

September 6, 2012

A-2012-2313100

This response is to amend the response dated August 30, 2012. Page 4 is amended, as well as the org charts.

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).



Kelly Curtis
CFO
Energy Auction Exchange, LLC

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PA PUBLIC UTILITY COMMISSION
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
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

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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@tetrafq.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)

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.

Energy Auction Exchange's founders, Kelly Curtis and Gunther Fischli, also own a construction lending business in Utah – CCS Loans, Inc. An org chart is attached. CCS Loans is not a public utility, nor does it do business in Pennsylvania, or is it currently applying.

Kelly Curtis and Gunther Fischli also are officers in Discovery Energy, LLC, a utility bill audit firm. However, they do not have any ownership in Discovery. An org chart is attached. Discovery Energy is not a public utility, nor does it do business in Pennsylvania, or is it currently applying.

- 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.

Energy AEX has not had any predecessors that have done business within the preceding 5 years.

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.



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

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
Director
Division of Corporations and Commercial Code

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](#)

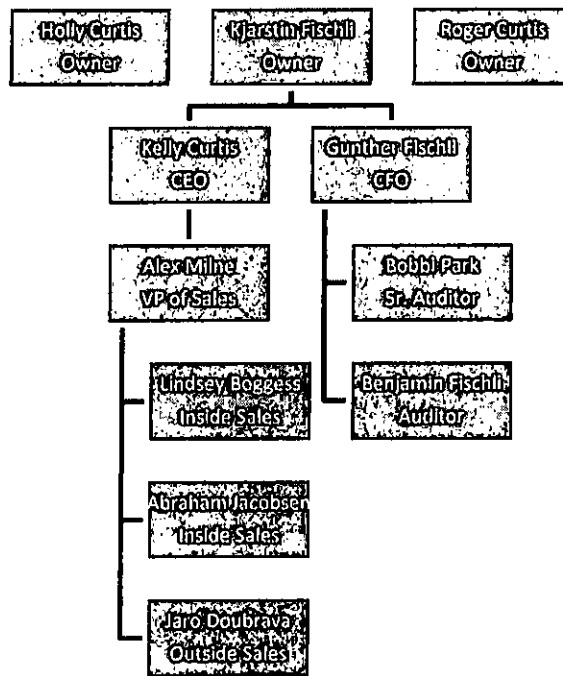
Business Development Manager [Edit](#)

Glacial Energy

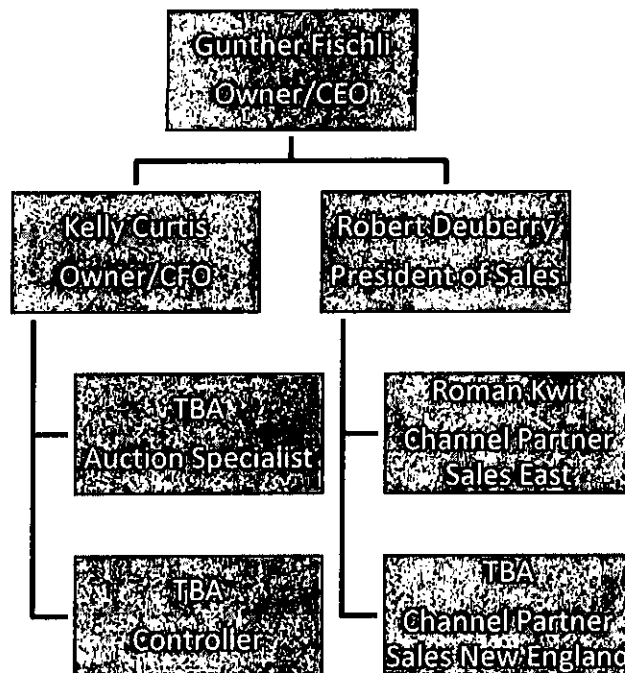
Privately Held; 201-500 employees; Utilities industry
September 2009 – February 2011 (1 year 7 months)

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.

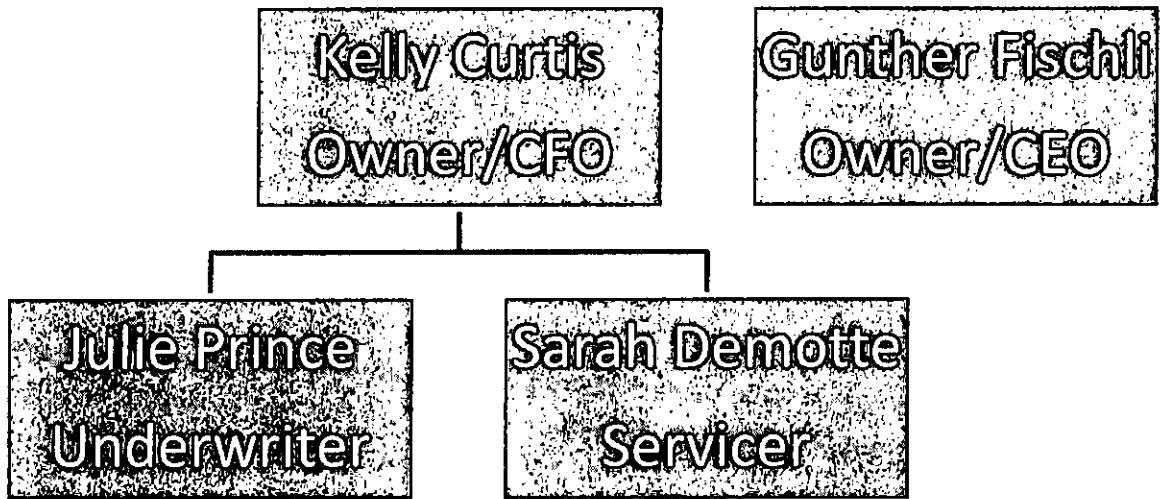
7(b) Response: Discovery Energy Org Chart



Energy Auction Exchange Org Chart



CCS Loans Org Chart



CCS Loans and Energy Auction Exchange are both owned by Kelly Curtis and Gunther Fischli. Discovery Energy is owned by Holly Curtis, Kjarstin Fischli, and Roger Curtis.

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



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

