

CAPTION SHEET

UTILITY MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: FUS
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-110175
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 07/24/07
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: LIBERTY POWER HOLDINGS, LLC

COMP/APP COUNTY:

UTILITY CODE: 110175

ALLEGATION OR SUBJECT

APPLICATION OF LIBERTY POWER HOLDINGS LLC FOR APPROVAL TO OFFER, RENDER, FURNISH OR SUPPLY ELECTRICITY OR ELECTRIC GENERATION SUPPLIER SERVICES TO THE PUBLIC IN THE COMMONWEALTH OF PENNSYLVANIA AS A BROKER AND MARKETER ENGAGED IN THE BUSINESS OF SUPPLYING ELECTRICITY.....

DOCUMENT FOLDER

DOCUMENT  
SEP 18 2007

110175

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Liberty Power Holdings LLC, d/b/a, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) [as specified in item #8 below] to the public in the Commonwealth of Pennsylvania.

To the Pennsylvania Public Utility Commission:

- 1. IDENTITY OF THE APPLICANT: The name, address, telephone number, and FAX number of the Applicant are:

Liberty Power Holdings LLC
800 W Cypress Creek Rd, Ste. 410
Fort Lauderdale, FL 33309
Office: 954-771-1463
Fax: 954-208-0387

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.

- 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:

Karen Abbott, Enrollment Specialist
800 W Cypress Creek Rd, Ste. 410, Fort Lauderdale, FL 33309
Office: 954-598-7028 Fax: 954-208-0387

- 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:

- 3.a. ATTORNEY: If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:

DOCUMENT FOLDER

DOCKETED
SEP 18 2007

RECEIVED
JUN 19 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

60

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:

Corporate Creations Network Inc.  
Erie, PA  
800-672-9110

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

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

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.

- \* 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 (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. Attachment A

Give name and address of officers. Attachment B

The Applicant is incorporated in the state of Delaware

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

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

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

- 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.

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
- vertically-integrated provider of generation, transmission, and distribution services.
  - municipal electric corporation providing service outside its municipal limits.
  - electric cooperative
  - local gas distribution company
  - nonintegrated 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.

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

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

9. **PROPOSED SERVICES:** Generally describe the electric services or the electric generation services which the Applicant proposes to offer.

Retail electric service  
No generation activities

10. **SERVICE AREA:** Generally describe the geographic area in which Applicant proposes to offer services.

Allegheny Power, Duquesne Light Company, GPU Energy, PECO Energy,  
Penn Power Co., PPL Inc., UGI Utilities Inc.

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

- Residential Customers
- Commercial Customers - (25 kW and Under)
- Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):

12. **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 ER06-1243-000 and ER06-1243-001.
- Not applicable

13. **START DATE:** The Applicant proposes to begin delivering services on July 1, 2007  
(approximate date).

14. **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

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 Electric Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

Frank M. Nadolny, General  
Manager of Regulatory Affairs Unit  
**Duquesne Light Company**  
411 Seventh Street  
P.O. Box 1930  
Pittsburgh, PA 15230-1930

John P. Litz, Division Controller  
**UGI Utilities, Inc.**  
**Electric Division**  
400 Stewart Road  
P.O. Box 3200  
Hanover Industrial Estates  
Wilkes-Barre, PA 18773-3200

(Metropolitan Edison Company or Pennsylvania Electric Company)  
Blaine W. Uplinger, Jr., Director of Governmental and  
Regulatory Affairs  
**FirstEnergy**  
100 APC Building  
800 North third Street  
Harrisburg, PA 17102-2025

Paul E. Russell, Associate  
General Counsel  
**PPL**  
Two North Ninth Street  
Allentown, PA 18108-1179

Carlo L. Ciabattoni, Manage Energy Acquisition  
**PECO Energy Company**  
2301 Market Street  
Philadelphia, PA 19101-8699  
215.841.4210  
[carlo.ciabattoni@exeloncorp.com](mailto:carlo.ciabattoni@exeloncorp.com)

Stephen L. Feld, Attorney  
**Pennsylvania Power Company**  
**First Energy Corporation**  
76 South Main Street  
Akron, OH 44308

John L. Munsch, Attorney  
**Allegheny Power**  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

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.

15. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.

16. **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 the applicant nor any of its officers or predecessors has been convicted of fraud or any similar activity.

17. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** 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.

- a. **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 Electric Distribution Company, the Pennsylvania Public Utility Commission or other agencies.
- b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.
- c. If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix C to this Application.

18.  **BONDING:** In accordance with 66 PA. C.S. Section 2809(C) (1)(I), the Applicant is:

Furnishing a copy of initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.

Furnishing proof of other initial security for Commission approval, to ensure financial responsibility.

Filing for a modification to the \$250,000 and furnishing a copy of an initial bond, letter of credit or proof of bonding to the Commission for the amount of \$\_\_\_\_\_. Applicant is required to provide information supporting an amount less than \$250,000.

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.

19. **FINANCIAL FITNESS:**

A. 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.

B. Applicant must provide the following information:

- Identify Applicant's chief officers including names and their professional resumes.
- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.

20. **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. 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.
- Proposed staffing and employee training commitments
- Business plans
- Documentation of membership in ECAR, MAAC or other regional reliability councils shall be submitted if applicable to the scope and nature of the applicant's proposed services.
- An 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.

21. **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.

22. **ASSESSMENT:** The Applicant acknowledges that Title 66, Chapter 5, Section 510 grants to the Commission the right to make assessments to recover regulatory expenses and that as a supplier of electricity or an electric generation supplier it will be assessed under that section of the Pennsylvania Code. The Applicant also acknowledges that the continuation of its license as a supplier of electricity or an electric generation supplier will be dependent upon the payment of all prior years assessments.

23. **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.

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

- a. 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.
- b. 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.
- c. Applicant shall report to the Commission the following information on an annual basis:
  - the percentages of total electricity supplied by each fuel source

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.

- 25. **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.
- 26. **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.
- 27. **FEE:** The Applicant has enclosed the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania.

Applicant: Liberty Power Holdings LLC

By: 

Title: COO

**AFFIDAVIT**

[Commonwealth/State] of Florida \_\_\_\_\_ :

\_\_\_\_\_ : **SS.**

County of Broward \_\_\_\_\_ :

Alberto Daire \_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the COO \_\_\_\_\_ (Office of Affiant) of Liberty Power Holdings LLC \_\_\_\_\_ (Name of Applicant);]

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

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

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

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

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

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

*AM Das*  
Signature of Affiant

Sworn and subscribed before me this 18<sup>th</sup> day of June, ~~2007~~

*J. Dale Goldstein*  
Signature of official administering oath

My commission expires \_\_\_\_\_



**Notary Public State of Florida**  
**Holmes Goldstein**  
**My Commission DD565276**  
**Expires 05/22/2010**

# AFFIDAVIT

[Commonwealth/State] of Florida \_\_\_\_\_ :

\_\_\_\_\_ : ss.

County of Broward \_\_\_\_\_ :

Alberto Daire \_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the COO \_\_\_\_\_ (Office of Affiant) of Liberty Power Holdings LLC \_\_\_\_\_ (Name of Applicant);]

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

That Liberty Power Holdings LLC \_\_\_\_\_, the Applicant herein certifies that it has caused the notice of the filing of its electric generation license application to be 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 Liberty Power Holdings 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.

Alberto Daire  
Signature of Affiant

Sworn and subscribed before me this 18<sup>th</sup> day of June, 2007

Helaine Goldstein  
Signature of official administering oath

My commission expires \_\_\_\_\_



Notary Public State of Florida  
Helaine Goldstein  
My Commission DD556276  
Expires 05/22/2010

# AFFIDAVIT

[Commonwealth/State] of Florida \_\_\_\_\_ :

ss.

