



September 16, 2012

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

RE: *First Point Power Electricity Supplier License Application*

Please find all of the required application information enclosed. The surety bond is not included and has been mailed to the PUC separately.

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Please contact me with any questions or issues.

Sincerely,

Peter Schieffelin
CEO
First Point Power, LLC

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of First Point Power, LLC, d/b/a _____, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) Supplier of Electricity 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:

| | |
|---------------------------|---------------------------|
| Peter Schieffelin | First Point Power, LLC |
| President | 610 Ten Rod Rd #2 |
| (401) 684-1443 | North Kingstown, RI 02852 |
| peter@firstpointpower.com | www.firstpointpower.com |

- 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.

| | |
|--------------------------------------|--------------------|
| 001 Northwest Registered Agent, LLC. | Fax 323-544-4790 |
| 1150 First Ave STE 511 | Phone 509-768-2249 |
| King of Prussia, Pennsylvania 19406 | |
| Montgomery County | |

- 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.

| | |
|---------------------------|---------------------------|
| Peter Schieffelin | First Point Power, LLC |
| President | 610 Ten Rod Rd #2 |
| (401) 684-1443 | North Kingstown, RI 02852 |
| peter@firstpointpower.com | Fax: (877) 206-4855 |

- 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.

The Applicant is not using an attorney.

- 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 EGSSs.

| | | |
|---------------------------|---------------------------|---------------------------|
| Andrew Fitzgerald | Alternate Contact: | First Point Power, LLC |
| Associate | Andrew Litchfield | 610 Ten Rod Rd #2 |
| Phone: (401) 684-1443 | Associate | North Kingstown, RI 02852 |
| Toll Free: (888) 875-1711 | Phone: (401) 684-1443 | |
| info@firstpointpower.com | Toll Free: (888) 875-1711 | |
| Fax: (877) 206-4855 | info@firstpointpower.com | |
| | Fax: (877) 206-4855 | |

2. BUSINESS ENTITY FILINGS AND REGISTRATION

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

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

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

OR

The Applicant will not be using a fictitious name.

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

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

The Applicant is a sole proprietor.

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

OR

The Applicant is a:

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

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.
- Provide the state in which the business is organized/formed and provide a copy of the Applicant’s charter documentation.
- * 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/organized/formed and provide a copy of the Applicant's charter documentation.
- Give name and address of officers.

See Exhibit 1

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.
- | | |
|--|--|
| Olympus Power, LLC 67 Park Place East Morristown, NJ 07960 | Olympus Power has an ownership position in two power plants in Pennsylvania. Olympus is a passive minority owner in First Point Power and will not be selling power directly to the Company. Olympus is not a jurisdictional public utility. |
|--|--|

First Point Power has no affiliates applying to do business in Pennsylvania.

- 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.

First Point Power has no predecessors.

4. OPERATIONS

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

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

OR

- The Applicant is not presently doing business in Pennsylvania.

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

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

Definitions

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

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

First Point Power offers competitive electric supply on both fixed and variable rates. Electricity is the only service offered by First Point Power at this time. In the future, the Company may expand to other services. The Company plans to offer service to all customer types (residential, commercial, industrial).

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

First Point Power plans to offer service in all areas.

Met Ed, Penelec, Penn Power, PPL, UGI, West Penn, PECO, Duquesne

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 EDI testing is complete we expect to begin operating.

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.

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.

The Applicant nor its affiliates or officers have been a defendant of a criminal or civil proceeding ever.

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

Not applicable

- 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.

The Applicant has no such complaints.

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

Not applicable.



**Appendix C
CERTIFICATE OF SERVICE**

On this the 10th day of September 2012, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as an Electric Generation Supplier and all attachments have been served upon the following:

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

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

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

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

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

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

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

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

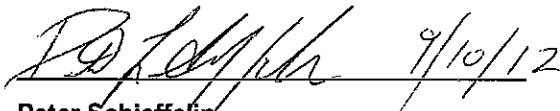
Legal Department
First Energy
2800 Pottsville Pike
Reading PA, 19612

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

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

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

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


Peter Schieffelin
CEO
First Point Power, LLC

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...

The bond is being mailed to the PUC separately from this application.

- 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: SEE Exhibit 2

- 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. SEE Exhibit 2

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.

SEE Next Page

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:

SEE EXHIBIT 3

- 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.

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

SEE EXHIBIT 3

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 ER10-293-001.
- Not applicable

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 First Point Power, LLC | 2. BUSINESS PHONE NO. (401) 684-1443 CONTACT PERSON(S) FOR TAX ACCOUNTS: Peter Schieffelin |
|---|---|

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

| | | | | |
|--|-------------------------------------|---------------|--------|-------|
| 4. LICENSED ADDRESS | (STREET, RURAL ROUTE, P.O. BOX NO.) | (POST OFFICE) | STATE) | (ZIP) |
| 610 Ten Rod Rd #2, North Kingstown, RI 02852 | | | | |

| | | | |
|---|--|--------------------------------------|--------------------------------------|
| 5. TYPE OF ENTITY | <input type="checkbox"/> SOLE PROPRIETOR | <input type="checkbox"/> PARTNERSHIP | <input type="checkbox"/> CORPORATION |
| <input checked="" type="checkbox"/> LLC | <input type="checkbox"/> OTHER (Describe...) | | |

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

| NAME (PRINT) | SOCIAL SECURITY NUMBER (OPTIONAL) |
|----------------------------------|-----------------------------------|
| Peter Schieffelin | _ _ _ - _ _ - _ _ _ _ _ |
| Olympus Capital Investments, LLC | _ _ _ - _ _ - _ _ _ _ _ |
| | _ _ _ - _ _ - _ _ _ _ _ |
| | _ _ _ - _ _ - _ _ _ _ _ |
| | _ _ _ - _ _ - _ _ _ _ _ |

