



DIRECT DIAL: 713.850.4219  
kscott@andrewsmyers.com

May 21, 2013

**Via Federal Express**

Secretary of the Commission  
Keystone Building, 400 North Street  
2nd Floor, Room N201  
Harrisburg, PA 17120

Re: Application to act as Broker/Marketer/Aggregator Supplying Natural Gas

Dear Sir/Madam:

Enclosed are the original and three copies of EMEX, LLC's Application to act as Broker/Marketer/Aggregator Supplying Natural Gas. A CD with an electronic version of this application is also enclosed along with a check in the amount of \$350.00.

Should you need any additional information, or have any questions or comments, please feel free to contact me. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Scott", written over the typed name.

Kimberly Scott  
Paralegal

Enclosures

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of EMEX, LLC, d/b/a N/A, for approval to offer, render, furnish, or as a(n) [as specified in item #8 below] to the public in the Commonwealth of Pennsylvania.  
Broker/Marketer and Aggregator engaged in the business of supplying natural gas services.

To the Pennsylvania Public Utility Commission:

1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, and FAX number of the Applicant are:  
EMEX, LLC  
2825 Wilcrest Dr, Suite 450  
Houston, TX 77042  
Phone: 713-521-9797  
Fax: 713-583-9519

Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

EMEX, LLC was originally formed as Southwest Energy Partners, LLC on January 5, 2007 which was amended to EMEX, LLC on January 29, 2009.

2. a. **CONTACT PERSON:** The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:  
Todd Segmond, President and CEO, 2825 Wilcrest Dr, Suite 450, Houston, TX 77042  
Phone: 713-521-9797; Fax: 713-583-9519

- b. **CONTACT PERSON-PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:** The name, title, address, telephone number and FAX number of the person with whom contact should be made by PEMA:  
Todd Segmond, President and CEO, 2825 Wilcrest Dr, Suite 450, Houston, TX 77042  
Phone: 713-521-9797; Fax: 713-583-9519

- 3.a. **ATTORNEY:** If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:  
Patrick O. Hayes  
Andrews Myers, PC  
3900 Essex Lane, Suite 800  
Houston, TX 77027  
Phone: 713-850-4200  
Fax: 713-850-4211

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SECRETARY'S OFFICE

- b. **REGISTERED AGENT:** If the Applicant does not maintain a principal office in the Commonwealth, the required name, address, telephone number and FAX number of the Applicant's Registered Agent in the Commonwealth are:

CT Corporation System  
116 Pine Street, Suite 320  
Harrisburg, PA 17101  
Phone: 717-234-6004

4. **FICTITIOUS NAME:** (select and complete appropriate statement)

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

N/A

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

**or**

☒ The Applicant will not be using a fictitious name.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** (select and complete appropriate statement)

☐ 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.

N/A

**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.

N/A

- ☐ \* 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.

N/A

or

- ☒ The Applicant is a:

- ☐ domestic corporation (none)  
☐ 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 \_\_\_\_\_

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation. See attached Application of Registration - Foreign and Certificate of Formation and Amendment - Exhibit "A".

Give name and address of officers.

Todd Segmond, President and Secretary  
Pam Segmond, Treasurer  
2825 Wilcrest Dr., Suite 450  
Houston, TX 77042

The Applicant is incorporated in the state of Texas

6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

- ☐ Affiliate(s) of the Applicant doing business in Pennsylvania are:

N/A

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities.

N/A

- ☐ Does the Applicant have any affiliation with or ownership interest in:

- (a) any other Pennsylvania retail natural gas supplier licensee or licensee applicant,  
(b) any other Pennsylvania retail licensed electric generation supplier or license applicant,  
(c) any Pennsylvania natural gas producer and/or marketer,  
(d) any natural gas wells or  
(e) any local distribution companies (LDCs) in the Commonwealth

N/A

If the response to parts a, b, c, or d above is affirmative, provide a detailed description and explanation of the affiliation and/or ownership interest.

N/A

- ☐ Provide specific details concerning the affiliation and/or ownership interests involving:

- (a) any natural gas producer and/or marketers,  
(b) any wholesale or retail supplier or marketer of natural gas, electricity, oil, propane or other energy sources.

