

Docket No. A-2012-2313100  
Energy Auction Exchange, LLC  
Data Request

- ✓ 1. Question #1 (c) (e) the phone numbers given are not correct. The correct number for Kelly Curtis should be 801-808-7881. The Phone number for Gunther Fischli is also incorrect. Please send in amended pages 1 & 2.
- ✓ 2. Question #2 (b) Regarding Business Entity Filings and Registration – Proof of Department of State Filings (document should have state seal of Utah).
- ✓ 3. Question #4 (b) Please answer the following questions by responding yes or no.
  - a. Does Energy Auction Exchange, LLC (Energy) intend to collect energy supply costs directly from retail customers?
  - b. Is Energy responsible for the scheduling of electric supplies?
  - c. Is Energy responsible for the payment of the costs of the electricity to suppliers, producers, or EDCs?
  - d. May Energy's customers, at their sole discretion, select or decline any electricity marketer or contract presented by Energy?
- ✓ 4. Question #7 (b) Regarding Organizational Chart. Please provide an Organization Chart that shows how Energy Auction Exchange, LLC is affiliated or related to Discovery Energy.
- ✓ 5. Question #7 (d) – Appendix F - Regarding Financial Fitness The Tax Certification Statement, you failed to fill out #9 Item C. Please fill in this information and send the Amended version into the Secretary's Bureau. If this item is N/A please get a letter from the Department of Revenue in which they explain why you are exempt. Please note the Department of Revenue Contact Information is located at the bottom of Appendix A of the Application.
- ✓ 6. Question #8 Technical Fitness - Does Energy Auction Exchange, LLC operate as a broker marketer in any other states? What actual energy experience besides auditing energy bills does Energy Auction Exchange, LLC have?

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SECRETARY'S BUREAU

# BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Energy Auction Exchange LLC, d/b/a Energy AEX, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n)Broker/Marketer 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:

Energy Auction Exchange  
3557 W 9800 S STE 250  
South Jordan, UT 84095  
[www.energyaex.com](http://www.energyaex.com)  
801-826-4880

- 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  
Dauphin County  
1-800-246-2677

- 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.

Kelly Curtis  
3557 West 9800 South  
Suite 250  
South Jordan, UT 84095  
Phone (801) 808-7881  
Fax (801) 838-7707  
[kelly@energyaex.com](mailto:kelly@energyaex.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.

Christopher Scharman  
6995 Union Park STE 400  
Salt Lake City, UT 84047  
801-748-2200 x 233  
801-365-2553  
[cscharman@tetrafg.com](mailto:cscharman@tetrafg.com)

- 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.

Gunther Fischli  
3557 West 9800 South  
Suite 250  
South Jordan, UT 84095  
Phone (801) 671-7176  
Fax (801) 838-7707  
gunther@energyaex.com

Kelly Curtis  
3557 West 9800 South  
Suite 250  
South Jordan, UT 84095  
Phone (801) 808-7881  
Fax (801) 838-7707  
kelly@energyaex.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)



**Utah Department of Commerce  
Division of Corporations & Commercial Code**

160 East 300 South, 2nd Floor, PO Box 146705  
Salt Lake City, UT 84114-6705  
Service Center: (801) 530-4849  
Toll Free: (877) 526-3994 Utah Residents  
Fax: (801) 530-6438  
Web Site: <http://www.commerce.utah.gov>

05/15/2012  
8290248-016005152012-2037597

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## CERTIFICATE OF EXISTENCE

**Registration Number:** 8290248-0160  
**Business Name:** ENERGY AUCTION EXCHANGE, LLC  
**Registered Date:** April 10, 2012  
**Entity Type:** LLC - Domestic  
**Current Status:** Good Standing

The Division of Corporations and Commercial Code of the State of Utah, custodian of the records of business registrations, certifies that the business entity on this certificate is authorized to transact business and was duly registered under the laws of the State of Utah. The Division also certifies that this entity has paid all fees and penalties owed to this state; its most recent annual report has been filed by the Division (unless Delinquent); and, that Articles of Dissolution have not been filed.



