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ALBANY, NY 12210
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November 4, 2010

VIA OVERNIGHT DELIVERY

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North Street, Keystone Bldg., 2nd Fl.
Room N201
Harrisburg, PA 17105-3265

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Application of Capital Energy, Inc. for EGS License
Docket No. A-2010-XXXXXXX**

Dear Secretary Chiavetta:

On behalf of Capital Energy, Inc. ("Capital Energy"), enclosed are the original and three (3) copies of its public application for approval to offer, render, furnish or supply electricity and related services as an electric generation supplier ("EGS") to the public in the Commonwealth of Pennsylvania. Also enclosed is one electronic copy on a CD-ROM disk, and a check in the amount of \$350.00 for payment of the application fee. An original and two (2) copies of the license bond are also provided in an enclosed envelope.

Please note that application responses containing confidential information are marked "Confidential" and furnished (one copy) in a separate sealed envelope. Capital Energy is a privately held company, and is not subject to any public reporting requirements with respect to its financial information, except to the extent required by federal, state or local taxing authorities. Capital Energy does not publish or otherwise make available for use by the general public or its competitors its financial or tax information, nor has it ever done so in the past. Accordingly, Capital Energy respectfully requests the Commission to maintain the confidentiality of the information marked as such.

Rosemary Chiavette, Secretary

November 4, 2010

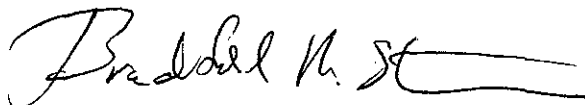
Page 2

Please forward a docket number to my attention as soon as possible. Proof of publication of the legal notice is provided with the application.

An extra copy of the application is provided. Please file stamp same and return it in the enclosed, self-addressed, postage pre-paid envelope.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradford M. Stern", with a long horizontal flourish extending to the right.

Bradford M. Stern

BMS/rma

Enclosures

cc: Service list

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Capital Energy Inc., d/b/a _____, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) energy consultant 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:

Capital Energy Inc.
2113 W. 7th Street
Brooklyn, NY 11223
www.capitalenergyinc.com
(718) 676-0830

- 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
(702) 866-2500 (Phone)
(702) 866-2689 (Fax)

- 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.

Caleb Berger – President
2113 W. 7th Street
Brooklyn, NY 11223
(718) 676-0829 (Phone)
(888) 351-2122 (Fax)
caleb@capitalenergyinc.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.

Bradford M. Stern, Esq. (Atty # 57298)
Rothfelder Stern, L.L.C.
625 Central Avenue
Westfield, NJ 07090
908-301-1211 (tel)
908-301-1212 (fax)

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- 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.

Caleb Berger – President
2113 W. 7th Street
Brooklyn, NY 11223
(718) 676-0829 (Phone)
(888) 351-2122 (Fax)
caleb@capitalenergyinc.com

Albert Guigui – Vice President
2113 W. 7th Street
Brooklyn, NY 11223
(718) 676-0830 (Phone)
(888) 351-2122 (Fax)
albert@capitalenergyinc.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

X 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.
- Provide the state in which the business is incorporated and provide a copy of the Applicant's Articles of Incorporation.

Please see Attachment 2(b).

- Give name and address of officers.

Caleb Berger, President
2375 E. 3rd Street #6E
Brooklyn, NY 11223

Albert Guigui, Vice President
1976 E. 9th Street
Brooklyn, NY 11223

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.

None

- 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.

None

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):

The Applicant provides consulting services to end-users of electricity. These services include: review of tariffs and rates; review of utility bills; identifying alternative energy suppliers and services; identifying conservation and demand response opportunities; procuring price quotes from energy suppliers for client review and consideration; and providing strategic and programmatic advice to end-user clients regarding their energy usage and purchases. The Applicant does not take title to energy and is not required to pay a gross receipts tax.

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.

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

Energy consulting services, as described in the response to Question 4(b).

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

PECO Energy Company

- e. **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):

- f. **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):

- g. **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.

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

As soon as possible.

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.

None

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.

Not Applicable (N/A)

- 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.

N/A

- 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

(Example 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

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Appendix C

CERTIFICATE OF SERVICE

On this the 4th day of November, 2010, 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

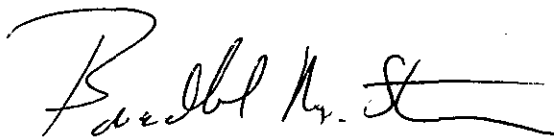
Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
Harrisburg, PA 17128-0946

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

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SECRETARY'S BUREAU



Bradford M. Stern, Esq.
Rothfelder Stern, LLC
625 Central Avenue
Westfield, NJ 07090
Tel: (908) 301-1211
Fax: (908) 301-1212

Attorneys for Applicant,
Capital Energy, Inc.

