

Curvin W. Martin
Crystal Clear Merchant Consultants

8/25/2012

Ref: Docket No. A-2012-2306196

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CC: Dorothy Morrissey
717-787-4750 (F) – 8/26/12
dmorrissey@pa.gov - 8/26/12

Dear Rosemary Chiavetta,

Enclosed you will find corrected and updated copies of requested information.

In response to data request 1-9 all correction have made with additional clarification of questions. All support information has been attached in regard to additional clarification vendors, counties, etc.

The purpose of this application is to request the opportunity to present Curvin W. Martin's customers as an independent broker/marketer in a fair, competitive environment that would truly offer his customer understandable choices as Curvin W. Martin currently does in the merchant service industry.

There has been a due diligence in providing all information requested or outlined in this application. If you feel there had been anything overlooked let us know so it can be immediately expedited to complete this application.

On behalf of Curvin W. Martin d/b/a Crystal Clear Merchant Consultants



Curvin W. Martin
Crystal Clear Merchant Consultants

Robert H. Carr, Jr., Sr. Advisor
R. Hudson Carr, Inc.
Resource Management Co.
rtci.mailbox@rhudsoncarr.us

Docket No. A-2012-2306196
CURVIN W. MARTIN d/b/a CRYSTAL CLEAR MERCHANT CONSULTANTS
Data Request

- ✓ 1. Reference application, Section 4.a, Operations – Applicant’s Present Operations. The applicant’s response in this section indicates that the applicant is currently acting as a broker/marketer of electricity services. Please explain in detail whether or not the applicant is currently operating as a broker/marketer of electricity services within the Commonwealth of Pennsylvania. If applicant is operating as a broker/marketer outside the Commonwealth of Pennsylvania, identify the nature and location of this current operating activity.

- ✓ 2. Reference application, Section 4.c, Operations – Proposed Services. Provide a description of the services the applicant broker/marketer will provide (i.e., negotiate contracts between customer and electric supplier, evaluate bids, aggregate customers, etc.). Include statements with regard to whether the applicant intends to take title to the electricity, whether or not customers will be billed by and pay the electric distribution company (EDC) directly for their usage/consumption of electric energy, what party the applicant intends to bill for its broker/marketer services, etc.

- ✓ 3. Reference application, Section 4.d, Operations – Proposed Service Area. The applicant did not specify the region of Pennsylvania (PA) it plans to serve as a licensed broker/marketer. The regions of PA are to be identified by the EDC’s service territory. For example, if broker/marketer service area is limited to Cumberland County, EDC’s PPL and MetEd serve within this region, therefore both of these EDC’s would be listed in this section. If broker/marketer intends to service all regions of PA, then all EDC’s would be listed. Please specify the regions of the Commonwealth that the applicant intends to serve as a licensed broker/marketer.

4. Reference application, Section 7.b, Financial Fitness – Financial Records, Statements, and Ratings. The application lists examples of several forms of documentation that would aid in evaluating the applicant’s financial fitness. However, the applicant did not provide a response or information for this section. Please provide copies of financial records, credit rating, general liability insurance or other support for applicant’s financial fitness. Applicant can elect to mark submitted information as confidential.

5. Reference application, Section 8.a, Technical Fitness – Experience, Plan, Structure. There was no information provided in the submitted application describing the applicant’s business plan or capabilities. Provide business plan and relevant regulatory and/or energy-related background and experience.