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) APPLICATION PENDING <input type="checkbox"/> N/A <input type="checkbox"/> 8 5 - 4 3 8 9 9 - 1 <input type="checkbox"/> <input type="checkbox"/> | C. CORPORATE BOX NUMBER (7 DIGITS) APPLICATION PENDING <input type="checkbox"/> N/A <input type="checkbox"/> 4 1 3 3 3 9 9 <input type="checkbox"/> <input type="checkbox"/> |
| B. EMPLOYER ID (EIN) (9 DIGITS): APPLICATION PENDING <input type="checkbox"/> N/A <input type="checkbox"/> 2 7 - 1 4 1 9 3 5 1 <input type="checkbox"/> <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 | | |
| Peter Schieffelin PA SALES AND USE TAX | Peter Schieffelin EMPLOYER TAXES | Peter Schieffelin CORPORATE TAXES |
| PHONE 401-684-1443 | PHONE 401-684-1443 | PHONE 401-684-1443 |

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)

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. SEE Exhibit 4

- 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.

Not applicable for an applicant applying for a license exclusively as a broker/marketer.

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. SEE Exhibit 3

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

(Select only one of the following)

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

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

- AGREED

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

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

AGREED

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

AGREED

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

ACKNOWLEDGED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

PAYMENT ENCLOSED

11. AFFIDAVITS

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

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



OPERATIONS AFFIDAVIT

State of Rhode Island:

: SS.

County of Washington:

Peter Schieffelin, Affiant, being duly sworn according to law, deposes and says that: He is the Managing Member (Office of Affiant) of First Point Power, LLC (Name of Applicant);

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

That First Point Power, LLC, the Applicant herein, acknowledges that First Point Power, LLC may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations including Emergency Orders which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

That First Point Power, LLC, the Applicant herein, asserts that it possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

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


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

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

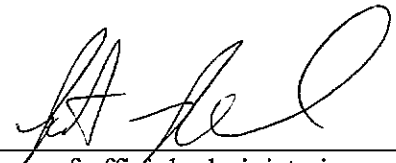


That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the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

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


Signature of Affiant

Sworn and subscribed before me this 11th day of September, 2012.


Signature of official administering oath

Peter S. Mulholland
Notary ID # 752803
Expiration Date: 3/25/2015

My commission expires _____.



APPLICATION AFFIDAVIT

State of Rhode Island:

: ss.

County of Washington:

Peter Schieffelin, Affiant, being duly sworn according to law, deposes and says that: He is the Managing Member (Office of Affiant) of First Point Power, LLC (Name of Applicant);

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

That the Applicant herein First Point Power, LLC 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 First Point Power, LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein First Point Power, LLC 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 First Point Power, LLC 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.

[Handwritten signature] Signature of Affiant

Sworn and subscribed before me this 11th day of September, 2012.

[Handwritten signature] Signature of official administering oath

Peter S. Mulholland
Notary ID # 752803
Expiration Date: 3/25/2015

My commission expires _____.

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.

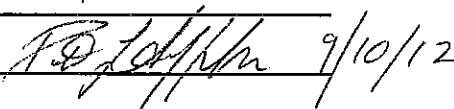
| | <u>Duquesne</u> | <u>Met Ed</u> | <u>PECO</u> | <u>Penelec</u> | <u>Penn Power</u> | <u>PPL</u> | <u>UGI</u> | <u>West Penn</u> | <u>Entire Commonwealth</u> |
|----------------------------|-----------------|---------------|-------------|----------------|-------------------|------------|------------|------------------|----------------------------|
| 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)

SEE Exhibit 5 for proof of publication

13. SIGNATURE

Applicant: First Point Power, LLC

By: Peter Schieffelin  9/10/12

Title: CEO

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: FIRST POINT POWER, LLC

| | | | |
|-----------------|---|--|--|
| Applicant's Use | ✓ | Signature | |
| | ✓ | Filing Fee | |
| | ✓ | Application Affidavit | |
| | ✓ | Operations Affidavit | |
| | ✓ | Proof of Publication | |
| | ✓ | Bond or Letter of Credit | |
| | ✓ | Tax Certification Statement | |
| | ✓ | Commonwealth Department of State Verification | |
| | ✓ | Certificate of Service | |

PUC Secretary's Bureau Use



EXHIBIT 1

First Point Power has made all the appropriate filings with the Department of State.
First Point Power is a Rhode Island Limited Liability Company.

Name/Address of Officer

Peter Schieffelin
President
First Point Power, LLC
(401) 684-1443
peter@firstpointpower.com
610 Ten Rod Rd#2
North Kingstown, RI 02852



Corporations

[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

- Search
- By Business Name
- By Business Entity ID
- Verify
- Verify Certification
- Online Orders
- Register for Online Orders
- Order Good Standing
- Order Certified Documents
- Order Business List
- My Images
- Search for Images

Business Entity Filing History

Date: 9/16/2012 (Select the link above to view the Business Entity's Filing History)

Business Name History

| Name | Name Type |
|------------------------|--------------|
| First Point Power, LLC | Current Name |

Limited Liability Company - Foreign - Information

Entity Number: 4133399
Status: Active
Entity Creation Date: 8/29/2012
State of Business.: RI
Registered Office Address: % 001 Northwest Registered Agent, LLC
 PA
 Montgomery
Mailing Address: No Address

Copyright © 2002 Pennsylvania Department of State. All Rights Reserved.
[Privacy Policy](#) | [Security Policy](#)

From: [Peter Schieffelin](#)
To: [Peter Schieffelin](#)
Subject: Fwd: Registration Notification for FIRST POINT POWER LLC
Date: Sunday, September 09, 2012 3:26:46 PM

----- Forwarded message -----

From: <ra-pa100reg@state.pa.us>
Date: Tue, Jun 21, 2011 at 11:02 PM
Subject: Registration Notification for FIRST POINT POWER LLC
To: peter@firstpointpower.com

Your PA Enterprise Registration has been successfully processed by the PA Department of Revenue. Your account number(s) is as follows:

Sales Tax License number: 85438991

You will receive your license(s) and/or registration notice(s) in the mail within 7 to 10 business days.

