISSION P.O. BOX 3265. HARRISBURG, PA 17105-3265	
	<b>AMOUNT:</b> USD \$ _____ UP TO AN AGGREGATE THEREOF	
<b>PARTIAL DRAWINGS PERMITTED</b>	<b>CREDIT AVAILABLE WITH:</b> XYZ Bank Division Address  <b>BY: PAYMENT</b> AGAINST PRESENTATION OF DOCUMENTS DETAILED HEREIN AND DRAFTS AT SIGHT  <b>DRAWN ON:</b> XYZ Bank Location	

LADIES/GENTLEMEN,

WE HEREBY ISSUE OUR IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_ IN YOUR FAVOR FOR THE ACCOUNT \_\_\_\_\_ FOR AN AGGREGATE AMOUNT UP TO USD \_\_\_\_\_ (\_\_\_\_\_ US DOLLARS). THIS LETTER OF CREDIT WILL EXPIRE ON \_\_\_\_\_

THIS LETTER OF CREDIT IS WRITTEN IN ACCORDANCE WITH SECTION 2809 (C)(1)(I) OF THE PUBLIC UTILITY CODE, 66 PA. C.S. SECTION 2809 (C)(1)(I), AND WE ARE ADVISED THAT IT WILL ASSURE COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE PUBLIC UTILITY CODE, 66 PA. C.S. SECTION 101, ET SEQ, AND THE RULES AND REGULATIONS OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION BY MUIRFIELD ENERGY, INC. AS A LICENSED ELECTRIC GENERATION SUPPLIER; TO ENSURE THE PAYMENT OF GROSS RECEIPTS TAX AS REQUIRED BY SECTION 2810 OF THE PUBLIC UTILITY CODE, 66 PA. C.S. SECTION 2810 AND TO ENSURE THE SUPPLY OF ELECTRICITY AT RETAIL IN ACCORDANCE WITH CONTRACTS, AGREEMENTS OR ARRANGEMENTS.

WE ARE ADVISED THAT; 1. PAYMENTS MADE PURSUANT TO THIS LETTER OF CREDIT SHALL ENSURE FIRST TO THE BENEFIT OF THE COMMONWEALTH, AND SECOND, TO ANY AND ALL RETAIL ELECTRIC GENERATION CUSTOMERS TO WHOM MUIRFIELD ENERGY, INC. MAY BE HELD LEGALLY LIABLE FOR FAILURE TO SUPPLY ELECTRIC GENERATION PURSUANT TO CONTRACT, AGREEMENTS OR ARRANGEMENTS. 2. ANY CLAIMS MADE BY THE COMMONWEALTH SHALL HAVE PRIORITY OVER CLAIMS MADE BY PRIVATE INDIVIDUALS. 3. PROCEEDS OF THE LETTER OF CREDIT MAY NOT BE USED TO PAY PENALTIES OR FINES LEVIED AGAINST MUIRFIELD ENERGY, INC. FOR VIOLATIONS OF THE LAW, OR FOR PAYMENT OF ANY OTHER OBLIGATIONS OWED TO THE COMMONWEALTH.

**Appendix E (Continued)**

THE SAID AMOUNT IS AVAILABLE BY DRAFTS ON US BY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION ("PUC") AT SIGHT ACCOMPANIED BY THE PUC'S LETTER REQUESTING PAYMENT UNDER THIS CREDIT AND PURPORTEDLY SIGNED BY AN OFFICER OF THE PUC. SUCH LETTER FROM THE PUC SHALL INCLUDE A STATEMENT OF THE AMOUNT OWED THE PUC AND THAT "SUCH AMOUNT IS DUE TO THE PUC PURSUANT TO THE PUBLIC UTILITY CODE, GROSS RECEIPTS TAX OR ELECTRICITY SUPPLY OBLIGATIONS OF BY MUIRFIELD ENERGY, INC. LICENSE TO OFFER, RENDER, FURNISH OR SUPPLY ELECTRICITY OR ELECTRIC GENERATION SERVICES TO THE PUBLIC IN THE COMMONWEALTH OF PENNSYLVANIA; AND, THAT BY MUIRFIELD ENERGY, INC. FAILED TO PAY THAT AMOUNT."

PARTIAL DRAWINGS ARE PERMITTED UNDER THIS CREDIT.

THIS LETTER OF CREDIT EXPIRES AT THIS OFFICE AT OUR CLOSE OF BUSINESS ON \_\_\_\_\_.

IT IS A CONDITION OF THIS LETTER OF CREDIT THAT IT WILL BE AUTOMATICALLY EXTENDED FOR PERIODS OF ONE YEAR EACH FROM THE PRESENT OR ANY FUTURE EXPIRY DATE, UNLESS WE NOTIFY YOU IN WRITING AT LEAST 90 DAYS PRIOR TO SUCH EXPIRY DATE THAT WE ELECT NOT TO FURTHER EXTEND THIS LETTER OF CREDIT UPON RECEIPT OF SUCH NOTICE, YOU MAY DRAW ON THIS LETTER OF CREDIT, UP TO THE UNUSED BALANCE, BY PRESENTATION OF YOUR SIGHT DRAFT DRAWN ON \_\_\_\_\_ Bank, \_\_\_\_\_ Location, ON OR BEFORE THE THEN RELEVANT EXPIRY DATE.

EACH DRAFT MUST BE MARKED "DRAWN UNDER ON \_\_\_\_\_ Bank, \_\_\_\_\_ Location, LETTER OF CREDIT NUMBER \_\_\_\_\_."

EXCEPT SO FAR AS OTHERWISE EXPRESSLY STATED HEREIN, THIS LETTER OF CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION), INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 500".

WE HEREBY AGREE WITH YOU THAT YOUR DRAFTS DRAWN HEREUNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED IF PRESENTED TO US AT OUR ADDRESS SHOWN ABOVE BEFORE OUR CLOSE OF BUSINESS ON THE ABOVE MENTIONED DATE.

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
AUTHORIZED SIGNATURE

OCT 14 2010

COMMONWEALTH OF PENNSYLVANIA PUBLIC UTILITY COMMISSION

Appendix F TAX CERTIFICATION STATEMENT

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

A completed Tax Certification Statement must accompany all applications for new licenses, renewals or transfers. Failure to provide the requested information and/or any outstanding state income, corporation, and sales (including failure to file or register) will cause your application to be rejected. If additional space is needed, please use white 8 1/2" x 11" paper. Type or print all information requested.

