

MURRAY E. BEVAN
mbevan@bmgzlaw.com

December 5, 2012

VIA OVERNIGHT MAIL

Pennsylvania Public Utility Commission
Secretary
Keystone Building, 2nd Floor Room N201
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Choice Energy, LLC, d/b/a 4 Choice Energy, LLC
Electric Generation Supplier License Application**

To Whom it May Concern:

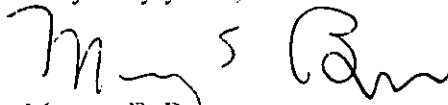
On behalf of our client Choice Energy, LLC, d/b/a 4 Choice Energy, LLC ("Choice Energy"), enclosed please find an original, one (1) copy, and a CD-ROM containing its application for consideration as an Electric Generation Supplier in the Commonwealth of Pennsylvania. Also enclosed is a check for the initial licensing fee in the amount of \$350.00.

Choice Energy has requested that certain portions of its application be given confidential treatment. The portions of this application which are confidential are attached and will only be served to the Public Utility Commission.

Choice Energy, LLC, d/b/a 4 Choice Energy, LLC is a technically qualified and financially strong entity whose officers and staff bring strong experience in the retail electricity industry.

Thank you for your attention to this application.

Very truly yours,


Murray E. Bevan

Enclosures

cc: Moses Cheung (via electronic mail only, w/ enc.)
Office of Consumer Advocate (via overnight mail, w/ enc.)
Small Business Advocate (via overnight mail, w/ enc.)
Office of Attorney General, Bureau of Consumer Protection (via overnight mail, w/ enc.)

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Department of Revenue, Bureau of Compliance (via overnight mail, w/ enc.)
Legal Dept., West Penn Power d/b/a Allegheny Power (via overnight mail, w/ enc.)
Regulatory Affairs, Duquesne Light Company (via overnight mail, w/ enc.)
Manager Energy Acquisition, PECO Energy Company (via overnight mail, w/ enc.)
Paul Russell, Legal Department, PPL (via overnight mail, w/ enc.)
Legal Department, First Energy (via overnight mail, w/ enc.)
Rates Dept, Choice Coordinator, UGI Utilities (via overnight mail, w/ enc.)
EGS Coordination, Citizens' Electric Company (via overnight mail, w/ enc.)
Director, Customer Energy Services, Orange & Rockland Co. (via overnight mail, w/ enc.)
EGS Coordination, Wellsboro Electric Company (via overnight mail, w/ enc.)

Choice Energy LLC

d/b/a 4 Choice Energy, LLC

Contents: Application for Electric Power Supplier

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15. Attachment D: Officers' Names and Addresses
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22. Attachment K: FERC MBR Authorization

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Choice Energy, LLC, d/b/a 4 Choice Energy, LLC, 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:

Choice Energy, LLC d/b/a 4 Choice Energy, LLC
715 E. 2nd Street, Des Moines, IA 50309
www.4choiceenergy.com
(888) 565-4490

- 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. as Registered Agent
7208 Red Top Road
Hummelstown, PA 17036
Dauphin 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.

Moses Cheung – Co-Managing Member
4257 US Highway 9, Freehold, NJ 07728
Phone: (848) 863-6500
Fax: (732) 294-9576
Email: mcheung@4choiceenergy.com

- d. **ATTORNEY:** Provide the name, address, telephone number, fax number, and e-mail address of the Applicant's attorney. If the Applicant is not using an attorney, explicitly state so.

Murray E. Bevan
Bevan, Mosca, Giuditta & Zarillo, P.C.
222 Mount Airy Road Suite 200, Basking Ridge, NJ 07920
Phone: (908) 753-8300
Fax: (908) 753-8301
Email: mbevan@bmgzlaw.com

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- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** Provide the name, title, address, telephone number, FAX number, and e-mail of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed EGSs.

Mike Needham – Co-Managing Member
715 E. 2nd Street, Des Moines, IA 50309
Phone: (888) 565-4490
Fax: (515) 280-5448
Email: mneedham@4choiceenergy.com

Alternate: Brent Hood – Co-Managing Member
715 E. 2nd Street, Des Moines, IA 50309
Phone: (515) 418-9277
Fax: (515) 280-5448
bhood@4choiceenergy.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")

- **See Attachment A for a copy of the fictitious name ("d/b/a") filing with Pennsylvania's Department of State pursuant to 54 Pa. C.S. §311.**

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):

- **See Attachment B for a copy of the foreign LLC registration form filed with Pennsylvania's Department of State pursuant to 15 Pa. C.S. §8981.**
- **The business is incorporated in the state of Iowa. See Attachment C-1 for a copy of the Certificate of Organization, and Attachment C-2 for a copy of the Company By-Laws/Operating Agreement. Attachment C-2 has been filed as "Confidential."**
- **See Attachment D for the Officers' names and addresses.**

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.

The Company does not have any affiliates. Also, the Company does not have any affiliates that are currently 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.

The Company does not have any 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.

- **See Attachment E for a description of the services which the Company proposes to offer.**

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

The company plans to offer its services in service areas of all Electric Distribution Companies.

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.

The company plans to begin services within the Commonwealth on or about January 1, 2013.

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 is not, and has never been, the defendant of a criminal or civil proceeding.

- 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.

See Attachment F for the Company's formal customer complaints history.

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

See Attachment F for the Company's formal customer complaints history, including resolution and present status of any actions.

6. PROOF OF SERVICE

(Example Certificate of Service is attached at Appendix C)

- a.) **STATUTORY AGENCIES:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, provide proof of service of a signed and verified Application with attachments on the following:

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

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

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

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

- b.) **EDCs:** Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, provide Proof of Service of the Application and attachments upon each of the Electric Distribution Companies the Applicant proposed to provide service in. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14. Contact information for each EDC is as follows.

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

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

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

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

Met-Ed, Penelec, and Penn Power:
Legal Department
First Energy
2800 Pottsville Pike
Reading PA, 19612

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

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

Pike County Light & Power Company:
Director of Customer Energy Services
Orange and Rockland Company
390 West Route 59
Spring Valley, NY 10977-5300

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

7. FINANCIAL FITNESS

a. **BONDING:** In accordance with 66 Pa. C.S. Section 2809(c)(1)(i), the Applicant is required to file a bond or other instrument to ensure its financial responsibilities and obligations as an EGS. Therefore, the Applicant is...

- Furnishing the **original** (along with copies) of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.
- Furnishing the **original** (along with copies) of another initial security for Commission approval, to ensure financial responsibility.
- Filing for a modification to the \$250,000 requirement and furnishing the **original** (along with copies) of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.
 - *At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.*
 - *Example version of a bond and letter of credit are attached at Appendix D & E. Applicant's security must follow language from these examples.*
 - *Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.*

b. **FINANCIAL RECORDS, STATEMENTS, AND RATINGS:** Applicant must provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.
- Published Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient)
- Applicant's accounting statements, including balance sheet and income statements for the past two years.
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form, evidence of Moody's, S&P, or Fitch ratings, and/or other independent financial service reports.
- A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.
- Audited financial statements exhibiting accounts over a minimum two year period.
- Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.

See Attachment G for information demonstrating financial fitness commensurate with the service proposed to be provided. Attachment G has been filed as "Confidential."

- c. **ACCOUNTING RECORDS CUSTODIAN:** Provide the name, title, address, telephone number, FAX number, and e-mail address of Applicant's custodian for its accounting records.

Moses Cheung
Co-Managing Member
4257 US Highway 9, Suite 6C, Freehold, NJ 07728
Phone: (848) 863-6500
Fax: (732) 294-9576
Email: mcheung@4choiceenergy.com

- d. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix F to this application.

All sections of the Tax Certification Statement must be completed. Absence (submitting N/A) of any of the TAX identifications numbers (items 7A through 7C) shall be accompanied by supporting documentation or an explanation validating the absence of such information.

Items 7A and 7C on the Tax Certification Statement are designated by the Pennsylvania Department of Revenue. Item 7B on the Tax Certification Statement is designated by the Internal Revenue Service.

8. TECHNICAL FITNESS:

To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided.

- a.) **EXPERIENCE, PLAN, STRUCTURE:** such information may include:

- Applicant's previous experience in the electricity industry.
- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions.
- Type of customers and number of customers Applicant currently serves in other jurisdictions.
- Staffing structure and numbers as well as employee training commitments.
- Business plans for operations within the Commonwealth.
- Documentation of membership in PJM, ECAR, MAAC, other regional reliability councils, or any other membership or certification that is deemed appropriate to justify competency to operate as an EGS within the Commonwealth.
- Any other information appropriate to ensure the technical capabilities of the Applicant.

See Attachment H for information demonstrating technical fitness commensurate with the service proposed to be provided.

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

See Attachment I for the listing of the chief officers and their professional resumes.

- 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 ER10-1472.
See Attachment J for a copy of the FERC MBR authorization.
- Not applicable

9. DISCLOSURE STATEMENT:

a. **Disclosure Statements:** If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a Residential and/or Small Commercial disclosure statement. A sample disclosure statement is provided as Appendix G to this Application.

- Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

a. **PJM LOAD SERVING ENTITY REQUIREMENT:** As a prospective EGS, the applicant understands that those EGSs which provide retail electric supply service (i.e. takes title to electricity) must provide either:

- proof of registration as a PJM Load Serving Entity (LSE), or
- proof of a contractual arrangement with a registered PJM LSE that facilitates the retail electricity services of the EGS.

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

(Select only one of the following)

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

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

AGREED

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 I.

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.

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.

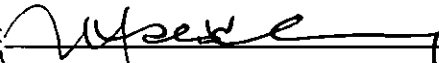
Proof of newspaper publications must be filed with the initial application. Applicants **do not** need a docket number in their publication. Docket numbers will be issued when all criteria on the item 14 checklist (see below) are satisfied.

