

April 24, 2015

**RECEIVED**

APR 24 2015

**VIA FEDERAL EXPRESS**

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: Natural Gas Broker Application and Electricity Broker Application of Siemens Industry, Inc.**

*Please find the following materials enclosed for filing:*

- The original and one electronic copy of the Electricity Broker Application of Siemens Industry, Inc., including \$350 application fee and \$10,000 bond.
- The original and one electronic copy of the Gas Broker Application of Siemens Industry, Inc., including \$350 application fee.

Thank you for your consideration. Please contact the undersigned if you have any questions.

Respectfully,

A handwritten signature in cursive script, appearing to read 'D. Jeschke'.

Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Avenue NW  
Washington, DC 20004  
202-624-2619  
[djeschke@crowell.com](mailto:djeschke@crowell.com)

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Siemens Industry Inc. for approval to offer, render, furnish, or supply electricity or electric generation services as a Broker/Marketer to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

### 1. IDENTIFICATION AND CONTACT INFORMATION

- a. **IDENTITY OF THE APPLICANT:** Provide name (including any fictitious name or d/b/a), primary address, web address, and telephone number of Applicant:

Siemens Industry Inc.  
1000 Deerfield Parkway  
Buffalo Grove, IL 60089  
(847) 215-1000  
<http://www.industry.usa.siemens.com/industry/us/en/Pages/industry.aspx>

- b. **PENNSYLVANIA ADDRESS / REGISTERED AGENT:** If the Applicant maintains a primary address outside of Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's secondary office within Pennsylvania. If the Applicant does not maintain a physical location within Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's Registered Agent within Pennsylvania.

C T Corporation System  
116 Pine Street, Suite 320  
Harrisburg, PA 17101

- c. **REGULATORY CONTACT:** Provide the name, title, address, telephone number, fax number, and e-mail address of the person to whom questions about this Application should be addressed.

Greg Simmons  
Director, C&I Sales  
4401 Fair Lakes Court  
Fairfax, VA 22033  
(703) 539-1129  
(844) 806-8411 – fax  
[greg.simmons@siemens.com](mailto:greg.simmons@siemens.com)

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

Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Avenue NW  
Washington, DC 20004  
202-624-2619  
202-628-5116 – fax  
[djeschke@crowell.com](mailto:djeschke@crowell.com)

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

**Primary Contact:**

**Greg Simmons**  
Director, C&I Sales  
4401 Fair Lakes Court  
Fairfax, VA 22033  
(703) 539-1129  
(844) 806-8411 – fax  
[greg.simmons@siemens.com](mailto:greg.simmons@siemens.com)

**Alternate Contact:**

**Justin Barstow**  
Director, C&I Account Management (Americas)  
220 Stoneridge Drive  
Columbia, SC 29210  
(800) 476-4872  
(855) 612-1119 – fax  
[justin.barstow@siemens.com](mailto:justin.barstow@siemens.com)

**2. BUSINESS ENTITY FILINGS AND REGISTRATION**

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

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

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

**OR**

xx The Applicant will not be using a fictitious name.

- b. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**  
*(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)*

The Applicant is a sole proprietor.

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

**OR**

The Applicant is a:

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

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

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

**or**

xx The Applicant is a:

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

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

Please see Exhibit A.

### **3. AFFILIATES AND PREDECESSORS**

*(both in state and out of state)*

- a. **AFFILIATES:** Give name and address of any affiliate(s) currently doing business and state whether the affiliate(s) are jurisdictional public utilities. If the Applicant does not have any affiliates doing business, explicitly state so. Also, state whether the applicant has any affiliates that are currently applying to do business in Pennsylvania.

SII's affiliates are identified in the Siemens Aktiengesellschaft 2014 Annual Report referenced in Exhibit B (see pages 318-328). None of the identified United States affiliates is a jurisdictional public utility. Of SII's United States affiliates, the following entities are registered to do business in the State of Pennsylvania: Audiology Distribution, LLC; eMeter Corporation; FCE International, LLC; PETNET Solutions, Inc.; Siemens Corporation; Siemens Demag Delaval Turbomachinery, Inc.; Siemens Energy, Inc.; Siemens Financial Services, Inc.; Siemens Fossil Services, Inc.; Siemens Generation Services Company; Siemens Government Technologies, Inc.; Siemens Healthcare Diagnostics Inc.; Siemens Hearing Instruments, Inc.; Siemens Medical Solutions USA, Inc.; Siemens Postal, Parcel & Airport Logistics LLC; Siemens Power Generation Service Company, Ltd.; Siemens Product Lifecycle Management Software Inc.; Siemens VAI Metals Technologies LLC; and Wheelabrator Air Pollution Control Inc.