*Kathy Berg*

Kathy Berg  
Director  
Division of Corporations and Commercial Code

PA.P.U.C.  
SECRETARY'S BUREAU

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4(b) Response:

1. Does Energy Auction Exchange, LLC intend to collect energy supply costs directly from retail customers? – **NO**
2. Is Energy responsible for the scheduling of electric supplies? – **NO**
3. Is Energy responsible for the payment of the costs of the electricity to suppliers, producers, or EDC's? – **NO**
4. May Energy's customers, at their sole discretion, select or decline any electricity marketer or contract presented by Energy? – **YES**

8 Response:

Does Energy Auction Exchange, LLC operate as a broker marketer in any other states? What actual energy experience besides auditing energy bills does Energy Auction Exchange , LLC have?

Yes, Energy Auction Exchange is a licensed marketer in Ohio (OH 12-528E(1)) and Illinois (IL 12-0394). Further, besides the background of auditing regulations, tariffs, and billing practices of hundreds of utilities across the country, Energy AEX's President of Sales, Robert Deuberry most recently was an executive for a supply company in Ohio. His bio has been included below:

**Senior Vice President of Sales** [Edit](#)

**Glacial Energy**

Privately Held; 201-500 employees; Utilities industry  
March 2012 – June 2012

As Senior Vice President of Sales at Glacial Energy. I was the person primarily responsible for planning and directing all sales aspects of electricity and natural gas products in Ohio. I managed the Ohio sales team that created customized energy solutions for commercial customers of electricity and natural gas. My sales team primary goal is to advise customers on their energy choices in a deregulated market.

We specialized in working with commercial real estate and management companies, Industrial companies, Hotels management groups, healthcare facilities, assisted living developments and municipalities.

**Channel Partner Regional Director** [Edit](#)

**Glacial Energy**

Privately Held; 201-500 employees; Utilities industry  
February 2011 – March 2012 (1 year 2 months)

As the Channel Partner Regional Director for Glacial Energy. I was responsible for managing indirect sales through Channel Partner organizations and developing partnerships with large agent organizations that are interested in utilizing Glacial Energy.

- [Ask for recommendations](#)

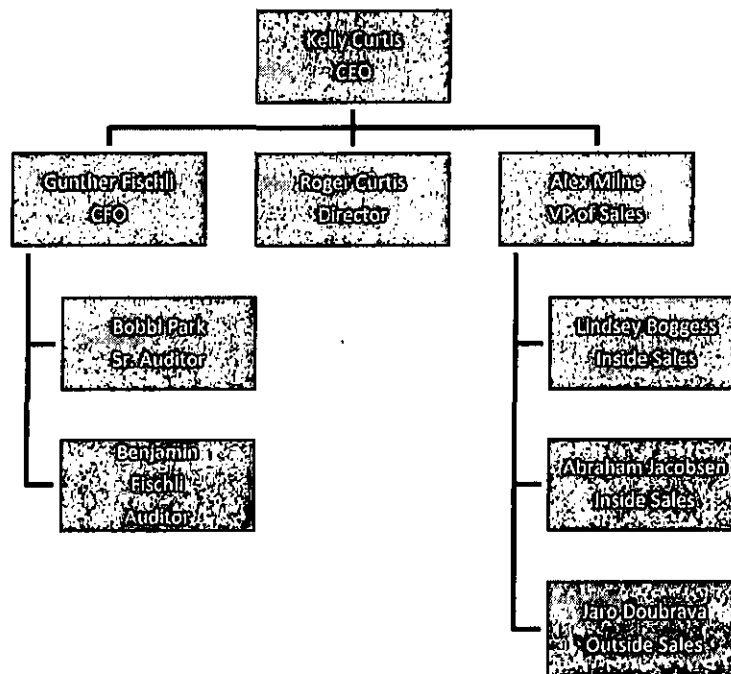
**Business Development Manager** [Edit](#)