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.
- X 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.

Please see Attachment 7(a).

- *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.

Please see Attachment 7(b) (CONFIDENTIAL).

- 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.

Albert Guigui – Vice President
2113 W. 7th Street
Brooklyn, NY 11223
(718) 676-0830 (Phone)
(888) 351-2122 (Fax)
albert@capitalenergyinc.com

- 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.

Please see completed Tax Certification Statement attached hereto. Applicant has been advised that it is not required by law to collect and remit sales tax in connection with its proposed service offerings in the Commonwealth, as described in the response to Question 4(b). Therefore, Item A (Sales Tax License) has been marked as “N/A” on Applicant’s Tax Certification Statement.

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.
- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions.
- 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.

Please see Attachment 8(a).

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

Caleb Berger – President
2113 W. 7th Street
Brooklyn, NY 11223
(718) 676-0829 (Phone)
(888) 351-2122 (Fax)
caleb@capitalenergyinc.com

Mr. Berger's professional resume is attached hereto as Statement 8(b).

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 _____.
- X Not applicable

9. DISCLOSURE STATEMENT:

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.

N/A – Applicant will be providing consulting services only; see response to Question 4(b).

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
- X **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.

X 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.

X 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.

X 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).

X 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.

X 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.

X 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.

X 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.

X 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.

X AGREED

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

X 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.

Please see Application Affidavit attached hereto.

- 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.

N/A – Applicant is providing consulting services only and will neither take title to nor supply electricity; please see responses to Question 4(b) and Question 10(a).

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)

Please see proof of newspaper publication attached hereto.

13. SIGNATURE

Applicant: CAPITAL ENERGY, INC.

By: 

Title: President

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SECRETARY'S BUREAU

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: Capital Energy, Inc.

Applicant's Use	X	Signature		PUC Secretary's Bureau Use
	X	Filing Fee		
	X	Application Affidavit		
	N/A	Operations Affidavit		
	X	Proof of Publication		
	X	Bond or Letter of Credit		
	X	Tax Certification Statement		
	X	Commonwealth Department of State Verification		
	X	Certificate of Service		

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Appendix A

APPLICATION AFFIDAVIT

State of New York:

: ss.

County of Kings:

Caleb Berger, Affiant, being duly sworn according to law, deposes and says that:

He is the President (Office of Affiant) of Capital Energy, Inc. (Name of Applicant);

That he is authorized to and does make this affidavit for said Applicant;

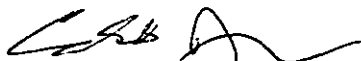
That the Applicant herein Capital Energy, Inc. has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein Capital Energy, Inc. has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein Capital 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 Capital 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 3 day of November, 2010.



Signature of official administering oath

MARK KHASKELZON

NOTARY PUBLIC-STATE OF NEW YORK

No. 01KH6110718

Qualified in Kings County

Commission Expires 6/1 2012

My commission expires _____

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SECRETARY'S BUREAU

Appendix C

CERTIFICATE OF SERVICE

On this the 4th day of November, 2010, 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:

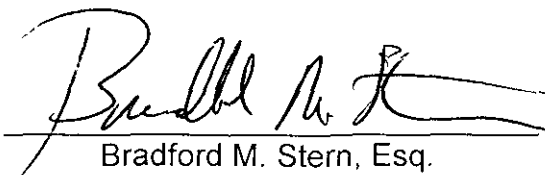
Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120

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

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



Bradford M. Stern, Esq.
Rothfelder Stern, LLC
625 Central Avenue
Westfield, NJ 07090
Tel: (908) 301-1211
Fax: (908) 301-1212

Attorneys for Applicant,
Capital Energy, Inc.

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SECRETARY'S BUREAU

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.

IN ADDITION TO A COPY OF APPLICANT'S LICENSE BOND ON NEXT PAGE, THE ORIGINAL AND TWO (2) COPIES OF APPLICANT'S LICENSE BOND ARE PROVIDED IN A SEALED ENVELOPE PROVIDED WITH THIS APPLICATION.

Appendix F

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COMMONWEALTH OF
PENNSYLVANIA
PUBLIC UTILITY COMMISSIONTAX CERTIFICATION
STATEMENT

NOV 04 2010

PA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE

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 Capital Energy, Inc.	2. BUSINESS PHONE NO. (718) 676-0830 CONTACT PERSON(S) FOR TAX ACCOUNTS: Albert Guigui
3. TRADE/FICTITIOUS NAME (IF ANY)	

4. LICENSED ADDRESS 2113 W. 7 th Street, Brooklyn, NY 11223	(STREET, RURAL ROUTE, P.O. BOX NO.)	(POST OFFICE)	STATE	(ZIP)
5. TYPE OF ENTITY <input type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> OTHER (Describe...)				