The Commonwealth offers two free Electronic Filing and Payment Methods:

- * File via the Internet, using e-TIDES at <http://www.etides.state.pa.us>
- * Use the toll-free telephone filing system at 1-800-748-8299

You can also file your Sales Tax and/or Employer Withholding by using an approved third-party software vendor. To learn more visit www.revenue.state.pa.us

To learn more about e-TIDES and/or to register to start using e-TIDES visit the e-TIDES Web site above. A one time two-step registration process is necessary but takes only minutes, and will allow you and your business to immediately take full advantage of the benefits of electronic filing.

E-TIDES provides for the electronic filing of returns, payments, and registration of Electronic Funds Transfer (EFT) for the following taxes:

Department of Revenue

- Bank Shares Tax, Title Insurance & Trust Company Shares Tax, Bank Loans Tax
- Corporation Taxes (Capital Stock/Franchise Tax, Loans Tax, Corporate Net Income Tax)
- Employer Withholding Tax
- Insurance Premiums Tax
- Liquid Fuels and Fuels Tax
- Marine Insurance Premiums Tax
- Mutual Thrift Institutions Tax
- Public Utility Realty Tax
- Sales, Use & Hotel Occupancy Tax
- Utilities Gross Receipts Tax

Department of Labor and Industry

- Unemployment Compensation

Visit the e-TIDES home page at <http://www.etides.state.pa.us> for information on the services available. If you have any questions or

comments regarding your registration, e-mail the Department at
ra-pa100reg@state.pa.us
Commonwealth of Pennsylvania
Department of Revenue
Bureau of Business Trust Fund Taxes
Registration Division

--

Peter Schieffelin
First Point Power, LLC
(401) 684-1443
Peter@firstpointpower.com



**State of Rhode Island and Providence Plantations
Office of the Secretary of State**

Fee: \$150.00

Corporations Division
148 W. River Street
Providence, Rhode Island 02904-2615
Telephone: (401) 222-3040

**Limited Liability Company
Articles of Organization**

(Chapter 7-16-6 of the General Laws of Rhode Island, 1956, as amended)

ARTICLE I

The name of the limited liability company is: First Point Power, LLC

ARTICLE II

The street address (post office boxes are not acceptable) of the limited liability company's registered agent in Rhode Island is:

No. and Street: 4 RANGER CT.
City or Town: JAMESTOWN State: RI Zip: 02835

The name of the resident agent at such address is: PETER SCHIEFFELIN

ARTICLE III

Under the terms of these Articles of Organization and any written operating agreement made or intended to be made, the limited liability company is intended to be treated for purposes of federal income taxation as:
Check one box only

a partnership a corporation disregarded as an entity separate from its member

ARTICLE IV

The address of its principal office of the limited liability company if it is determined at the time of organization:

No. and Street: 4 RANGER CT.
City or Town: JAMESTOWN State: RI Zip: 02835 Country: USA

ARTICLE V

The limited liability company has the purpose of engaging in any lawful business, unless a more limited purpose is set forth in Article VI of these Articles of Organization.

The period of its duration is: Perpetual

ARTICLE VI

Additional provisions, if any, not inconsistent with law, which members elect to have set forth in these Articles of Organization, including, but not limited to, any limitation of the purposes or any other provision which may be included in an operating agreement:

ARTICLE VII

The limited liability company is to be managed by its X Members or ___ Managers (check one)
(If managed by Members, go to ARTICLE VIII)

The name and address of each manager (If LLC is managed by Members, DO NOT complete this section):

| Title | Individual Name First, Middle, Last, Suffix | Address Address, City or Town, State, Zip Code, Country |
|-------|--|--|
|-------|--|--|

ARTICLE VIII

The date these Articles of Organization are to become effective, not prior to, nor more than 30 days after the filing of these Articles of Organization.

Later Effective Date: 12/18/2009

This electronic signature of the individual or individuals signing this instrument constitutes the affirmation or acknowledgement of the signatory, under penalties of perjury, that this instrument is that individual's act and deed or the act and deed of the company, and that the facts stated herein are true, as of the date of the electronic filing, in compliance with R.I. Gen. Laws § 7-16.

Signed this 19 Day of November, 2009 at 10:17:18 AM by the Authorized Person.

PETER SCHIEFFELIN

Address of Authorized Signer:

4 RANGER CT.
JAMESTOWN, RI 02835

Form No. 400
Revised 09/07

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All Rights Reserved



State of Rhode Island and Providence Plantations

A. Ralph Mollis

Secretary of State

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

I, A. RALPH MOLLIS, Secretary of State of the State of Rhode Island
and Providence Plantations, hereby certify that this document, duly
executed in accordance with the provisions of Title 7 of the General Laws
of Rhode Island, as amended, has been filed in this office on this day:

A. RALPH MOLLIS

Secretary of State





State of Rhode Island and Providence Plantations

A. Ralph Mollis
Secretary of State

Certification Number: 12082833180

The office of the Secretary of State of the State of Rhode Island and Providence Plantations,
HEREBY CERTIFIES, that

First Point Power, LLC

a Rhode Island limited liability company, filed original articles of organization in this office on

November 19, 2009 Effective December 18, 2009

IT IS FURTHER CERTIFIED that as of this date said limited liability company is duly organized and existing under and by virtue of the laws of the State of Rhode Island and is in good standing according to the records of this office.

SIGNED AND SEALED ON

Tuesday, August 14, 2012

Secretary of State

Authorized Agent





Exhibit 2

FINANCIAL RECORDS, STATEMENTS, AND RATINGS:

Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.

First Point Power does not have any subsidiaries. Olympus Capital Investments, LLC is a minority equity owner of First Point Power.

Published Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient)

First Point Power is not a public company and therefore does not publish information with the SEC.