**Glacial Energy**

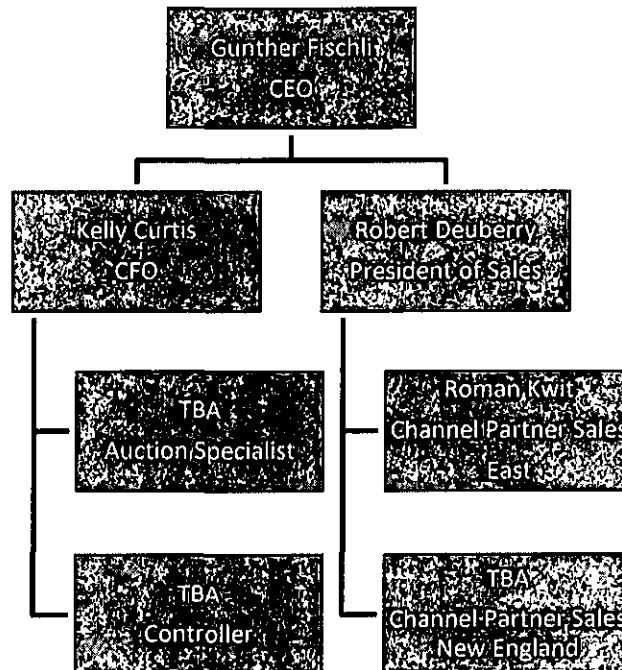
Privately Held; 201-500 employees; Utilities industry  
September 2009 – February 2011 (1 year 7 months)

As Business Development Manager for Glacial Energy. I am responsible for selling electricity and/ or natural gas services to commercial, institutional and industrial customers while developing new sales leads.

7(b) Response: Discovery Energy Org Chart



Energy Auction Exchange Org Chart



Discovery Energy and Energy AEX only have common ownership with Gunther Fischli and Kelly Curtis owning the majority of both. They are two separate entities, not owned by one or the other.

## Appendix F

**COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**TAX CERTIFICATION  
STATEMENT**

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 Energy Auction Exchange dba Energy AEX	2. BUSINESS PHONE NO. ( 801 )826-4880 CONTACT PERSON(S) FOR TAX ACCOUNTS: Kelly Curtis
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3. TRADE/FICTITIOUS NAME (IF ANY)

4. LICENSED ADDRESS (STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) STATE (ZIP)  
3557 West 9800 South Suite 250, South Jordan, UT 84095

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

6. LIST OWNER(S), GENERAL PARTNERS, OR CORPORATE OFFICERS(S)

NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)
Gunther Fischli	_____ - _____ - _____
Kelly Curtis	_____ - _____ - _____
	_____ - _____ - _____
	_____ - _____ - _____
	_____ - _____ - _____

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.

<b>A. SALES TAX LICENSE (8 DIGITS)</b> _____ - _____ - _____ APPLICATION PENDING <input type="checkbox"/> N/A <input checked="" type="checkbox"/> X	<b>C. CORPORATE BOX NUMBER (7 DIGITS)</b> 4   1   1   3   2   2   0 APPLICATION PENDING <input type="checkbox"/> N/A <input checked="" type="checkbox"/> X
<b>B. EMPLOYER ID (EIN) (9 DIGITS)</b> 4   5   -   5   0   2   0   4   7   3 APPLICATION PENDING <input type="checkbox"/> N/A <input type="checkbox"/>	

8. Do you have PA employees; resident or non-resident?  YES  NO

9. Do you own any assets or have an office in PA?  YES  NO


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

Kelly Curtis PA SALES AND USE TAX	Kelly Curtis EMPLOYER TAXES	Kelly Curtis CORPORATE TAXES
PHONE 801-826-4880	PHONE 801-826-4880	PHONE 801-826-4880

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)

VERIFICATION

I, Kelly Curtis, 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 manner. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S §(relating to unsworn falsification to authorities).

A handwritten signature in black ink, appearing to read 'Kelly Curtis', is written over a horizontal line.

Kelly Curtis  
CFO  
Energy Auction Exchange, LLC



Energy AEX  
3557 West 9800 South  
Suite 250  
South Jordan, UT 84095



Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO BOX 3265  
Harrisburg, PA 17105-3265