

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of American Power & Gas Of Pennsylvania, LLC, d/b/a American Power & Gas Of Pennsylvania, LLC, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) [as specified in item #4b below] 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: American Power & Gas Of Pennsylvania, LLC

411 Cleveland St. #299, Clearwater, FL 33755 americanpowerandgas.com

800-205-7491

- 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. Northwest Registered Agent LLC Phone 509-768-2249

Fax 323-544-4790 1150 First Ave STE 511 King Of Prussia PA 19406 Montgomery

- 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.

Gavin Bridgeforth CEO's Programs Operator 411 Cleveland St. Clearwater FL 33755
Phone 727 733 8700 x 221 Fax 727 733 6618 gavin@cssllc.biz

- 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.

Usher Fogel usher@ufogel.com
557 Central Avenue, Suite 4A | Cedarhurst, New York 11516 | Telephone:
516.967.3242 | Fax: 516.374.2600

- 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.

Lucia Austin, Director Of Quality Control. 411 Cleveland St. #299 Clearwater FL 33755

Phone 800 205 7491 Fax 727 733 6618 Email LuciaA@cssllc.biz

Alternate Person: Tiffany Abernathy

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

2. BUSINESS ENTITY FILINGS AND REGISTRATION

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

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

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

or

The Applicant will not be using a fictitious name.

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

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

The Applicant is a sole proprietor.

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

or

The Applicant is a:

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

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.
- Provide the state in which the business is organized/formed and provide a copy of the Applicant's charter documentation.
- * If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

or

The Applicant is a:

- domestic corporation (15 Pa. C.S. §1308)
- foreign corporation (15 Pa. C.S. §4124)
- domestic limited liability company (15 Pa. C.S. §8913)
- foreign limited liability company (15 Pa. C.S. §8981)
- Other (Describe):

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above. See attachment 1
- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation. See attachment 2
- Give name and address of officers.

Tom Cummins - 411 Cleveland Street #299 Clearwater FL 33755

James Bridgeforth - same as above

Robert Macchione - same as above

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.

American Power & Gas LLC (Affiliate) - 411 Cleveland Street #299 Clearwater FL 33755

AP&G Holdings LLC (Parent) - Same as above

- 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 applicant 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.

Supplier – an entity that sells electricity to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC.

We will acquire commercial and residential customers across the state of PA and buy electricity wholesale and in turn retail it to our acquired customers using the distribution facilities of an Electric Distribution Company.

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

Duquesne, Met-Ed, Penelec, West Penn, PPL, UGI, Penn Power, PECO, Pike County P&L

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.

After the salesman has fully explained the program, answered all questions and the customer has decided to enroll with American Power & Gas of Pennsylvania (AP&G) the customer is put on the phone with a 3rd party independent verification operator. This is a live call that is 100% digitally recorded. The intention to switch, the rates and terms are verbally verified as to being agreed to. All needed information to switch the customer is then collected. Once done, a verification # is given to the customer, along with a toll free # to call if any further questions.

- h. **START DATE:** Provide the approximate date the Applicant proposes to begin services within the Commonwealth. April 1st 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.

Applicant has not been involved in any such proceeding civil nor criminal.

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

N/A

- 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.

Applicant does not have any complaints regarding the above.

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

N/A

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. See Attachment 3
- Furnishing the **original** (along with copies) of another initial security for Commission approval, to ensure financial responsibility.
- Filing for a modification to the \$250,000 requirement and furnishing the **original** (along with copies) of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.
 - *At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.*
 - *Example version of a bond and letter of credit are attached at Appendix D & E, Applicant's security must follow language from these examples.*
 - *Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.*

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

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

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

Robert Macchione, CFO, 411 Cleveland St. Clearwater FL 33755, Phone 800 205 7491, Fax 727 733 6618
bob@csslfc.biz.

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.

All included as attachment 4

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

Included in attachment 4

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 12-2430-000.
- Not applicable

9. DISCLOSURE STATEMENT:

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

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

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

10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

- a. **PJM LOAD SERVING ENTITY REQUIREMENT:** As a prospective EGS, the applicant understands that those EGSs which provide retail electric supply service (i.e. takes title to electricity) must provide either:
- proof of registration as a PJM Load Serving Entity (LSE), or
 - proof of a contractual arrangement with a registered PJM LSE that facilitates the retail electricity services of the EGS.

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

(Select only one of the following)

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

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

- AGREED**

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

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

AGREED

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

AGREED

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

ACKNOWLEDGED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

PAYMENT ENCLOSED

11. AFFIDAVITS

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

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

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of Florida :

: ss.

County of Pinellas :

Tom Cummins, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the CEO (Office of Affiant) of American Power & Gas Of Pennsylvania, LLC (Name of Applicant);]

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

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

That the Applicant herein Tom Cummins 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 Tom Cummins 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 8 day of FEBRUARY, 2013.




Signature of official administering oath

My commission expires 10/16/16

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

OPERATIONS AFFIDAVIT

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

[Commonwealth/State] of Florida :

ss.

County of Pinellas :

Tom Cummins, Affiant, being duly [sworn/affirmed] according to law,
deposes and says that:

[He/she is the CEO (Office of Affiant) of American Power & Gas Of Pennsylvania, LLC
(Name of Applicant);]

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

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

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

Appendix B (Continued)

That Tom Cummins, 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 8 day of FEBRUARY, 2013.