Applicant's accounting statements, including balance sheet and income statements for the past two years.

First Point Power deems this information privileged and confidential and has submitted the information separately.

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.

First Point Power is not rated by any of these rating agencies.

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.

First Point Power carries a standard business owner's insurance policy.

Audited financial statements exhibiting accounts over a minimum two year period.

First Point Power is a privately owned company and does not have audited financial statements.

Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.

First Point Power deems this information privileged and confidential and has submitted the information separately.



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.

Peter Schieffelin
President
610 Ten Rod Rd #2
North Kingstown, RI 02852
Phone: (401) 684-1443
Fax: (877) 206-4855
peter@firstpointpower.com



EXHIBIT 3

EXPERIENCE, PLAN, STRUCTURE:

First Point Power has successfully supplied nearly 200,000,000 kwh to over 10,000 residential, commercial, and municipal customers in Rhode Island, Massachusetts and Delaware since April 2010. The management team at First Point Power has many years of experience in the energy industry and plans to offer reliable competitively priced electricity to Pennsylvania customers.

First Point Power employs six full time staff members currently and plans to add additional staff by the end of the year.

First Point Power currently uses brokers and internal sales reps to market our services to customers. We expect to use both internal sales reps and brokers in Pennsylvania. We may use mail marketing or other advertising in the future but don't have plans to currently.

First Point Power has the technical and managerial resources to comply with all scheduling, operating, planning, reliability, customer registration and settlement policies, rules, guidelines and procedures to operate as an electric retail supplier. As a supplier to customers in Rhode Island, Massachusetts, and Delaware First Point has the experience and technical knowledge to implement the required infrastructure and systems to successfully supply electricity to customers in Pennsylvania. Proof of PJM membership and other State licenses is attached.

b.) Officers:

Peter Schieffelin: Founder/President/ Managing Member

Peter is the founder and managing partner of First Point Power. In addition to managing First Point Power, Peter has worked for PSEG, a utility serving New Jersey. Prior to working for PSEG, Peter worked in the investment banking division of Bank of America. Prior to founding First Point Power, Peter was an equity analyst covering the energy industry at the investment bank William Blair & Co. Peter graduated from Tufts University and has an MBA from the University of Chicago.



Learning Center +

Home > About PJM > Member Services > Member List



Who We Are +

How We Operate +

Member List

Member Services -

Existing Members +

Below is a sortable list of PJM's Members.
PJM Membership as of September 9, 2012

Member List

Become a Member +

798 PJM Members

Member Forms

10 Ex-officio

Careers +

Total = 808

Newsroom +

Filter by Sector: or by Type:

Renewable Energy Dashboard +

[Reset List](#)

Exploring Tomorrow's Grid +

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z | All

Notifications

Community Outreach +

Browser Compatibility

| Company | Sector | Type |
|---|-----------------------|----------------------|
| Falcon Energy, LLC | Other Supplier | Voting Member |
| First Point Power, LLC | Other Supplier | Voting Member |
| FirstEnergy Solutions Corp. | Transmission Owner | Voting Member |
| Florida Power Corporation dba Progress Energy Florida, Inc. | Other Supplier | Affiliate |
| Forest Investment Group, LLC | Other Supplier | Voting Member |
| Fowler Ridge II Wind Farm LLC | Generation Owner | Affiliate |
| Fowler Ridge Wind Farm LLC | Generation Owner | Affiliate |
| FPL Energy Marcus Hook, L.P. | Generation Owner | Affiliate |
| Franklin Power LLC | Other Supplier | Affiliate |
| Freepoint Commodities, LLC | Other Supplier | Voting Member |
| Fulcrum Energy Limited | Other Supplier | Voting Member |
| Total: 11 | | |

Peter Schieffelin

From: Peter Schieffelin
Sent: Sunday, September 09, 2012 2:47 PM
To: Peter Schieffelin
Subject: Fwd: Membership Approval - First Point Power, LLC
Attachments: 2011new-member-kit.pdf

----- Forwarded message -----

From: <yeagerl@pjm.com>
Date: Fri, Jun 10, 2011 at 4:46 PM
Subject: Membership Approval - First Point Power, LLC
To: peter@firstpointpower.com
Cc: willid@pjm.com, yeagerl@pjm.com, jewwm@pjm.com

Welcome to PJM,

First Point Power, LLC has been approved for PJM membership in the Other Supplier Sector and will be announced at the next Members Committee ("MC") meeting to be held June 23, 2011. If you have not already done so, you can register to attend by visiting PJM's web site at www.pjm.com and selecting Committees & Groups. First Point Power, LLC will be eligible to vote at the following MC meeting on August 25, 2011. Original copies of your signed agreements will be mailed to the Members Committee representative for your records.

To ensure your needs are met, Client Manager Don Williams will be contacting you over the next 5 business days to welcome you to PJM and answer any questions. You can also contact our Customer Service Center at 866-400-8980 should you have any questions in the meantime.

Feel free to visit the following page on our site for a complete list of PJM trainings: <http://www.pjm.com/training.aspx>

Please see the attached document for your complete Welcome Kit and pjm.com guide.

Thank you,

Leslie

Leslie Yeager

PJM Interconnection Member Relations

955 Jefferson Avenue | Norristown, PA 19403 | www.pjm.com

610-666-4280

How am I doing?

--

Peter Schieffelin
First Point Power, LLC
(401) 684-1443
Peter@firstpointpower.com

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)
FIRST POINT POWER, LLC FOR A)
CERTIFICATE TO PROVIDE ELECTRIC SUPPLY) PSC DOCKET NO. 11-287
SERVICES WITHIN THE STATE OF DELAWARE)
(FILED JUNE 22, 2011))

ORDER NO. 8081

ELECTRIC SUPPLIER CERTIFICATE

This 20th day of December, 2011, the Commission determines and Orders the following:

1. On June 22, 2011, First Point Power, LLC ("First Point" or "Company") filed an application seeking certification as a retail electric supplier. See 26 Del. C. §§1001(3), 1001(14), 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"),¹ "electric suppliers" are not "public utilities" and the resulting sales of electric supply service to retail customers are not subject to traditional forms of rate-regulation. See 26 Del. C. §§ 102(2), 202(f).