	<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)

13. SIGNATURE

Applicant: Choice Energy, LLC d/b/a 4 Choice Energy, LLC

By: 
 Title: Co-Managing Member

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

14. CHECKLIST

For the applicant's convenience, please use the following checklist to ensure all relevant sections are complete. The Commission Secretary's Bureau will not accept an application unless each of the following sections are complete.

Applicant: Choice Energy, LLC d/b/a 4 Choice Energy, 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	

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Request for Confidential Treatment



715, E 2nd Street
Des Moines, Iowa 50309

888-565-4490
www.4choiceenergy.com

27 November 2012

Honorable Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Building, 2nd Floor Room N201
Harrisburg, PA 17120

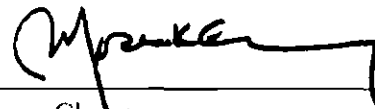
Re: Choice Energy LLC d/b/a 4 Choice Energy LLC Confidentiality Request

Dear Secretary Chiavetta,

In accordance with 52 Pa. Code § 54.32, Choice Energy LLC d/b/a 4 Choice Energy LLC (“4 Choice Energy”) respectfully requests that the Board accord confidential treatment to the documents submitted as Attachment C-2 and Attachment G to the attached update to the Application Form for Parties Wishing to Offer, Render, Furnish or Supply Electricity or Electric Generation Services to the Public in the Commonwealth of Pennsylvania due to the confidential and proprietary financial information contained therein. Such information is not made available to the public. General dissemination of the information contained in Attachment C-2 and Attachment G would harm the position of 4 Choice Energy in the marketplace as it would provide its competitors with financial data and other proprietary information critical to their ability to do business in the state. Further, 4 Choice Energy requests that Attachment C-2 and Attachment G be perpetually held as confidential due to the presumed perpetual existence of its business.

Copies of Attachment C-2 and Attachment G are annexed hereto and is labeled “Confidential.” If you have any questions or require further documentation please do not hesitate to contact me.

Respectfully submitted,



Moses Cheung
Co-Managing Member

Attachment

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Application Affidavit

(Appendix A)

Appendix A

APPLICATION AFFIDAVIT

RECEIVED

State of New Jersey :

County of Somerset :

ss.

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Moses Cheung, Affiant, being duly [sworn/affirmed] according to law, deposes and says:

That he is the Co-Managing Member (Office of Affiant) of Choice Energy, LLC (Name of Applicant);

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

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

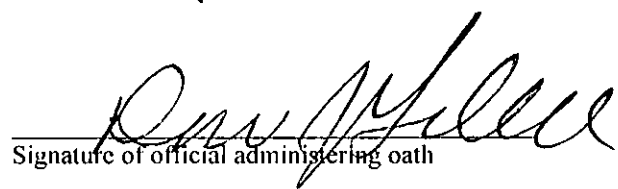
That the Applicant herein Choice Energy, LLC acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein Choice Energy, 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.


Signature of Affiant

Sworn and subscribed before me this 17 day of September, 2012.


Signature of official administering oath

My commission expires _____.

DONNA GIULIANO
ID # 2376301
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 8/5/2013

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Operations Affidavits

(Appendix B)

Appendix B

OPERATIONS AFFIDAVIT

State of New Jersey :
 :
County of Somerset :

RECEIVED

ss.

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Moses Cheung, Affiant, being duly [sworn/affirmed] according to law, deposes and says:

That he is the Co-Managing Member (Office of Affiant) of Choice Energy, LLC (Name of Applicant);

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

That Choice Energy, LLC, the Applicant herein, acknowledges that it 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 Choice Energy, 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 Choice Energy, 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).

That, 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.

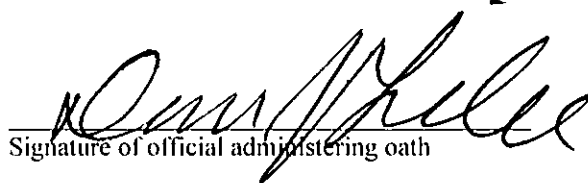
That Choice Energy, LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

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 17 day of September, 2012


Signature of official administering oath

My commission expires _____
DONNA GIULIANO
ID # 2371
NOTARY PUBLIC - NEW JERSEY
Commission Expires 8/5/2013



Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Certificate of Service

(Appendix C)

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

License Bond

(Appendix D)

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Tax Certification Statement

(Appendix F)

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Disclosure Statement

(Appendix G)

Choice Energy LLC Sample Disclosure Statement

This is an agreement for electric generation service, between Choice Energy, LLC d/b/a 4 Choice Energy, LLC ("Choice Energy") and customer's name and full address.

Background

- We at Choice Energy, are licensed by the Pennsylvania Public Utility Commission to offer and supply electric generation services in Pennsylvania. Our PUC license number is A-XXXX-XXXXXXX.
- We set the generation prices and charges that you pay. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.
- You will receive a single bill from billing agent name that will contain distribution utility name charges and Choice Energy charges.
- Right of Rescission - You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

Definitions

- Generation Charge - Charge for production of electricity.
- Transmission Charge - Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.

Terms of Service

1. Basic Service Prices

This is a monthly variable rate product priced based on market conditions that may change from time to time. The rate per kilowatt-hour ("kWh") that we charge ("Choice Price") is all-inclusive of the full cost for electricity generation with no additional charges except applicable taxes and your EDU's Transmission Charges, if applicable. Your initial Choice Price is in your Welcome Kit. While this rate may fluctuate from month to month, we guarantee that, as long as you remain our customer, your annual effective rate will always be below your EDU's Basic Generation Service Charge rate (also known as the Price to Compare). There is no charge for starting or stopping service with Choice Energy.

2. Length of Agreement

You will buy your electricity generation service for the above street address from Choice Energy beginning date through date of expiration, if any. This Agreement is effective when your EDU accepts your enrollment with us as your electricity supplier, and will continue until your EDU switches your generation service away from us to your EDU's Basic Generation Service, or to another electricity supplier that you choose when this Agreement is terminated by you or us ("Term"). Your electricity supply from us at our Price will begin when your EDU switches your generation service to us, which may take up to two (2) billing cycles.

3. Total Generation Charge

For each month our generation service charge will be your electricity kWh usage during the billing period, as measured by your EDU's meter reading, multiplied by the Choice Price (the "Choice Generation Charge") effective at the time. In the event that your EDU later adjusts your meter reading, the Choice Generation Charge will be adjusted accordingly. The Choice Generation Charge does not include charges from your EDU for its transmission and distribution services and other applicable charges by your EDU.

4. Penalties, Fees and Exceptions

Please consult your EDU regarding late fees on delinquent payments, termination of service for non-payment, security deposits, payment plans and other payment and credit terms. Upon termination of this Agreement by either you or us, you will continually be responsible for all Choice Generation Charges that you incur before your account is transferred to the EDU's Basic Generation Service or to another electricity supplier that you choose.

5. Cancellation Provisions

- a. Customer Right To Cancel.** You may cancel and terminate this Agreement at any time and for any reason, without penalty by calling us to speak with one of our customer service agents, or by writing to us. See Paragraph 19 below for our contact information.
- b. Supplier Right To Cancel.** We reserve the right at our discretion to terminate this Agreement if at any time: (i) you fail to make timely payment of the Choice Generation Charge to your [billing agent name]; (ii) your EDU is unable to read your electric meter for three (3) months in a row; (iii) there is a change in any law, regulation, market rule or tariff that materially impairs our ability to fulfill our obligations under this Agreement; or (iv) any other reason which materially impairs our ability to fulfill our obligations under this Agreement.

6. Renewal Provision/Agreement Expiration/Change in Terms

If you have a fixed term agreement with us and it is approaching the expiration date or if we propose to change our terms of service, we will send you two advance written notices either in our bills or in separate mailings between 45 and 90 days before either the expiration date or the effective date of the changes. We will explain your options in these two advance notices.

7. Dispute Procedures

Contact us with any questions concerning our terms of service. You may call the PUC if you are not satisfied after discussing your terms with us.

8. Information Release Authorization. You agree that your EDU may release to us certain information that we need to provide you with service, including but not limited to your address, telephone number, account number, historical usage information and peak electricity demand. This information may be used by us and any of our affiliates, agents or representatives to determine whether we will commence and/or continue to provide energy supply service to you, but will not be disclosed to any unaffiliated party without your consent unless required by law. This authorization will remain in effect during the Term of this Agreement.

9. LIMITATION OF LIABILITY. CHOICE ENERGY'S LIABILITY IN CONNECTION WITH THIS AGREEMENT SHALL BE LIMITED TO DIRECT DAMAGES ACTUALLY INCURRED, WHICH SHALL NOT EXCEED THE AMOUNT OF YOUR SINGLE LARGEST MONTHLY CHOICE GENERATION CHARGE DURING THE TWELVE (12) MONTHS IMMEDIATELY PRECEDING THE CAUSE OF THE LIABILITY. EXCEPT AS OTHERWISE PROVIDED HEREIN, NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL (INCLUDING BUT NOT LIMITED TO LOST PROFITS OR REVENUES), INCIDENTAL, OR PUNITIVE DAMAGES FOR CLAIMS ARISING HEREUNDER.

10. REPRESENTATIONS AND WARRANTIES. CHOICE ENERGY MAKES NO REPRESENTATIONS OR WARRANTIES OTHER THAN THOSE EXPRESSLY SET FORTH IN THIS AGREEMENT, AND EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES, WHETHER WRITTEN OR VERBAL, EXPRESSED, IMPLIED OR STATUTORY, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

11. Governing Law. This Agreement shall be governed by and construed, enforced and performed in accordance with the laws of the Commonwealth of Pennsylvania without regard to its choice of law rules. Except for matters within the jurisdiction of the PUC, each party hereby designates the Pennsylvania courts of competent jurisdiction or the United States District Courts for the Eastern, Central, and Western Districts of Pennsylvania as the exclusive courts of proper jurisdiction of any suit, claim, action or other proceeding, whether at law or in equity, relating to this Agreement.