Signature of official administering oath

My commission expires 10/16/16.

Appendix G

DISCLOSURE STATEMENT

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Combined Residential/Commercial Sales Agreement
TERMS AND CONDITIONS – ELECTRIC

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Price	Variable
How price is determined:	Electric Variable Price shall each month reflect the cost of electricity obtained from all sources (including energy, capacity, settlement, ancillaries), related transmission and distribution charges and other market-related factors, plus all applicable taxes, fees, charges or other assessments and AP&G's costs, expenses and margins
Length of the agreement and end date	For Variable Rate service, the Term is 24 months. For more details See Section 3-Term.
Process customer may use to rescind the agreement without penalty	Either a Residential or Commercial Customer may rescind by calling the toll free number within 3 business days of receipt of the sales agreement.
Amount of Early Termination Fee ("ETF") and method of calculation	No early termination fee.
Amount of Late Payment Fee and method of calculation	As per the Utility tariff
Provisions for renewal of the agreement	After Initial Term, unless otherwise agreed to, renews to a new 24-month term at a variable rate methodology. For more details see Section 3 - Term.

1. Background. This is an Agreement between I, the "Customer" and American Power & Gas of Pennsylvania, LLC ("AP&G"), to supply my home with all the energy I need subject to the eligibility requirements of my electric distribution company ("EDC"), and acceptance by AP&G ("Agreement"). The Public Utility Commission of Pennsylvania ("PUC") has authorized AP&G to act as an Energy Service Company and has entered into a service agreement with the EDC. AP&G is a retail energy marketer and not my EDC. The PUC does not regulate the price of energy or other charges found in this Agreement. I am at least 18 years old and fully authorized to enter into this Agreement. AP&G sets the generation prices and charges that you pay. The PUC regulates distribution prices and services. The Federal Regulatory Commission regulates transmission prices and services. You will receive a single bill from your EDC for both its charges and AP&G's charges. I may rescind this Agreement without fees or penalties within three (3) business days of receipt of this disclosure, by contacting AP&G in writing, at 411 Cleveland Street #299, Clearwater, FL 33755, or by telephone at (800) 205-7491.

2. Definitions.

Generation Charges. Charge for production of electricity.

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

3. Term. This Agreement shall commence as of the date the change of Customer's provider to AP&G is deemed effective by the EDC, and shall continue for 24 months thereafter (the "Initial Term"). Unless otherwise agreed to, upon completion of the Initial Term, this Agreement will renew to a new 24-month term. Either party may cancel or terminate this Agreement by providing 30 (thirty) days' advance written notice of termination to the other party.

4. Pricing, Billing, and Termination. The price for all electricity sold under this Agreement shall be a variable price which shall each month reflect the cost of electricity obtained from all sources (including energy, capacity, settlement, ancillaries), related transmission and distribution charges and other market-related factors, plus all applicable taxes, fees, charges or other assessments and AP&G's costs, expenses and margins. AP&G will invoice Customer monthly for natural gas and/or electricity supplied under this Agreement, as measured by the EDC. Customer will receive a single bill for both commodity and delivery costs from your local utility company/EDC. AP&G may assign and sell Customer accounts receivable to the EDC.

5. Information. For inquiries and information regarding energy suppliers and the competitive retail energy market, I can contact the PUC at (888) 782-3228.

6. Emergency Service. In an emergency, I should immediately call Duquesne Light at (888) 393-7000, PECO Energy Company at (800) 841-4141, Pike County Light & Power Company at (877) 434-4100, PPL Electric Utilities at (800) 342-5775 or West Penn Power at (800) 255-3443 and local emergency personnel. If I experience service related problems, I should contact my utility.

7. Dispute Resolution. If I have a question or concern about my bill, I may contact AP&G in writing at 411 Cleveland Street #299, Clearwater, FL 33755, or by telephone at (800) 205-7491. AP&G will refer all complaints to a representative in their customer service center who, in good faith, will use reasonable efforts to reach a mutually satisfactory solution. If I am still not satisfied, I may call the PUC toll free at (800) 782-1110, or write the PUC, Bureau of Consumer Services, P.O. Box 3265, Harrisburg, PA 17105-3265.

8. Cancellation Procedures. Either party may cancel this Agreement (for reasons other than non-payment) at any time by providing written notice to AP&G, at 411 Cleveland Street #299, Clearwater, FL 33755, or to the other party at least thirty (30) days prior to the end of the intended month of cancellation. If I fail to notify AP&G as set forth above, I shall remain liable to pay AP&G for any energy acquisitions made by AP&G to serve me under this Agreement at the price set forth above. It may take up to sixty (60) days after cancellation before I can receive supply from the EDC, or other energy supplier, depending upon the EDC, or other supplier procedures. During this time, I agree to pay for all energy I consume that AP&G supplies to me. I will be issued a final bill within twenty (20) days after the final scheduled meter reading, or if meter access is restricted, an estimate of consumption will be used to calculate such bill, which will be reconciled after the final meter reading. Customer may cancel this Agreement without penalty in the event Customer relocates from one location to another, even if the move is within an EDC's service territory. If your electric service is terminated by your EDC, then this Agreement is cancelled on the date that your electric service is terminated.