- b. **PREDECESSORS:** Identify the predecessor(s) of the Applicant and provide the name(s) under which the Applicant has operated within the preceding five (5) years, including address, web address, and telephone number, if applicable. If the Applicant does not have any predecessors that have done business, explicitly state so.

SII has no applicable predecessors.

#### 4. OPERATIONS

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

Definitions

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

xx The Applicant is presently doing business in Pennsylvania as a

- municipal electric corporation
- electric cooperative
- local gas distribution company
- provider of electric generation, transmission or distribution services
- broker/marketer engaged in the business of supplying electricity services
- xx Other; Identify the nature of service being rendered. **Construction.**

**or**

The Applicant is not presently doing business in Pennsylvania.

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

- Generator of electricity
- Supplier of electricity
- Aggregator engaged in the business of supplying electricity
- xx Broker/Marketer engaged in the business of supplying electricity services
  - xx Check here to verify that your organization will not be taking title to the electricity nor will you be making payments for customers.
- Electric Cooperative and supplier of electric power
- Other (Describe):

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

**SII intends to act as a consultant to large end-use commercial and industrial customers in connection with the customers' procurement of electricity. SII would provide advice to its customer clients regarding marketplace transactions, and in some instances will administer auction-style competitive procurements on behalf of its customer clients to assist them in obtaining the most favorable electricity supply agreements from competitive energy commodity suppliers.**

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

- |   |  |
|---|--|
| <input type="checkbox"/> Citizens' Electric | <input type="checkbox"/> Pike          |
| <input type="checkbox"/> Duquesne Light     | <input type="checkbox"/> PPL           |
| <input type="checkbox"/> Met-Ed             | <input type="checkbox"/> UGI Utilities |
| <input type="checkbox"/> PECO               | <input type="checkbox"/> Wellsboro     |
| <input type="checkbox"/> Penelec            | <input type="checkbox"/> West Penn     |
| <input type="checkbox"/> Penn Power         |  |

xx Entire Commonwealth of PA

e. **CUSTOMERS:** Applicant proposes to provide services to:

- Residential Customers
- xx  Small Commercial Customers - (25 kW and Under)
- Residential and Small Commercial as Mixed Meter ONLY (CANNOT BE TAKEN WITH RESIDENTIAL AND/OR SMALL COMMERCIAL ABOVE)
- xx  Large Commercial Customers - (Over 25 kW)
- xx  Industrial Customers
- xx  Governmental Customers
- All of above
- Other (Describe):

f. **START DATE:** Provide the approximate date the Applicant proposes to actively market within the Commonwealth.

Upon receipt of license.

## 5. COMPLIANCE

a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

**SII, a subsidiary member of Siemens Corporation, is a multi-billion dollar company involved in wide ranging construction projects. As such SII has been involved in miscellaneous litigation (e.g., collection of fees, workers' compensation, etc.) arising out of its business, none of which are of a material nature, except as described below in the next paragraph, individually or collectively, as to adversely impact its ability to completely and satisfactorily perform any of its projects. Legal proceedings are described in the SEC filing of Siemens Aktiengesellschaft, available at:**

**<http://www.sec.gov/Archives/edgar/data/1135644/000119312513456190/d614475d20f.htm> and the 2014 Annual Report of Siemens Aktiengesellschaft available at [http://www.siemens.com/annual/14/en/download/pdf/siemens\\_ar2014.pdf](http://www.siemens.com/annual/14/en/download/pdf/siemens_ar2014.pdf).**

**On January 14, 2013, Siemens Electrical, LLC, entered into a Deferred Prosecution Agreement ("DPA") with the New York County District Attorney's Office. The DPA relates to a one-count Information for filing a false instrument in connection with the hiring of a Master Electrician. The accompanying statement of facts discusses misconduct related to Master Electrician and Minority Business Enterprise-related issues. The individuals responsible for this misconduct were formerly associated with the predecessor Limited Liability Corporation to Siemens Electrical, LLC. These individuals and an entity owned by one of the individuals (i.e. Schlesinger Electrical) were indicted the same day. Under the terms of the DPA, Siemens Electrical agreed to, among other things, forfeit \$10 million. Siemens Electrical, LLC's obligations under the DPA with respect to certain required remedial actions extend two years from the date of execution of the agreement.**

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

See response to question 5.a above.

c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an

affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. If the Applicant has no actions or complaints to list, explicitly state such.