12. Assignment. Customer may not assign this Agreement, in whole or in part, or any of its rights or obligations hereunder without the prior written consent of Choice Energy. Choice Energy may, without Customer's consent: (a) transfer, sell, pledge, encumber or assign the accounts receivable and revenues derived from this Agreement (or any proceeds thereof) in connection with any agreement, including but not limited to financing agreement, purchase of receivables program or other billing services arrangement; and (b) assign our rights and obligations hereunder to an affiliate of Choice Energy, any person or entity succeeding to all or substantially all of the assets of Choice Energy, or to any other entity licensed to do business as an electricity supplier in Pennsylvania. Any such assignee shall agree in writing to be bound by the terms of this Agreement and, following such agreement, Choice Energy shall have no further obligations hereunder.

13. Severability. If any provision of this Agreement is held by a court or regulatory agency of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall continue in full force without being invalidated in any way.

14. Delay or Failure to Exercise Rights. No partial performance, delay or failure on the part of Choice Energy in exercising any rights under this Agreement and no partial or single exercise thereof shall constitute a waiver of such rights or of any other rights hereunder.

15. Force Majeure. We will use commercially reasonable efforts to provide the service contemplated herein, but we do not guarantee a continuous supply of electricity. Certain Force Majeure events outside of our control may cause interruptions in service. If a Force Majeure event prevents us from performing our obligations in whole or in part, our performance shall be excused for the duration of such event, and we will not be liable for damages associated with any delay or failure to perform as a result thereof. As used herein, the term "Force Majeure" shall include, without limitation, sabotage, riots or civil disturbances, acts of God, acts of the public enemy, acts of vandalism, terrorist acts, volcanic eruptions, earthquake, hurricane, flood, ice or snow storm, explosion, fire, lightning, landslide or similarly cataclysmic occurrence, shortage or unavailability of transmission facilities, nonperformance by the EDU, or any change in law or any other action by a governmental authority that materially impairs our ability to perform our obligations under this Agreement. We will give you reasonable notice of any Force Majeure occurrence.

16. Entire Agreement. This Agreement sets forth the entire agreement between the parties regarding the subject matter hereof and supersedes all prior agreements, whether written or oral.

17. Other General Provisions. Choice Energy may amend the terms of this Agreement at any time, consistent with any applicable law, rule or regulation, by providing notice to Customer of such amendment prior to the effective date thereof. No waiver of any right under this Agreement shall be construed as a waiver of the same or any other term or condition on the same or any other occasion. Nothing in this Agreement shall create or be construed as creating any express or implied rights in any person or entity other than you and us. This Agreement is subject to all valid and applicable legislation and to all present and future orders, rules and regulations of authorities having jurisdiction over the subject matter hereof, and both parties agree to comply with all such applicable laws, orders, rules and regulations.

18. Contact Information

Generation Supplier Name: Choice Energy, LLC d/b/a 4 Choice Energy, LLC
Address: 715 E. 2nd Street, Des Moines, IA 50309
Phone Number: 1-888-565-4490
Internet Address: www.4choiceenergy.com

Electric Distribution Company Name: _____

Provider of Last Resort Name: _____
Address: _____

Phone Number: _____

Public Utility Commission (PUC)
Address: P.O. Box 3265 Harrisburg, PA 17105-3265
Choice Hotline Number: 1-800-692-7380

Universal Service Program Name: _____
Phone Number: _____

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Publication Notices

(Appendix H)

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:

September 17, 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 17th day of
September, 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 Choice Energy, LLC d/b/a 4 Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

Choice Energy, LLC ("Choice") will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as a supplier of electric power. Choice 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 Choice 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 Choice's attorney at the address listed below.

By and through Counsel: Murray E. Bevan
Bevan, Mosca, Gluditta & Zarillo, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
908-753-8300
FAX: 908-753-8301

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

PROOF OF PUBLICATION
In
THE ERIE TIMES-NEWS
COMBINATION EDITION

BEVAN MOSCA GUIDITTA & ZARILLO
222 MOUNT AIRY ROAD SUITE 200
BASKING RIDGE NJ 07920

REFERENCE: L0005743
2077594 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: 09/18

TOTAL COST: 294.00 AD SPACE: 7.000 INCH
FILED ON: 09/18/12

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
NOTICE**

Application of Choice Energy, LLC db/a Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

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By and through Counsel: Murray E. Bevan
Bevan, Mosca, Guiditta & Zarillo, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
908-753-8300
FAX: 908-753-8301

2077594

Sworn to and subscribed before me this

18th day of September 2012 Affiant: Debra McGraw

NOTARY: Barbara J. Moore

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Barbara J. Moore, Notary Public
City of Erie, Erie County
My Commission Expires March 23, 2016
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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

The Patriot-News
Now you know

BEVAN, MOSCA, GUIDITTA & ZARILLO, P.C.
222 MOUNT AIRY ROAD, SUITE 200

BASKING RIDGE NJ 07920

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

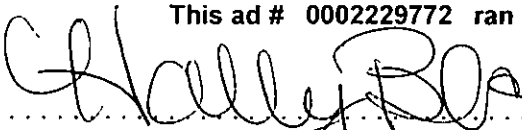
That she has personal knowledge of the facts aforesaid and is duly authorized and empowered to verify this statement on behalf of The Patriot-News Co. aforesaid by virtue and pursuant to a resolution unanimously passed and adopted severally by the stockholders and board of directors of the said Company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

PUBLICATION COPY

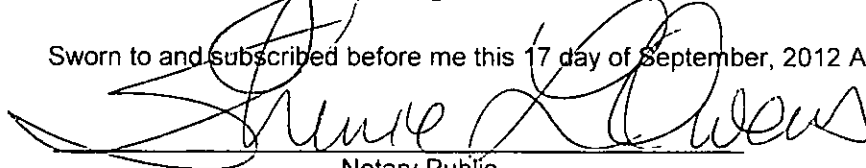
This ad # 0002229772 ran on the dates shown below:

September 17, 2012

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE**
Application of Choice Energy, LLC
d/b/a 4 Choice Energy, LLC For
Approval To Offer, Render, Furnish Or
Supply Electricity Or Electric
Generation Services As A Generator
And Supplier Of Electric Power To The
Public In The Commonwealth Of
Pennsylvania.
Choice Energy, LLC ("Choice") will
be filing an application with the
Pennsylvania Public Utility Commission
("PUC") for a license to supply
electricity or electric generation
services as a supplier of electric power.
Choice 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 Choice 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 Choice's
attorney at the address listed below.
By and through Counsel:
Murray E. Bevan
Bevan, Mosca, Giuditta & Zarillo, P.C.
222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
908-753-8300
FAX: 908-753-8301



Sworn to and subscribed before me this 17 day of September, 2012 A.D.



Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sherrie L. Owens, Notary Public
Lower Paxton Twp., Dauphin County
My Commission Expires Nov. 26, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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 M. Goodwin, 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:

14 of September, 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.

M. Goodwin
PG Publishing Company

Sworn to and subscribed before me this day of:
September 14, 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
Bevan Mosca Giuditta & Zarillo P
222 MOUNT AIRY RD STE 200
ATTN: Gabrielle A Figueroa
BASKING RIDGE NJ 07920-2335

To PG Publishing Company

Total ----- \$465.00

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 Lucia

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 Choice Energy, LLC d/b/a 4 Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

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The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Choice 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 Choice's attorney at the address listed below.

By and through Counsel:
Murray E. Bevan
Bevan, Mosca, Giuditta & Zarillo, P.C.
222 Mount Airy Road,
Suite 200
Basking Ridge, NJ
07920
908-753-8300
FAX: 908-753-8301

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

BEVAN MOSCA GIUDITTA & ZARILLO P.C.
GABRIELLE A FIGUEROA
SUITE 200 222 MOUNT AIRY ROAD
BASKING RIDGE NJ 07920

Account # 568707
Order # 81020078
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:

09/14/2012

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 14th day of September 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 NOTICE

Application of **Choice Energy, LLC** d/b/a **Choice Energy, LLC** For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

Choice Energy, LLC ("Choice") will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as a supplier of electric power. **Choice** 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 **Choice** 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 **Choice's** attorney at the address listed below.

By and through Counsel:
Murray E. Bevan
Bevan, Mosca, Giuditta &
Zarillo, P.C.

222 Mount Airy Road, Suite 200
Basking Ridge, NJ 07920
908-753-8300
FAX: 808-753-8301

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:

September 14, 2012

Affiant to verify publication of public

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
NOTICE

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 subject matter of the aforesaid notice and that the facts and circumstances stated in the foregoing statement as to time, place and character of publication are true.

Application of Choice Energy, LLC d/b/a Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

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The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Choice 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 Choice's attorney at the address listed below.

By and through Counsel: Murray E. Bevan

Bevan, Mosca, Gluditta & Zarillo, P.C.
222 Mount Airy Road,
Suite 200
Basking Ridge,
NJ 07920
908-753-8300
FAX: 908-753-8301

THE SUN-GAZETTE and certifies

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

I hereby acknowledge receipt of the aforesaid advertising and publication costs and that the same have been fully paid.

SUN-GAZETTE COMPANY

BY Bernard A. Oravec

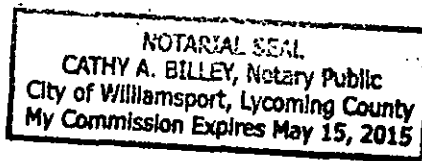
Bernard A. Oravec

SUN-GAZETTE COMPANY

Sworn to and subscribed before me

the 18th day of September, 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.....\$ 755.60

Probated same.....\$

Total.....\$ 755.60

COMMONWEALTH OF PENNSYLVANIA }
 County of Cambria } SS

PENNSYLVANIA
 PUBLIC UTILITY COMMISSION
 NOTICE

Application of Choice Energy, LLCd/b/a 4 Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

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The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Choice 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 Choice's at the address listed below.