N/A

- ☒ Provide the Pa PUC Docket Number if the applicant has ever applied:

- (a) for a Pennsylvania Natural Gas Supplier license, or  
(b) for a Pennsylvania Electric Generation Supplier license. A-2010-2179537

**NGS License Application Package for EMEX, LLC**

**EXHIBIT "A"**

See the attached Application of Registration – Foreign and Certificate of Formation and Amendment.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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 Patrick Hayes, Andrews Myers Coulter & Hayes, P.C.		
Address 3900 Essex Lane, Suite 800		
City Houston	State Texas	Zip Code 77027-5198

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 to be registered is:  
BMEX, LLC

2. (If the name set forth in paragraph 1 is not available for use in this Commonwealth, complete the following):  
The name under which the limited liability company/limited liability partnership/limited partnership proposes to register and do business in this Commonwealth is:

3. The name of the jurisdiction under the laws of which it was organized and the date of its formation:  
Jurisdiction: TEXAS Date of Formation: 1/08/2007

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
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(b) Name of Commercial Registered Office Provider C T Corporation System	County Philadelphia
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## 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:

9894 Bissonnet, Suite 210	Houston	Texas	77036
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
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## 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:

9894 Bissonnet Street, Suite 210	Houston	Texas	770036	United States
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

9<sup>th</sup> day of March, 2010

EMEX, LLC

Name of Partnership/Company

Signature

CEO

Title

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
Phone: 512/463-5709



Filed in the Office of the  
Secretary of State of Texas  
Filing #: 800755392 01/05/2007  
Document #: 156334560002  
Image Generated Electronically  
for Web Filing

Filing Fee: \$300

### Certificate of Formation Limited Liability Company

#### Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

**Southwest Energy Partners, LLC**

The name of the entity must contain the words "Limited Liability Company" or "Limited Company," or an accepted abbreviation of such terms. The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

#### Article 2 - Registered Agent and Registered Office

☐ A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

☒ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

**Todd M Segmond**

C. The business address of the registered agent and the registered office address is:

Street Address:

**32711 Whitburn Trail Fulshear TX 77441**

#### Article 3 - Governing Authority

☒ A. The limited liability company is to be managed by managers.

OR

☐ B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Manager 1: **Todd M Segmond**

Title: **Manager**

Address: **32711 Whitburn Trail Fulshear TX, USA 77441**

#### Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

#### Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]



**Organizer**

The name and address of the organizer are set forth below.

**Patrick O. Hayes**      **2900 Wesleyan, Ste. 375, Houston, TX 77027**

**Effectiveness of Filing**

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

**Patrick O. Hayes**

Signature of Organizer

**FILING OFFICE COPY**

JAN-29-2009 08:40  
01/22/2009 15:14

ANDREWS MYERS COULTER COH  
7135839519 ENERGY MARKETING / CALPINE

7138504211 P.003

Form 424  
(Revised 01/06)

Return in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512/463-5709  
Filing Fee: See Instructions



**Certificate of Amendment**

This space reserved for office use.

**FILED**  
In the Office of the  
Secretary of State of Texas

JAN 29 2009

**Corporations Section**

**Entity Information**

The name of the filing entity is:

Southwest Energy Partners, LLC

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- |   |   |
|---|---|
| <input type="checkbox"/> For-profit Corporation               | <input type="checkbox"/> Professional Corporation               |
| <input type="checkbox"/> Nonprofit Corporation                | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association              | <input type="checkbox"/> Professional Association               |
| <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership                    |

The file number issued to the filing entity by the secretary of state is: 800755392

The date of formation of the entity is: January 3, 2007

**Amendments**

**1. Amended Name**

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

EMEX, LLC

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

**2. Amended Registered Agent/Registered Office**

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

JAN-29-2009 08:40  
61/22/2009 15:14

ANDREWS MYERS COULTER COH  
/135839519 ENERGY/MARKET LEADERSHIP

7138604211 P.004

Registered Agent  
(Complete either A or B, but not both. Also complete C.)

☐ A The registered agent is an organization (cannot be entity named above) by the name of:

OR

☒ B The registered agent is an individual resident of the state whose name is:

Todd M Segmond  
First Name M Last Name Suffix

C. The business address of the registered agent and the registered office address is:

9894 Bissonnet, Suite 210 Houston TX 77036  
Street Address (No P.O. Box) City State Zip Code

### 3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

☐ Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

☒ Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

Article 3 is hereby amended to update Todd M. Segmond's, the Manager, address to:  
9894 Bissonnet, Suite 210  
Houston, TX 77036

☐ Delete each of the provisions identified below from the certificate of formation.

### Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

JAN-29-2009 09:40  
01/22/2009 15:14

ANDREWS MYERS COULTER COH  
7135839514 ENERGYMARKET EXCHANGE

7138604211 P.005  
PAGE 03/03

**Effectiveness of Filing** (Select either A, B, or C.)

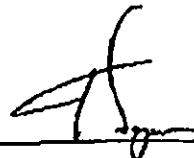
- A. ☒ This document becomes effective when the document is filed by the secretary of state.  
B. ☐ This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_  
C. ☐ This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_  
The following event or fact will cause the document to take effect in the manner described below:

\_\_\_\_\_  
\_\_\_\_\_

**Execution**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: 01/22/2009



Managing Director

Signature and title of authorized person(s) (see instructions)

- ☐ If the Applicant or an affiliate has a predecessor who has done business within Pennsylvania, give name and address of the predecessor(s) and state whether the predecessor(s) were jurisdictional public utilities.