9. Energy Supply Quantity. The EDC will determine all energy quantities supplied under this Agreement, including storage energy, and all such amounts will be accepted as accurate and conclusive by both parties and shall constitute the amount of the sale.

10. Agency & Power of Attorney. I appoint AP&G as my agent and grant AP&G a power of attorney to act on my behalf in acquiring the supplies necessary to meet my energy needs, contracting for and administering transportation, transmission and related services over interstate facilities and any EDC services necessary to deliver energy to my premises. AP&G provides these services to me at no additional charge, as they are already included in the price noted above.

11. Invoicing and Payment. Unless otherwise agreed to in writing, the EDC will invoice me monthly for energy supplied to me under this Agreement.

12. Title. All energy sold under this Agreement shall be delivered to a location considered the "Point of Delivery," which shall be a location determined by AP&G, and shall constitute the point at which, upon delivery thereto, the sale occurs and title passes from AP&G to me.

13. Liability. The remedy in any claim or suit by Customer against AP&G will be solely limited to direct actual damages (which will not exceed the amount of Customer's single largest monthly invoice amount in the immediately preceding 12 months). All other remedies at law or in equity are hereby waived. In no event will either AP&G or Customer be liable for consequential, incidental, indirect, special or punitive damages. These limitations apply without regard to the cause of any liability or damages. There are no third-party beneficiaries to this Agreement.

14. Choice of Laws. Venue for any lawsuit brought to enforce any term or condition of this Agreement, or to construe the terms hereof shall be exclusively in the Commonwealth of Pennsylvania. This Agreement shall be construed under and shall be governed by the laws of the Commonwealth of Pennsylvania.

15. Assignment. I may not assign my interest in any obligations under this Agreement without the express advance written consent of AP&G. AP&G may sell, transfer, pledge, or assign the accounts, revenues, or proceeds hereof, in connection with any financial agreement and may assign this Agreement to another energy supplier, energy services company, or other entity in accordance with the PUC rules and procedures, if any, governing such transactions.

16. Severance. If a court or regulatory agency of competent jurisdiction deems any provision of this Agreement to be invalid, or unenforceable, the remaining provisions shall continue in full force without being invalidated in any way.

17. No Warranties. Unless otherwise expressly set forth in this Agreement, AP&G provides and I shall receive no warranties, express, or implied, statutory, or otherwise and AP&G specifically disclaims any warranty of merchantability or fitness for a particular purpose.

18. Delay or Failure to Exercise Rights. No partial performance, delay or failure on the part of AP&G 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.

19. Force Majeure and Other Circumstances. AP&G will make commercially reasonable efforts to provide natural gas and/or electricity hereunder but AP&G does not guarantee a continuous supply of natural gas and/or electricity to Customer. Certain causes and events out of the control of AP&G ("Force Majeure Events") may result in interruptions in service. AP&G will not be liable for any such interruptions caused by a Force Majeure Event, and AP&G is not and shall not be liable for damages caused by Force Majeure Events. Force Majeure Events shall include acts of God, fire, flood, storm, terrorism, war, civil disturbance, acts of any governmental authority, accidents, strikes, labor disputes or problems, required maintenance work, inability to access the local distribution utility system, non-performance by the EDC (including, but not limited to, a facility outage on its gas distribution lines or electric facilities), changes in laws, rules, or regulations of any governmental authority or any other cause beyond AP&G's control.

20. Taxes and Laws. Except as provided in this Agreement or by law, all taxes, levies, assessments and fees of whatsoever kind, nature and description, due and payable with respect to the delivery of energy under this Agreement, shall be paid or reimbursed by me except for federal, state or local taxes imposed on the net taxable income of AP&G. The parties' obligations under this Agreement are subject to present and future legislation, orders, rules, or regulations of a duly constituted governmental authority having competent jurisdiction.

21. Entire Agreement. This Agreement and the Enrollment Confirmation set forth the entire agreement between the parties with respect to the terms and conditions of this transaction; any and all other agreements, understandings and representations by and between the parties with respect to the matters addressed herein and therein are superseded by this Agreement and the Enrollment Confirmation.

23. Contact Information. Customer may contact AP&G's Customer Service Center at 1-800-205-7491, Monday through Friday 9:00 a.m. – 5:00 p.m. EST. Customer may write to AP&G at: 411 Cleveland Street #299, Clearwater, FL 33755

Public Utility Commission (PUC)	
Address:	P. O. Box 3265 Harrisburg, PA 17105-3265
Choice Hotline Number:	(800) 692-7380
EDC name/Provider of last resort:	
Address:	Duquesne Light 411 Seventh Avenue (6-1) Pittsburgh, PA 15219
Phone number:	(888) 393-7000
Universal Service Information:	(888) 393-7000
EDC name/Provider of last resort:	
Address:	PECO Energy Company 2301 Market Street P.O. Box 8699 Philadelphia, PA 19101
Phone number:	(800) 494-4000
Universal Service Information:	(800) 494-4000

EDC name/Provider of last resort:	
Address:	Pike County Light and Power Company 390 W. Route 59 Spring Valley, NY 10977
Phone number:	(877) 434-4100
Universal Service Information:	(877) 434-4100
EDC name/Provider of last resort:	
Address:	PPL Electric Utilities 827 Hausman Road Allentown, PA 18104
Phone number:	(800) 342-5775
Universal Service Information:	(800) 342-5775
EDC name/Provider of last resort:	
Address:	West Penn Power 800 Cabin Hill Drive Greensburg, PA 15601
Phone number:	(800) 255-3443
Universal Service Information:	(800) 255-3443

RECEIVED

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment 1

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF STATE

FEBRUARY 26, 2013

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

American Power and Gas of Pennsylvania, LLC

I, Carol Aichele, Secretary of the Commonwealth of Pennsylvania

do hereby certify that the foregoing and annexed is a true and correct

copy of

1 Application for Registration filed on January 22, 2013

which appear of record in this department.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

A handwritten signature in cursive script, appearing to read "Carol Aichele".