2. In its application, First Point reports that it is an electric supplier that will be providing retail energy services to residential, industrial and commercial customers.

3. Staff reports that the Company's application fulfills all the requirements for an Electric Supplier Certificate to act as an electric supplier as set forth in the Commission's Rules for Certification and Regulations of Electric Suppliers (the "ES Rules"). In particular, Staff reports that the Company appears to possess the

financial, operational, managerial, and technical capabilities to operate as an electric supplier. As required by Section 2.2 of the ES Rules, the Company provided the appropriate affidavits of publication of notice of its application in the Delaware State News and The News Journal. Staff confirms that there were no comments, interventions, or protests filed in the instant docket within the required 20-day notice period. Based on Staff's report, the Commission has determined to issue an Electric Supplier Certificate to First Point allowing it to offer electric supply services in this State consistent with the scheme adopted by the Act and the ES Rules.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to 26 *Del. C.* §1012(a) and the Commission's "Rules for Certification and Regulations of Electric Suppliers", First Point Power, LLC is hereby granted a certificate to operate as an "Electric Supplier" within this State. Under this certificate, First Point Power, LLC is authorized to provide Electric Supply Service within this State in accordance with 26 *Del. C.* ch. 10.

2. That the Company shall at all times provide its Electric Supply Service in accordance with the requirements imposed by 26 *Del. C.* Ch. 10 and the Commission's "Rules for Certification and Regulations of Electric Suppliers" as presently adopted or as may be hereafter amended or supplemented. The Company is hereby notified that a violation of any applicable statute, rule or other controlling authority may be enforced by the sanctions permitted by 26 *Del. C.*

¹ See 26 *Del. C.* ch. 10

§§1012(a) and 1019 and §10.2 of the "Rules for Certification and Regulations of Electric Suppliers".

3. That First Point Power, LLC shall, pursuant to the provisions of 26 Del. C. §1012(c)(2) and §§3.9 and 3.10 of the "Rules for Certification and Regulations of Electric Suppliers," file such reports and pay such fees and assessments as may be required or may be imposed by 26 Del. C. §§114 and 115.

4. That First Point Power, LLC consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of electric supply services in this State.

5. That First Point Power, LLC is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. §114(b) (1).

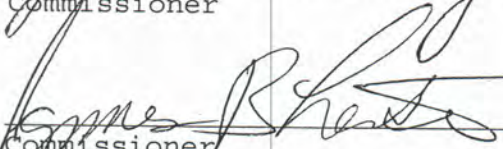
6. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

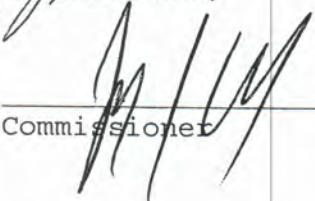
Chair



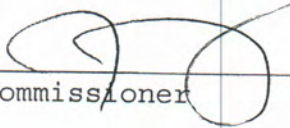
Commissioner



Commissioner

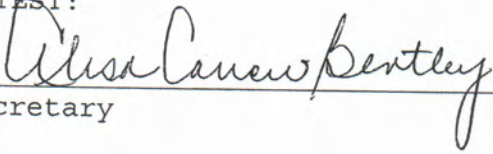


Commissioner



Commissioner

ATTEST:



Secretary



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

RICHARD K. SULLIVAN, JR.
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

ANN G. BERWICK
CHAIR

JOLETTE A. WESTBROOK
COMMISSIONER

June 8, 2011

Peter Schieffelin, Managing Member
First Point Power, LLC
610 Ten Rod Road, #2
North Kingstown, RI 02852

Re: Competitive Supplier Application

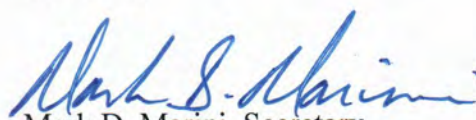
Dear Mr. Schieffelin,

The Department of Public Utilities ("Department") has reviewed First Point Power, LLC's application for a Competitive Supplier license in the Commonwealth of Massachusetts and is pleased to inform you that the Department has approved your application. Please find enclosed a copy of your approved application. Your license number is EB-082.

As a condition of maintaining this license, First Point Power, LLC must file updated information within 30 days of any material or organic change in the information required by 220 C.M.R. § 11.05(2), and must comply with all relevant requirements of G.L. c. 164 and the regulations promulgated thereunder, including 220 C.M.R. §§ 11.00, 12.00 *et seq.* If you decide to request renewal of your license next year, please submit your renewal application no later than July 1, 2012.



Sincerely,


Mark D. Marini, Secretary

Enclosure (approved application without exhibits)



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

Thomas F. Ahern
ADMINISTRATOR
89 Jefferson Boulevard
Warwick, R.I. 02888

OFFICE (401) 941-4500 x115
FAX (401) 941-9207
TDD (401) 941-4500

January 27, 2010

Mr. Peter Schieffelin
Managing Partner
First Point Power, LLC
4 Ranger Ct
Jamestown, RI 02835

Re: First Point Power, LLC's Application for Registration as a Non Regulated Power Producer pursuant to R.I.G.L. 39-1-27.1(c). Division Docket D-96-6 (E4)

Dear Mr. Schieffelin:

The Division of Public Utilities has reviewed First Point Power, LLC's' application for registration as a nonregulated power producer, pursuant to R.I.G.L. 39-1-27.1(c) and the Division's Rules Applicable to Nonregulated Power Producers. The application is complete as to the statutory requirements of 39-1-27.1(c), itemized in statute at (i) through (ix) and the Division's rules.