**SII has no actions or complaints related to the electric or natural gas industry.**

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

See response to question 5.a above

## 6. PROOF OF SERVICE

*(Example Certificate of Service is attached at Appendix C)*

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

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

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

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

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

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

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

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

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

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

**Met-Ed, Penelec, and Penn Power:**

**UGI:**

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

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

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

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

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

The completed certificate of service is attached hereto.

## 7. FINANCIAL FITNESS

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

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

Furnishing the **original** of another initial security for Commission approval, to ensure financial responsibility.

xx Filing for a modification to the \$250,000 requirement and furnishing the **original** of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.

- *At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.*

- *Example version of a bond and letter of credit are attached at Appendix D & E, Applicant's security must follow language from these examples.*

- *Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.*

**Siemens Industry, Inc. ("SII") will not take title to electricity and will not pay electricity bills on behalf of its customers. Therefore, SII requests modification of the \$250,000 requirement and is furnishing herewith proof of bonding in the amount of \$10,000.**

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

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



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

**Please see Exhibit B.**

- c. **SUPPLIER FUNDING METHOD:** If Applicant is operating as anything other than **Broker/Marketer only**, explain how Applicant will fund its operations. Provide all credit agreements, lines of credit, etc., and elaborate on how much is available on each item.

**Not applicable.**

- d. **BROKER PAYMENT STRUCTURE:** If applicant is a broker/marketer, explain how your organization will be collecting your fees.

**SII anticipates working primarily with large commercial and industrial customers and would execute energy management agreements with such customers to facilitate this relationship ("Customer Agreement"). It would also execute agreements with potential suppliers ("Supplier Agreement"). In the event SII's customer client and a potential supplier ultimately enter into a procurement arrangement facilitated by SII, the purpose of Supplier Agreements would be to allow SII to recover its consultant fees through charges billed to the customer by the supplier. The supplier would remit the consultant fees to SII after the customer pays the supplier's bill, typically on a monthly basis. This arrangement would be set forth in both the Customer Agreement and the Supplier Agreement.**

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

**Mitch Flanagan  
3333 Old Milton Parkway  
Alpharetta, GA 30005  
770-751-2000  
[mitch.flanagan@siemens.com](mailto:mitch.flanagan@siemens.com)**

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

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

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

**The completed Tax Certification Statement is attached hereto.**

## 8. TECHNICAL FITNESS:

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

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

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

Please see Exhibit C.

b. **PROPOSED MARKETING METHOD** (*check all that apply*)

- Internal – Applicant will use its own internal resources/employees for marketing
- External EGS – Applicant will contract with a PUC LICENSED EGS broker/marketer
- Affiliate – Applicant will use a NON-EGS affiliate marketing company and or individuals.
- External Third-Party – Applicant will contract with a NON-EGS third party marketing company and or individuals
- Other (Describe):

c. **DOOR TO DOOR SALES:** Will the Applicant be implementing door to door sales activities?

- Yes
- No

If yes, will the Applicant be using verification procedures?

- Yes
- No

If yes, describe the Applicant's verification procedures.

d. **OVERSIGHT OF MARKETING:** Explain all methods Applicant will use to ensure all marketing is performed in an ethical manner, for both employees and subcontractors.

SII has a strong focus and commitment to ethical business practices, in general, and this extends specifically to the sales and marketing functions. Each Siemens employee that has a customer facing and/or sales role must complete extensive, mandatory compliance training that reinforces personal, professional conduct, ethical business practices, reinforces the communication channels to report unethical behavior by colleagues and/or supervisors. This training occurs from employee onboarding and is reinforced in supplemental training sessions throughout each year of employment. SII and

Siemens AG are widely considered to have a best practices program for compliance, ethical business practices and cultural reinforcement which exists uniformly across Siemens global businesses. In addition, Siemens performs background checks on all new employees.

- e. **OFFICERS:** Identify Applicant's chief officers, and include the professional resumes for any officers directly responsible for operations.

Please see Exhibits A and C.

- f. **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 \_\_\_\_\_.
- xx Not applicable

## 9. DISCLOSURE STATEMENT:

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

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

Not applicable.