Secretary of the Commonwealth

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		
American Power and Gas of Pennsylvania, LLC		
Address		
411 Cleveland Street, #299		
City	State	Zip Code
Clearwater, FL		33755

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

Commonwealth of Pennsylvania
APPLICATION FOR REGISTRATION 3 Page(s)



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:
American Power and Gas of Pennsylvania, 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:
American Power and Gas of Pennsylvania, LLC.

3. The name of the jurisdiction under the laws of which it was organized and the date of its formation:
Jurisdiction: FL Date of Formation: 1/1/2013

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
Northwest Registered Agent, LLC.				Montgomery

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:

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:

411 Cleveland Street, #299, Clearwater, FL 33755
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):

N/A

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

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

Name Business Address

N/A

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:

N/A

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

14 day of Jan, 13.

American Power Lags of PA LLC
Name of Partnership/Company


Signature

CFO
Title

RECEIVED

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment 2

**Electronic Articles of Organization
For
Florida Limited Liability Company**

L12000159565
FILED 8:00 AM
December 21, 2012
Sec. Of State
ncausseaux

Article I

The name of the Limited Liability Company is:

AMERICAN POWER & GAS OF PENNSYLVANIA, LLC

Article II

The street address of the principal office of the Limited Liability Company is:

537 DOUGLAS AVE
DUNEDIN, FL. 34698

The mailing address of the Limited Liability Company is:

537 DOUGLAS AVE
DUNEDIN, FL. 34698

Article III

The purpose for which this Limited Liability Company is organized is:

ANY AND ALL LAWFUL BUSINESS.

Article IV

The name and Florida street address of the registered agent is:

TOM CUMMINS
537 DOUGLAS AVE
DUNEDIN, FL. 34698

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: TOM CUMMINS

Article V

The name and address of managing members/managers are:

Title: MGR
TOM CUMMINS
537 DOUGLAS AVE
DUNEDIN, FL. 34698

Title: MGR
JAMES BRIDGEFORTH
537 DOUGLAS AVE
DUNEDIN, FL. 34698

Title: MGR
ROBERT MACCHIONE
537 DOUGLAS AVE
DUNEDIN, FL. 34698

L12000159565
FILED 8:00 AM
December 21, 2012
Sec. Of State
ncausseaux

Article VI

The effective date for this Limited Liability Company shall be:

01/01/2013

Signature of member or an authorized representative of a member

Electronic Signature: TOM CUMMINS

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

RECEIVED

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment 3

RECEIVED

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment 4



Company Profile

<p>AP&G Holdings LLC American Power & Gas LLC American Power & Gas of Pennsylvania, LLC 411 Cleveland St. #299 Clearwater FL 33755</p>	<p>Owners Tom Cummins, CEO Jim Bridgeforth, VP of Sales & Marketing Robert Macchione, CFO</p>						
<p>Contact Tel: 800 205 7491 Fax: 727-733-6618 Website: www.americanpowerandgas.com Email: gavin@americanpowerandgas.com</p>	<p>Statistics</p> <table> <tr> <td>Staff:</td> <td>47</td> </tr> <tr> <td>Sales staff:</td> <td>174</td> </tr> <tr> <td>Customer Count:</td> <td>9,321</td> </tr> </table>	Staff:	47	Sales staff:	174	Customer Count:	9,321
Staff:	47						
Sales staff:	174						
Customer Count:	9,321						

What We Do

American Power gas prides itself on taking care of all its customers needs by providing a beneficial solution for consumer energy demands, whether they are residential or commercial. AP&G program is designed to save consumers money and reward that consumer for their loyalty.

The Industry

The owners and executives of American Power & Gas have a combined 60 years in the energy industry. This includes customer acquisition and customer service for millions of consumers in literally every Choice program across America.

The Successful Process ~ Quality, Adherence and Compliance

Quality of presentation, adherence to the sales script, and compliance to regulatory rules requires constant diligence.

Combining minute-by-minute management strategy with state of the art equipment, American Power & Gas is able to monitor every detail of activity as it occurs, instantaneously adjusting as needed to obtain optimum results. Our strong Customer Service Department and Correction Department collaborate with Quality Control to ensure that more than 95% of our customer acquisitions "stick", with record-breaking lows in the area of cancellations. Smooth interfaces with Third-Party Verification systems and flexibility with EDI data transfer requirements.