The Division accepts the registration application of First Point Power, LLC as a nonregulated power producer. In conformance with the law, please note that the registration must be updated within ten days of any change to the information included in your application.

Sincerely,

pc: Luly Massaro, Commission Clerk
John Bell, Utility Analyst ✓



610 Ten Rod Road #2, North Kingstown, RI 02852
 Telephone (401) 684-1443 Fax (877) 206-4855, www.FirstPointPower.com

Exhibit 4 Example Disclosure Statement

Pennsylvania Terms and Conditions

ENROLLMENT INFORMATION

| | | |
|--------------------------------------|---|--|
| <u>Account Type</u> | <u>Product Type</u> | |
| <input type="checkbox"/> Residential | <input type="checkbox"/> Variable Rate – This rate may change month-to-month depending on market conditions | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Fixed Rate 1 Year \$0. _____ per kwh for 12 billing cycles | |
| | <input type="checkbox"/> Fixed Rate 2 Year \$0. _____ per kwh for 24 billing cycles | |
| | <input type="checkbox"/> Fixed Rate 3 Year \$0. _____ per kwh for 36 billing cycles | |

First Point Power, LLC (“FPP”) is pleased to supply electricity to your home or business, subject to the eligibility requirements of Your Local Distribution Company (“LDC”), [LDC], and acceptance by FPP. Your Energy Sales Agreement (“Agreement”) with FPP, an independent supplier, shall consist of: (i) your telephonic, electronic or written agreement to initiate service and begin enrollment with FPP (“Enrollment Consent”) and (ii) the terms and conditions contained herein. Throughout this document, the words “you” and “your” refer to the customer identified in the Enrollment Consent. The words “we”, “us” and “our” refer to FPP.

| | |
|--|--|
| Fixed Price | The price will remain constant for the number of billing cycles chosen under Product Type once the switch has taken effect. Any applicable taxes will be charged in addition the Fixed Price above. |
| Variable Price | Variable Price each month will reflect the cost of electricity, including energy, capacity, settlement, ancillaries, related transmission and distribution charges and other market-related factors; plus all applicable taxes, fees, charges, costs, expenses and margins. Although we expect our price will be below the comparable price from the local utility, unforeseen events in the energy market may cause our price to be higher or lower than [LDC]’s price in any particular month. The variable price will not exceed the cost of electricity purchased through the PJM Interconnection plus a maximum of 10 cents per kilowatt hour. |
| Agreement Term | Variable Price Customer: Month-to-month for an indefinite period of time and is terminable by the customer at any time without penalty. Fixed Customer: Term is determined by the Product Type chosen above. Early termination fees may apply. |
| Rescission | Customer may rescind his/her selection by calling our toll free number within 10 calendar days from the time we receive your Sales Agreement. |
| Amount of Early Termination Fee | Variable Customers: No termination fees Fixed Customers: Should you terminate this Agreement before the term expires you hereby agree to pay us an early termination fee for failure to adhere to the terms and conditions of the Agreement. Residential Customers: One-time early termination fee of \$50.00 Commercial Customers: In the event that you terminate this Agreement, You shall pay to FPP, an early termination fee consisting of the following: payment at the rate specified in this Agreement (including any applicable late payment fees and taxes) for service provided by FPP prior to the effective date of the termination for which You have not already made payment, plus: for payment at the rate specified in this Agreement (including any applicable taxes) as though service was provided to You by FPP, based on your historical usage, from the effective date of the termination through the expiration date of the contract, less any revenues received by FPP as a result of any liquidation or resale of the electric supply purchase commitments entered into by FPP to provide service to You over the entire Term of this Agreement. |
| Guaranteed Savings | This agreement offers no guaranteed savings. |

Term: This Agreement shall be binding as of the date your enrollment is accepted by us. Our actual supply of electricity under this Agreement shall begin on the date that the utility deems your switch to us effective. Your switch or rate change may take up to several billing cycles to take effect.



Variable Customer: This Agreement is for an indefinite period of time and is terminable by the customer at any time without penalty.

Fixed Customer: This Agreement shall last for term chosen under Product Type above. We may notify You in writing and/or email of a fixed rate per kWh at which We would continue to serve You during a subsequent period. If We don't receive an acceptance of any renewal agreement or if We fail to offer You one, Your account(s) will automatically be enrolled and billed at Our standard variable rate product at that time to which You agree to pay in accordance with the Agreement.

Assignment FPP may assign this Agreement and the rights and obligations there under, to another energy supplier, energy services company or other entity as authorized by the Commission.

Information Release Authorization Customer authorizes FPP to obtain and review information regarding Customer's historical electricity consumption.

Consumer Protections The services provided by FPP to You are governed by the terms and conditions of this Agreement. Customer should contact FPP at (888) 875-1711 or (401) 684-1443 with any questions. Customer may also contact The Public Utility Commission if you wish to file a complaint (800) 692-7380 or online www.puc.state.pa.us.

Cancellation Customer may rescind this Agreement within 10 calendar days from the day we receive your Sales Agreement by contacting FPP at 1-(888) 875-1711 or in writing/email info@firstpointpower.com. After You begin receiving electricity from FPP you may contact Us if you would like to cancel service and we will switch your account to the local utility at the next available meter read date.

Dispute Resolution In the event of a billing dispute or a disagreement involving FPP's service hereunder, the parties will use their best efforts to resolve the dispute. Customer should contact FPP by telephone or in writing as provided above. The dispute or complaint may be submitted by either party at any time to the Commission pursuant to its Complaint Handling Procedures (800) 692-7380 or online www.puc.state.pa.us.

Choice of Laws Venue for any lawsuit brought to enforce any term or condition of this Agreement or to construe the terms hereof shall lie exclusively in the State of Pennsylvania. This Agreement shall be construed under and shall be governed by the laws of the State of Pennsylvania without regard to the application of its conflicts of law principles.