1. CORPORATE OR APPLICANT NAME: Muirfield Energy, Inc. 2. BUSINESS PHONE NO. (614) 336-8877 CONTACT PERSON(S) FOR TAX ACCOUNTS:

3. TRADE/FICTITIOUS NAME (IF ANY): N/A.

4. LICENSED ADDRESS (STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) STATE (ZIP): 5850 Venture Drive, Suite C, Dublin, Ohio 43017

5. TYPE OF ENTITY: [ ] SOLE PROPRIETOR [ ] PARTNERSHIP [ ] OTHER (Describe...) [X] CORPORATION [ ] LLC

Table with 2 columns: NAME (PRINT) and SOCIAL SECURITY NUMBER (OPTIONAL). Rows include Perry S. Oman and four empty rows.

7. LIST THE FOLLOWING STATE & FEDERAL TAX IDENTIFICATION NUMBERS (ALL ITEMS A, B, & C MUST BE COMPLETED) Applicant must provide explanation if submitting N/A for any items

A. SALES TAX LICENSE (8 DIGITS) APPLICATION PENDING [ ] N/A [X] B. EMPLOYER ID (EIN) (9 DIGITS) APPLICATION PENDING [ ] N/A [ ] C. CORPORATE BOX NUMBER (7 DIGITS) APPLICATION PENDING [ ] N/A [X]

8. Do you have PA employees; resident or non-resident? [ ] YES [X] NO 9. Do you own any assets or have an office in PA? [ ] YES [X] NO

NAME AND PHONE NUMBER OF PERSON(S) RESPONSIBLE FOR FILING TAX RETURNS: Perry. S. Oman, President, Muirfield Energy, Inc., (614) 336-8877

PA SALES AND USE TAX EMPLOYER TAXES CORPORATE TAXES PHONE PHONE PHONE

Telephone inquiries about this form may be directed to the Pennsylvania Department of Revenue at the following numbers: (717) 772-2673, TDD# (717) 772-2252 (Hearing Impaired Only)

**Sample Disclosure Statement Format  
for Electric Generation Suppliers**

This is an agreement for electric generation service, between MUIRFIELD ENERGY, INC., and customer's name and full address.

### Background

- We at MUIRFIELD ENERGY, INC. are licensed by the Pennsylvania Public Utility Commission to offer and supply electric generation services in Pennsylvania. Our PUC license number is A-XXXX-XXXXXXX.
- We set the generation prices and charges that you pay. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
- Include one of the two following options:
  - 1) You will receive a single bill from billing agent name that will contain distribution utility name charges and EGS's name charges.
  - 2) You will receive a separate bill from EGS Name for generation charges and a separate bill from distribution utility name for its charges.
- Right of Rescission - You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

### Definitions

- Generation Charge - Charge for production of electricity.
- Transmission Charge - Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.
- Nonbasic Charges - *Define each nonbasic service being offered.*

### Terms of Service

#### 1. (a) Basic Service Prices - *Itemize Basic Services you are billing for and their prices.*

You will pay EGS rate per kWh for electric generation service.  
Suppliers are to include any variable pricing conditions and limits, if charging a variable rate.

*(Note to EGS applicants: this statement should include transmission charges if applicable. Contact the electric distribution utility to determine if transmission charges are included in their price-to-compare.)*

#### (b) Nonbasic Service Prices - *Itemize Nonbasic Services you are offering and their prices.*

### 2. Length of Agreement

You will buy your electricity generation service for the above street address from EGS's name beginning date through date of expiration, if any.

## Appendix G (Continued)

- 3. Special Terms and Conditions** - List and explain all that apply.  
Sign-up bonuses  
Add-ons  
Limited time offers  
Other Sales Promotions  
Exclusions
- 4. Special Services** - Provide explanation of price, terms and conditions, including advanced metering deployment, if applicable.
- 5. Penalties, Fees and Exceptions** - List any that apply including a late payment charge. The print size for this section must be larger than the print in the rest of the agreement.
- 6. Cancellation Provisions** - This category may consist of both customer initiated cancellation provisions and supplier initiated cancellation provisions.
- 7. Renewal Provision/Agreement Expiration/Change in Terms**

If you have a fixed term agreement with us and it is approaching the expiration date or if we propose to change our terms of service, we will send you two advance written notices either in our bills or in separate mailings between 45 and 90 days before either the expiration date or the effective date of the changes. We will explain your options in these two advance notices.

### 8. Dispute Procedures

Contact us with any questions concerning our terms of service. You may call the PUC if you are not satisfied after discussing your terms with us.

### 9. Contact Information

Generation Supplier Name:

---

Address:

---

---

---

Phone Number:

---

Internet Address:

---

Electric Distribution Company Name:

---

**Appendix G (Continued)**

Provider of Last Resort Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

Public Utility Commission (PUC)

Address: P.O. Box 3265 Harrisburg, PA 17105-3265

Choice Hotline Number: 1-800-692-7380

Universal Service Program Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## Appendix H

### EXAMPLE FORM OF NOTICE PUBLICATION

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

*Application of **MUIRFIELD ENERGY, INC.** For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania.*

**MUIRFIELD ENERGY, INC.** will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. **MUIRFIELD ENERGY, INC.** proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of **MUIRFIELD ENERGY, INC.** may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to **MUIRFIELD ENERGY, INC.'S** attorney at the address listed below.

By and through Counsel: Joseph S. Streb, Esq.

**JOSEPH S. STREB CO. LPA**

**736 Neil Ave.**

**Columbus, OH 43215**

**(614) 224-0200**

**(614) 224-9323**

## Appendix I

### Electronic Data Interchange & Internet Requirements

Prior to doing business in an EDC service territory, the EGS must meet the Electronic Data Interchange (EDI) certification requirements of the EDC. Certification is a testing process using the Commission approved Internet protocol. To initiate this process, the EGS is encouraged to contact the EDC as early as possible after filing an application for a license with the Commission, since certification may require as many as four months to complete and customer service contract dates may not commence prior to certification. EDC requirements of new suppliers may be found on the respective EDC home web page. Pennsylvania's industry stakeholder group the Electronic Data Exchange Working Group (EDEWG) develops and maintains the EDI transactions and related business practices, which are found on the Pa. PUC website at [http://www.puc.state.pa.us/electric/electric\\_edewg](http://www.puc.state.pa.us/electric/electric_edewg). The EDEWG meets telephonically the first Thursday of each month at 2:00pm ET to discuss EDI change control requests and other issues.