N/A

**or**

- ☒ The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

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

- ☒ The Applicant is presently doing business in Pennsylvania as a
- ☐ natural gas interstate pipeline.
  - ☐ municipal providing service outside its municipal limits.
  - ☐ local gas distribution company
  - ☐ retail supplier of natural gas services in the Commonwealth
  - ☐ a natural gas producer
  - ☒ Other. (Identify the nature of service being rendered.)  
Applicant has a license for electric generation supplier under A-2010-2179537.

**or**

- ☐ The Applicant is not presently doing business in Pennsylvania.

8. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:

- ☐ supplier of natural gas services.
- ☐ Municipal supplier of natural gas services.
- ☐ Cooperative supplier of natural gas services.
- ☒ Broker/Marketer engaged in the business of supplying natural gas services.
- ☒ Aggregator engaged in the business of supplying natural gas services.
- ☐ Other (Describe):

9. **PROPOSED SERVICES:** Generally describe the natural gas services which the Applicant proposes to offer.  
EMEX, LLC will operate a web-based natural gas brokerage and reverse auction service allowing commercial customers to compare multiple price offerings from competing national retail natural gas suppliers.

10. **SERVICE AREA:** Provide each Natural Gas Distribution Company (NGDC) in which Applicant proposes to offer services.

The entire state of Pennsylvania.

11. **CUSTOMERS:** Applicant proposes to initially provide services to:

- ☐ Residential Customers
- ☐ Commercial Customers - (Less than 6,000 Mcf annually)
- ☐ Commercial Customers - (6,000 Mcf or more annually)
- ☐ Industrial Customers
- ☐ Governmental Customers
- ☒ All of above
- ☐ Other (Describe):

12. **START DATE:** The Applicant proposes to begin delivering services on Upon approval of application.  
(approximate date).

13. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, serve a copy of the signed and verified Application with attachments on the following:

Irwin A. Popowsky  
Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120-1921

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

William R. Lloyd, Jr.  
Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

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

Any of the following Natural Gas Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

<b>Valley Energy Inc.</b> Robert Crocker 523 South Keystone Avenue Sayre, PA 18840-0340 PH: 570.888-9664 FAX: 570.888.6199 email: <a href="mailto:rcrocker@ctenterprises.org">rcrocker@ctenterprises.org</a>	<b>National Fuel Gas Distribution Corp.</b> David D. Wolford 6363 Main Street Williamsville, NY 14221 PH: 716.857.7483 FAX: 716.857.7479 email: <a href="mailto:wolfordd@natfuel.com">wolfordd@natfuel.com</a>
<b>UGI Central Penn</b> David Beasten 2525 N. 12 <sup>th</sup> Street, Suite 360 Reading, PA 19612-2677 PH: 610.796.3425 FAX: 610.796.3559	<b>Peoples Natural Gas Company LLC</b> Lynda Petricevich 375 North Shore Drive, Suite 600 Pittsburgh, PA 15212 email: <a href="mailto:Lynda.w.petricevich@peoples-gas.com">Lynda.w.petricevich@peoples-gas.com</a> PH: 412.208.6528 FAX: 412.208.6577
<b>Peoples TWP LLC (Formerly T. W. Phillips)</b> Andrew Wachter 375 North Shore Drive, Suite 600 Pittsburgh, PA 15212 PH: 724.431.4935 FAX: 724.287.5021 email: <a href="mailto:Andrew.Wachter@peoplestwp.com">Andrew.Wachter@peoplestwp.com</a>	<b>UGI</b> David Beasten 2525 N. 12 <sup>th</sup> Street, Suite 360 Reading, PA 19612-2677 PH: 610.796.3425 FAX: 610.796.3559
<b>UGI Penn Natural</b> David Beasten 2525 N. 12 <sup>th</sup> Street, Suite 360 Reading, PA 19612-2677 PH: 610.796.3425 FAX: 610.796.3559	<b>Equitable Gas Company</b> Jerald Moody 225 North Shore Drive Pittsburgh, PA 15212-5352 PH: 412.395.3209 FAX: 412.395.3335
<b>PECO</b> Carlos Thillet, Manager, Gas Supply and Transportation 2301 Market Street, S9-2 Philadelphia, PA 19103 email: <a href="mailto:carlos.thillet@exeloncorp.com">carlos.thillet@exeloncorp.com</a> PH: 215.841.6452	<b>Columbia Gas of Pennsylvania Inc.</b> Thomas C. Heckathorn 200 Civic Center Drive Columbus, OH 43215 PH: 614.460.4996 FAX: 614.460.6442 email: <a href="mailto:theckathorn@nisource.com">theckathorn@nisource.com</a>
<b>Philadelphia Gas Works</b> Douglas Moser 800 West Montgomery Avenue Philadelphia, PA 19122 email: <a href="mailto:douglas.moser@pgworks.com">douglas.moser@pgworks.com</a> PH: 215.684.6899	

### CERTIFICATE OF SERVICE

This is to certify that on this the below signed date and pursuant to 52 Pa. Code §5.14, EMEX, LLC served a true and correct copy of its signed and verified Natural Gas Supplier License Application with attachments to all of the parties listed on page 7 of its Application.