County of Broward \_\_\_\_\_ :

Alberto Daire \_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the COO \_\_\_\_\_ (Office of Affiant) of Liberty Power Holdings LLC \_\_\_\_\_ (Name of Applicant);]

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

That the Applicant herein Liberty Power Holdings LLC has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

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


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

That the Applicant herein Liberty Power Holdings LLC acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

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

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 18<sup>th</sup> day of June, 2007

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

My commission expires \_\_\_\_\_



**Notary Public, State of Florida**  
**Helaine Goldstein**  
**My Commission DD566276**  
**Expires 05/22/2010**

## APPENDIX B

**COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

## TAX CERTIFICATION STATEMENT

A completed Tax Certification Statement must accompany all applications for new licenses, renewals or transfers. Failure to provide the requested information and/or any outstanding state income, corporation, and sales (including failure to file or register) will cause your application to be rejected. If additional space is needed, please use white 8 1/2" x 11" paper. Type or print all information requested.

1. CORPORATE OR APPLICANT NAME <u>Liberty Power Holdings LLC</u>	2. BUSINESS PHONE NO. (954) 771-1463 CONTACT PERSON(S) FOR TAX ACCOUNTS:
3. TRADE/FICTITIOUS NAME (IF ANY)	

4. LICENSED ADDRESS	(STREET, RURAL ROUTE, P.O. BOX NO.)	(POST OFFICE)	STATE)	(ZIP)
<u>800 W Cypress Creek Rd, Ste. 410, Fort Lauderdale, FL 33309</u>				
5. TYPE OF ENTITY <input type="checkbox"/> SOLE PROPRIETOR <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION <span style="margin-left: 100px;"><input checked="" type="checkbox"/> limited liability company</span>				

8. LIST OWNER(S), GENERAL PARTNERS, OR CORPORATE OFFICER(S)	
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)
<u>David Hernandez</u>	_ _ _  -  _ _  -  _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)
<u>Alberto Daive</u>	_ _ _  -  _ _  -  _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)
<u>Eliezer Hernandez</u>	_ _ _  -  _ _  -  _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)
_ _ _	_ _  -  _ _  -  _ _ _ _

9. LIST THE FOLLOWING STATE TAX IDENTIFICATION NUMBERS. (ALL ITEMS: A, B, AND C MUST BE COMPLETED).					
A. SALES TAX LICENSE (8 DIGITS)	APPLICATION PENDING	N/A	C. CORPORATE BOX NUMBER (7 DIGITS)	APPLICATION PENDING	N/A
_ _  -  _ _ _ _ _ _	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_ _ _ _ _ _	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. EMPLOYER ID (EIN) (9 DIGITS)	APPLICATION PENDING	N/A			
71 - 11009769	<input type="checkbox"/>	<input type="checkbox"/>			

10. Do you have PA employees either resident or non-resident?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
11. Do you own any assets or have an office in PA?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

NAME AND PHONE NUMBER OF PERSON(S) RESPONSIBLE FOR FILING TAX RETURNS

<u>Martha Machado</u>		
PA SALES AND USE TAX	EMPLOYER TAXES	CORPORATE TAXES
PHONE <u>954 495-6798</u>	PHONE	PHONE

Telephone inquiries about this form may be directed to the Pennsylvania Department of Revenue at the following numbers: (717) 772-2673, TDD# (717) 772-2252 (Hearing Impaired Only)

**ATTACHMENT A**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
CORPORATION BUREAU  
206 NORTH OFFICE BUILDING  
P.O. BOX 8722  
HARRISBURG, PA 17105-8722  
WWW.CORPORATIONS.STATE.PA.US/CORP

**Liberty Power Holdings LLC**

THE CORPORATION BUREAU IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. THE CORPORATION BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE CORPORATION BUREAU, PLEASE VISIT OUR WEB SITE LOCATED AT WWW.CORPORATIONS.STATE.PA.US/CORP OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND / OR UCC FILINGS, PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEB SITE.