To keep current with Pennsylvania EDI practices and policies, a newly licensed EGS is strongly encouraged to participate in the EDEWG by contacting the following:

#### PA EDC EDI Contacts

Company Name	Contact Name	Prod Test NAESB	Telephone	Email	Pref.
Allegheny Power	Tom Graham	T/P/N	724-838-6528	EDISupport-EDC@alleghenypower.com	Email
Duquesne Light Co	Supplier Service Center	T/P/N	412-393-6169 OR 412-393-8310	DLC_SSC@duqlight.com	Email
FirstEnergy/Metropolitan Edison Co	Supplier Support	T/P/N	440-546-8667	SupplierSupport@firstenergycorp.com	Email
FirstEnergy/Pennsylvania Electric	Supplier Support	T/P/N	440-546-8667	SupplierSupport@firstenergycorp.com	Email
FirstEnergy/Penn Power	Supplier Support	T/P/N	440-546-8667	SupplierSupport@firstenergycorp.com	Email
PECO Energy	Electric & Gas Choice Hotline	T/P/N	215-841-3700	egc@peco-energy.com	Email
	Joseph Bisti	T/P/N	215-841-5626	Joseph.bisti@peco-energy.com	Email
PPL Electric Utilities	Donna M. Hirst	T	610-774-6349	dmhirst@pplweb.com	none
	Cindy Gallagher	N/P	610-774-5680	cagallagher@pplweb.com	Email
UGI Utilities Inc.	EDI Technical Support	T/P/N	610-736-5471	edi@ugi.com	Email

#### EDEWG EDI Contacts

Entity Name	Contact Name	Telephone	Email	Pref.
PA EDEWG LDC Co-Chair	Patricia E. Weiss	412-393-6902	pweiss@duqlight.com	Email
PA EDEWG ESP Co-Chair	George Behr	717-975-1927	GBehr@EnergyServicesGroup.net	Email
PA PUC	Annunciata Marino	717-772-2151	annmarino@state.pa.us	None
Change Control Manager – PA	Brandon S. Siegel	724-515-7411 (t) 412-817-8004 (m)	brandon.siegel@vertexna.com	Email

**RECEIVED**

OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# **EXHIBIT 2b**

(Compliance with 15 Pa. C.S. §4124)

**EXHIBIT 2b**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU  
401 NORTH STREET, ROOM 206  
P.O. BOX 8722  
HARRISBURG, PA 17105-8722  
WWW.CORPORATIONS.STATE.PA.US/CORP

Muirfield Energy, Inc.

THE CORPORATION BUREAU IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. THE CORPORATION BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE CORPORATION BUREAU, PLEASE VISIT OUR WEB SITE LOCATED AT WWW.CORPORATIONS.STATE.PA.US/CORP OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND / OR UCC FILINGS, PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEB SITE.

ENTITY NUMBER: 3984286

Streb, J. S.  
736 Neil Ave  
Columbus, OH 43215



6. The (a) address of this corporation's proposed registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street                      City                      State                      Zip                      County

(b) Name of Commercial Registered Office Provider                      County  
c/o: InCorp Services, Inc.                      Dauphin

7. Check one of the following:

*Business Corporation:* The corporation is a corporation incorporated for a purpose or purposes involving pecuniary profit, incidental or otherwise.

*Nonprofit Corporation:* The corporation is a corporation incorporated for a purpose or purposes not involving pecuniary profit, incidental or otherwise.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for Certificate of Authority to be signed by a duly authorized officer thereof this

8th day of September,

2010.

Muirfield Energy, Inc.

Name of Corporation

*Perrey S. Quinn*

Signature

President

Title

**RECEIVED**

OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# **EXHIBIT 2b**

(Articles Of Incorporation, Muirfield Energy, Inc.)

**EXHIBIT 2b**



DATE: 6/02/2009	DOCUMENT ID 200915300278	DESCRIPTION DOMESTIC ARTICLES/FOR PROFIT (ARF)	FILING 125.00	EXPED 100.00	PENALTY .00	CERT .00	COPY .00
--------------------	-----------------------------	--	------------------	-----------------	----------------	-------------	-------------

**Receipt**

This is not a bill. Please do not remit payment.

JOSEPH S STREB  
736 NEIL AVE  
COLUMBUS, OH 43215

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Jennifer Brunner**

1860942

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**MUIRFIELD ENERGY, INC**

and, that said business records show the filing and recording of:

Document(s)  
**DOMESTIC ARTICLES/FOR PROFIT**

Document No(s):  
**200915300278**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 1st day of June, A.D.  
2009.

Ohio Secretary of State



Prescribed by:

Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us  
e-mail: busserv@sos.state.oh.us

<b>Expedite this Form:</b> (Select One)	
<del>Mail Return to Ohio Secretary of State</del>	
<input type="radio"/> Yes	PO Box 1390 Columbus, OH 43216 *** Requires an additional fee of \$100 ***
<input type="radio"/> No	PO Box 670 Columbus, OH 43216

**INITIAL ARTICLES OF INCORPORATION**  
(For Domestic Profit or Nonprofit)  
Filing Fee \$125.00

THE UNDERSIGNED HEREBY STATES THE FOLLOWING:

(CHECK ONLY ONE (1) BOX)

<input checked="" type="checkbox"/> (1) Articles of Incorporation Profit (113-ARF) ORC 1701	<input type="checkbox"/> (2) Articles of Incorporation Nonprofit (114-ARN) ORC 1702	<input type="checkbox"/> (3) Articles of Incorporation Professional (170-ARP) Profession ORC 1785
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Complete the general information in this section for the box checked above.

FIRST: Name of Corporation Muirfield Energy, Inc.

SECOND: Location Dublin Franklin  
(City) (County)

Effective Date (Optional) \_\_\_\_\_ Date specified can be no more than 90 days after date of filing. If a date is specified, the date must be a date on or after the date of filing.  
(mm/dd/yyyy)

Check here if additional provisions are attached \_\_\_\_\_

Complete the information in this section if box (2) or (3) is checked. Completing this section is optional if box (1) is checked.

THIRD: Purpose for which corporation is formed

To establish and maintain an energy sales and brokerage business, and to engage in all related activities, and to engage in any lawful act or activity for which corporations may be formed under Sections 1701.01 through 1701.98, inclusive, of the Ohio Revised Code.

Complete the information in this section if box (1) or (3) is checked.

FOURTH: The number of shares which the corporation is authorized to have outstanding (Please state if shares are common or preferred and their par value if any)

<u>1000</u>	<u>common</u>	<u>no par</u>
(No. of Shares)	(Type)	(Par Value)

(Refer to instructions if needed)



Complete the information in this section if box (1) (2) or (3) is checked.

### ORIGINAL APPOINTMENT OF STATUTORY AGENT

The undersigned, being at least a majority of the incorporators of Muirfield Energy, Inc. hereby appoint the following to be statutory agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is

Atty. J. S. Streb  
(Name)  
736 Neil Ave.  
(Street) NOTE: P.O. Box Addresses are NOT acceptable.  
Columbus Ohio 43215  
(City) (Zip Code)

Must be authenticated by an authorized representative

*Perry Streb*  
Authorized Representative

5/26/2009  
Date

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date

#### ACCEPTANCE OF APPOINTMENT

The Undersigned, Atty. J. S. Streb, named herein as the Statutory agent for, Muirfield Energy, Inc., hereby acknowledges and accepts the appointment of statutory agent for said entity.