By and through Counsel: Murray E. Bevan
 Bevan, Mosca, Giuditta & Zarillo, P.C.
 222 Mount Airy Road, Suite 200
 Basking Ridge, NJ 07920
 908-753-8300
 FAX: 908-753-8301

published &
 that the an...

of The Johnstown Tribune-Democrat, Johnstown, PA, on September 13, 2012; and that the Affiant is not interested in the subject matter of said notice or advertising and that all of the allegations as to time, place and character of said publication are true.

of Cambria, and Commonwealth of Pennsylvania and
 after published in said publication in the regular issues

of The Johnstown Tribune-Democrat, Johnstown, PA, on September 13, 2012; and that the Affiant is not interested in the subject matter of said notice or advertising and that all of the allegations as to time, place and character of said publication are true.

Christine Marhefka

STATEMENT OF ADVERTISING COSTS

Sworn and Subscribed before me this
 13th day of September, 2012.

[Signature]

0.00 Lines @	\$2.50 per line	0.00
5.5 Inches @	\$25.00 per inch	137.50
Notary Fee		5.00
Clerical Fee		2.50
Total Cost		145.00

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 _____

What: Within 50 mi of Philadelphia, Pennsylvania (change)

Home Main Categories Events & Notices Legal & Public Notices PENNSYLVANIA PUBLIC UTILITY COMMISSIONNOTICEApplication of

- Advertisement Tools**
- Print Ad
 - Add to my clip-list
 - Email ad to a friend
 - Report ad to moderator

Advertisement Details

Ad Id: 21124370
 Location: Basking Ridge, NJ
 Created: Sep 17, 2012
 Expires: Oct 18, 2012
 Views: 1

Advertiser Details

Username: tmp_1149590
 Joined: Sep 17, 2012
 Ads: 1
 Placed:

PENNSYLVANIA PUBLIC UTILITY COMMISSIONNOTICEApplication of

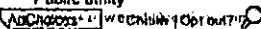
[Reply By Email](#)

Source: philly.com
 Description

PENNSYLVANIA PUBLIC UTILITY COMMISSIONNOTICEApplication of Choice Energy, LLC d/b/a 4 Choice Energy, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.Choice Energy, LLC ("Choice") will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as a supplier of electric power. Choice 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 Choice 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 Choice's attorney at the address listed below. By and through Counsel: Murray E. BevanBevan, Mosca, Gluditta & Zarillo, P.C.222 Mount Airy Road, Suite 200Basking Ridge, NJ 07920908-753-8300FAX: 908-753-8301 PN# 0003012919-01

Local listings near Dover, NJ:

- Public Utility**
The PAPUC says energy competition can save you
completecoalition.com
- Local Public Utility**
Find Public Utility Near You.
See Actual Customer
local.com
- Pennsylvania Public utilit**
Find Pennsylvania Public utility
commissionnoticeapplication r
Local.com
- Searching for Pennsylvania**
Top answers for Pennsylvania F
utility commissionnoticeapplic
www.Answered-Questions.com
- Searching for Pennsylvania**
Top answers for Pennsylvania F
utility commissionnoticeapplic
www.Answered-Questions.com
- Pennsylvania Public utilit**
Get local answers for Pennsylv
Public utility





12. NEWSPAPER PUBLICATIONS

Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. Below is a list of newspapers which cover the publication requirements for Electric Generation Suppliers looking to do business in Pennsylvania.

The newspapers in which proof of publication is required is dependent on the service territories the applicant is proposing to serve. The chart below dictates which newspapers are necessary for each EDC. If the applicant is proposing to serve the entire Commonwealth, please file proof of publication in all seven newspapers.

Please file with the Commission the Certification of Publication, along with a photostatic copy of the notice to complete the notice requirements.

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

	<u>Duquesne</u>	<u>Met Ed</u>	<u>PECO</u>	<u>Penelec</u>	<u>Penn Power</u>	<u>PPL</u>	<u>UGI</u>	<u>West Penn</u>	<u>Entire Commonwealth</u>
<input checked="" type="checkbox"/> Philadelphia Daily News	\$734.64	X	X			X			X
<input checked="" type="checkbox"/> Harrisburg Patriot-News	\$185.16	X		X		X		X	X
<input checked="" type="checkbox"/> Scranton Times Tribune	\$205.20	X		X		X	X		X
<input checked="" type="checkbox"/> Williamsport Sun Gazette	\$255.60			X		X		X	X
<input checked="" type="checkbox"/> Johnstown Tribune Democrat	\$145.00			X				X	X
<input checked="" type="checkbox"/> Erie Times-News	\$294.00			X	X				X
<input checked="" type="checkbox"/> Pittsburgh Post-Gazette	\$468.00				X			X	X

(Example Publication is provided at Appendix H)

Murray E Bevan

mc

5588 2160 00256090

11/14

169

13. SIGNATURE

Applicant: _____

By: _____

Title: _____

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Electronic Data Interchange Contacts

(Appendix I)

Appendix I

Electronic Data Interchange and Internet Requirements

Prior to doing business in an EDC service territory, the EGS must meet the Electronic Data Interchange (EDI) certification requirements of the EDC. Certification is a testing process using the Commission approved Internet protocol. To initiate this process, the EGS is encouraged to contact the EDC as early as possible after filing an application for a license with the Commission, since certification may require as many as four months to complete and customer service contract dates may not commence prior to certification. EDC requirements of new suppliers may be found on the respective EDC home web page. Pennsylvania's industry stakeholder group the Electronic Data Exchange Working Group (EDEWG) develops and maintains the EDI transactions and related business practices, which are found on the Pa. PUC website at http://www.puc.state.pa.us/electric/electric_electronic_data_exchange.aspx. The EDEWG meets telephonically the first Thursday of each month at 2:00pm ET to discuss EDI change control requests and other issues.

To keep current with Pennsylvania EDI practices and policies, a newly licensed EGS is strongly encouraged to participate in the EDEWG by contacting the following:

PA EDEWG EDI Contacts

Entity Name	Contact Name	Telephone	Email	Preference
PA PUC	Annunciata Marino	717-772-2151	annmarino@pa.gov	None
PA EDEWG LDC Co-Chair	Sue Scheetz	610-774-3616	smscheetz@pplweb.com	Email
PA EDEWG ESP Co-Chair	Matthew Sigg	713-236-4311	Matt.Sigg@Constellation.com	Email
PA EDEWG Secretary & Regional EDI Change Control Manager	Brandon Siegel	412-817-8004	bsiegel@ista-na.com	Email

PA EDC EDI Contacts

Company Name	Contact Name	Telephone	Email	Preference
Duquesne Light Co	Supplier Service Center	412-393-6282	DLC_SSC@duqlight.com	Email
FirstEnergy - Metropolitan Edison Co, Pennsylvania Electric, Penn Power, JCP&L, WPP & Potomac Edison	Supplier Support	330-761-4348	SupplierSupport@firstenergycorp.com	Email
PECO	Electric & Gas Choice Hotline	215-841-3700	egc@exeloncorp.com	Email
PPL Electric Utilities	Donna M. Hirst	610-774-6349	dmhirst@pplweb.com	None
	Susan Scheetz	610-774-3616	smscheetz@pplweb.com	Email
	Supplier Support	610-774-6396	PPLUtilitiesSupplier@pplweb.com	Email
	EDI Team	610-774-5757	EDIUtilAdm@pplweb.com	Email
UGI Utilities Inc.	EDI Technical Support	610-736-5471	edi@ugi.com	Email

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment A

Fictitious Name (d/b/a) Registration

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment A
Fictitious Name (d/b/a) Registration

Attached is a copy of the fictitious name ("d/b/a") filing with Pennsylvania's Department of State pursuant to 54 Pa. C.S. §311.

**PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU**

Application for Registration of Fictitious Name
54 Pa.C.S. § 311

Name		
Choice Energy, LLC		
Address		
4257 US Highway 9, Suite 6C		
City	State	Zip Code
Freehold, NJ		07728

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

Fee: \$70

In compliance with the requirements of 54 Pa.C.S. § 311 (relating to registration), the undersigned entity(ies) desiring to register a fictitious name under 54 Pa.C.S. Ch. 3 (relating to fictitious names), hereby state(s) that:

1. The fictitious name is: 4 Choice Energy, LLC
--

2. A brief statement of the character or nature of the business or other activity to be carried on under or through the fictitious name is: Electric Generation Supplier

3. The address, including number and street, if any, of the principal place of business (P.O. Box alone is not acceptable):				
715 E. 2nd Street, Des Moines, IA 50309				Polk
Number and street	City	State	Zip	County

4. The name and address, including number and street, if any, of each individual interested in the business is:			
Name	Number and Street	City	State

5. Each entity, other than an individual, interested in such business is (are):

Choice Energy, LLC	Limited Liability Company	Iowa
Name	Form of Organization	Organizing Jurisdiction
715 E. 2nd Street, Des Moines, IA 50309		
Principal Office Address		
PA Registered Office, if any		
Name	Form of Organization	Organizing Jurisdiction
Principal Office Address		
PA Registered Office, if any		

6. The applicant is familiar with the provisions of 54 Pa.C.S. § 332 (relating to effect of registration) and understands that filing under the Fictitious Names Act does not create any exclusive or other right in the fictitious name.

7. Optional: The name(s) of the agent(s), if any, any one of whom is authorized to execute amendments to, withdrawals from or cancellation of this registration in behalf of all then existing parties to the registration, is (are):

IN TESTIMONY WHEREOF, the undersigned have caused this Application for Registration of Fictitious Name to be executed this

25th day of May, 2012.

Individual Signature	Individual Signature
Individual Signature	Individual Signature
Choice Energy, LLC	Entity Name
Entity Name	Entity Name
	Signature
Signature	Signature
Co-Managing Member	Title
Title	Title

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment B

Foreign LLC Registration

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment B
Foreign LLC Registration

Attached is a copy of the foreign LLC registration form filed with Pennsylvania's Department of State pursuant to 15 Pa. C.S. §8981.

**PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU**

Application for Registration - Foreign

(15 Pa.C.S.)

- Registered Limited Liability General Partnership (§ 8211)
- Registered Limited Liability Limited Partnership (§ 8211)
- Limited Partnership (§ 8582)
- Limited Liability Company (§ 8981)

Name	Choice Energy, LLC		
Address	4257, US Highway 9, Suite 6C		
City	State	Zip Code	
Freehold, NJ		07728	

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

Fee: \$250

In compliance with the requirements of the applicable provisions (relating to registration), the undersigned, desiring to register to do business in this Commonwealth, hereby states that:

1. The name of the limited liability company/limited liability partnership/limited partnership in the jurisdiction in which it is formed:

Choice Energy, LLC

2. The name under which the limited liability company/limited liability partnership/limited partnership proposes to register and do business in this Commonwealth is:

4 Choice Energy, LLC

3. The name of the jurisdiction under the laws of which it was organized and the date of its formation:

Jurisdiction: Iowa Date of Formation: 01-12-2010

4. The (a) address of its initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street	City	State	Zip	County
(b) Name of Commercial Registered Office Provider				County
InCorp Services, Inc.				Dauphin

5. Check and complete one of the following:

The address of the office required to be maintained by it in the jurisdiction of its organization by the laws of that jurisdiction is:

Choice Energy, LLC	715 E. 2nd Street, Des Moines, IA 50309
Number and street	City State Zip

It is not required by the laws of its jurisdiction of organization to maintain an office therein and the address of its principal office is:

Number and street	City State Zip
-------------------	----------------

6. For Restricted Professional Limited Liability Company Only. Strike out if inapplicable: ~~The company is a restricted professional company organized to render the following professional service(s):~~

Limited Liability Partnership and Limited Partnership: Complete paragraphs 7 and 8

7. The name and business address of each general partner.

Name	Business Address

8. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contribution is:

Choice Energy, LLC	4257 US Highway 9, Suite 6C, Freehold, NJ 07728	Monmouth
Number and street	City State Zip	County


The registered partnership hereby undertakes to keep those records until its registration to do business in the Commonwealth is canceled or withdrawn.

IN TESTIMONY WHEREOF, the undersigned has caused this Application for Registration to be signed by a duly authorized officer/member or manager thereof this

25th day of May, 2012.

Choice Energy, LLC

Name of Partnership/Company



Signature

Co-Managing Member

Title

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment C-1

Certificate of Organization

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment C-1
Certificate of Organization

Choice Energy, LLC (the "Company") is a limited liability company incorporated in the state of Iowa. Attached is a copy of the Certificate of Organization.

3 91864

CERTIFICATE OF ORGANIZATION

OF

Choice Energy, LLC

Pursuant to the Revised Uniform Limited Liability Company Act, Chapter 489 of the Code of Iowa, the undersigned Organizer does hereby adopt the following Certificate of Organization for the company:

Article I. The name of the limited liability company is Choice Energy, LLC.

Article II. The street address of the company's initial registered office is 604 Locust Street, Suite 222, Des Moines, Iowa 50309, and the name of the initial registered agent at that office is National Registered Agents, Inc.

Article III. The street address of the company's initial principal business office is 715 E. 2nd St., Des Moines, Iowa 50309.

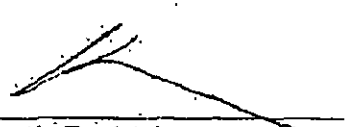
Article IV. The company shall be perpetual in duration.

IN WITNESS WHEREOF, the undersigned organizer has executed this Certificate of Organization on the date below:

Date: January 12, 2010

LegalZoom.com, Inc., Organizer

By:


Karmelia Fredrick,
Authorized Officer

OE 33593
Corp \$ 50.00

FILED
IOWA
SECRETARY OF STATE

1-12-10
7:51 PM

W661886



Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment D

Officers' Names and Addresses

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment D
Officers' Names and Addresses

The Company is managed by its members. Following is a listing of all the members of the Company and their respective addresses:

1. Rick Baldaramos
Co-Managing Member/Treasurer
416 Ellis Circle, Folsom, CA 95630

2. Moses Cheung
Co-Managing Member/Finance & Operations
4257 US Highway 9, Suite 6C, Freehold, NJ 07728

3. Brent Hood
Co-Managing Member/Sales
715 E. 2nd Street, Des Moines, IA 50309

4. Mike Needham
Co-Managing Member/Customer Service
715 E. 2nd Street, Des Moines, IA 50309

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment E

Company Services

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment E
Company Services

The Company plans to offer the following services in the Commonwealth of Pennsylvania:

- Variable rate products with no term commitment
- Variable rate products with fixed term commitment
- Fixed rate products with fixed term commitment
- Products with defined renewable energy contents (including, but not limited to minimum RPS, 50% and 100% from defined renewable sources)

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment F

Customer Complaints History

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment F
Customer Complaints History

The Company's business practice is one of honesty and transparency. We take great pride in the extremely low customer complaint rate throughout our entire history. We also take each and every customer complaint very seriously, and strive to resolve customer concerns the best we can whatever they may be.

Following is a summary tally of our customer complaints in Connecticut since inception:

Year	Categories				
	Billing	Slamming	Termination	Quality of Service	Others
08-12/2010	0	0	0	1	0
01-12/2011	0	0	0	1	7
01-03/2012	0	0	0	1	1

Many of the instances were for callers having mistaken the company as the offending retailer while the complaints actually were against other retailers unaffiliated with Choice Energy.

All registered complaints against the company were confirmed to be due to circumstances beyond the company's control, or where the company was not at fault. Nevertheless, the company made every effort to resolve all inquiries. On information and belief, all cases were resolved to complainants' satisfaction.

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Attachment H

Technical Fitness

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment H
Technical Fitness

The Company is currently a load serving entity in ISO New England, and has been approved for PJM membership on August 15, 2012. Attached is a copy of the PJM Membership Agreement.

The Company has operated successfully as a competitive electric provider and serving load in the State of Connecticut from inception since August 2010. Recently, the Company also received licensure to sell retail electric supply in Maine, Massachusetts, and New Jersey, and has commenced serving load in the State of Maine as its second service territory. Copies of authorizations to sell retail electric supply are attached hereto.

At all times the Company has met or exceeded all operating and financial assurance requirements, including those of FERC, ISO New England and the States of Connecticut and Maine. The four founders of the company have personally served as co-managing members since inception with individual designated responsibilities. See Attachment I for a description of their duties and a summary of their experience and qualification.

The Company also has contracted with the following proven providers for support in select key functions:

- BSG TPV, LLC/Voice Log for independent verification of customer authorization
- Energy Services Group, Inc./ESG for EDI transactions interface and processing
- Action Letter, Inc. for customer enrollment letter fulfillment
- The law firm of Bevan, Mosca, Giuditta and Zarillo, P.C. as legal counsel in the PJM control area
- The law firm of Murtha Cullina LLP as legal counsel in the INO-NE control area
- The Curchin Group, LLC as outside independent accountant/auditor
- Premiere Business Solutions, LLC for telemarketing
- Oxxford Group, LLC for quantitative data analytics
- Shell Energy North America (US), L.P. for scheduling and credit support
- Clear Point Energy, Inc. as industry consultant

This same successful management team, suite of technology and operating methods will be deployed for the Commonwealth of Pennsylvania.

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2012-243

June 13, 2012

CHOICE ENERGY, LLC
Application for License to Operate as a
Competitive Electricity Provider

ORDER GRANTING LICENSE

WELCH, Chairman; LITTELL and VANNOY, Commissioners

I. SUMMARY

In this Order, we license Choice Energy, LLC d/b/a 4 Choice Energy, LLC to operate as a competitive electricity provider furnishing supplier services to all customer classes throughout Maine pursuant to Chapter 305 of the Commission's Rules. This license is not valid until Choice Energy posts the security as discussed below.

II. APPLICATION AND DECISION

On May 25, 2012, Choice Energy, LLC applied to the Commission to operate in Maine as a competitive electricity provider pursuant to Chapter 305. Choice Energy proposes to provide supplier services to all customer classes throughout Maine. Chapter 305 §2(B)(3) requires that competitive electricity providers who wish to serve residential and small commercial customers provide financial security of \$100,000 either in cash or a letter of credit. Choice Energy indicated in its application that it would be providing cash. Choice Energy must provide a check to the Commission made out to the Treasurer State of Maine within two weeks of this Order. It may not market to or serve residential or small commercial customers until the Commission has received the financial security. Once the Commission receives the financial security Choice Energy will have met all the Chapter 305 filing requirements. As a licensed competitive electricity provider, Choice Energy is required to comply with all applicable requirements and regulations, including all conditions of licensing, customer protection rules, and the filing of annual reports.

Pursuant to a Delegation Order dated April 23, 2008 in Docket No. 2008-185, *PUBLIC UTILITIES COMMISSION, Delegation of Authority to License Competitive Electricity Providers*, the Commission delegated to the Director of Technical Analysis the authority under 35-A M.R.S.A., § 3203 (1)(2) and Chapter 305, §2 to license competitive electricity providers. On September 12, 2009, in Docket No. 2009-260, statutory changes took effect that change the title of this position. P.L. 2009, ch. 122. The Director of Technical Analysis will be the Director of Electric and Gas Utility Industries. All existing delegation orders that delegate Commission authority to the Director of Technical Analysis will now read that we delegate our authority to the Director of Electric and Gas Utility Industries.