Patrick O. Hayes  
Attorney for EMEX, LLC

Date: 5/21/13

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MAY 21 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. 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.

14. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.
15. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.  
Neither Applicant, any affiliate, any predecessor of either, or any person identified in this Application has been convicted of a crime involving fraud or similar activity.
16. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** All services 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.
- Contacts for Consumer Service and Complaints: Provide the name, title, address, telephone number and FAX number 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 Applicant, the Distribution Company, the Pennsylvania Public Utility Commission or other agencies.  
See Exhibit "B"
  - Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.  
See Exhibit "C"
  - If proposing to serve Residential and/or Small Commercial customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix B to this Application.  
Not applicable as Applicant will act as a Broker/Marketer/Aggregator and will not supply natural gas directly to its customers.
17. **FINANCIAL FITNESS:**
- Applicant shall 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 parent company financial and credit information.
    - Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available.
    - 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 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
    - Such other information that demonstrates Applicant's financial fitness.  
See Exhibit "D"
  - Applicant must provide the following information:
    - Provide proof of compliance with bonding/credit requirements for each NGDC the applicant is proposing to provide service in. This requirement is designated by each NGDC and can commonly be found in the NGDC supplier tariff.  
Not applicable as Applicant will not be distributing natural gas.
    - Identify Applicant's chief officers including names and their professional resumes.  
See Exhibit "E"

**NGS License Application Package for EMEX, LLC**

**EXHIBIT "B"**

Todd Segmond, President and CEO  
2825 Wilcrest Dr., Suite 450  
Houston, TX 77042  
Phone: 713-521-9797  
Fax: 713-583-9519

And in the alternative:

Pam Segmond, Treasurer  
2825 Wilcrest Dr., Suite 450  
Houston, TX 77042  
Phone: 713-521-9797  
Fax: 713-583-9519

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**NGS License Application Package for EMEX, LLC**

**EXHIBIT "C"**

Please see the attached form: Limited Appointment of Agent and Appointment as Exclusive Representative.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**LIMITED APPOINTMENT OF AGENT AND  
APPOINTMENT AS EXCLUSIVE REPRESENTATIVE**

**(For Residential Customers)**  
(expires on \_\_\_\_\_)

STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §      KNOW ALL MEN BY THESE PRESENTS

I, \_\_\_\_\_, being over the age of 21 years and being of sound mind, am able to and do hereby appoint **EMEX, LLC** (the "*Agent*") as my true and lawful agent for the purpose of evaluating my electricity usage at my home with an address of \_\_\_\_\_ and advising me on the same, including, but not limited to acting as my agent in dealing with retail electricity suppliers (each a "*Retail Electricity Supplier*") and including me in a group of other electricity customers (the "*Group*") for the purpose of purchasing electricity on such Group's behalf, with the following additional powers:

- (a) to serve as my exclusive representative to Retail Electricity Suppliers and electric utilities in connection with electricity procurement, product solicitations, and negotiations of contracts for provision of electricity to my home;
- (b) to request statements and reports regarding my electricity usage from my current Retail Electricity Supplier and/or my electric utility;
- (c) to inquire about the status of my account and usage from my current Retail Electricity Supplier and/or my electric utility; and
- (d) to negotiate, execute, and bind on my behalf any agreement or contract with a Retail Electricity Supplier in connection with a reverse auction held or to be held by the Agent during the week of \_\_\_\_\_ for the purpose of procuring electricity contracts for members of the Group for the term beginning \_\_\_\_\_ and ending \_\_\_\_\_; *provided that this power to negotiate, execute, and bind on my behalf any such agreement or contract is expressly conditioned on the price for electricity in such agreement or contract being at or lower than \$ \_\_\_\_\_/kWh.*

Except as provided above, this appointment does not include the power to execute in my name any documents, instruments, agreements, releases or any other papers.

This appointment of the Agent to act as my agent and to serve as my exclusive representative to Retail Electricity Suppliers and electric utilities in connection with electricity procurement, product solicitations, and negotiations of contracts for provision of electricity shall endure from the date of signature below until \_\_\_\_\_, whereupon it shall terminate in all respects.