Signature: *Atty. J. S. Streb*  
(Statutory Agent)

**"EXHIBIT A"**  
**TO**  
**ARTICLES OF INCORPORATION**

**OF**

**MUIRFIELD ENERGY, INC.**

**THE UNDERSIGNED**, being a citizen of the United States, desiring to form a corporation for profit under sections 1701.01 et seq. of the Ohio Revised Code does hereby certify:

**FIRST:** The name of the corporation shall be MUIRFIELD ENERGY, INC.

**SECOND:** The principal office of the corporation is to be located at 6135 Memorial Drive, Dublin, Franklin County, Ohio 43017.

**THIRD:** The purpose or purposes for which the corporation is formed are:

(a) To establish and maintain an energy sales and brokerage business, and to engage in all related activities.

(b) Generally, consistent with the provisions of Section 1701.04(A)(3) of the Ohio Revised Code, to engage in any lawful act or activity for which corporations may be formed under Sections 1701.01 through 1701.98, inclusive, of the Ohio Revised Code.

**FOURTH:** The maximum number of shares which the corporation is authorized to have outstanding is 1000 common shares, all of which shall be without par value.

**FIFTH:** The amount of stated capital with which the corporation shall begin business shall not be less than \$100.00.

**SIXTH:** The corporation shall have the power and authority to acquire by purchase, subscription or otherwise, and to receive, hold, own, guarantee, sell, assign, exchange, transfer, mortgage, pledge, or otherwise dispose of or deal in and with any of the shares of the capital stock, or any voting trust certificates in respect of the shares of capital stock, script, warrants, rights, bonds, debentures, notes, trust receipts, and other securities, obligations, chooses in action and evidence of indebtedness or interest issued or created by any corporation, joint stock companies, syndicates, associations, firms, trusts or persons, public or private, or by the United States Government, by any foreign government, by any state, territory, province, municipality or other political subdivision or any governmental agency, and as owner thereof to possess and exercise all the rights, powers and privileges of ownership, including the right to execute consents and vote thereon, and to do any and all acts necessary or advisable for the preservation, protection, improvement, and enhancement in value thereof; upon majority vote of the Board of Directors.

**SEVENTH:** The corporation shall have the power and authority to issue stocks, bonds, debentures, or other obligations and to secure the same by mortgage, pledge, deed of trust, or otherwise; upon majority vote of the Board of Directors.

**EIGHTH:** The corporation shall have the power and authority to borrow or raise moneys for any of the purposes of the corporation and, from time to time without limit as to amount, to draw, make, accept, endorse, execute and issue promissory notes, drafts, bills of exchange, warrants, bonds, debentures, and other negotiable and nonnegotiable instruments and evidence of indebtedness, and to secure the payment of any thereof and of the interest thereon by mortgage upon or pledge, conveyance or assignment in trust of the whole or part of the property of the corporation, whether at the time owned or thereafter acquired; by majority vote of the Board of Directors.

**NINTH:** As a means of accomplishing its purposes, the corporation shall also have the following powers:

(a) To accept, acquire, receive, take, and hold by bequest, devise, grant, gift, purchase, exchange, lease, transfer, judicial order or decree, or otherwise, for any of its objects and purposes, any property, both real and personal of whatever kind, nature, or description and wherever situated.

(b) To sell, exchange, convey, mortgage, lease, transfer, or otherwise dispose of, any such property, both real and personal, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

**TENTH:** The Board of Directors is hereby authorized to fix and determine whether any and, if any, what part of the surplus, however created or arising, shall be used or disposed of or declared in dividends or paid to shareholders and, without action by the shareholders, to use and supply surplus, or any part thereof, or such part of the stated capital of the corporation as is permitted under the provisions of Section 1701.35 of the Ohio Revised Code, or any statute of like tenor or effect which is hereafter enacted, at any time or from time to time, in the purchase or acquisition of shares of any class, voting trust certificates for shares, bonds, debentures, notes, script, warrants, obligations, evidence of indebtedness of the corporation, or other securities of the corporation, to such extent or amount and in such manner and upon such terms as the Board of Directors shall deem expedient.

**ELEVENTH:** A director or officer of the corporation shall not be disqualified by his office from dealing or contracting with the corporation as a vendor, purchaser, employee, agent, or otherwise. No transaction or contract or act of the corporation shall be void or voidable or in any way affected or invalidated by reason of the fact that any director or officer of any firm of which any director or officer or the corporation is a shareholder, director or trustee, or any trust of which any director or officer or the corporation is a trustee or beneficiary, is in any way interested in such transaction or contract or act. No director or officer shall be accountable or responsible to the corporation for or in respect to any transaction or contact or act of the corporation or for

any gains or profits directly or indirectly realized by him or her by reason of the fact that he or she or any firm of which he or she is a member or any corporation of which he or she is a member, shareholder, director or trustee, or any trust of which he or she is a trustee or beneficiary, is interested in such transaction or contract or act, provided the fact that such director or officer of the corporation shall have disclosed or shall have made known to the Board of Directors of the corporation as shall be present at the meeting of the Board of Directors at which action upon such contract or transaction or act shall have been taken the nature of his or her relation to said other entity or entities and the nature of his or her gain or profit from said transaction or contract or act. Any director may be counted in determining the existence of a quorum at any meeting in respect to any such contract or transaction or act, and may vote thereat to authorize, ratify, or approve any such contract or transaction or act, and any officer of the corporation may take any action within the scope of his or her authority, respecting such contract or transaction or act, with like force and effect as if he or she or any firm of which he or she is a shareholder, director or trustee, or any trust of which he or she is a trustee or a beneficiary, were not interested in such transaction or contract or act. Without limiting or qualifying the foregoing, if any judicial or other inquiry, suit, cause, or proceeding, the question of whether a director or officer of the company has acted in good faith is material, then notwithstanding any statute or rule of law or of equity to the contrary (if any there be) his or her good faith shall be presumed, in the absence of proof to the contrary by clear and convincing evidence.