Emergency Service Contacts In the event of a gas leak, electric power outage or other emergency, please use the following toll-free numbers to directly contact your utility:

[LDC] 1-800-xxx-xxxx

Contact Information

First Point Power (800) 875-1711
info@firstpointpower.com
610 Ten Rod Rd #2
North Kingstown, RI 02852

Parties Bound. This Agreement is binding upon the parties hereto and their respective successors and legal assigns.



EXHIBIT 5

Proof of Publication

PROOF OF PUBLICATION OF NOTICE IN THE WILLIAMSPORT SUN-GAZETTE UNDER ACT NO. 587, APPROVED MAY 16, 1929

STATE OF PENNSYLVANIA
COUNTY OF LYCOMING

SS:

Bernard A. Oravec Publisher of the Sun-Gazette Company, publishers of the Williamsport, Sun-Gazette, successor to the Williamsport Sun and the Gazette & Bulletin, both daily newspapers of general circulation, published at 252 West Fourth Street, Williamsport, Pennsylvania, being duly sworn, deposes and says that the Williamsport Sun was established in 1870 and the Gazette & Bulletin was established in 1801, since which dates said successor, the Williamsport Sun-Gazette, has been regularly issued and published in the County of Lycoming aforesaid, and that a copy of the printed notice is attached hereto exactly as the same was printed and published in the regular editions of said Williamsport Sun-Gazette on the following dates, viz:

PENNSYLVANIA
PUBLIC UTILITY
COMMISSION
NOTICE

Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/ marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.

First Point Power, LLC
610 Ten Rod Rd #2
North Kingstown, RI
02852
(401) 684-1443
(877) 206-4855

August 2, 2012

Affiant to verify of publi

is an officer daily authorized by the Sun-Gazette Company, publisher of the Williamsport Sun-Gazette, under oath and also declares that affiant is not interested in the aforesaid notice and that the allegations in the foregoing statement as to time, place and character of publication are true.

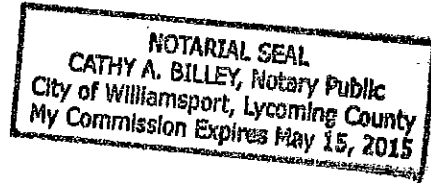
Bernard A. Oravec

SUN-GAZETTE COMPANY

Sworn to and subscribed before me

the 3rd day of August 2012

Cathy A. Billey
Notary Public



STATEMENT OF ADVERTISING COSTS

To the Sun-Gazette Company, Dr:
For publishing the notice attached

hereto on the above state dates.....\$ 242.86
Probated same.....\$
Total.....\$ 242.86

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

THE SUN-GAZETTE COMPANY hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

SUN-GAZETTE COMPANY

BY Bernard A. Oravec

The Patriot-News Co.
2020 Technology Pkwy
Suite 300
Mechanicsburg, PA 17050
Inquiries - 717-255-8213

The Patriot-News
Now you know

FIRST POINT POWER LLC
610 TEN ROD RD. #2

NORTH KINGSTOWN RI 02852

THE PATRIOT NEWS
THE SUNDAY PATRIOT NEWS

Proof of Publication

Under Act No. 587, Approved May 16, 1929
Commonwealth of Pennsylvania, County of Dauphin} ss

Holly Blain, being duly sworn according to law, deposes and says:

That she is a Staff Accountant of The Patriot News Co., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office and place of business at 2020 Technology Pkwy, Suite 300, in the Township of Hampden, County of Cumberland, State of Pennsylvania, owner and publisher of The Patriot-News and The Sunday Patriot-News newspapers of general circulation, printed and published at 1900 Patriot Drive, in the City, County and State aforesaid; that The Patriot-News and The Sunday Patriot-News were established March 4th, 1854, and September 18th, 1949, respectively, and all have been continuously published ever since;

That the printed notice or publication which is securely attached hereto is exactly as printed and published in their regular daily and/or Sunday/ Community Weekly editions which appeared on the date(s) indicated below. That neither she nor said Company is interested in the subject matter of said printed notice or advertising, and that all of the allegations of this statement as to the time, place and character of publication are true; and

That she has personal knowledge of the facts aforesaid and is duly authorized and empowered to verify this statement on behalf of The Patriot-News Co. aforesaid by virtue and pursuant to a resolution unanimously passed and adopted severally by the directors of the said Company and subsequently duly recorded in the office for the Recording of Deeds Miscellaneous Book "M", Volume 14, Page 317.

This ad # 0002221528 ran on the dates shown below:

July 27, 2012

Sworn to and subscribed before me this 31 day of July, 2012 A.D.

Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Donna M. Maldonado, Notary Public
Susquehanna Twp., Dauphin County
My Commission Expires Nov. 5, 2013

Member, Pennsylvania Association of Notaries

Miscellaneous Notices
PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE
Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.
First Point Power, LLC
610 Ten Rod Rd #2
North Kingstown, RI 02852
(401) 684-1443
(877) 206-4855

The Scranton Times (Under act P.L. 877 No 160. July 9, 1976)
Commonwealth of Pennsylvania, County of Lackawanna

FIRST POINT POWER LLC
ANDREW FITZGERALD
610 TEN ROD RD #2 NORTH KINGSTOWN RI 02852

Account # 565810
Order # 80973960
Ad Price: 205.20

Gina Krushinski

Being duly sworn according to law deposes and says that she is Billing clerk for The Scranton Times, owner and publisher of The Scranton Times, a newspaper of general circulation, established in 1870, published in the city of Scranton, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

07/23/2012

Affiant further deposes and says that neither the affiant nor The Scranton Times is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true Gina Krushinski

Sworn and subscribed to before me
this 23rd day of July A.D., 2012

Sharon Venturi
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon Venturi, Notary Public
City of Scranton, Lackawanna County
My Commission Expires Feb. 12, 2014
Member, Pennsylvania Association of Notaries

LEGAL NOTICE

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/ Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.