IN WITNESS WHEREOF, I have executed this Limited Appointment of Agent and Appointment as Exclusive Representative on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

**NGS License Application Package for EMEX, LLC**

**EXHIBIT "D"**

<b><u>Members</u></b>	<b><u>Percent Ownership</u></b>
-----------------------	---------------------------------

Todd M. Segmond	56%
-----------------	-----

Ryan M. Segmond	24%
-----------------	-----

Zach Harvey	20%
-------------	-----

**Managers**

Todd M. Segmond

**Officers**

**Title**

Todd M. Segmond	President and Secretary
-----------------	-------------------------

Pam Segmond	Treasurer
-------------	-----------

**RECEIVED**

MAY 21 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Attached are Applicant's audited financial information for the years ended December 31, 2010 and December 31, 2011 and its unaudited financial information for the year ending 2012.

3:00 PM  
04/03/13  
Cash Basis

**EMEX LLC**  
**Profit & Loss**  
January through December 2012

Jan - Dec 12

<b>Ordinary Income/Expense</b>	
Income	
Sales	4,503,174.25
Total Income	4,503,174.25
Expense	
Advertising and Promotion	185,848.91
Auto Lease Expense	31,370.73
Automobile Expense	5,614.80
Bank Service Charges	5,738.07
Business Licenses and Permits	7,523.70
Charitable Contributions	500.00
Commissions Paid	1,366,928.47
Computer and Internet Expenses	182,344.11
Continuing Education	5,000.00
Contract Labor	6,093.50
Dues and Subscriptions	6,747.17
Employee Benefits	26,058.87
Employee Gifts	1,000.00
Employment Services	25,017.37
Insurance Expense	
General Liability Insurance	1,582.28
Health Insurance	42,192.05
Worker's Compensation	3,754.13
Total Insurance Expense	47,528.46
Interest Expense	7,173.42
Meals and Entertainment	77,936.94
Miscellaneous Expense	1,134.16
Moving Expense	5,000.00
Office Expense	20,264.23
Office Supplies	18,074.58
Parking & Tolls	1,766.09
Payroll Service	16,374.06
Postage and Delivery	19,434.14
Printing and Reproduction	1,205.23
Professional Fees	128,733.71
Rent Expense	51,257.05
Repairs and Maintenance	13,132.33
Salaries	1,111,925.91
Taxes - Payroll	89,550.61
Taxes - Property	102.94
Taxes - State	10,362.49
Telephone Expense	10,377.97
Travel Expense	54,916.49
Utilities	8,207.70
Total Expense	3,530,244.21
Net Ordinary Income	972,930.04
Other Income/Expense	
Other Income	
Interest Income	21.87
Total Other Income	21.87
Net Other Income	21.87
Net Income	<u>972,951.91</u>

2:21 PM  
02/12/13  
Cash Basis

**EMEX LLC**  
**Balance Sheet**  
**As of December 31, 2012**

Dec 31, 12

**ASSETS**

**Current Assets**

**Checking/Savings**

CHASE #07614	7,159.87
CHASE #22031	2,923.12
CHASE #82422	8,537.59
CHASE SAVINGS #66057	33.18
Post Oak Bank #10230	314,572.79

**Total Checking/Savings** 333,226.55

**Other Current Assets**

Employee Advance 1,000.00

**Total Other Current Assets** 1,000.00

**Total Current Assets** 334,226.55

**Fixed Assets**

Accumulated Amortization	-203,699.90
Accumulated Depreciation	-80,884.49
Computers and Equipment	88,014.67
EMEX Website Development	883,183.51
Furniture and Equipment	56,026.20