**TWELFTH:** Except as otherwise provided herein, every person who is or has been a director or officer of the corporation and his or her heirs and legal representatives is hereby indemnified by the corporation against expenses and liabilities actually and necessarily incurred by him or her in connection with the defense of either (1) any action, suit or proceeding to which he or she may be a party defendant; or (2) any claim of liability asserted against him or her, by reason of his or her being or having been director or officer of the corporation. Without limitation, the term "expenses" includes any amount paid or agreed to be paid to the corporation itself. The corporation does not, however, indemnify any director or officer in respect to any matter as to which he or she shall be finally adjudged liable for negligence or misconduct in the performance of his or her duties as such director or officer nor, in the case of a settlement, unless such settlement shall be found to be in the interest of the corporation by: (1) the court having jurisdiction over the action, suit or proceeding against such director or officer or of a suit involving his or her right to indemnification, or (2) a majority of the directors of the corporation then in office other than those involved in such matter (whether or not such majority constitutes a quorum) or if there are not at least two directors of the corporation then in office other than those involved in such matter, by a majority of a committee (selected by the Board of Directors) of five or more shareholders of the corporation who are not directors or officers, provided that such indemnity in cases of a settlement shall not be allowed by such directors or committee of shareholders unless it is found by independent legal counsel (meaning a lawyer who is not a director, officer, shareholder, or employee of the corporation, and is not a partner or professional associate of a director, officer, shareholder, or employee of the corporation) that such settlement is reasonable in amount and in the interest of the corporation. The foregoing right of

indemnification shall be in addition to all rights to which any director or officer may be entitled as a matter of law.

**THIRTEENTH:** Notwithstanding any provision of any statute of the State of Ohio, now or hereafter in force, requiring for any purpose the vote of the holders of shares entitling them to exercise two-thirds or any other proportion of the voting power of the corporation or of any class or classes of shares thereof, any action, unless otherwise expressly required by statute, may be taken by the vote of the holders of shares entitling them to exercise a majority of the voting power of the corporation or of such class or classes.

**FOURTEENTH:** Every statute of the State of Ohio hereafter enacted, whereby the rights or privileges of shareholders of a corporation organized under the General Corporation Law of said state are increased, diminished or in any way affected, or whereby effect is given to any action authorized, ratified, or approved by less than all the shareholders of any such corporation, shall apply to the corporation and shall be binding upon every shareholder thereof to the same extent as if such statute had been in force at the date of the filing of these Articles Of Incorporation.

**SIXTEENTH:** This corporation may enter into an agreement(s) with its shareholders limiting the right to buy, sell, transfer and assign shares of the capital stock of this corporation to the method provided in such agreement. Such agreement shall be in the form and contain the terms and conditions established or approved by the board of directors. Upon the execution of any said agreement, the board of directors shall thereupon cause all shares of the corporation, whether issued and outstanding or thereafter issued, to bear upon them the following legend, which may not be the sole legend:

"The transfer of shares of stock represented by this Certificate is restricted under terms of an Agreement dated the 26<sup>th</sup> day of May, 2009, a copy of which is on file at the office of the corporation."

IN WITNESS WHEREOF, I have hereunto set my hand on this

26<sup>th</sup> day of May, 2009.

  
Incorporator

**RECEIVED**

OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# **EXHIBIT 7b**

(Financial Records of Muirfield Energy, Inc.)

**EXHIBIT 7b**

*C. A. Fidler & Associates*  
Certified Public Accountants  
Business Advisors and Valuators

5025 Arlington Centre Blvd.  
Suite 230  
Columbus, Ohio 43220

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[www.cafidlercpa.com](http://www.cafidlercpa.com)

Shareholder  
Muirfield Energy, Inc.  
Dublin, Ohio

We have compiled the accompanying statement of assets, liabilities, and owner's equity – income tax basis of Muirfield Energy, Inc. as of September 30, 2010, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

We have not audited or reviewed the accompanying financial statement. This financial statement presents information which is the representation of management.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the income tax basis. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, and equity. Accordingly, this financial statement is not designed for those who are not informed about such matters.

*C. A. Fidler & Associates, Inc.*

Certified Public Accountants

Columbus, Ohio  
October 5, 2010

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(614)451-5522

Fax: (614)451-5577

email: [carol@cafidlercpa.com](mailto:carol@cafidlercpa.com)

MUIRFIELD ENERGY, INC.  
STATEMENT OF ASSETS, LIABILITIES,  
AND STOCKHOLDER'S EQUITY - CASH BASIS  
As of September 30, 2010

ASSETS

Cash and cash equivalents	\$ 30,277
Total current assets	<u>30,277</u>
Property and equipment	
Office equipment	3,497
Furniture	<u>21,125</u>
Total property and equipment	<u>24,622</u>
Less Accumulated depreciation	<u>(2,130)</u>
Net property and equipment	<u>22,492</u>
Total assets	<u>\$ 52,769</u>

LIABILITIES AND SHAREHOLDER'S EQUITY

Loans from shareholder	<u>12,720</u>
Total current liabilities	<u>12,720</u>
Shareholder's equity	
Common stock	500
Additional paid-in capital	63,441
Retained earnings	<u>(23,892)</u>
Total stockholder's equity	40,049
Total liabilities and stockholder's equity	<u>\$ 52,769</u>

See accountant's compilation report and summary of significant assumptions.

*C. A. Fidler & Associates*  
Certified Public Accountants  
Business Advisors and Valuers

5025 Arlington Centre Blvd.  
Suite 230  
Columbus, Ohio 43220

[www.cafidlercpa.com](http://www.cafidlercpa.com)

Shareholder  
Muirfield Energy, Inc.  
Dublin, Ohio

We have compiled the accompanying projected statements of assets, liabilities, and shareholder's equity – cash basis of Muirfield Energy, Inc. as of December 31, 2010, December 31, 2011, and December 31, 2012, and the related statements of revenues and expenses – cash basis and net cash flows, for the years then ended, in accordance with attestation standards established by the American Institute of Certified Public Accountants. The accompanying projections were prepared for the purpose of complying with Public Utilities Commission of Pennsylvania requirements for an application for sales of electrical power and also for use by the company management and its lenders.

A compilation is limited to presenting in the form of a projection information that is the representation of management and does not include evaluation of the support for the assumptions underlying the projection. We have not examined the projections and, accordingly, do not express an opinion or any other form of assurance on the accompanying statements or assumptions. Furthermore, there will usually be differences between the projected and actual results, because events and circumstances frequently do not occur as expected, and those differences may be material. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

Management has elected to omit the summary of significant accounting policies required by the guidelines for presentation of a forecast established by the American Institute of Certified Public Accountants. If the omitted disclosures were included in the projections, they might influence the user's conclusions about the Company's revenues, expenses, and cash flows. Accordingly, these projections are not designed for those who are not informed about such matters.

The accompanying projections and this report are intended solely for the information and use of Muirfield Energy, Inc. and its lenders, and the Public Utilities Commission of Pennsylvania, and are not intended to be and should not be used by anyone other than these specified parties.