ENTITY NUMBER: 3678573

Esquire Assist Ltd  
300 N Second St, Ste 630  
Harrisburg, PA 17101

PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU

Application for Registration - Foreign  
(15 Pa.C.S.)

Entity Number

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

Name

Address

City

ESQUIRE ASSIST  
COUNTER PICK UP

Zip Code

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

Filed in the Department of State on \_\_\_\_\_

Secretary of the Commonwealth

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:  
Liberty Power Holdings 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: DE Date of Formation: 11/14/2005

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  
Corporate Creations Network Inc. Erie County



One (1) copy required

<b>BUREAU USE ONLY:</b>	
Dept. of State Entity #	_____
Dept. of Rev. Box #	_____
Filing Period _____	Date 3 4 5 _____
SIC/NAICS _____	Report Code _____

Check proper box:

*Pennsylvania Entities*

<input type="checkbox"/>	business stock
<input type="checkbox"/>	business non-stock
<input type="checkbox"/>	professional
<input type="checkbox"/>	nonprofit stock
<input type="checkbox"/>	nonprofit non-stock
<input type="checkbox"/>	statutory close
<input type="checkbox"/>	management
<input type="checkbox"/>	cooperative
<input type="checkbox"/>	insurance
<input checked="" type="checkbox"/>	limited liability company
<input type="checkbox"/>	restricted professional
<input type="checkbox"/>	limited liability company
<input type="checkbox"/>	business trust

*Foreign Entities*

State/Country \_\_\_\_\_ Date \_\_\_\_\_

<input type="checkbox"/>	business
<input type="checkbox"/>	nonprofit
<input checked="" type="checkbox"/>	limited liability company
<input type="checkbox"/>	restricted professional
<input type="checkbox"/>	limited liability company
<input type="checkbox"/>	business trust

*Other*

<input type="checkbox"/>	domestication
<input type="checkbox"/>	division
<input type="checkbox"/>	consolidation

1. Entity Name: Liberty Power Holdings LLC
---

2. Individual name and mailing address responsible for initial tax reports:				
Alberto Daire	800 West Cypress Creek Road, Suite 330,	Fort Lauderdale,	FL	33309
Name	Number and street	City	State	Zip