**Total Fixed Assets** 742,639.99

**Other Assets**

AMEX Gift Cards 12,302.07

**Total Other Assets** 12,302.07

**TOTAL ASSETS** 1,089,168.61

**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

**Other Current Liabilities**

Post Oak Bank LOC 100,000.00

**Total Other Current Liabilities** 100,000.00

**Total Current Liabilities** 100,000.00

**Total Liabilities** 100,000.00

**Equity**

Distributions -541,222.71

**Members' Equity**

Ryan Segmond 48,868.00

Todd Segmond 114,103.00

Zach Harvey 400,029.77

**Total Members' Equity** 563,000.77

Opening Balance Equity -142,655.25

Retained Earnings 142,306.39

Net Income 967,739.41

**Total Equity** 989,168.61

**TOTAL LIABILITIES & EQUITY** 1,089,168.61



12:27 PM  
01/31/12  
Cash Basis

**EMEX LLC**  
**Balance Sheet**  
As of December 31, 2011

	<u>Dec 31, 11</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
CHASE #07814	12,490.03
CHASE #22031	30,023.33
CHASE #82422	4,074.00
CHASE SAVING# #86067	33.18
Post Oak Bank #10230	118,061.83
<b>Total Checking/Savings</b>	<u>182,682.37</u>
<b>Total Current Assets</b>	<u>182,682.37</u>
<b>Fixed Assets</b>	
Accumulated Depreciation	-32,822.00
Computers and Equipment	60,748.47
EMEX Website Development	622,343.13
Furniture and Equipment	8,852.48
<b>Total Fixed Assets</b>	<u>559,320.08</u>
<b>TOTAL ASSETS</b>	<u><u>722,002.45</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Other Current Liabilities	
Chase - Line of Credit	1,000.00
Chase BLOC 0002	29,201.27
<b>Total Other Current Liabilities</b>	<u>30,201.27</u>
<b>Total Current Liabilities</b>	<u>30,201.27</u>
<b>Long Term Liabilities</b>	
N/P - Doll - EMEX	4,286.86
N/P - Doll - Ryan	-38.00
<b>Total Long Term Liabilities</b>	<u>4,247.86</u>
<b>Total Liabilities</b>	<u>34,448.93</u>
<b>Equity</b>	
Distributions	-230,961.44
<b>Members' Equity</b>	
Ryan Segmond	48,868.00
Todd Segmond	114,103.00
Zach Harvey	400,029.77
<b>Total Members' Equity</b>	<u>563,000.77</u>
Opening Balance Equity	-142,859.25
Retained Earnings	134,074.03
Net Income	384,095.41
<b>Total Equity</b>	<u>687,553.52</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>722,002.45</u></u>

12:28 PM  
01/31/12  
Cash Basis

**EMEX LLC**  
**Profit & Loss**  
January through December 2011

	<u>Jan - Dec 11</u>
<b>Ordinary Income/Expense</b>	
Income	
Sales	<u>1,983,924.90</u>
<b>Total Income</b>	<u>1,983,924.90</u>
Expense	
Advertising and Promotion	24,888.59
Automobile Expense	883.75
Bank Service Charges	3,739.85
Business Licenses and Permits	6,813.14
Charitable Contributions	100.00
Commissions Paid	651,442.77
Computer and Internet Expenses	63,325.89
Contract Labor	20,730.73
Dues and Subscriptions	4,047.97
Insurance Expense	
General Liability Insurance	1,105.00
Worker's Compensation	<u>135.00</u>
Total Insurance Expense	<u>1,240.00</u>
Interest Expense	422.87
Meals and Entertainment	
Travel Meals & Entertainment	703.10
Meals and Entertainment - Other	<u>27,478.49</u>
Total Meals and Entertainment	<u>28,181.59</u>
Miscellaneous Expense	0.00
Office Expense	27,811.74
Office Supplies	10,145.03
Payroll Service	3,111.84
Payroll Taxes	7,890.28
Postage and Delivery	2,070.32
Printing and Reproduction	486.37
Professional Fees	71,737.24
Rent Expense	48,337.59
Salaries	606,142.90
Taxes	2,114.45
Taxes - Property	302.81
Telephone Expense	12,897.12
Tolls	1,880.47
Travel Expense	<u>10,573.67</u>
Total Expense	<u>1,599,869.78</u>
<b>Net Ordinary Income</b>	<u>384,055.12</u>
<b>Other Income/Expense</b>	
Other Income	
Interest Income	40.29
Other Miscellaneous Income	<u>0.00</u>
<b>Total Other Income</b>	<u>40.29</u>
<b>Net Other Income</b>	<u>40.29</u>
<b>Net Income</b>	<u><u>384,095.41</u></u>

4:27 PM  
09/13/11  
Cash Basis

**EMEX, LLC**  
**Balance Sheet**  
As of December 31, 2010

	Dec 31, 10
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
CHASE #07614	1,419.89
CHASE #22031	30,009.75
CHASE #82422	40,537.59
Chase BLOC 0002	-23,091.91
CHASE SAVINGS #85057	533.18
Total Checking/Savings	49,408.50
Total Current Assets	49,408.50
Fixed Assets	
Accumulated Depreciation	-32,622.00
Computers and Equipment	57,256.18
EMEX Website Development	219,482.68
Furniture and Equipment	7,428.99
Total Fixed Assets	251,545.85
<b>TOTAL ASSETS</b>	<b>300,954.35</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Long Term Liabilities	
N/P - Best Buy	19.20
N/P - CIT/Toshiba	272.54
N/P - Dell - EMEX	2,035.27
N/P - Dell - Pam	1,006.35
N/P - Dell - Ryan	472.83
N/P - Dell - Todd	3,110.49
Total Long Term Liabilities	6,916.68
Total Liabilities	6,916.68
Equity	
Distributions	-157,228.37
Members' Equity	
Ryan Segmond	48,868.00
Todd Segmond	114,103.00
Zach Harvey	300,000.00
Total Members' Equity	462,971.00
Opening Balance Equity	-142,655.25
Retained Earnings	-6,394.02
Net Income	137,344.31
Total Equity	294,037.67
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>300,954.35</b>