These are just a few of the areas where our expert staff ensure the very best service. *Consumer Lists Acquisition, Sales and FAQ Script, Support Material, Administration and Report, Predictive technology, Paperless order entry Systems, Third Party Verification & Regulatory Research*

Operations

American Power & Gas started operating in New York State in early 2012 and since such time have enrolled over 9,000 satisfied commercial and residential customers. Our Risk Management systems and Utility Billing platform for both Bill and Rate Ready accounts are fully built out. We utilize EC Info system for our EDI vendor and have full credit support for energy supply via Vantage Commodities Financial Services, LLC



Company Owner Experience

Owners

Tom Cummins, CEO
Jim Bridgeforth, Vice President Sales & Marketing
Robert Macchione, CFO

~Tom Cummins~

Founder and Chief Executive Officer

Tom Cummins is the founder and CEO of American Power & Gas LLC (AP&G). Mr. Cummins has been in the Energy Choice industry for 16 years. He founded the first out-source company in the North America to exclusively represent energy marketers and exclusively sell energy in the deregulated marketplace.

His company enrollments have now exceeded 2 million combined residential and commercial customers using both gas and electricity. Mr. Cummins' company has worked in every state in the union where deregulation of energy has occurred.

For the past thirty years Mr. Cummins has owned and operated mass marketing companies. Prior to founding CSS Mr. Cummins ran a sales force of over 2000 agents in telecommunications during its deregulation.

Mr. Cummins and his staff have been leaders of mass-market retail energy sales via telesales. On behalf of over 100 different ESCOs, his company has spoken to more than 20 million energy consumers on the subject of energy deregulation, literally making him the expert in deregulated retail energy sales.

He founded AP&G in 2011 and launched the enrollment of customers in New York State. AP&G currently has a customer base of over 9,000 customers, adding over 700 new customers a week. AP&G has not received one complaint from any regulatory body, which a fact the entire company is very proud of.

~Jim Bridgeforth~

Vice President Sales & Marketing

Jim Bridgeforth has 11 years of hands-on experience in the retail energy markets. He worked directly for Mr. Cummins as his Director of New Accounts at their out-source company for 6 years. In this position, he learned all of the nuances of what it takes to make a successful retail campaign. In 2007, Mr. Cummins trained Jim in the remaining aspects of running that company (CSS) and then turned over the duties of President, which Jim continues to successfully handle to this day. Mr. Bridgeforth's dedication and successful running of CSS earned him an ownership role in the company.

~Robert Macchione~

Vice President for Information Technology and Chief Financial Officer

Bob Macchione has been with Mr. Cummins since the inception of CSS. Bob's superior grasp for numbers and attention to detail earned him a right hand seat to the owner. Under the direction of Mr. Cummins, Bob ran the development and creation of the company's proprietary software and all of its subsystems. As the company grew, Mr. Cummins promoted Bob to CFO and Director of IT and made him a partner as well. Mr. Macchione has perfected the EDI system with our vendor, EC Info system. He has also created our proprietary Billing Platform which allows AP&G to handle with ease, both Bill Ready and Rate Ready customers.



Pennsylvania Territorial Marketing Plan

The following is a time/customer acquisition estimate utilizing American Power & Gas of Pennsylvania's highly trained sales staff via the telemarketing.

FIRST ENERGY UTILITIES

Underlying Gas Utility

- 1) Penelec
- 2) West Penn
- 3) Met-Ed
- 4) Penn Power

- UGI Gas
- Colombia Gas of PA
- Peoples Gas

Time frame of First Energy electric utilities with underlying gas utilities:

4 months with 30 sales representatives.

OTHER UTILITIES

Electric

Underlying Gas Utility

- 5) PPL
- 6) Duquesne
- 7) PECO
- 8) UGI Electric

- Peco Gas

Time frame of other electric utilities with applicable underlying gas utilities:

5 months with 30 sales representatives.

Estimated customer acquisition:

30,000 residential and commercial customers acquired over a period of 9 months using 30 sales representatives.

Gavin Bridgeforth
American Power & Gas
CEO's Programs Officer
gavinb@americanpowerandgas.com
P: 727 733 8700 ext 221
F: 727 733 6618

July 14, 2011

American Power & Gas LLC
303 Main Street
Dunedin, FL 34698
Attn: Thomas Cummins

Dear Mr. Cummins:

Your application to become a customer of the New York Independent System Operator has been approved. You are now able to fully participate in the New York electric energy markets in accordance with the Tariffs under which you have elected to take service.

We look forward to providing the services needed to ensure reliable operation of the New York bulk transmission system and to facilitate an open, fair, and effective competitive electricity wholesale marketplace.

If we can be of assistance to you in your participation in this marketplace, please contact us at (518) 356-6060 or via e-mail at market_services@nyiso.com. Also, we invite you to become familiar with our web site www.nyiso.com. It contains important information about the NYISO with links to the OASIS/MIS, billing data, NYISO Manuals, contact information, a calendar of events, training schedules, and other market information.

Regards,



Roger Kirkpatrick,
Manager, Customer Support & Training



Tom Cummins <tomc@americanpowerandgas.com>

NYISO Customer Request SD409607 is Closed: - Please do not reply to this e-mail

2 messages

NYISO Service Manager <servicemanager@nyiso.com>

Thu, Feb 28, 2013 at 12:57 PM

To: "TOMC@AMERICANPOWERANDGAS.COM" <TOMC@americanpowerandgas.com>

Dear THOMAS CUMMINS,
Please do not reply to this email. This message came from an automated mailbox.