3. Description of business activity: Energy Service Provider
---

4. Specified effective date, if any:
_____
month/day/year                      hour, if any

5. EIN (Employer Identification Number), if any:
_____

6. Fiscal Year End:
_____

7. Fictitious Name (only if foreign corporation is transacting business in PA under a fictitious name):
_____

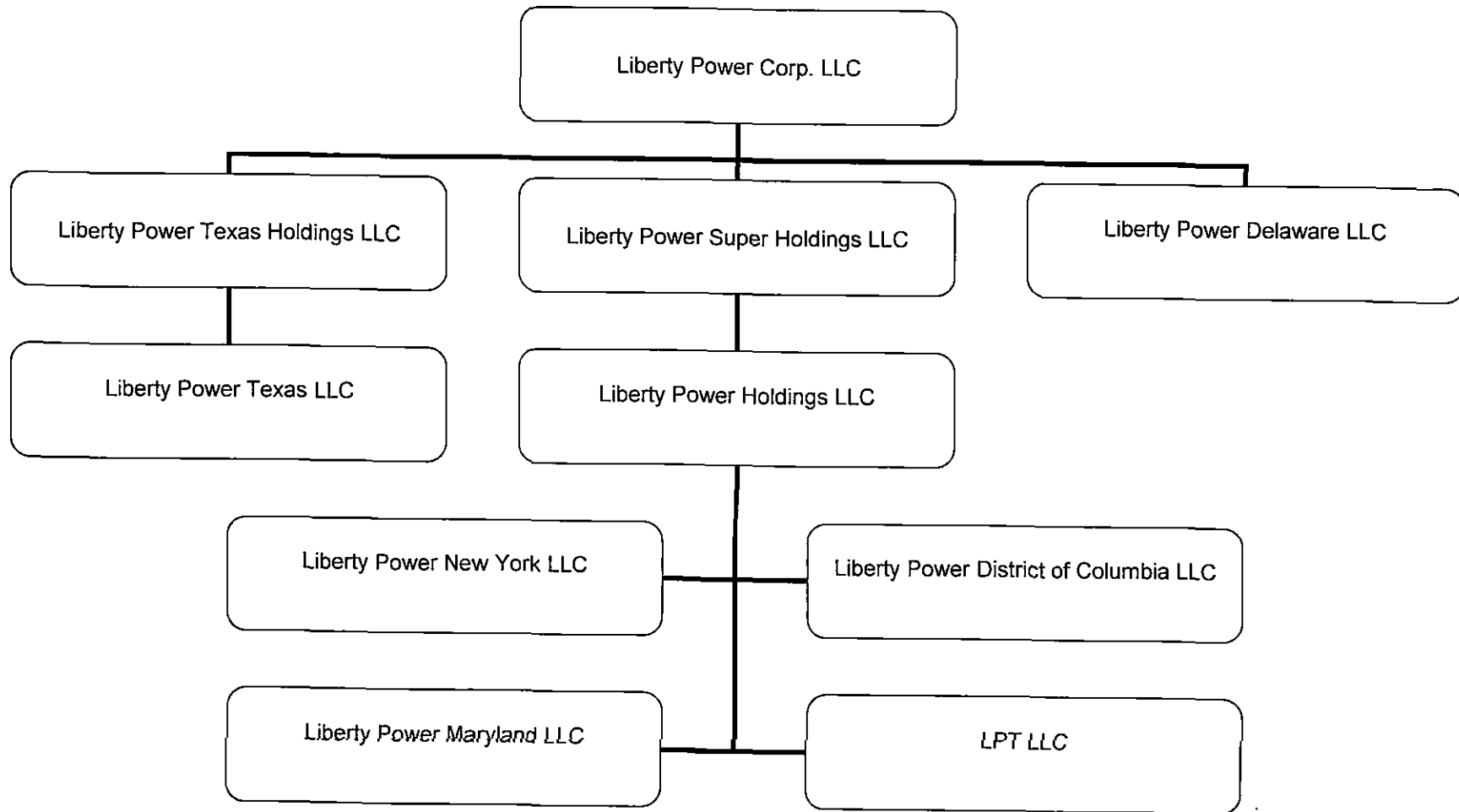
**ATTACHMENT B**

ATTACHMENT B

Partners Contact Information

Name	Title	Phone	Address
David Hernandez	CEO	954 771 1463 x 107	800 W Cypress Creek Rd Suite 330 Fort Lauderdale, FL 33309
Alberto Daire	COO	954 771 1463 x 103	800 W Cypress Creek Rd Suite 330 Fort Lauderdale, FL 33309
Eliezer Hernandez	CRO	954 771 1463 x 170	800 W Cypress Creek Rd Suite 330 Fort Lauderdale, FL 33309

# Liberty Power Entities Legal Structure



**ORIGINAL**

Certificate of Service

A-110105

I hereby certify that I have on this day, the 23<sup>rd</sup> day of July, 2007, served a true copy of the foregoing document(s) upon the participants, listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

Office of Consumer Advocate 555 Walnut Street 5th Floor, Forum Place Harrisburg, PA 17101-1923	Regulatory Affairs Unit Duquesne Light Company 411 Seventh Street P.O. Box 1930 Pittsburgh, PA 15230-1930
Office of Small Business Advocate Commerce Building Suite 1102 300 North Second Street Harrisburg, PA 17101	Metropolitan Edison Company and/or Pennsylvania Electric Company Governmental and Regulatory Affairs A FirstEnergy Company 100 APC Building 800 North Third Street Harrisburg, PA 17102-2025
Office of Attorney General Bureau of Consumer Protection 16 <sup>th</sup> Floor, Strawberry Square Harrisburg, PA 17105	Paul Bonney, Esquire Vice President & General Counsel PECO, an Exelon Company 2301 Market Street Philadelphia, PA 19101 215.841.4210
Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Harrisburg, PA 17128-0946	John P. Litz, Division Controller UGI Utilities, Inc. Electric Division 400 Stewart Road P.O. Box 3200 Wilkes-Barre, PA 18773-3200
Paul E. Russell, Esquire Associate General Counsel PPL Electric Utilities Corp. Two North Ninth Street Allentown, PA 18108-1179	John L. Munsch, Attorney Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601-1689