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6. Reference application, Section 8.b, Technical Fitness – Officers. Applicant is a sole proprietor, however, there was no response in this section of the application. Provide a professional resume for the applicant.
7. Reference application, Section 10.a, PJM Load Serving Entity Requirement. The submitted application has the first box marked indicating “AGREED” and that “applicant included compliance in the instant application”. However, no attachment or other document was included in filing that supports this selected response. Provide support that the applicant has contracted with a Load Serving Entity. If not, review section of application and determine whether or not the third box “ACKNOWLEDGED” would be appropriate response for applicant. Consider whether or not the applicant intends to take title to electricity when determining the appropriate response to this section.
8. Reference application, Section 12, Newspaper Publications. Applicant did not specify which EDC territories it plans to serve as a broker/marketer (i.e., Section 4.d of application – see Data Request No. 3 above). The necessary newspapers in which to advertise are driven by the selected EDC territory. Applicant advertised in The Patriot News, but that one newspaper does not fully encompass any one EDC’s service area. Please indicate the regions of the Commonwealth that the applicant plans to service as a licensed broker/marketer (in terms of EDC territory) and provide proof of publication in each of the newspapers listed for the EDC.
9. The application is missing the required signed certificate of service that is to be submitted with the license application, listing all parties notified of applicant’s licensing request. The addresses of state agencies that are to be served and all EDC’s are provided in Appendix C of application forms. Each state agency listed should be served as well as the pertinent EDC’s that service the territory in which broker/marketer intends to do business in as a licensed EGS. If not already done so, serve all required parties with a copy of the EGS broker/marketer license application, with the exception of any confidential documents that may be remitted solely to the Commission. Provide a signed certificate of service listing all parties that were served (i.e., Appendix C).

August 24, 2012

I, **Curvin W. Martin** *d/b/a* **Crystal Clear Merchant Consultants**, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. 4904 (relating to unsworn falsification to authorities).



Curvin W. Martin
Crystal Clear Merchant Consultants

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DOCKET NO. A-2012-2306196

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.

Merchant Services, Broker/Marketer electricity services only currently in the State of PA with the following service areas PECO, PPL. No outside business in other states.
(#Q1)Modified: Docket No. A-2012-2306196:82412:13.05

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.

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

Broker/Marketer will submit current electric bill from prospects and submit to Independent licenses EDC's in service area for best program and rates. All products places will be titled under the branded vendor on their paper or agreement terms. Broker/Marketer will NOT collect payment, bill customer or take title to any services. Broker/Marketer will act only has a source to educate and help place products offered by registered electric vendors. Broker/Marketer will only serve as independent agent (Broker/Marketer) on behalf of the customer's choices.

(#Q2)Modified: Docket No. A-2012-2306196:82412:13:10

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

Broker/Marketer plans on serving the following areas that PECO, PPL currently covers with reference to counties served. Future expansion is planned for 2013 in the MED-ED, Pennelec service counties when business products become available. PECO - Bucks, Chester, Montgomery, Philadelphia, York | PPL: Northumberland, Cumberland, Carbon, Schuylkill, Monroe, Berks, Lancaster, Dauphin, Lebanon, Perry, Snyder and all other covered counties. (#Q3)Modified: Docket No. A-2012-2306196:82412:14:15

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):

Current merchant service customer base, newspaper, word of mouth, referrals.
Modified: Docket No. A-2012-2306196:82412:14:23

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.

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.

- *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.

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.

Martin Accounting Service
719 E. Lincoln Ave, Myerstown , Pa. 17067
717-866-5712 | 717-866-7642 8

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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

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.

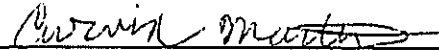
Proof of newspaper publications must be filed with the initial application. Applicants do not need a docket number in their publication. Docket numbers will be issued when all criteria on the item 14 checklist (see below) are satisfied.

	<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>
<input checked="" type="checkbox"/> Philadelphia Daily News		X	X			X			X
<input checked="" type="checkbox"/> 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)

13. SIGNATURE

Applicant: Curvin Martin

By: 

Title: owner

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Appendix C

CERTIFICATE OF SERVICE

On this the 27th day of August 2012, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as an Broker/Marketer of Electric Generation Supplier Services 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

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

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



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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

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

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

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

CC: Dorothy Morrissey
717-787-4750 (F) – 8/26/12
dmorrissey@pa.gov - 8/26/12

NOTICE:

Curvin W. Martin d/b/a Crystal Clear Merchant Consultants has made application to the PUC requesting a license to act as a broker/marketer in the following service areas where electric service is offered by PECO, PPL and its covered counties.

Enclosed you will find copy of application to the PUC.

There has been a due diligence in providing all information requested or outlined in this application.

On behalf of Curvin W. Martin d/b/a Crystal Clear Merchant Consultants



Curvin W. Martin
Crystal Clear Merchant Consultants

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CC: R. Hudson Carr, Inc.