This e-mail from NYISO Stakeholder Services contains the resolution of Request SD409607 :

Title:

Alternate Main Contact change request for American Power & Gas, LLC

Date Opened: 02/28/13 11:12:29

Date Closed: 02/28/13 12:56:51

Description:

I would like to notify you that Thomas Wright is no longer with American Power & Gas. He needs to be taken off as a contact, in result I want Robert Macchione listed as the alt main contact.

As well I would like to notify you guys that American Power & Gas has changed their address from 303 main st. Dunedin FL 34698, to 411 Cleveland St. #299 Clearwater FL 33755. We are in need of a letter (or something of that nature) stating we are a member/customer of the nyiso with our current address on it.
Tom Cummins
CEO

Alternate Main Contact change request for American Power & Gas, LLC

Resolution:

The change to replace Thomas Wright with Robert Macchione has been done. The address on record for your organization was also changed to reflect the 411 Cleveland Street #299, Clearwater FL 33755 new address.

Per the email I copied you on, the request for the updated letter has been forwarded to the Customer Registration area for processing, you will hear from them directly.

If you need anything else, please don't hesitate to let me know.
Regards,
Monica

CUSTOMER RESPONSE SURVEY

Please help us continue to serve you and others better by taking the brief 5 question survey below.



955 Jefferson Ave.
Valley Forge Corporate Center
Norristown, PA 19403-2497

February 14, 2013

Mr. Tom Cummins
American Power & Gas of Pennsylvania LLC
411 Cleveland St, #299
Clearwater, FL 33755

Dear Mr. Cummins,

Welcome to PJM!

As promised, enclosed are the signed membership agreements for your records. To ensure your needs are met, PJM has assigned Client Manager, Don Williams, as your primary point of contact. He can be contacted at willid@pjm.com or 610-666-4644. You may also contact our Customer Service Center at 866-400-8980 should you have any questions as well.

Thank you,

Amanda C. Egan
PJM Interconnection

Enclosures

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 Feb 13, 2013, is entered into among American Power & Gas of Pennsylvania LLC and the President of the LLC acting on behalf of its Members.

2. American Power & Gas of Pennsylvania 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 American Power & Gas of Pennsylvania LLC's facilities, a copy of Attachment J from the PJM Tariff marked to show changes in the PJM Region boundaries is attached hereto. American Power & Gas of Pennsylvania LLC agrees to pay for all required metering, telemetering and hardware and software appropriate for it to become a member.

3. American Power & Gas of Pennsylvania LLC agrees to be bound by and accepts all the terms of the Operating Agreement as of the above date.

4. American Power & Gas of Pennsylvania LLC hereby gives notice that the name and address of its initial representative to the Members Committee under the Operating Agreement shall be:

Tom Cummins
411 Cleveland St, #299,
Clearwater, FL 33755 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 American Power & Gas of Pennsylvania LLC as a Member of the LLC thereto, effective as of February 13, 2013, the date the President of the LLC countersigned this Agreement.

IN WITNESS WHEREOF, American Power & Gas of Pennsylvania 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: Tom Cummins
Name: Tom Cummins
Title: CEO

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

American Power & Gas of Pennsylvania 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:

Robert Marchione

Title:

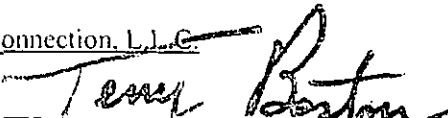
CEO

Date:

2/5/13

PJM Interconnection, L.L.C.

Signature:



Name:

Terry Boston

Title:

President & CEO

Date:

2/13/13

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.ny.gov

PUBLIC SERVICE COMMISSION

GARRY A. BROWN

Chairman

PATRICIA L. ACAMPORA

MAUREEN F. HARRIS

JAMES L. LAROCCA

GREGG C. SAYRE

Commissioners



PETER McGOWAN
General Counsel

JEFFREY C. COHEN
Acting Secretary

January 18, 2013

Jim Bridgeforth
American Power & Gas, LLC
411 Cleveland Street #299
Clearwater, FL 33755

RE: American Power & Gas, LLC – January Compliance

Dear Mr. Bridgeforth:

Thank you for your recent submittal pursuant to Section 2.D.1 of the New York State Department of Public Service's Uniform Business Practices (UBP). This letter is to inform you that the documentation submitted has been reviewed by Staff and determined to be in compliance with the UBP.

Be advised that to maintain your ESCO eligibility, you must notify Staff of any contact changes, substantive legal, financial or business related changes to your company as they occur. If your business plan changes and you decide to expand your service offerings, you must immediately submit the appropriate documentation for Staff review and determination of how it affects your current eligibility.

If you are using vendors to provide ESCO related services (e.g., EDI), the ESCO remains fully responsible for any activities the vendors perform. If you have not already done so, or if you have changed vendors since last reporting them to us, please provide Staff a list with contact information for all vendors that you are now using.

Please do not hesitate to contact me with any further questions or concerns at (518) 486-2432 or Christine.Bosy@dps.ny.gov.

Sincerely,

Christine A. Bosy

Christine A. Bosy
Retail Access Section
Office of Consumer Policy

RECEIVED

MAR - 1 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Attachment 5

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:

January 31, 2013

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 31st day of
January, 2013.


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 NOTICE COMMISSION
NOTICE

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

American Power & Gas Of Pennsylvania, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. American Power & Gas Of Pennsylvania, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3285, Harrisburg, PA 17105-3285. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.