*C. A. Fidler & Associates, Inc.*

Certified Public Accountants

Columbus, Ohio  
October 5, 2010

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(614)451-5522

Fax: (614)451-5577

email: carol@cafidlercpa.com

## MUIRFIELD ENERGY, INC.

### SUMMARY OF SIGNIFICANT ASSUMPTIONS

1. Revenues are based on the booked contracts only, not including any new business or contract renewals, both of which are expected to occur. Revenues are expected to be higher than shown. Sales commissions are 45% of revenues.
2. Salaries will increase with the volume of contracts, including payroll taxes at 10% of salaries. Employee benefits, including pension contribution, are at 25% of salaries.
3. Office rent will not change in the time period of the projections.
4. Telephone expense includes multiple telephone lines in the office and one cellular telephone.
5. Automobile expense is reimbursement for five hundred miles per week at the current rate allowed by the Internal Revenue Service.
6. The loans from shareholder will provide the needed cash for the early operation of the company.
7. The company shareholder has elected to be taxed as a subchapter S corporation. The company will not pay income taxes on the company profit. This income will be reported and tax paid on the shareholder's individual tax return.
8. The profit, above the amount needed for company operations, will be distributed to the shareholder as shareholder distributions after the loans from shareholder are repaid.

MUIRFIELD ENERGY, INC.  
 PAROJECTED STATEMENT OF ASSETS, LIABILITIES,  
 AND STOCKHOLDER'S EQUITY - CASH BASIS  
 As of December 31, 2010

ASSETS

Cash and cash equivalents	\$ 39,828
Total current assets	<u>39,828</u>
Property and equipment	
Office equipment	3,497
Furniture	21,125
Total property and equipment	<u>24,622</u>
Less Accumulated depreciation	<u>(2,844)</u>
Net property and equipment	<u>21,778</u>
Total assets	<u>\$ 61,606</u>

LIABILITIES AND SHAREHOLDER'S EQUITY

Loans from shareholder	11,720
Total current liabilities	<u>11,720</u>
Shareholder's equity	
Common stock	500
Additional paid-in capital	63,441
Retained earnings	<u>(14,055)</u>
Total stockholder's equity	49,886
Total liabilities and stockholder's equity	<u>\$ 61,606</u>

See accountant's compilation report and summary of significant assumptions.

MUIRFIELD ENERGY, INC.  
 PROJECTED REVENUE AND EXPENSES - CASH BASIS  
 AND NET CASH FLOW  
 For the Year Ended December 31, 2010

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Revenues	\$ 13,442	\$ 44,506	\$ 87,396	\$ 93,844	\$ 239,188
Expenses					
Sales commissions	6,049	20,028	39,328	42,230	107,635
Salaries and wages	4,000	4,000	4,000	10,000	22,000
Payroll taxes	400	400	400	1,000	2,200
Employee benefits	4,245	4,245	4,245	4,245	16,980
Rent and utilities	3,498	3,498	3,498	3,498	13,992
Telephone	1,650	1,650	1,650	1,650	6,600
Supplies	900	900	900	900	3,600
Postage	600	600	600	600	2,400
Auto expense	2,250	2,250	2,250	2,250	9,000
Other expense	1,920	1,920	1,920	1,920	7,680
	<u>25,512</u>	<u>39,491</u>	<u>58,791</u>	<u>68,293</u>	<u>192,087</u>
Net Income before tax	\$ (12,070)	\$ 5,015	\$ 28,605	\$ 25,551	\$ 47,101
Distribution to shareholder				(15,000)	(15,000)
Repay loans from shareholder	-	-	(1,000)	(1,000)	(2,000)
Net cash flow	<u>\$ (12,070)</u>	<u>\$ 5,015</u>	<u>\$ 27,605</u>	<u>\$ 9,551</u>	<u>\$ 30,101</u>

NOTE: Revenues includes only the booked contract numbers. This does not include any new business or contract renewals, which are expected to occur. Therefore, revenues are expected to be higher than shown here.  
 Depreciation not included

See accountant's compilation report and summary of significant assumptions.

MUIRFIELD ENERGY, INC.  
PROJECTED STATEMENT OF ASSETS, LIABILITIES,  
AND STOCKHOLDER'S EQUITY - CASH BASIS  
As of December 31, 2011

ASSETS

Cash and cash equivalents	\$ 79,972
Total current assets	<u>79,972</u>
Property and equipment	
Office equipment	3,497
Furniture	21,125
Total property and equipment	<u>24,622</u>
Less Accumulated depreciation	<u>(5,700)</u>
Net property and equipment	<u>18,922</u>
Total assets	<u>\$ 98,894</u>

LIABILITIES AND SHAREHOLDER'S EQUITY

Loans from shareholder	<u>1,720</u>
Total current liabilities	1,720
Shareholder's equity	
Common stock	500
Additional paid-in capital	63,441
Retained earnings	<u>33,233</u>
Total stockholder's equity	97,174
Total liabilities and stockholder's equity	<u>\$ 98,894</u>

See accountant's compilation report and summary of significant assumptions.

MUIRFIELD ENERGY, INC.  
 PROJECTED REVENUE AND EXPENSES - CASH BASIS  
 AND NET CASH FLOW  
 For the Year Ended December 31, 2011

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Revenues	\$ 121,023	\$ 134,402	\$ 107,961	\$ 80,606	\$ 443,992
Expenses					
Sales commissions	54,460	60,481	48,582	36,273	199,796
Salaries and wages	13,000	13,000	16,000	16,000	58,000
Payroll taxes	1,300	1,300	1,600	1,600	5,800
Employee benefits	4,245	4,245	4,245	4,245	16,980
Rent and utilities	3,498	3,498	3,498	3,498	13,992
Telephone	1,650	1,650	1,650	1,650	6,600
Supplies	900	900	900	900	3,600
Postage	600	600	600	600	2,400
Auto expense	2,250	2,250	2,250	2,250	9,000
Other expense	1,920	1,920	1,920	1,920	7,680
	<u>83,823</u>	<u>89,844</u>	<u>81,245</u>	<u>68,936</u>	<u>323,848</u>
Net Income before tax	\$ 37,200	\$ 44,558	\$ 26,716	\$ 11,670	\$ 120,144
Distribution to shareholder	(25,000)	(25,000)	(15,000)	(5,000)	(70,000)
Repay loans from shareholder	(3,000)	(3,000)	(3,000)	(1,000)	(10,000)
Net cash flow	<u>\$ 9,200</u>	<u>\$ 16,558</u>	<u>\$ 8,716</u>	<u>\$ 5,670</u>	<u>\$ 40,144</u>

NOTE: Revenues includes only the booked contract numbers. This does not include any new business or contract renewals, which are expected to occur. Therefore, revenues are expected to be higher than shown here.  
 Depreciation not included

See accountant's compilation report and summary of significant assumptions.