Docket No. A-2012-2306196

PENNA. PUBLIC UTILITY COMMISSION NOTICE
Application of Curvin W. Martin (d/b/a Crystal Clear Merchant Consultants)

For approval to offer, as a marketer/Broker to engage in the business of supplying electricity services to the public in the Commonwealth of Pa. in the following areas of service PECO, PPL to include Northumberland, Cumberland, Lancaster, Carbon, Monroe, Lebanon, Dauphin, Berks, Chester, Bucks and surrounding included service counties. Future expansion into MET-ED, Penelec in 2013. Curvin W. Martin (d/b/a Crystal Clear Merchant Consultants)

Proposes to sell electricity or electric generation services as (1) A broker/marketer engaged in the business throughout all of Pennsylvania and listed counties in the business of supplying electricity services. Curvin W. Martin (d/b/a Crystal Clear Merchant Consultants) proposes to sell electricity and related services in the listed counties under service of PPL, PECO with future expansion into all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without hearing. Protests directed to the technical or financial fitness of Curvin W. Martin (d/b/a Crystal Clear Merchant Consultants) 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 Crystal Clear Merchant Consultants at the address listed below

By and through
CURVIN W. MARTIN
322 Hatchery Road
Dalmatia, Pa. 17017
666-672-0190 | 666-627-2171 (F)

MET-ED

PECO

PPL

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RHCI.CORPMAILBOX.US

From: Logan, Maryann <mlogan@phillynews.com>
Sent: Friday, August 24, 2012 5:12 PM
To: RHCI.CORPMAILBOX.US
Subject: FW: Scan from a Xerox WorkCentre
Attachments: DOC.PDF

Mary Anne Logan
Philadelphia Inquirer/Daily News
Legal Advertising
PO Box 8263 Phila. PA 19101
215-854-5834 (direct)
215-854-5572 (Fax)

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FOR SECURITY PURPOSES, PLEASE DO NOT INCLUDE CREDIT CARD INFORMATION VIA FAX. WE WILL CONTACT YOU DIRECTLY FOR CREDIT CARD INFORMATION.

-----Original Message-----

From: savinscan@phillynews.com [mailto:savinscan@phillynews.com]
Sent: Friday, August 24, 2012 5:02 PM
To: Logan, Maryann
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set
Device Name: advcopier8045

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

ATTACHMENT:

(#Q8a) Docket No. A-2012-2306196:82412:16:55

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:

Curvin W. Martin has been in the market place since the beginning 2009-2012. Curvin W. Martin has contracted with fully licensed vendors authorize to do business in the state of PA as a sub-producer. Currently Curvin W. Martin has been working primary with small business owners in his close agricultural community environment by offering Co-Op programs which is made up of about 25 plus individual business owners. Since his start in this industry he has found himself a few times in compromising situations in regard to receiving compensation and rates for his customers.

This is why Curvin W. Martin is requesting an authorize licensing as a broker/marketer to be able to fully present his customer first with a fair evaluation of both products, rates and which vendor has the highest standard of customer support. There is three points that Curvin W. Martin reviews and considers for his customers.

1. Pricing and length of agreement, but most important agent product knowledge support.
2. Integrity and customer support department.
3. Marketing material geared for easy customer understanding.

Curvin W. Martin currently does business in the merchant service(credit card) market and has contracted a third party resource management company to assist with marketing, administration, operation, customer care issues, product research, business development and will use this provider if necessary.

Lisa Martin currently is Curvin W. Martin assistant in the other business ventures and has been supporting Curvin W. Martin in this project.



Curvin W. Martin
Crystal Clear Merchant Consultants

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Schedule package pickup right from your home or office at usps.com/pickup

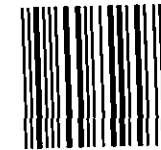
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PLEASE PRESS FIRMLY

PLEASE PRESS FIRMLY



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any amount of mailable material may be enclosed, as long as the envelope is not modified, and the contents are entirely confined within the envelope with the address provided on the envelope.

From:/Expéditeur:

Curvin W. Martin
Crystal Clear Merchant Consultants
322 Hatchery Road, Dalmatia, Pa. 17017

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United States Postal Service®
DELIVERY CONFIRMATION™

To:/Destinataire:

Rosemary Ciavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17105-3265

Country of Destination:/Pays de destination:



0312 0090 0001 6437 5889