4:26 PM  
09/13/11  
Cash Basis

**EMEX, LLC**  
**Profit & Loss**  
January through December 2010

	<u>Jan - Dec 10</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Sales	647,988.11
<b>Total Income</b>	647,988.11
<b>Expense</b>	
Advertising and Promotion	21,842.58
Automobile Expense	351.81
Bank Service Charges	1,908.22
Business Licenses and Permits	2,259.80
Commissions Paid	118,850.24
Computer and Internet Expenses	13,835.31
Continuing Education	9.00
Contract Labor	42,377.40
Dues and Subscriptions	4,286.42
Employee Gifts	5,999.65
Insurance Expense	
Worker's Compensation	1,133.00
<b>Total Insurance Expense</b>	1,133.00
Interest Expense	456.78
Meals and Entertainment	17,765.73
Miscellaneous Expense	1,141.51
Office Expense	17,758.13
Office Supplies	11,077.32
Payroll Service	765.52
Postage and Delivery	1,000.80
Printing and Reproduction	719.22
Professional Fees	73,013.15
Rent Expense	31,729.10
Salaries	90,708.04
Taxes - Payroll	29,777.71
Taxes - Property	232.59
Telephone Expense	15,917.22
Tolls	2,458.65
Travel Expense	3,278.94
<b>Total Exponso</b>	510,653.84
<b>Net Ordinary Income</b>	137,334.27
<b>Other Income/Expense</b>	
Other Income	
Interest Income	10.04
<b>Total Other Income</b>	10.04
<b>Net Other Income</b>	10.04
<b>Net Income</b>	<u><u>137,344.31</u></u>

## NGS License Application Package for EMEX, LLC

### EXHIBIT "E"

<u>Officers</u>	<u>Title</u>
Todd M. Segmond	President and Secretary
Pam Segmond	Treasurer

### Resume

The President and CEO of Applicant, Todd Segmond, began his experience as an energy broker in 2002 at the beginning of Texas deregulation with Power Brokers in Dallas, Texas. From 2002 to 2003, he learned all aspects of electricity deregulation and successfully facilitated brokering and consulting, gaining an excellent reputation with customers and suppliers in the energy industry. In 2003, Mr. Segmond was recruited as Director of Sales for Choice! Energy Services in Houston, Texas, managing a team of 35 Sales Agents and increasing revenue from one million dollars to more than 12 million dollars annually. In 2007, Mr. Segmond formed Southwest Energy Partners, now EMEX, LLC, and developed a cutting edge online electricity brokerage firm, which enables commercial, industrial and governmental customers to compare prices with a reverse auction platform, instant online pricing features, receive automated custom quotes and historical analysis, aggregation and the ability to offer executable contracts from over 30 National Suppliers. Mr. Segmond currently manages 27 fulltime employees, five fulltime programmers, and more than 2,500 outside sales associates with the innovative EMEX Power Affiliate and Channel Partner Programs.

### Applicant's Custodian for Accounting Records:

Todd Segmond, President and CEO  
EMEX, LLC  
2825 Wilcrest Dr., Suite 450  
Houston, TX 77042  
Phone: 713-521-9797  
Fax: 713-583-9519

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MAY 21 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.  
See Exhibit "E"

18. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by natural gas utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.
- A copy of any Federal energy license currently held by the Applicant.
- Proposed staffing and employee training commitments.
- Business plans.  
See Exhibit "F"

19. **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 2208(D). Transferee will be required to file the appropriate licensing application. Applicant understands the preceding paragraph.

20. **UNIFORM 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.  
Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure.

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

- Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on an annual basis no later than 30 days following the end of the calendar year.

**Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 22 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive natural gas market.**

Applicant agrees to provide the above information as applicable.

22. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.

Applicant will amend its application if substantial changes occur.

23. **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.

Applicant understands the preceding paragraph.

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

Applicant: EMEX, LLC

By: 

Title: President and CEO

## NGS License Application Package for EMEX, LLC

### EXHIBIT "F"

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MAY 21 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

#### Officers

#### Title

Todd M. Segmond President and Secretary

Pam Segmond Treasurer

#### Business Plan – Company Profile

Since its inception in 2007, EMEX, LLC has operated as a web-based electricity brokerage service, allowing its customers multiple price offerings from competing National Retail Electricity Suppliers. This platform is a unique business resource that has created unsurpassed transparency and control of their electricity costs. EMEX provides multiple products – fixed rates, variable rates and heat rates as well as analysis of market conditions and historical trends. Our fully automated website simplifies the process for our customers and provides the ability to easily switch to a lower cost energy provider online. EMEX provides all necessary logistics from beginning to end, including credit approvals and customer support throughout the length of their contract.

EMEX, LLC is fully licensed and bonded in all the states we serve. We plan to expand to every deregulated state across the US and to offer commercial and residential electricity and natural gas.