First Point Power, LLC
610 Ten Rod Rd. #2
North Kingstown, RI 02852
(401) 684-1443
(877) 206-4855

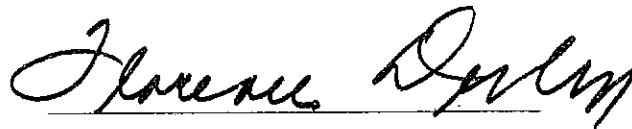
Proof of Publication in The Philadelphia Daily News
Under Act. No 587, Approved May 16, 1929

STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

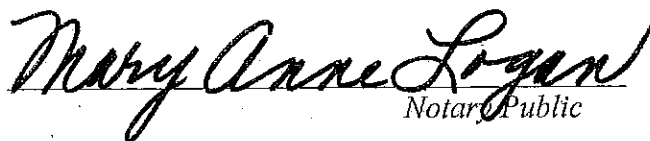
Florence Devlin being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of 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:

July 23, 2012

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.



Sworn to and subscribed before me this 23rd day of July, 2012.


Notary Public

My Commission Expires:

NOTARIAL SEAL
Mary Anne Logan, Notary Public
City of Philadelphia, Phila. County
My Commission Expires 3/30/2013

Copy of Notice of Publication

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE
Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.

First Point Power, LLC
810 Ten Rod Rd #2
North Kingstown, RI 02852
(401) 884-1443
(877) 296-8885

PROOF OF PUBLICATION
In
THE ERIE TIMES-NEWS
COMBINATION EDITION

FIRST POINT POWER LLC
610 TEN ROD RD #2
NORTH KINGSTOWN RI 02852

REFERENCE: L0005677
2066976 PUC NOTICE

STATE OF PENNSYLVANIA)
COUNTY OF ERIE) SS:

Debra McGraw, being duly sworn, deposes and says that: (1) she is a designated agent of the Times Publishing Company (TPC) to execute Proofs of Publication on behalf of the TPC; (2) the TPC, whose principal place of business is at 205 W. 12th Street, Erie, Pennsylvania, owns and publishes the Erie Times-News, established October 2, 2000, a daily newspaper of general circulation, and published at Erie, Erie County Pennsylvania; (3) the subject notice or advertisement, a true and correct copy of which is attached, was published in the regular edition(s) of said newspaper on the date(s) referred to below. Affiant further deposes that he/she is duly authorized by the TPC, owner and publisher of the Erie Times-News, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

PUBLISHED ON: 07/24

TOTAL COST: 294.00 AD SPACE: 7.000 INCH
FILED ON: 07/24/12

Sworn to and subscribed before me this

24 day of July 2012 Affiant: Debra McGraw
NOTARY: Laurene A. Daugherty

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Laurene A. Daugherty, Notary Public
City of Erie, Erie County
My Commission Expires Nov. 5, 2013
Member, Pennsylvania Association of Notaries

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE**

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

First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.

First Point Power, LLC
610 Ten Rod Rd #2
North Kingstown, RI 02852
(401) 684-1443
(877) 206-4855

2066976

COMMONWEALTH OF PENNSYLVANIA }
 County of Cambria } SS

**PENNSYLVANIA
 PUBLIC UTILITY
 COMMISSION
 NOTICE**

Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation

Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.

First Point Power, LLC
 610 Ten Rod Rd #2
 North Kingstown, RI
 02852
 (401) 684-1443
 (877) 208-4655

On this 24th day of July A.D. 2012, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Christine Marhefka, who being duly sworn according to law, deposes and says as Classified Advertising Manager of the Tribune-Democrat, Johnstown, PA, a newspaper of general circulation as defined by the "Newspaper Advertising Act", a merger September 8, 1952, of the Johnstown Tribune, established December 7, 1853; and of the Johnstown Democrat, established March 5, 1863,

publish that the of The the subj said pu
 stown Pa. in the County of Cambria, and Commonwealth of Pennsylvania and
 y of a notice in the above matter published in said publication in the regular issues
 mocrat, Johnstown, PA, on July 23, 2012; and that the Affiant is not interested in
 ice or advertising and that all of the allegations as to time, place and character of

Christine Marhefka

STATEMENT OF ADVERTISING COSTS

Sworn : me this
 24th da Pennsylvania under the
 Electricity Generation

Juan Ohs

| | | |
|-------------------|------------------|---------------|
| 61 Lines @ | \$2.50 per line | 152.50 |
| 0.00 Inches @ | \$25.00 per inch | 0.00 |
| Notary Fee | | 5.00 |
| Clerical Fee | | 2.50 |
| Total Cost | | 160.00 |

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Vivian Ohs, Notary Public
 City of Johnstown, Cambria County
 My Commission Expires Dec. 6, 2012
 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

To The Tribune-Democrat, Johnstown, PA
 For publishing the notice or publication
 attached hereto on the above stated dates.

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

_____ for publisher of _____
 a newspaper of general circulation, hereby acknowledges receipt of the aforesaid
 and publication costs and certifies that the same has been duly paid.

 (Name of Newspaper)

By _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss C. Mohamed, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

25 of July, 2012

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

C. Mohamed
PG Publishing Company

Sworn to and subscribed before me this day of:
July 25, 2012

Linda M. Gaertner
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Linda M. Gaertner, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 31, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

STATEMENT OF ADVERTISING COSTS

First Point Power LLC
610 TEN ROD RD UNIT 2
ATTN: ANDREW FITZGERALD
NORTH KINGSTOWN RI 02852-4206

To PG Publishing Company

Total ----- \$487.50

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
34 Boulevard of the Allies
PITTSBURGH, PA 15222
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By Maria Juree

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

COPY OF NOTICE OR PUBLICATION

PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE
Application of First Point Power, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania. First Point Power, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. First Point Power, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of First Point Power, LLC 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 First Point Power, LLC at the address listed below.
First Point Power, LLC
610 Ten Rod Rd #2
North Kingstown, RI 02852
(401) 684-1443
(877) 206-4855