MUIRFIELD ENERGY, INC.  
PROJECTED STATEMENT OF ASSETS, LIABILITIES,  
AND STOCKHOLDER'S EQUITY - CASH BASIS  
As of December 31, 2012

ASSETS

Cash and cash equivalents	\$ 71,495
Total current assets	<u>71,495</u>
Property and equipment	
Office equipment	3,497
Furniture	21,125
Total property and equipment	<u>24,622</u>
Less Accumulated depreciation	<u>(8,544)</u>
Net property and equipment	<u>16,078</u>
Total assets	<u>\$ 87,573</u>

LIABILITIES AND SHAREHOLDER'S EQUITY

Loans from shareholder	-
Total current liabilities	<u>-</u>
Shareholder's equity	
Common stock	500
Additional paid-in capital	63,441
Retained earnings	23,632
Total stockholder's equity	<u>87,573</u>
Total liabilities and stockholder's equity	<u>\$ 87,573</u>

See accountant's compilation report and summary of significant assumptions.

MUIRFIELD ENERGY, INC.  
 PROJECTED IREVENUE AND EXPENSES - CASH BASIS  
 AND NET CASH FLOW  
 For the Year Ended December 31, 2012

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Revenues	\$ 77,852	\$ 74,240	\$ 60,510	\$ 49,025	\$ 261,627
Expenses					
Sales commissions	35,033	33,408	27,230	22,061	117,732
Salaries and wages	16,000	16,000	16,000	16,000	64,000
Payroll taxes	1,600	1,600	1,600	1,600	6,400
Employee benefits	4,245	4,245	4,245	4,245	16,980
Rent and utilities	3,498	3,498	3,498	3,498	13,992
Telephone	1,650	1,650	1,650	1,650	6,600
Supplies	900	900	900	900	3,600
Postage	600	600	600	600	2,400
Auto expense	2,250	2,250	2,250	2,250	9,000
Other expense	1,920	1,920	1,920	1,920	7,680
	<u>67,696</u>	<u>66,071</u>	<u>59,893</u>	<u>54,724</u>	<u>248,384</u>
Net Income before tax	\$ 10,156	\$ 8,169	\$ 618	\$ (5,699)	\$ 13,243
Distribution to shareholder	(5,000)	(5,000)	(5,000)	(5,000)	(20,000)
Repay loans from shareholder	(1,720)				(1,720)
Net cash flow	<u>\$ 3,436</u>	<u>\$ 3,169</u>	<u>\$ (4,383)</u>	<u>\$ (10,699)</u>	<u>\$ (8,477)</u>

NOTE: Revenues includes only the booked contract numbers. This does not include any new business or contract renewals, which are expected to occur. Therefore, revenues are expected to be higher than shown here.  
 Depreciation not included

See accountant's compilation report and summary of significant assumptions.

# **EXHIBIT 8a**

(Applicant's Experience)

**RECEIVED**  
OCT 14 2010  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**EXHIBIT 8a**

Prior to the creation of Muirfield Energy in 2009, Perry Oman, president of Muirfield Energy spent 4 years (2005 – 2008) as Senior Manager for Direct Energy Business in Ohio. During that time he was in charge of Direct Energy's natural gas commercial & industrial sales efforts in Ohio. In addition, Mr. Oman also managed Direct Energy's New York State C&I electric and natural gas efforts in 2007 and 2008. In New York, Mr. Oman was responsible for the supervision of 4 Commercial and 3 Industrial Sales Staff offering electric retail electric purchasing services to customers in the service areas of Rochester Gas & Electric, Niagara Mohawk, NYSEG and Consolidated Edison. In Ohio, Mr. Oman was responsible for the supervision of 8 commercial and industrial sales personnel and 3 support personnel offering natural gas supply arrangements to customers in Dominion and COH territories.

Prior to Direct Energy, Mr. Oman was employed by Amerada Hess Corporation as General Manager of Commercial Energy Sales for 4 years. In that capacity he was responsible for commercial electric and natural gas sales in a 5 state, 15 utility service area servicing 9,000 commercial customers. This group was responsible for the delivery of 30 bcf of natural gas and 600,000,000 Kwh of electricity annually.

Overall, Mr. Oman has over 15 years experience in natural gas and electricity commercial markets. In addition to Direct Energy and Amerada Hess prior energy employers have included Equitable Resources as Northeast Regional Sales Manager and Norstar Energy as an Industrial Sales Representative.

Currently, Muirfield Energy currently serves over 200 customers with over 500 locations throughout the state of Ohio.

**RECEIVED**

OCT 14 2010

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

# **EXHIBIT 8a**

(Summary & Proof of Licenses as Electricity Supplier in  
Other States)

**EXHIBIT 8a**

# PUBLIC UTILITIES COMMISSION OF OHIO

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

**09-161E (1)**

Issued Pursuant to Case Number(s):

**09-604-EL-AGG**

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **Muirfield Energy, Inc.** whose office or principal place of business is located at **6135 Memorial Drive, Dublin, OH 43017** to provide **aggregation and power broker** services within the State of Ohio **effective August 20, 2009.**

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: August 20, 2009

By Order of

PUBLIC UTILITIES COMMISSION OF  
OHIO

Betty McCauley  
Renee J. Jenkins, Secretary  
Betty McCauley, Acting Secretary  
Mariruth C. Wright, Acting Secretary

**Certificate Expires: August 20, 2011**

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SECRETARY'S BUREAU

# **EXHIBIT 8b**

(Resume of Perry S. Oman, President and Principal Owner of  
Muirfield Energy, Inc.)

**EXHIBIT 8b**

# PERRY S. OMAN

Email – [poman@muirfieldenergy.com](mailto:poman@muirfieldenergy.com)

## PROFESSIONAL EXPERIENCE

### **MUIRFIELD ENERGY, Dublin, Ohio**

#### ***Director – Sales & Marketing / Owner-Founder (3/09 – Present)***

- Founded independent brokerage marketing commercial and industrial power supply to customers served by First Energy operating utilities, AEP operating utilities and Duke Energy Ohio. Muirfield Energy currently serves over 200 power customers with over 500 locations throughout the state of Ohio.
- Established power and natural gas supply agreements, implementing processes to track quotes, proposals and administer contract executions.
- Hired and trained 4 sales personnel to market power and natural gas supply to the Ohio commercial and industrial markets.
- Lead start up business to positive cash flow within 6 months.
- Created highly effective collateral material and company website to enhance direct sales efforts.
- Implemented CRM system to track the sales process.
- Currently planning expansion into Penelec, Met-Ed and West Penn Power markets of Pennsylvania with an anticipated kickoff of December 1, 2010.

### **DELTA ENERGY RESOURCES LLC, Columbus, Ohio**

#### ***Director – Commercial Services (9/08 – 1/09)***

- Created and implemented business plan for entry into Ohio commercial natural gas market.
- Directed the hiring of 7 sales and 3 support personnel to meet specific sales targets by utilizing direct sales, broker channels, agents, association relationships and web platforms.
- Designed operating procedures and systems for pricing, contract administration, sales management, customer service and utility enrollment.
- Developed marketing material to be utilized by sales staff and alternative channel sales in business to business sales efforts.
- Achieved 240% of original business plan sales goals.