#### Resume

The President and CEO of Applicant, Todd Segmond, began his experience as an energy broker in 2002 at the beginning of Texas deregulation with Power Brokers in Dallas, Texas. From 2002 to 2003, he learned all aspects of electricity deregulation and successfully facilitated brokering and consulting, gaining an excellent reputation with customers and suppliers in the energy industry. In 2003, Mr. Segmond was recruited as Director of Sales for Choice! Energy Services in Houston, Texas, managing a team of 35 Sales Agents and increasing revenue from one million dollars to more than 12 million dollars annually. In 2007, Mr. Segmond formed Applicant, a cutting edge online electricity brokerage firm with its principal place of business in Houston, Texas, which enables commercial and industrial customers to compare prices with a reverse auction platform, instant online pricing features, receive automated custom quotes and historical analysis, and the ability to offer executable contracts from over 30 National Suppliers. Mr. Segmond currently

manages 27 fulltime employees, four fulltime programmers, and more than 2,500 outside sales associates with the innovative EMEX Power Affiliate and Channel Partner Programs.



# AFFIDAVIT

{Commonwealth/State} of TEXAS :

ss.

County of HARRIS :

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

[He/she is the President and CEO (Office of Affiant) of EMEX, LLC (Name of Applicant);]

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

That EMEX, LLC, 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 EMEX, LLC, the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render natural gas supply 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 EMEX, 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 22 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of, 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 natural gas 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).

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 EMEX, LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, 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 Commission's Office of Communications 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 20<sup>th</sup> day of may, 2013.

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires 9-15-2013.



# AFFIDAVIT

[Commonwealth/State] of TEXAS :

: ss.

County of HARRIS :

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

[He/she is the President and CEO (Office of Affiant) of EMEX, LLC (Name of Applicant);]

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

That EMEX, LLC, the Applicant herein certifies that it has caused the notice of the filing of its license application published in the following newspapers on \_\_\_\_\_:  
(date)

A copy of the notice as it appeared in each of the above newspapers is attached. Noted on each copy is the newspaper section (name, number or letter), if applicable, and the page number on which the notice appeared.

That EMEX, LLC, the Applicant will submit to the Commission the proof of publication from each newspaper in which notice of the application filing was published as soon as it is available.

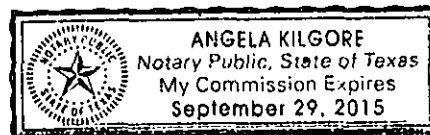
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

  
Signature of Affiant

Sworn and subscribed before me this 20<sup>th</sup> day of May, 2013.

  
Signature of official administering oath

My commission expires 9-15-2015.



**NGS License Application Package for EMEX, LLC**

**APPENDIX C**

**Example Form of Notice**

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

*Application of EMEX, LLC For Approval to Offer, Render, Furnish Natural Gas Supply Services as a Marketer / Broker and Aggregator Engaged in The Business of Supplying Natural Gas Supply Services, To The Public In the Commonwealth of Pennsylvania, Docket No. \_\_\_\_\_.*

On \_\_\_\_\_, EMEX, LLC filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier of natural, and (2) an aggregator engaged in the business of providing natural gas supply services. EMEX, LLC proposes to sell natural gas and related services throughout all of Pennsylvania under the provisions of the new Natural Gas Choice Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of EMEX, LLC may be filed within 15 days of the date of this notice with the Secretary of the PUC, PO Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to EMEX, LLC's attorney at the address listed below. Please include the PUC's Docket No. \_\_\_\_\_.

By and through Counsel:  
Patrick O. Hayes  
Andrews Myers, PC  
3900 Essex Lane, Suite 800  
Houston, TX 77027  
Phone: 713-850-4200  
Fax: 713-850-4211

From: (713) 850-4200  
Kimberly Scott

Origin ID: HOUA



J13111302120326

3900 Essex Lane, Suite 800

Houston, TX 77027

Ship Date: 21MAY13  
ActWgt: 1.0 LB  
CAD: 102577825/INET3370

Delivery Address Bar Code



SHIP TO: (717) 783-5242

BILL SENDER

Pennsylvania

Secretary of the Commission

Keystone Building, 400 North Street

2nd Floor, Room N201

HARRISBURG, PA 17120

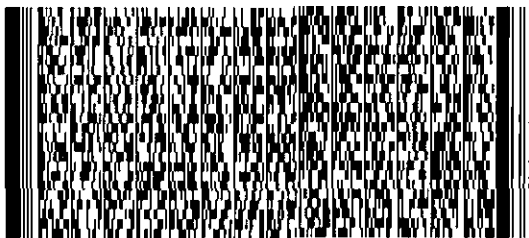
Ref # 2142.0  
Invoice #  
PO #  
Dept #

WED - 22 MAY 10:30A  
PRIORITY OVERNIGHT

TRK# 7998 1036 6054  
0201

**XH MDTA**

17120  
PA-US  
MDT



518G1A983A3AB

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.