By and through Counsel: Usher Fogel
American Power & Gas Of Pennsylvania, LLC
411 Cleveland Street, #299
Clearwater, FL 33755

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:

January 30, 2013

Affiant further deposes that he is an officer daily authorized by the Sun-Gazette Company, publisher of the Williamsport Sun-Gazette, to verify the publication of public notices under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice and that the delegations in the foregoing statement as to time, place and character of publication are true.

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

American Power & Gas Of Pennsylvania, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. American Power, & Gas Of Pennsylvania, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.

THE SUN-GAZETTE
and certify

By and through Counsel:
Usher Fogel
American Power & Gas
Of Pennsylvania, LLC
411 Cleveland Street,
#200

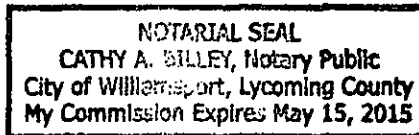
Bernard A. Oravec

SUN-GAZETTE COMPANY

Sworn to and subscribed before me

the 31st day of January 2013

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.....\$ 765.72
Probated same.....\$
Total.....\$ 765.72

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

I, Bernard A. Oravec hereby acknowledges receipt of the aforesaid advertising and publication costs and certify that the same have been fully paid.

SUN-GAZETTE COMPANY

BY Bernard A. Oravec

COMMONWEALTH OF PENNSYLVANIA }
 County of Cambria } SS

PENNSYLVANIA PUBLIC
 NOTICE COMMISSION
 NOTICE

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

copies of any protest to American Power and Gas, LLC's attorney at the address listed below.
 By and through Counsel:
 Usher Fogel
 American Power & Gas Of Pennsylvania, LLC
 411 Cleveland Street, #299
 Clearwater, FL 33755
 Ph: 800-205-7491
 Fx: 727-733-6618

American Power & Gas Of Pennsylvania, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. American Power & Gas Of Pennsylvania, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act.

published in
 that the an
 of The Joh
 interested
 character o

own Pa. in the County of Cambria, and Commonwealth of Pennsylvania and a notice in the above matter published in said publication in the regular issues of The Johnstown Democrat, Johnstown, PA, on January 29, 2013; and that the Affiant is not interested in said notice or advertising and that all of the allegations as to time, place and character are true.

Christine Marhefka

STATEMENT OF ADVERTISING COSTS

Sworn and
 29th day of

this

68 Lines @	\$2.50 per line	170.00
0.00 Inches @	\$25.00 per inch	0.00
Notary Fee		5.00
Clerical Fee		2.50
Total Cost		177.50

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send

[Signature]

COMMONWEALTH OF PENNSYLVANIA
 Notarial Seal
 Vivian Ohs, Notary Public
 City of Johnstown, Cambria County
 My Commission Expires Dec. 6, 2016
 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

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

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

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

 (Name of Newspaper)

By _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

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

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

30 of January, 2013

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

C Mohamed

PG Publishing Company

Sworn to and subscribed before me this day of:
January 30, 2013

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

American Power & Gas
411 Cleveland St. #299
Attn: Gavin Bridgeforth
CLEARWATER FL 33755

To PG Publishing Company

Total ----- \$570.00

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 Marcia J. [Signature]

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 NOTICE COMMISSION NOTICE
Application of American Power & Gas Of Pennsylvania, LLC For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As A Generator And Supplier Of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth Of Pennsylvania.
American Power & Gas Of Pennsylvania, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker/marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. American Power & Gas Of Pennsylvania, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act.
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.
By and through Counsel: Usher Fogel American Power & Gas Of Pennsylvania, LLC
411 Cleveland Street, #299
Clearwater, FL 33755

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

The Patriot-News
Now you know

AMERICAN POWER & GAS
411 CLEVELAND ST. #299
ATTN: GAVIN BRIDGEFORTH

CLEARWATER FL 33755

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

Marianne Miller, being duly sworn according to law, deposes and says:

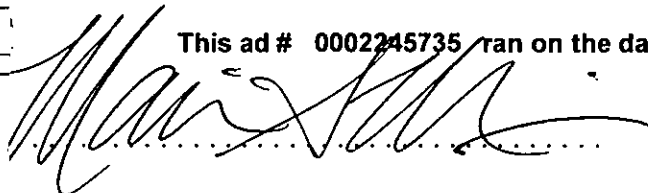
That she is a Staff Accountant of The Patriot News Co., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal office and place of business at 2020 Technology Pkwy, Suite 300, in the Township of Hampden, County of Cumberland, State of Pennsylvania, 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

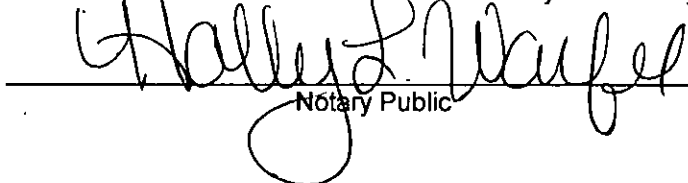
That she has personal knowledge of the facts aforesaid and is duly authorized and empowered to verify this statement on behalf of The Patriot-News Co. aforesaid by virtue and pursuant to a resolution unanimously passed and adopted severally by the stockholders and board of directors of the said Company 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.

This ad # 0002245735 ran on the dates shown below:

January 31, 2013



Sworn to and subscribed before me this 01 day of February, 2013 A.D.


Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Holly Lynn Warfel, Notary Public
Washington Twp., Dauphin County
My Commission Expires Dec. 12, 2016
MEMBER PENNSYLVANIA ASSOCIATION OF NOTARIES

Services As A Generator And Supplier of Electric Power, A Marketer/Broker Engaged In The Business Of Supplying Electricity, And An Aggregator Engaged In The Business Of Supplying Electricity, To The Public In The Commonwealth of Pennsylvania, American Power & Gas Of Pennsylvania, LLC will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as (1) a generator and supplier of electric power, (2) a broker / marketer engaged in the business of supplying electricity, and (3) an aggregator engaged in the business of supplying electricity. American Power & Gas Of Pennsylvania, LLC proposes to sell electricity and related services throughout all of Pennsylvania under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P. O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.
By and through Counsel: Usher Fogel
American Power & Gas Of Pennsylvania, LLC
411 Cleveland Street, #299
Clearwater, FL 33755

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

AMERICAN POWER AND GAS LLC
537 DOUGLAS AVENUE
DUNEDIN FL 34698

Account # 555870
Order # 81123926
Ad Price: 241.60

LEGAL NOTICE PENNSYLVANIA

Gina Krushinski

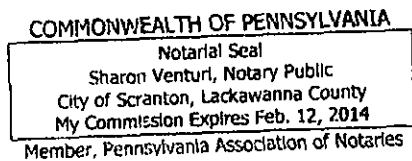
Being duly sworn according to law deposes and says that she is Billing clerk for The Scranton Times, owner and publisher of The Scranton Times, a newspaper of general circulation, established in 1870, published in the city of Scranton, county and state aforesaid, and that the printed notice or publication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

01/29/2013

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 29th day of January A.D., 2013

Sharon Venturi
(Notary Public)



LEGAL NOTICE

PENNSYLVANIA PUBLIC UTILITY
COMMISSION NOTICE

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

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The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.

By and through Counsel: Usher Fogel
of American Power & Gas
of Pennsylvania, LLC
411 Cleveland Street, #299
Clearwater, FL 33755

PROOF OF PUBLICATION
In
THE ERIE TIMES-NEWS
COMBINATION EDITION

AMERICAN POWER AND GAS LLC
P O BOX 299
CLEARWATER FL 33755

REFERENCE: L0001306
2100235 PUC NOTICE

STATE OF PENNSYLVANIA)
COUNTY OF ERIE) SS:

Lisa L. Frampton, 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: 01/30

TOTAL COST: 294.00 AD SPACE: 7.000 INCH
FILED ON: 01/30/13

**PENNSYLVANIA
PUBLIC SERVICE COMMISSION
NOTICE**

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

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The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of American Power & Gas Of Pennsylvania, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to American Power and Gas, LLC's attorney at the address listed below.

By and through Counsel: Usher Fogel
American Power & Gas Of Pennsylvania, LLC
411 Cleveland Street, #299
Clearwater, FL 33755

2100235

Sworn to and subscribed before me this

30th day of January 2013 Affiant: Lisa L. Frampton

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

RECEIVED

Appendix C

MAR - 1 2013

Certificate of Service

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

On this 1 day of March 2013, 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

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

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

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

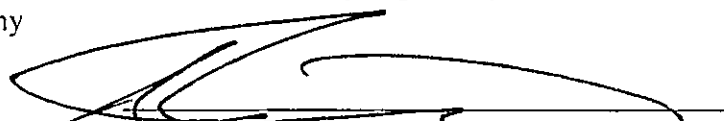
Legal Department
First Energy
2800 Pottsville Pike
Reading PA, 19612

UGI Utilities Inc.
Attn: Rates Dept. - Choice
Coordinator 2525 N. 12th Street,
Suite 360 P.O. Box 12677

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

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



Tom Cummins, CEO American Power & Gas of Pennsylvania, L.L.C.

FedEx Tracking Number

8025 1728 9861

Form ID No. 0200

Recipient's Copy

From [Redacted]
Date 3/1/13

Sender's Name [Redacted] Phone 717 722 8110

Company American Time Based Technology

Address 41 [Redacted] LE194
Dept./Floor/Suite/Room

City Columbia State FL ZIP 33755

Your Internal Billing Reference

To Recipient's Name [Redacted] Phone [Redacted]

Company [Redacted] Public Utility Commission

Address P.O. Box 3715
We cannot deliver to P.O. boxes or P.O. ZIP codes
Dept./Floor/Suite/Room

Address 400 N. ST #1 KEYSTONE BLDG
Use this line for the HOLD location address or for construction of your shipping address.

City Haverhill State PA ZIP 17105

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

*Packages up to 150 lbs.
For packages over 25 lbs., use the new
FedEx Express freight US Airbill.*

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning.* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon.* Saturday Delivery NOT available.

2 or 3 Business Days

FedEx 2Day A.M.
Second business morning.* Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day.* Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without securing a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?

No Yes Yes
One box must be checked. Shipper's Declaration not required.
Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box. Dry Ice Device, 9 UN 1845 Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below. Obtain recip. Acct. No.
 Sender Acct. No. in Section 1 will be billed. Recipient Third Party Credit Card Cash/Check

Total Packages Total Weight [Redacted]



8025 1728 9861

Our facility is located to 3/4/2013 10:25:22 AM