## 10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

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

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

*(Select only one of the following)*

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

- b. **STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission. Further, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and

independent contractors comply with the standards of conduct and disclosure set out in Commission regulations at 52 Pa. Code § 54.43, as well as any future amendments.

xx      AGREED

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

- Retail Electricity Choice Activity Reports: The regulations at 52 Pa. Code §§ 54.201--54.204 require that all active EGSs report sales activity information. An EGS will file an annual report reporting for customer groups defined by annual usage. Reports must be filed using the appropriate report form that may be obtained from the PUC's Secretary's Bureau or the forms officer, or may be down-loaded from the PUC's internet web site.
- Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
- The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
- Net Metering Reports: Applicant shall be responsible to report any Net Metering per the Standards on [http://www.puc.pa.gov/consumer\\_info/electricity/alternative\\_energy.aspx](http://www.puc.pa.gov/consumer_info/electricity/alternative_energy.aspx). Scroll down to the Net Metering Standards Section.
- Applicant shall report to the Commission the percentages of total electricity supplied by each fuel source on an annual basis per 52 Pa. Code § 54.39(d).
- 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.

xx      AGREED

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

xx      AGREED

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

xx      ACKNOWLEDGED

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

xx      AGREED

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

xx      AGREED

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

xx      AGREED

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

xx      AGREED

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

xx      AGREED

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

xx      PAYMENT ENCLOSED

## 11. AFFIDAVITS

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

The completed Application Affidavit is attached hereto.

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

The completed Operations Affidavit is attached hereto.

## 12. NEWSPAPER PUBLICATIONS

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

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

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

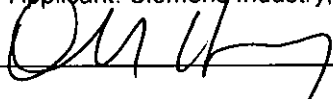
Proof of newspaper publications must be filed with the initial application. Applicants do not need a docket number in their publication. Docket numbers will be issued when all criteria on the item 14 checklist (see below) are satisfied.

	Erie Times-News	Harrisburg Patriot-News	Philadelphia Daily News	Pittsburg Post-Gazette	Scranton Times-Tribune	Williamsport Sun-Gazette	Johnstown Tribune-Democrat
Citizens' Electric						X	
Duquesne				X			
Met Ed		X	X		X		
PECO			X				
Penelec	X	X			X	X	X
Penn Power	X			X			
Pike					X		
PPL		X	X		X	X	
UGI					X		
Wellsboro						X	
West Penn		X		X		X	X
Entire Commonwealth	X	X	X	X	X	X	X

Please see Exhibit D.

**13. SIGNATURE**

Applicant: Siemens Industry, Inc.

By:   
 Title: President and CEO

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APR 24 2015

PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

## 14. CHECKLIST

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

**Applicant: Siemens Industry, Inc.**

x	<b>Signature</b>	
x	<b>Filing Fee</b>	
x	<b>Application Affidavit</b>	
x	<b>Operations Affidavit</b>	
x	<b>Proof of Publication</b>	
x	<b>Bond or Letter of Credit</b>	
x	<b>Tax Certification Statement</b>	
x	<b>Commonwealth Department of State Verification</b>	
x	<b>Certificate of Service</b>	

Applicant's Use

PUC Secretary's Bureau Use

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of Virginia :

ss.

County of Fairfax :

Kyle V. Smith, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He is the Managing Director, Portfolio Enterprise Services (Office of Affiant) of Siemens Industry, Inc. (Name of Applicant);

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

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

That the Applicant herein Siemens Industry, Inc. 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 Siemens Industry, Inc. acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

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

[Handwritten Signature]  
Signature of Affiant

Sworn and subscribed before me this 7 day of APRIL, 2015.

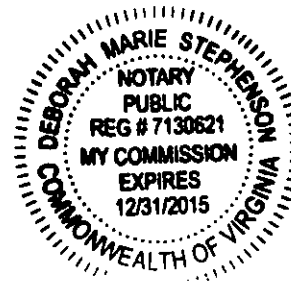
[Handwritten Signature]  
Signature of official administering oath

My commission expires 12/31/15

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APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU





Appendix B

OPERATIONS AFFIDAVIT

[Commonwealth/State] of Virginia :

SS.

County of Fairfax :

Kyle V. Smith, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He is the Managing Director, Portfolio Enterprise Services (Office of Affiant) of Siemens Industry, Inc. (Name of Applicant);

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

That Siemens Industry, Inc., 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 Siemens Industry, Inc., 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 Siemens Industry, Inc., 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.

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APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Appendix B (Continued)**

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

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

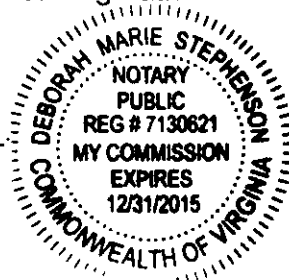
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

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

Sworn and subscribed before me this 7 day of APRIL, 2015.