Accordingly, it is

ORDERED

1. That Choice Energy, LLC d/b/a 4 Choice Energy, LLC is hereby issued a license to operate as a competitive electricity provider pursuant to Chapter 305 of the Commission's Rules, to provide supplier services to all medium and large non-residential customers throughout Maine;
2. That Choice Energy, LLC d/b/a 4 Choice Energy, LLC is hereby issued a license to operate as a competitive electricity provider pursuant to Chapter 305 of the Commission's Rule, to provide supplier services to residential and small non-residential customers throughout Maine conditioned upon receiving the appropriate financial security;
3. That Choice Energy LLC d/b/a 4 Choice Energy LLC is hereby directed to remit the Commission financial security of \$100,000 in the form of cash or a letter of credit within two weeks of the date of this Order;
4. That Choice Energy LLC d/b/a 4 Choice Energy LLC is not allowed to market to or contract with residential and small non-residential customers until the Commission receives the financial security; and
5. That this license is effective on the date of this Order and valid until revoked or suspended by the Commission pursuant to section 3(A)(4) of Chapter 305, or abandoned by the licensee pursuant to sections 2(D)(10) and 2(D)(11) of Chapter 305 of the Commission's Rules.

Dated at Hallowell, Maine, this 13th day of June, 2012.

BY ORDER OF THE DIRECTOR OF ELECTRIC AND GAS UTILITY INDUSTRIES



Faith Huntington

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.



STATE OF NEW JERSEY

Board of Public Utilities

44 S. Clinton Ave.

P.O. Box 350

Trenton, NJ 08625-0350

www.nj.gov/bpu/

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Kristi Izzo
Secretary of the Board
Tel. # (609) 292-1599

October 4, 2012

Moses Cheung
Co-Managing Member
Choice Energy, LLC
4257 US Highway 9, Suite 6C
Freehold, New Jersey 07728

Re: **Electric Power Supplier Initial License**
Dkt. No. EE12060550L

Dear Mr. Cheung:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its October 4, 2012 Agenda meeting, the New Jersey Board of Public Utilities voted to issue a **License** as an Electric Power Supplier to Choice Energy, LLC d/b/a 4 Choice Energy, LLC. Your license number is ESL-0130.

The enclosed license is effective October 4, 2012 and expires on October 3, 2013. This license and the rights thereunder are **Non-Transferable**.

This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the registrant. Registrants shall comply with all applicable law, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.

If you have any questions, please contact Anna Procopio at (609) 292-1681.

Sincerely,

A handwritten signature in black ink that reads "Kristi Izzo".

Kristi Izzo
Secretary of the Board

KI/alp
Encl.(s)

State of New Jersey



Board of Public Utilities

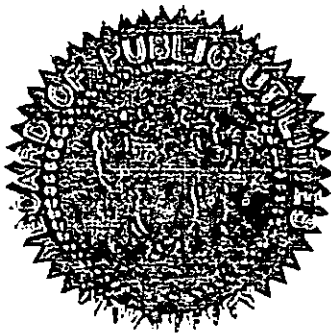
44 S. Clinton Ave., Suite 350, Trenton, New Jersey 08625

HEREBY LICENSES

Choice Energy, LLC
d/b/a 4 Choice Energy, LLC
4257 US Highway 9, Suite 6C
Freehold, New Jersey 07728

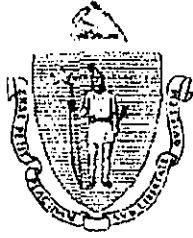
To conduct business in the State of New Jersey as an

Electric Power Supplier



Kristi Izzo
Secretary of the Board

License No. ESL-0130
Effective Date: October 4, 2012
Expiration Date: October 3, 2013



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK
GOVERNOR

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

ANN G. BERWICK
CHAIR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JOLETTE A. WESTBROOK
COMMISSIONER

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

DAVID W. CASH
COMMISSIONER

October 3, 2012

Moses Cheung, Co-Managing Member
4 Choice Energy, LLC
715 E. 2nd Street
Des Moines, IA 50309

Re: Competitive Supplier Application

Dear Mr. Cheung,

The Department of Public Utilities ("Department") has reviewed 4 Choice Energy, LLC's application for a Competitive Supplier 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 CS-095.

As a condition of maintaining this license, 4 Choice Energy, 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 November 1, 2013.



Sincerely,

Mark D. Marini
Mark D. Marini, Secretary

The Commonwealth of Massachusetts



DEPARTMENT OF PUBLIC UTILITIES
ONE SOUTH STATION, 2ND FLOOR
BOSTON, MA 02110
617-305-3500

Competitive Supplier and Electricity Broker License Application
Pursuant to 220 C.M.R. § 11.00 et seq.

REQUIRES ANNUAL FEE and ANNUAL RENEWAL

Please submit an original, two copies, and an electronic copy on diskette or CD-ROM formatted for Microsoft Word to the address above along with a \$100.00 annual fee.

Application Type:

- New
- Renewal

Applying For:

- Competitive Supplier License
- Electricity Broker License

1. Legal Name of Applicant: Choice Energy, LLC

Doing business as (D/B/A): -4 Choice Energy, LLC

2. Business Address: 715 E. 2nd Street

Des Moines, IA 50309

APPROVED
10/3/2012
[Signature]
[Signature]
COMMISSIONERS, D.P.U.

3. If a corporation, association, or partnership:

- (a) Organized under the laws of which state: Iowa
- (b) Date of organization: January 10, 2010
- (c) Attach a copy of the articles of incorporation, association, partnership agreement or other document regarding legal organization. See Attachment A
- (d) Please attach a copy of the by-law: See Attachment B for a copy of the Company's Operating Agreement. A Motion for confidential treatment of this confidential information is submitted herewith.

4. Name, Title, and Business Address of all Officers and Directors, Partners, or other similar Officials:

Rick Baldaramos, Co-Managing Member PO Box 1117, Citrus Heights, CA 95611
Moses Cheung, Co-Managing Member 4257 US Hwy 9, Suite 6C, Freehold, NJ 07728
Brent Hood, Co-Managing Member 715 E. 2nd Street, Des Moines, IA 50309
Mike Needham, Co-Managing Member 715 E. 2nd Street, Des Moines, IA 50309

5. A statement (with appropriate citation to corporate articles or by-laws or other operative documents) that acting as a Competitive Supplier or Electricity Broker is not an *ultra vires* purpose (beyond the scope) of the entity:

See Attachment C.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051

DOCKET NO. 10-04-03 APPLICATION OF CHOICE ENERGY, LLC FOR AN
ELECTRIC SUPPLIER LICENSE

June 16, 2010

By the following Commissioners:

Anna M. Ficeto
Kevin M. DelGobbo
Anthony J. Palermino

DECISION

DECISION

I. INTRODUCTION

A. SUMMARY

In this Decision, the Department of Public Utility Control finds that Choice Energy, LLC meets the technical, financial and managerial capability to operate as an Electric Supplier and grants it an Electric Supplier License to serve residential, commercial and industrial customers throughout Connecticut.

B. BACKGROUND OF THE PROCEEDING

By application received on April 5, 2010 (Application), filed pursuant to §16-245 of the General Statutes of Connecticut (Conn. Gen. Stat.) and §§16-245-1 to 16-245-6, inclusive, of the Regulations of Connecticut State Agencies (Conn. Agencies Regs.), Choice Energy, LLC (Choice Energy or Company), requested the Department of Public Utility Control's (Department) approval for a license to operate as an Electric Supplier in Connecticut.

C. CONDUCT OF THE PROCEEDING

The Parties did not request a hearing and none was held by the Department.

D. PARTIES AND INTERVENORS

The Department recognized Choice Energy, LLC, 715 E 2nd Street, Des Moines, Iowa 50309; and the Office of Consumer Counsel (OCC), Ten Franklin Square, New Britain, Connecticut 06051, as Parties to this proceeding.

II. DESCRIPTION OF APPLICANT

A. COMPANY STRUCTURE

Choice Energy is a limited liability company formed under the laws of the State of Iowa on January 12, 2010. Application, Exhibits A-8 and A-9. Choice Energy has no affiliates or relationships of any kind. Application, Exhibit A-13. Choice Energy currently has five employees who will be dedicated to Connecticut operations. Response to Interrogatory EL-1.

III. DEPARTMENT ANALYSIS

A. TECHNICAL CAPABILITY

Choice Energy proposes to offer electric generation services to residential, commercial and industrial customers throughout Connecticut. Application, Exhibit B-1. Choice Energy intends to meet the load obligations through a combination of short-term power purchase contracts and spot market purchases. Application, Exhibit D-2. Choice

Energy expects to purchase power from the NE ISO day ahead and real-time markets and then enter into longer term purchase power agreements with various suppliers once the load supports this option. Application, Exhibit D-3. In addition, the Company has contracted with Energy Service Group, Inc. (ESG), a Massachusetts company with 10 years of energy industry experience, to help manage Choice Energy's business processes. ESG will address all Electronic Data Interchange (EDI) requirements and wholesale energy business process services. Application, Exhibits D-8 and E-1; Response to Interrogatory EL-2. Based on the foregoing, the Department finds that Choice Energy has sufficiently demonstrated its technical capability, as required under Conn. Gen. Stat. §16-245, to operate as an Electric Supplier in Connecticut to serve residential, commercial and industrial customers.

B. FINANCIAL CAPABILITY

Choice Energy is a newly-formed privately-held entity as further evidenced by the Dun & Bradstreet report (D&B) report filed indicating the lack of payment samples or financial operating history to sufficiently establish a D&B rating. Application, Exhibit C-3. Choice Energy submitted a balance sheet as of April 1, 2010, indicating total assets of \$35,000 and an equity investment of \$15,000. Application, Exhibit C-1. In addition, Choice Energy provided the Company's projected cash flow statement for the upcoming 12-month period summarizing June 2010 through May 2011. Application, Exhibit C-2. The Department has reviewed the financial information and finds that Choice Energy has sufficiently demonstrated its financial capability, as required under Conn. Gen. Stat. §16-245, to operate as an Electric Supplier in Connecticut to serve residential, commercial and industrial customers. However, pursuant to Conn. Agencies Regs. §16-245-4, the Department will require a surety bond or letter of credit from a non-affiliated bank. Each security shall be continuous or made for an indefinite period of time, and shall name the Department of Public Utility Control as obligee. The security is a condition of licensure. Therefore, no later than 20 days before Choice Energy executes its first contract for the sale of electric generation services to an end user in Connecticut, the Company must submit a surety bond or letter of credit from a non-affiliated bank.