Dated this 23<sup>rd</sup> day of July 2007.

**RECEIVED**

JUL 24 2007



Signature



A-110175

**SAFECO INSURANCE COMPANY OF AMERICA  
License Bond**

**Bond Number: 6385998**

**KNOW ALL MEN BY THESE PRESENTS** that Liberty Power Holdings, as Principal, and Safeco Insurance Company of America, of Chicago, IL, as Surety, are firmly bound unto Pennsylvania Public Utility Commission, as Oblige, in the amount of **Two Hundred Fifty Thousand Dollars (\$250,000)**, lawful money of the United States of America for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors, and assigns, jointly and severally, and firmly by these presents.

SIGNED, SEALED AND DATED THIS 9<sup>th</sup> day of March, 2007.

**THE CONDITION OF THIS OBLIGATION IS SUCH**, that Whereas the Principal has made application for a license to the Oblige to offer, render, furnish, or supply electricity or electric generation services to the public.

**NOW THEREFORE**, the condition of this obligation is such that the Principal must act in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa. C.S. 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, et seq. and the rules and regulation of the Pennsylvania Public Utility Commission by the Principal as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa. C.S. 2810; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangement. Payment of claims shall have the following priority: (I) The Commonwealth of Pennsylvania; (II) Electric Distribution Companies for the reimbursement of Gross Receipts Tax; and (III) Private Individuals. Proceeds of the bond may not be used to pay any penalties or fines levied against the Principal for violations of the law, or for the payment of any other tax obligations owed to the Commonwealth of Pennsylvania.

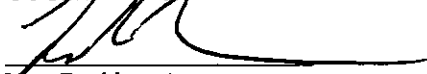
**NOW THEREFORE**, if the Principal shall, during the period commencing on the aforesaid date, faithfully observe and honestly comply with such rules, regulations and statutes that are applicable to an electric generation supplier licensed in Pennsylvania and fulfills its obligation to pay the Gross Receipts Tax to the Commonwealth, and to deliver electricity at retail in accordance with contracts, agreements and arrangements, require the execution of this bond, then this obligation shall become void and of no effect.

**PROVIDED**, the Surety may terminate its future liability under this Bond sixty (60) days after furnishing written notice of such intention to terminate. This termination shall not affect the liability of the Surety and the Principal for any liability incurred by the Principal prior to the effective date of such termination. Any claim under this bond must be instituted within three (3) months of the effective date of termination.

**THIS BOND WILL EXPIRE March 9<sup>th</sup>, 2008**, but may be continued by continuation certificate signed by Principal and Safeco Insurance Company of America. Safeco Insurance Company of America may at any time terminate its liability by giving sixty (60) days written notice of the Oblige, and Safeco Insurance Company of America shall not be liable for any default after such sixty-day-notice period, except for defaults occurring prior thereto.

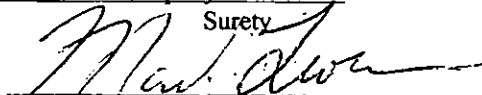
Signed, sealed and Dated **March 9, 2007**.