6. LIST OWNER(S), GENERAL PARTNERS, OR CORPORATE OFFICER(S)	
NAME (PRINT) Caleb Berger	SOCIAL SECURITY NUMBER (OPTIONAL) [] [] [] - [] [] [] - [] [] [] []
NAME (PRINT) Albert Guigui	SOCIAL SECURITY NUMBER (OPTIONAL) [] [] [] - [] [] [] - [] [] [] []
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL) [] [] [] - [] [] [] - [] [] [] []
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL) [] [] [] - [] [] [] - [] [] [] []
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL) [] [] [] - [] [] [] - [] [] [] []

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

Item A - Designated by the Pennsylvania Department of Revenue.

Item B - Designated by the Internal Revenue Service.

Item C - Designated by the Pennsylvania Department of Revenue. The Corporate Box number may also be referred to as the Corporate Account number.

A. SALES TAX LICENSE (8 DIGITS)		C. CORPORATE BOX NUMBER (7 DIGITS)	
[] [] - [] [] [] [] [] []	APPLICATION PENDING <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	[] [] [] [] [] [] []	APPLICATION PENDING <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
B. EMPLOYER ID (EIN) (9 DIGITS)			
[2] [7] - [3] [3] [5] [2] [1] [9] [2]	APPLICATION PENDING <input type="checkbox"/> N/A <input type="checkbox"/>		

8. Do you have PA employees; resident or non-resident?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
9. Do you own any assets or have an office in PA?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

NAME AND PHONE NUMBER OF PERSON(S) RESPONSIBLE FOR FILING TAX RETURNS

PA SALES AND USE TAX	EMPLOYER TAXES Jacob Meller	CORPORATE TAXES Jacob Meller
----------------------	--------------------------------	---------------------------------

PHONE	PHONE 718-258-9060	PHONE 718-258-9060
-------	--------------------	--------------------

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)

Appendix H

PROOF OF NEWSPAPER PUBLICATION

Sample Notice

LEGAL NOTICE

Application of Capital Energy, Inc. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Consultant with Respect to Electricity and Related Services In The Commonwealth Of Pennsylvania.

Capital Energy, Inc. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide services as a consultant with respect to the purchase or sale of electricity and related services in Pennsylvania. Capital Energy, Inc. proposes to provide its services to commercial and industrial customers throughout the service territory of the PECO Energy Company 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 Capital 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 Capital Energy's attorney at the address listed below.

By and through Counsel: Bradford M. Stern, Esq.
Rothfelder Stern, LLC
625 Central Avenue
Westfield, NJ 07090
Tel: (908) 301-1211
Fax: (908) 301-1212

Proof of Publication of the above-described Sample Notice in the Philadelphia Daily News,
Dated October 11, 2010 is attached.

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NOV 04 2010

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Proof of Publication in The Philadelphia Daily News
Under Act. No 587, Approved May 16, 1929

STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

Anna Dickerson being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

October 11, 2010

Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Anna Dickerson

Sworn to and subscribed before me this 11th day of
October, 2010.

Mary Anne Logan
Notary Public

My Commission Expires:

NOTARIAL SEAL
Mary Anne Logan, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 30, 2013

Copy of Notice of Publication

LEGAL NOTICE
Application of Capital Energy, Inc. For Approvals To Offer, Render, Furnish Or, Supply Electricity Or, Electric Generation Services As A Consultant With Respect To Electricity And Related Services In The Commonwealth Of Pennsylvania.
Capital Energy, Inc. will be filing an application with the Pennsylvania Public Utility Commission (PUC) for a license to provide services as a consultant with respect to the purchase or sale of electricity and related services in Pennsylvania. Capital Energy, Inc. proposes to provide its services to commercial, industrial and governmental customers throughout the service territory of the PECO Energy Company 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 Capital 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 Capital Energy's attorney at the address listed below.
By and through Counsel:
Bradford M. Stern, Esq.
Rothfelder, Stern, LLC
625 Central Avenue, Westfield, NJ 07090
Tel: (908) 301-1211 Fax: (908) 301-1212

**ATTACHMENTS TO
APPLICATION OF
CAPITAL ENERGY, INC.
FOR
ELECTRIC GENERATION SUPPLIER LICENSE**

Attachment 2(b)
Capital Energy, Inc.