C. MANAGERIAL CAPABILITY

The record shows that Choice Energy's management and key officers have significant leadership skills and experience in the development and execution of sales, market demand analysis and strategies. Application, Exhibit E-2. In addition, Choice Energy has contracted with Energy Services Group which has more than 10 years of experience in the retail energy industry and will help manage the Company's wholesale energy business process services. Application, Exhibit E-1. The Department finds that Choice Energy has the managerial capability, as required under Conn. Gen. Stat. §16-245, to operate as an Electric Supplier in Connecticut to serve residential, commercial and industrial customers.

D. CUSTOMER SERVICE

Choice Energy has provided its toll-free telephone number (888-565-4490) for customer service and complaints. Response to Interrogatory CSU-4. Choice Energy

has not been fined, sanctioned, or otherwise penalized for violation of any consumer protection law or regulation. Application, Section A-14. The Department has reviewed Choice Energy's Standard Service Contract and Customer Service Plan that contains the Company's termination policies and customer service procedures, and finds them acceptable. Application, Exhibits B-2 and B-3. The Department finds Choice Energy's customer service information to be satisfactory. Response to Interrogatories CSU-1 through CSU-8; Application Exhibit D-7. Based on the foregoing, the Department finds that Choice Energy's proposed customer service policies and procedures should ensure that high quality customer service is provided to its Connecticut customers.

IV. FINDINGS OF FACT

1. Choice Energy is a limited liability company formed under the laws of the State of Iowa on January 12, 2010.
2. Choice Energy has no affiliates or relationships of any kind.
3. Choice Energy proposes to offer electric generation services to residential, commercial and industrial customers throughout Connecticut.
4. Choice Energy intends to meet the load obligations through a combination of short-term power purchase contracts and spot market purchases. Choice Energy expects to purchase power from the NE ISO day ahead and real-time markets and then enter into longer term purchase power agreements with various suppliers once the load supports this option.
5. The Company has contracted with Energy Service Group, Inc., a Massachusetts company with 10 years of energy industry experience, to help manage Choice Energy's business processes and address all EDI requirements and wholesale energy business process services.
6. Choice Energy has not been fined, sanctioned, or otherwise penalized for violation of any consumer protection law or regulation.

V. CONCLUSION AND ORDERS

A. CONCLUSION

Based on the evidence presented, the Department concludes that Choice Energy has adequate technical, managerial and financial capabilities, as required under Conn. Gen. Stat. §16-245, to supply electric generation services to residential, commercial and industrial customers in Connecticut. Therefore, the Department hereby grants Choice Energy an Electric Supplier License to serve residential, commercial and industrial customers, subject to Choice Energy complying with the Orders in this Decision and all post-licensing requirements.

B. ORDERS

1. Pursuant to Conn. Gen. Stat. §16-245p(a), an electric supplier is required to submit annual reports containing information on rates and any other information deemed relevant by the Department. Choice Energy shall file such annual report not later than 30 days following December 31 of every year. Each annual report shall contain at minimum all information enumerated in subsection (b) of Conn. Gen. Stat. §16-245p.
2. Pursuant to Conn. Agencies Regs. § 16-245a-1(a) and Conn. Gen. Stat. §16-243q, an electric supplier is required to submit an annual report demonstrating its compliance with the renewable energy portfolio standard requirements set forth in Conn. Gen. Stat. §§16-245a and 16-243q. The report shall indicate the percent of total electricity output or services generated from Class I, Class II and Class III renewable energy sources during the previous calendar year. If the electric supplier does not provide electric service during any calendar year, said report for that year should indicate so. The annual compliance report for each calendar year shall be submitted not later than October 15 of the following year.
3. No later than 20 days before Choice Energy executes its first contract for the sale of electric generation services to an end user customer in Connecticut, Choice Energy shall file with the Department an affidavit concerning its capability to exchange data with the electric distribution companies in accordance with Conn. Agencies Regs. §16-245-3(b).
4. No later than 20 days before Choice Energy executes its first contract for the sale of electric generation services to an end user in Connecticut, Choice Energy is required to submit to the Department a surety bond or letter of credit from a non-affiliated bank in the amount of \$250,000 or five percent of the Company's estimated gross receipts for its first full year of operation, if it has not already done so. The security shall be continuous or made for an indefinite period of time, and shall name the Department of Public Utility Control as obligee.
5. Choice Energy shall provide the Department with any changes to its customer service practices, procedures or policies in writing at least 10 business days prior to the effective date of such changes.
6. Choice Energy shall maintain its customer complaint records to indicate: (1) the date of the complaint; (2) the name and address of the complainant; (3) the address or location of the complaint; (4) a description of the complaint; and (5) a description of the resolution of the complaint.
7. Pursuant to Order No. 2 in the Decision dated February 27, 2008 in Docket No. 07-05-33, DPUC Administration of Disclosure Label Requirements and Examination of Direct Billing by Electric Suppliers, the Department requires that Electric Suppliers and Distribution Companies must submit their copy of the Department approved format for the two-page standard disclosure label which includes the "Questions to Ask Suppliers and Aggregators". Choice Energy must

submit its initial disclosure label, under the instant docket, no later than 20 days before it executes its first contract for the sale of electric generation services to an end user in Connecticut. The Disclosure Label forms, accessible electronically in Word and Excel formats for supplier and EDC use, can be found under the DPUC homepage at www.ct.gov/dpuc under Electric, then select Information for Electric Suppliers and Aggregators, refer to list under Disclosure Label Documents.

8. Pursuant to Order No. 3 in the Decision dated February 27, 2008 in Docket No. 07-05-33, in compliance with Conn. Gen. Stat. §16-245p(b), suppliers must post their information, i.e. rates and charges, resource mix percentages, air emissions and all disclosure labels going forward to the Department's "Electric Supplier Information Database" as discussed in Section II.A of the Decision. The "Electric Supplier Information Database" can be found via the Department homepage www.ct.gov/dpuc under Electric, select Information for Electric Suppliers and Aggregators, then select link Electric Supplier Info Database (ESID).
9. Pursuant to Order No. 4 in the Decision dated February 27, 2008 in Docket No. 07-05-33, the Department requires that Electric Suppliers submit updates to pricing information for generally all-inclusive offers on a form prescribed by the Department. This form can be found via the DPUC home page at www.ct.gov/dpuc top menu bar, select Forms, Electric, Electric Supplier Price Filing. This information is posted to www.ctenergyinfo.com website page "Compare Generation Service Charges (GSC) Offers.

**DOCKET NO. 10-04-03 APPLICATION OF CHOICE ENERGY, LLC FOR AN
ELECTRIC SUPPLIER LICENSE**

This Decision is adopted by the following Commissioners:

Anna M. Ficeto

Kevin M. DelGobbo

Anthony J. Palermino

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



Kimberley J. Santopietro
Executive Secretary
Department of Public Utility Control

June 16, 2010

Date

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment I

Chief Officers

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

Attachment I
Chief Officers

The four founders of the company have personally served as co-managing members since inception with individual designated responsibilities. Following is a description of their duties and a summary of their experience and qualification.

<u>Officer Name</u>	<u>Duty, Experience & Qualification</u>
Rick Baldaramos	<p>Rick is a Co-Managing Member of the Company and is responsible for the treasury function and overall banking relationship.</p> <p>Rick has been a successful entrepreneur since his early age. In 1998, Rick launched California Gaming Consultants (CGC) providing consulting services to various casinos principally in California. The focus of CGC is to ensure that casinos are adequately staffed with highly trained personnel who are constantly monitored while being in compliance with State laws. In this regard, Rick is frequently called upon to provide input on legislation influencing legalized gambling in California. In addition, CGC provides consulting services and support to the casinos on security measures necessary to ensure the integrity of their games and minimize possible exposure to both external and internal loss through these operations.</p>
Moses Cheung	<p>Moses is a Co-Managing Member of the Company and is responsible for overall operations, including accounting/financial reporting, load forecasting/scheduling, and legal/regulatory compliance.</p> <p>Moses has over thirty years of diverse business development and management experience. Moses was the Founder and currently serves as the Chief Executive Officer of the management advisory firm Oxxford Group, providing general IT and certain industry specific advisory services in data analytics, forecasting and optimization. He recently also co-founded another company in the energy sector: Oregon Western Lumber that is developing a business to manufacture wood pellets, a renewable biomass heating fuel as substitute for residential and commercial heat energy source. Prior to founding Oxxford Group, Moses was a Partner and Technical Services Director of Deloitte & Touche, one of the largest accountant/consultancy partnerships worldwide, providing IT and management advisory services to major corporate clients. Moses holds an engineering degree from Yale University, and an MBA from Carnegie Mellon University Tepper School of Management.</p>

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

<u>Officer Name</u>	<u>Duty, Experience & Qualification</u>
Brent Hood	<p>Brent is a Co-Managing Member of the Company and is responsible for marketing. He oversees a team of telemarketing professionals to insure proper training, compliance, and quality assurance.</p> <p>Brent was a co-Founder and currently a Co-Managing Partner of Premiere Business Solutions (PBS), a U.S. based inbound and outbound call center service agency, with fully automated, state-of-the-art call center equipment and custom software. Prior to the formation of PBS, Brent was a Sales Manager at the Internet service provider LightEdge, and McLeod USA which is one of the nation's largest independent competitive local exchange carriers (CLEC). Brent had a successful sales career with MCI with increasing responsibility during the initial era of telecommunication deregulation, advancing from Sales Rep to Supervisor to Sales Manager. Brent was a graduate of Kirkwood Community College.</p>
Mike Needham	<p>Mike is a Co-Managing Member of the Company and is responsible for customer support. He oversees a team of customer service professionals to insure timely and satisfactory responses on all customer service issues.</p> <p>Together with Brent, Mike was a Co-Founder and currently a Co-Managing Partner of PBS. Prior to the formation of PBS, Mike was a Vice President with the American Republic Insurance. Prior to that Mike had a long successful career with MCI, with his last position being a Senior Sales Manager. Mike also graduated from Kirkwood Community College, completed his undergraduate at Mount Mercy College, and obtained his MBA from St. Ambrose University.</p>

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment J; Section 10

PJM Load Serving Entity Requirement

Application for Membership
Between
PJM Interconnection, L.L.C.
and

Choice Energy, LLC d/b/a 4 Choice Energy, LLC

This Application for Membership Agreement ('Agreement') is entered into between PJM Interconnection, L.L.C. ('PJM') and ('Applicant'). The purpose of this Agreement is to apply to become a member of the PJM and to participate under the PJM Amended and Restated Operating Agreement, Third Revised Rates Schedule FERC No. 24 ('Operating Agreement'). The Applicant has read and understands the terms and conditions of the Operating Agreement. The Applicant agrees to accept the concepts and obligations set forth in this Agreement and the Operating Agreement posted on the PJM website at: <http://www.pjm.com/documents/agreements/pjm-agreements.aspx>.