### **DIRECT ENERGY, Dublin, Ohio**

#### ***Senior Sales Manager – Midwest Region (7/08 – 9/08)***

- Directed C & I power and natural gas sales in Ohio, Michigan and western Pennsylvania.
- Responsible for the development of alternative sales channels throughout the Midwest.
- Tasked with the creation of a new operating region integrating the Strategic Energy acquisition into the Direct Energy organization.

#### ***Senior Sales Manager – U.S. North (2/07 – 6/08)***

- Responsible for C & I power and natural gas sales in New York State and natural gas sales in Ohio.
- Tasked with resurrecting and correcting the failed 2005/2006 New York C&I market entry.
- Redesigned New York business plan stressing utility billing for commercial accounts, utility purchase of receivables, defined sales territories, added sales staff and an updated product suite.
- Conducted assessment identifying products necessary to compete "up market" in the different markets of New York City and Upstate New York, this resulted in a 140% increase in Upstate New York industrial sales.
- Highlighted existence of 2 different business segments requiring differing approaches and products. Created small/medium business segment (SMB) & large commercial/Industrial segment (LCI). This increased geographic sales coverage while bringing about a 20% reduction in sales staff salaries.
- Directed 2 sales managers and 19 sales personnel operating from offices in Dublin, Ohio; Akron, Ohio and Iselin, New Jersey.

### **Sales Manager – Midwest Sales (7/05 – 2/07)**

- Lead new sales team to beat 2005 sales goals by 140% and 2006 goals by 155%.
- Designed a Midwest business plan identifying market segments and demographics to maximize sales efficiencies.
- Defined what customer profiles should be attacked in the commercial and the industrial market segments.
- Reviewed and updated all collateral marketing material. Designed 3 new marketing brochures.
- Coordinated activities with the Marketing Department in order to further sales through association memberships, trade show attendance and speaking engagements.
- Standardized Ohio commercial contracts, Contract Administration procedures and Ohio Sales Support processes.
- Created and lead a Midwest Alternate Channels Sales Group for broker sales, electronic platform bids and Government bids. This group was responsible for efforts in Ohio, Illinois and Michigan.

### **AMERADA HESS CORPORATION, Woodbridge, New Jersey**

#### **General Manager – Commercial Energy Sales (9/98 – 6/02)**

- Directed and monitored all aspects of domestic commercial sales and marketing, including strategic planning, program development and implementation as well as contract administration. Directly administer \$8 million budget.
- Responsible for commercial natural gas and electric sales to 12,000 commercial customers in a 7 state, 30 utility area designated by the Corporation as core market and brand recognition area. Group generated \$135 million in sales and \$12.6 million in gross annual margin. Delivered 30 bcf of natural gas at an average margin of \$.42 dth.
- Managed staff of 45 people. Including Commercial Account Sales, Marketing, Collections, Customer Service and a centralized Account Retention group. In addition, supervised Industrial Electric Sales Support.
- Directed reexamination of accounts receivable, collections, billing and customer service procedures. Results included further corporate understanding of the requirements needed to support natural gas and electric sales to small and mid-sized businesses.
- Revamped headquarters' sales support efforts. Activities included the rewriting of all customer contracts, development of customer proposals, establishment of new pricing procedures and the revision of contract administration policies. New sales reporting methods and a telemarketing effort were also initiated.
- Led or participated in "due diligence" teams examining the sales records, operational procedures and finances of NUI Energy, Great Eastern Energy, Reliant Energy, Provident Energy, AllEnergy and PSEG ET.
- Responsible for integration efforts of ERI, NUI, PSEG ET, Provident Energy and Reliant New Jersey, New England, Ohio regions. Integration consisted of 6,500 Industrial and Commercial accounts.

### **EQUITABLE RESOURCES / ERI ENERGY, Pittsburgh, Pennsylvania**

#### **Regional Manager – Director, Northeast Region/Saddle Brook, NJ (4/97- 9/98)**

- Responsible for the creation of a regional sales office in Saddle Brook, New Jersey. This region was tasked to handle all Commercial and Industrial sales/marketing activities in New York City, lower New York State, New Jersey, Connecticut and eastern Pennsylvania. Area of responsibilities included the territories of 14 utilities.
- Developed a comprehensive business plan for the New York metropolitan area. This plan detailed sales staff requirements for each area, timing of hires and minimum performance standards. In addition, market and industry segments, allocation of financial resources and New York/New Jersey demographics were analyzed.
- Responsible for the hiring and training region personnel. This included both commercial and industrial sales personnel as well as sales support personnel. Created an energy sales training manual to educate sales staff. Developed inexperienced sales staff, meeting all performance criteria within 6 months.
- Lead sales force to become the fastest growing marketer in Brooklyn Union Gas and Orange & Rockland territories. Entered the ConEd market with a significant impact opening 200 commercial accounts in 3 months.
- Represented the corporation at New York Public Service Commission and New Jersey Board of Public Utilities sessions. Advocated company policies and objectives at utility meetings and industry associations.

### **NORSTAR ENERGY, Montvale, New Jersey**

#### **Industrial Sales Representative (11/96-3/97)**

- Developed a large volume interruptible clientele in Orange & Rockland and ConEd territories. Reactivating former customers as well as aggressively closing new business.

#### **Commercial Sales Representative (9/96-11/96)**

- Selected to implement new sales/marketing strategy, targeting mid-sized manufacturers in the Brooklyn Union and LILCO service territories.

#### **Retail Sales Representative (5/96-8/96)**

- Established firm record for monthly new account openings while operating in the BUG and LILCO areas of Queens, NY.

## **EDUCATION**

Fordham College, Bronx NY  
BA History 1980

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 6  FedEx First Overnight Earliest next business morning delivery to select locations. Saturday Delivery NOT available.  
 3  FedEx 2Day Second business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 20  FedEx Express Saver Third business day. Saturday Delivery NOT available.  
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 8  FedEx 2Day Freight Second business day. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 83  FedEx 3Day Freight Third business day. Saturday Delivery NOT available.  
 \* Call for Confirmation. \*\* To most locations.

**5 Packaging**

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3  SATURDAY Delivery Not available for FedEx Standard Overnight, FedEx First Overnight, FedEx Express Saver, or FedEx 3Day Freight.  
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**8 Residential Delivery Signature Options** If you require a signature, check Direct or Indirect.

No Signature Required  Package may be left without obtaining a signature for delivery. 10  Direct Signature Someone at recipient's address may sign for delivery. Fee applies. 34  Indirect Signature If no one is available at recipient's address, someone at a neighboring address may sign for delivery. Fee applies.

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