Pennsylvania Department of State, Corporate Bureau
File Stamped Application for Certificate of Authority

Copy of Certificate of Incorporation, State of New York

Application For Certificate of Authority

PA 23, 2010
PA04B
303002

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Application For Certificate of Authority

- ☒ Foreign Business Corporation (§ 4124)
☐ Foreign Nonprofit Corporation (§ 8124)

Document will be returned to the name and address you enter below.

Name
Infotax Square
Address
7 David Avenue
City State Zip Code
Hicksville New York 11801

Fee: \$250

Commonwealth of Pennsylvania
Certificate of Authority 2 Page(s)



T1026764054

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned, hereby states that:

1. The name of the corporation is:
Capital Energy Inc.
2. Complete only when the corporation must adopt a corporate designator for use in Pennsylvania.
The name which the corporation adopts for use in this Commonwealth is :
3. If the name set forth in paragraph 1 or 2 is not available for use in this Commonwealth, complete the following:
The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

The corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S. (Relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

4. The name of the jurisdiction under the laws of which the corporation is incorporated is:
New York
5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:
2113 W 7th Street Brooklyn New York 11223
Number and Street City State Zip
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
Co: 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.

0300220100923

CC-250

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU
Foreign Signature Form

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

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

1. The enterprise structure is:
Corporation
2. The enterprise legal name is:
Capital Energy Inc.
3. The enterprise's fictitious name is:

IN TESTIMONY WHEREOF, the undersigned have caused this application to be executed this
23 day of September, 2010

Capital Energy Inc.
Enterprise Name

Signature [Signature]

Title Authorized Agent

0300220100923

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

PA DEPT. OF STATE

SEP 23 2010

State of New York
Department of State } ss:

I hereby certify, that the Certificate of Incorporation of CAPITAL ENERGY INC. was filed on 08/27/2010, with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is an existing corporation.



*WITNESS my hand and the official seal
of the Department of State at the City of
Albany, this 30th day of September two
thousand and ten.*

A handwritten signature in dark ink, appearing to read "Neil F. ...", written over a faint circular outline.

First Deputy Secretary of State

CERTIFICATE OF INCORPORATION

OF

CAPITAL ENERGY INC.

Pursuant to Section 402 of the Business Corporation Law

I, the undersigned, a natural person of at least 18 years of age, for the purpose of forming a corporation under Section 402 of the Business Corporation Law of the State of New York hereby certify:

FIRST: The name of the corporation is:

CAPITAL ENERGY INC.

SECOND: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under Article IV of the Business Corporation Law, except that it is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained.

THIRD: The office of the corporation is to be located in the County of **KINGS**, State of New York.

FOURTH: The aggregate number of shares which the corporation shall have the authority to issue is **TWO HUNDRED**, each of which shall be common stock with no par value.

FIFTH: The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

**J. MELLER
3084 BEDFORD AVENUE
BROOKLYN, NY 11210-3714**

SIXTH: No director of the corporation shall have personal liability to the corporation or to its shareholders for damages for any breach of duty in such capacity, provided, however, that the provision shall not eliminate or limit:

(a) the liability of any director of the corporation if a judgment or other final adjudication adverse to him establishes that his acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that he personally gained in fact a financial profit or other advantage to which he was not legally entitled or, with respect to any director of the corporation, that his acts violated Section 719 of the Business Corporation Law of the State of New York, or

(b) the liability of a director for any act or omission prior to the final adoption of this article.

SEVENTH: The holders of any of the corporation's equity shares shall be entitled to preemptive rights in accordance with the provisions of BCL section 622.

IN WITNESS WHEREOF, the undersigned incorporator has executed this certificate of incorporation.

8/27/10



Sharon Babala, Incorporator
BlumbergExcelsior Corporate
Services, Inc.
52 South Pearl Street
Albany, New York 12207

Certificate of Incorporation

of

CAPITAL ENERGY INC.

Pursuant to Section 402 of the Business Corporation Law

**BLU-39
DRAW DOWN**

Filed By:
BlumbergExcelsior Corporate Services, Inc.
52 South Pearl Street, 2nd Floor
Albany, NY 12207

Attachment 7(a)
Capital Energy, Inc.

Applicant requests a modification by way of a reduction in the security requirement to an amount of \$10,000. Applicant will not hold title to electricity commodity or bill customers for electricity. Applicant will not be a cooperative. Applicant will advise on purchasing decisions only and therefore requests this reduction.