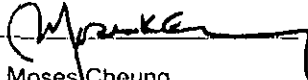
The Applicant also commits to supply data required for coordination of planning and operating, including data for capacity accounting, and agrees to pay all costs and expenses in accordance with the Operating Agreement and all other applicable costs under the PJM Open Access Transmission Tariff ('Tariff'). Such costs include but are not limited to: (i) payment obligations under Schedule 3 of the Operating Agreement; (ii) costs under Schedule 9 of the PJM Tariff; and (iii) potential default allocation payment obligations pursuant to Section 15.2 of the Operating Agreement (PJM may, under the Operating Agreement, declare members in default for not paying their invoices. If that occurs, PJM may pursue collection of the overdue invoices that exceed the collateral PJM holds from the defaulting member as well as take steps to terminate the defaulting members' membership. According to the Operating Agreement, all members are required to pay a portion of the payment default that exceeds the defaulting member's collateral held by PJM.)

The Applicant will pay the annual fee of \$5,000 for the remainder of the year of application upon notification of PJM application approval per Schedule 3.

The Applicant recognizes that it shall become a member of PJM effective as of the date that the Applicant receives the supplement to the Operating Agreement in the form prescribed in Schedule 4 of the Operating Agreement signed by the Applicant and countersigned by the President of PJM pursuant to section 11.6 of the Operating Agreement.

This Agreement will remain in effect until notice of termination is given in writing by the authorized representative of either the Applicant or PJM. Any financial obligations must be satisfied prior to termination of the Applicant's obligations and responsibilities under the PJM Agreement.

Applicant:

Signature: 
Name: Moses Cheung Title: Co-Managing Member Date: July 30, 2012

PJM Interconnection, L.L.C.
Signature: 
Name: Terry Boston Title: President & CEO Date: 8/15/2012

SCHEDULE 4

STANDARD FORM OF AGREEMENT TO BECOME A MEMBER OF THE LLC

Any entity which wishes to become a Member of the LLC shall, pursuant to Section 11.6 of this Agreement, tender to the President an application, upon the acceptance of which it shall execute a supplement to this Agreement in the following form:

Additional Member Agreement

1. This Additional Member Agreement (the 'Supplemental Agreement'), dated as of July 15, 2012, is entered into among Choice Energy, LLC and the President of the LLC acting on behalf of its Members.

2. Choice Energy, LLC has demonstrated that it meets all of the qualifications required of a Member to the Operating Agreement. If expansion of the PJM Region is required to integrate Choice Energy, LLC's facilities, a copy of Attachment J from the PJM Tariff marked to show changes in the PJM Region boundaries is attached hereto. Choice Energy, LLC agrees to pay for all required metering, telemetering and hardware and software appropriate for it to become a member.

3. Choice Energy, LLC agrees to be bound by and accepts all the terms of the Operating Agreement as of the above date.

4. Choice Energy, LLC hereby gives notice that the name and address of its initial representative to the Members Committee under the Operating Agreement shall be:

Moses Cheung
4257 US Hwy 9, Suite 6C,
Freehold, NJ 07728 USA

5. The President of the LLC is authorized under the Operating Agreement to execute this Supplemental Agreement on behalf of the Members.

6. The Operating Agreement is hereby amended to include Choice Energy, LLC as a Member of the LLC thereto, effective as of August 15, 2012, the date the President of the LLC countersigned this Agreement.

IN WITNESS WHEREOF, Choice Energy, LLC and the Members of the LLC have caused this Supplemental Agreement to be executed by their duly authorized representatives.

Members of the LLC
By: Terry Boston
Name: Terry Boston
Title: President & CEO

By: Moses Cheung
Name: Moses Cheung
Title: Co-Managing Member

Choice Energy LLC d/b/a 4 Choice Energy
Application for Electric Power Supplier License

RECEIVED

DEC - 5 2012

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

Attachment K

FERC MBR Authorization

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

In Reply Refer To:
Choice Energy, LLC
Docket Nos. ER10-1472-000 and
ER10-1472-001

September 1, 2010

Ms. Debbie C. Albrecht
Attorney for Choice Energy, LLC
Murtha Cullina LLP
CityPlace I, 185 Asylum Street
Hartford, Connecticut 06103-3469

Reference: Market-Based Rate Authorization

Dear Ms. Albrecht:

On June 17, 2010, as amended July 16, 2010, you filed on behalf of Choice Energy, LLC (Choice Energy) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy and capacity at market-based rates. Choice Energy requests waivers commonly granted to similar market-based rate applicants.

Your filings were noticed on June 18, 2010, and July 19, 2010, with comments, protests or interventions due on or before July 8, 2010, and August 6, 2010, respectively. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing, effective July 12, 2010, as requested.¹ Based on your representations, Choice Energy meets the criteria for a Category 1 seller in all regions and is so designated.²

¹ FERC Electric Tariff, Original Volume No. 1, Substitute Original Sheet No. 1.

² *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 848-50, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B,

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You state that Choice Energy is located in Iowa, and intends to act as a power marketer. You further represent that Choice Energy is a stand-alone entity owned by two individuals. You also state that Choice Energy is not affiliated with any entity that owns or controls generation or transmission facilities. Further, you affirmatively state that Choice Energy has not erected barriers to entry and will not erect barriers to entry into the relevant market.

Choice Energy represents that it does not own 500 megawatts of generation in any region, does not own any transmission facilities, is not affiliated with any entities which own transmission facilities in any region, is not affiliated with a franchised public utility in any region, and does not raise any other vertical market power concerns.

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.³

Based on your representations, Choice Energy's submittals satisfy the Commission's requirements for market-based rate authority regarding horizontal and vertical market power.

Choice Energy request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Choice Energy's request for waiver of Part 41, Part 101, and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted.⁴ Notwithstanding the waiver of the accounting and reporting requirements here, Choice Energy is expected to keep its accounting records in accordance with generally accepted accounting principles.

Choice Energy requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Choice Energy is authorized to issue securities and

FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010).

³ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 62, 399, 408, 440.

⁴ *Citizens Energy Corp.*, 35 FERC ¶ 61,198 (1986); *Citizens Power and Light Corp.*, 48 FERC ¶ 61,210 (1989) (*Citizens Power*); *Enron Power Marketing, Inc.*, 65 FERC ¶ 61,305 (1993), *order on reh'g*, 66 FERC ¶ 61,244 (1994) (*Enron*).

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assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Choice Energy, compatible with the public interest, and reasonably necessary or appropriate for such purposes.⁵

Choice Energy must file electronically with the Commission Electric Quarterly Reports.⁶ Choice Energy further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority in accordance with Order No. 697.⁷

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

⁵ *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

⁶ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit Electric Quarterly Reports to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

⁷ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18 C.F.R. § 35.42 (2009).

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Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Valerie Gill
Phone: (202) 502-8527
Office of Energy Market Regulation
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Electric Power
Regulation - West

CERTIFICATE OF SERVICE

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

On this the 5 day of December 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

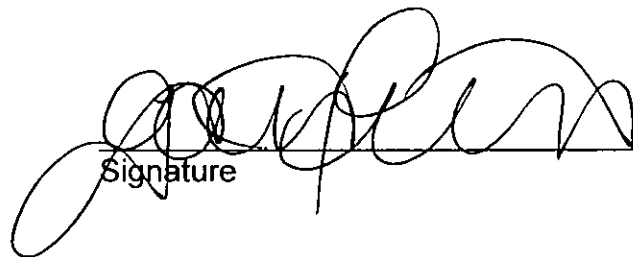
Legal Department
First Energy
2800 Pottsville Pike
Reading PA, 19612

UGI Utilities, Inc.
Attn: Rates Dept. – Choice Coordinator
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 Services
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


Signature

From: (908) 753-8300
 Katherine Dailey
 Bevan Mosca Giuditta
 222 Mount Airy Road
 Suite 200
 Basking Ridge, NJ 07920

Origin ID: JVIA



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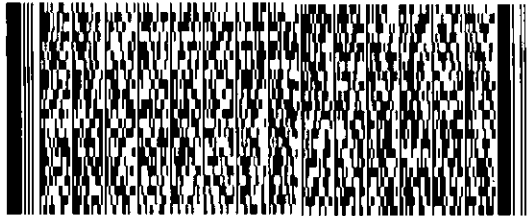
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HARRISBURG, PA 17120

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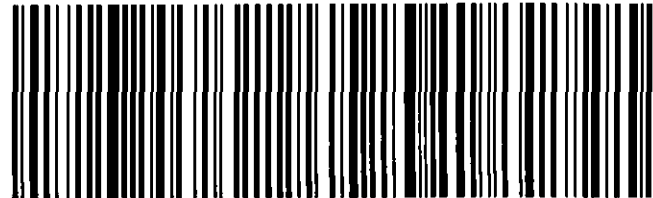
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