COUNTERSIGNED BY

  
Non-Resident Agent  
Todd Stein

  
Principal

Safeco Insurance Company of America  
Surety

By   
Attorney-in-Fact  
Mark Levinson

**RECEIVED**

MAR 12 2007

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

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265, HARRISBURG PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE  
717-772-7777

September 18, 2007

A-110175

KAREN ABBOTT  
ENROLLMENT SPECIALIST  
LIBERTY POWER HOLDINGS LLC  
800 WEST CYPRESS CREEK ROAD  
SUITE 410  
FORT LAUDERDALE FLORIDA 33309

DOCUMENT  
FOLDER

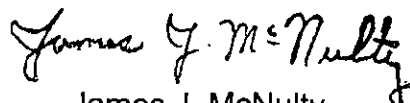
Dear Ms. Abbott:

Receipt is acknowledged of the Application of Liberty Power Holdings, LLC for approval to offer, render, furnish or supply electricity as a Broker and Marketer engaged in the business of supplying electricity to the public in the Commonwealth of Pennsylvania.

Pursuant to the Commission's Final Order, entered February 13, 1997, at M-00960890F0004, Notice of filing of this Application must be published in newspapers of general circulation covering each county in which you intend to provide service, and proof of such publication must be filed with the Commission. You have requested to do business in all of Pennsylvania. Attached is a list of newspapers in which you need to publish in order to meet the publication requirements. This Application will not be considered complete until a notarized Certification of Publication, along with a photostatic copy of the notice, is filed with this Commission.

The Application has been forwarded to our Bureau of Fixed Utility Services for review. Please note the Application may still be returned unfiled if, upon further Commission review, additional deficiencies are found within the Application.

Sincerely,



James J. McNulty  
Secretary

JJM:ddt

c: Bureau of Fixed Utility Services

DOCKETED

SEP 18 2007

COMMONWEALTH OF PENNSYLVANIA

DATE: September 18, 2007

SUBJECT: A-110175

TO: Bureau of Fixed Utility Services

FROM: James J. McNulty, Secretary *ddt*

DOCUMENT  
FOLDER

**Application of Liberty Power Holdings, LLC**

Attached please find a copy of the Application of Liberty Power Holdings, LLC, for approval to offer, render, furnish or supply electricity or electric generation services as a Broker and Marketer to the public in the Commonwealth of Pa.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: Law Bureau

ddt

DOCKETED

SEP 18 2007

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**RECEIPT**

*The addressee named here has paid the PA P.U.C. for the following bill:*

DATE: 9/19/2007  
RECEIPT NO: 250249

LIBERTY POWER CORP.  
800 W. CYPRESS CREEK RD., SUITE 410  
FORT LAUDERDALE FL 33309

IN RE: Electrical Generation fees for LIBERTY POWER CORP.

Docket Number A-110175..... \$350.00

REVENUE ACCOUNT: 001780-017601-107

CHECK NUMBER: 3885  
CHECK AMOUNT: \$350.00

Michael Sobolesky  
(for Department of Revenue)

**DOCUMENT  
FOLDER**

**DOCKETED**  
SEP 20 2007



**Liberty Power**

800 W. Cypress Creek Road, Suite 330  
Ft. Lauderdale, FL 33309  
(866) POWER-99  
(866) 769-3799  
Fax: (954) 772-2354

October 17, 2007

Commonwealth of Pennsylvania  
Keystone Building  
2nd Floor Rm N201  
Harrisburg, PA 17120

**ORIGINAL**

To Whom It May Concern:

A-110175

Liberty Power Holdings LLC would like to amend its application to become an electric supplier in the state of Pennsylvania. Liberty Power is a retail electric supplier and intends to supply customers with generation services. After reviewing the applicable Pennsylvania definitions, Liberty Power believes that designation as a Generator and supplier of electric power better fits its business. Therefore, Liberty Power wishes to change its application to reflect its desire to be certified as a Generator and supplier of electric power rather than a Broker/Marketer.

If you have any questions please feel free to contact me at 954-598-7028

Regards,

*Karen Abbott*

Karen Abbott

**DOCUMENT  
FOLDER**

2007 OCT 23 AM 8:19  
Pa. P.U.C.  
SECRETARY'S BUREAU

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