Applicant's request for a reduced security requirement is consistent with the Commission's approval of licenses for other EGSs that provide such services under the similar circumstances. *License Application of Chrislynn Energy Services, Inc. for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Consultant*, Docket No. A-2009-2108640 (August 4, 2009); *License Application of Premier Power Solutions, LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Consultant*, Docket No. A-110170 (July 26, 2006); *License Application of Co-eXprise, Inc. for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Consultant of Electricity Supply Services*, Docket No. A-110166 (January 20, 2006); *Pennsylvania Public Utility Commission v. Energy Management Resources of Missouri, Inc.*, Docket No. A-110101 (August 7, 2003); *Pennsylvania Public Utility Commission v. Affiliated Power Purchasers, Inc., Inc.*, Docket No. A-110041 (January 10, 2002); and *Parente Energy Consulting, LLC*, Docket No. A-110099 (May 4, 2001).

Attachment 7(b)

Capital Energy, Inc.

Applicant provides the following Financial Fitness information:

1. Applicant's sole shareholders are Caleb Berger and Albert Guigui.
2. **CONFIDENTIAL INFORMATION NOT OTHERWISE AVAILABLE TO THE PUBLIC****

Applicant provides an opening balance sheet.

3. **CONFIDENTIAL INFORMATION NOT OTHERWISE AVAILABLE TO THE PUBLIC****

Applicant provides a copy of a recent bank statement setting forth its then current cash balance.

Applicant is a start-up entity, recently formed to pursue the provision of services that are described in response to Question 49(b) in the Commonwealth and in other states. As such, Applicant does not have historical financial information to provide, but does provide information on its initial capitalization and operational expenses.

****** Applicant is not subject to any public reporting requirements with respect to its financial information, except to the extent required by federal, state and local taxing authorities. Applicant does not publish or otherwise make available for use by the general public or its competitors Applicant's financial information; nor has Applicant ever done so in the past.

Applicant therefore respectfully requests the Commission to maintain the above-stated information as confidential.

CONFIDENTIAL INFORMATION REDACTED

Attachments 8(a) and 8(b)

Capital Energy, Inc.

Attachment 8(a)

Capital Energy, Inc. was formed August 27, 2010 by Caleb Berger, former Executive Vice President of Florida based energy broker National Energy Group. The company's core focus is to assist business owners in the procurement of electricity in various deregulated markets. While the company plans to pursue a range of commercial, industrial and governmental customers, it will focus initially on the hospitality and convenience store industries. In addition to seeking the Commonwealth's licensure as an EGS, the company has a pending Agent, Brokers and Consultants ("ABC") license application before the Illinois Commerce Commission.

Attachment 8(b)

The resume of Caleb Berger, President of Applicant, is attached hereto.

Professional Resume of Caleb Berger

2010-Present

Capital Energy - President

2009-2010

National Energy Group - Executive Vice President

- Responsible for daily operations, contracts, supplier relations, communication, and internal affairs at Florida based energy broker firm.

2007-2008

1 Stop Camera & Electronics - General Manager

- Responsible for staffing, training, supervision of sales staff, as well as handling the company's larger customers.

2003-2007

J&K Cameras - Sales Manager

- Responsible for staffing, training, supervision of sales staff, as well as handling the company's larger customers.

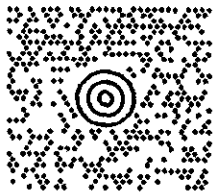
BRADFORD M. STERN
908-301-1211
ROTHFELDER STERN, L.L.C.
625 CENTRAL AVENUE
WESTFIELD NJ 07090

3 LBS PAK

1 OF 1

SHIP TO:

ROSEMARY CHIAVETTA, SECRETARY
717-772-7777
PA PUBLIC UTILITY COMMISSION
KEYSTONE BLDG, 2ND FL, ROOM N201
400 NORTH STREET
HARRISBURG PA 17105-3265



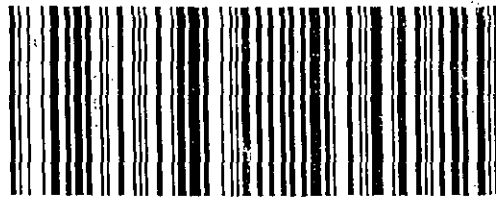
PA 171 9-20



UPS NEXT DAY AIR

1

TRACKING #: 1Z FA7 515 01 9074 9659



BILLING: P/P

Reference#1: 207

UPS 12.8.10. WNTIES0 09.0A 10/2010



PUBLIC UTILITY COMMISSION
400 NORTH ST

HARRISBURG PA 17120-1005

P: SILVER S: BBLUE

I: B52

54B - RDL

1ZFA7515019074 9859

1030

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UPS Internet Shipping: Shipment Label

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