Deborah Marie Stephenson  
Signature of official administering oath

My commission expires 12/31/15



**RECEIVED**

APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**DELEGATION OF SIGNATURE AUTHORITY  
SIEMENS INDUSTRY, INC.**

I, **Dave Hopping**, on behalf of **Siemens Industry, Inc.**, ("SII"), by virtue of the authority vested in me as **President and Chief Executive Officer** to sign or countersign and otherwise execute in the name, or on behalf of SII bids, projects, contracts, agreements and any certificates, affidavits or ancillary documents in connection therewith for and on behalf of SII, do hereby delegate to and acknowledge that the following person may exercise such authority for and on my behalf in the following manner:

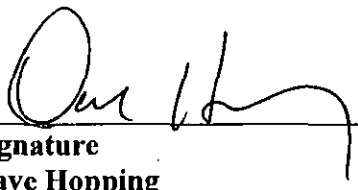
To sign affidavits, verifications and other similar documents ("Documents") on behalf of SII in connection with applications to state authorities for authorization to provide certain electricity and/or natural gas related services. This authorization is effective for **Kyle V. Smith's** execution of such Documents and ratifies the same.

**Name:**

**Kyle V. Smith**  
**Managing Director, Portfolio Enterprise Services**  
**Siemens Industry, Inc.**  
**Building Technologies Division**  
**Building Performance & Sustainability**

I further designate and acknowledge that the signature of the person delegated above, is binding upon SII in the above identified circumstances and shall have the same force and effect as would my signature.

Dated as of: **March 23, 2015**

  
\_\_\_\_\_  
**Signature**  
**Dave Hopping**  
**President and Chief Executive Officer**  
**Siemens Industry, Inc.,**

**EXHIBIT A: Business Entity and Department of State Filings**

**QUESTION 2b:** Provide proof of compliance with appropriate Department of State filing requirements. Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation. Give name and address of officers.

**RESPONSE:** Siemens Industry, Inc. ("SII") is incorporated in the State of Delaware and its charter documentation is attached. Please see attached Certificate of Good Standing, demonstrating compliance with appropriate Department of State filing requirements. SII's officers are as follows:

- Axel Meier, Director, 1000 Deerfield Parkway, Buffalo Grove, IL 60089
- Lisa Greene, Secretary and Associate General Counsel, 3333 Old Milton Parkway, Alpharetta, GA 30005
- David Hopping, Chief Executive Officer, 1000 Deerfield Parkway, Buffalo Grove, IL 60089
- Klaus Stegemann, Chief Financial Officer, 1000 Deerfield Parkway, Buffalo Grove, IL 60089

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

DECEMBER 13, 2014

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

I DO HEREBY CERTIFY THAT,

**Siemens Industry, Inc.**

is duly qualified as a Foreign Corporation under the laws of the Commonwealth of Pennsylvania and remains a subsisting corporation so far as the records of this office show, as of the date herein.

I DO FURTHER CERTIFY THAT, This Subsistence Certificate shall not imply that all fees, taxes, and penalties owed to the Commonwealth of Pennsylvania are paid.



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

*Carol Aichele*

Secretary of the Commonwealth

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE RESTATED CERTIFICATE OF "SIEMENS INDUSTRY, INC.", FILED IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF MAY, A.D. 2012, AT 6:25 O'CLOCK P.M.

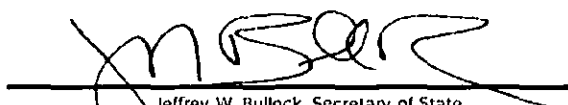
A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

0786939 8100

120633729

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 9608882

DATE: 05-31-12

**AMENDED AND RESTATED  
CERTIFICATE OF INCORPORATION  
OF  
SIEMENS INDUSTRY, INC.**

Siemens Industry, Inc., a corporation organized and existing under the laws of the State of Delaware, hereby certifies as follows:

1. The name of the corporation is "Siemens Industry, Inc." and the name under which the corporation was originally incorporated is "Amerogy Inc.". The date of filing of its original Certificate of Incorporation with the Secretary of State was November 28, 1972.
2. This Amended and Restated Certificate of Incorporation further amends, restates and integrates the Certificate of Incorporation of this corporation by amending in its entirety the original Certificate of Incorporation as set forth below.
3. The text of the original Certificate of Incorporation as amended or supplemented heretofore is further amended hereby by striking out each of the Articles in its entirety and substituting in lieu of such Articles the following Articles to read as herein set forth in full:

**FIRST:** The name of the corporation is "Siemens Industry, Inc."

Siemens Aktiengesellschaft ("Siemens AG"), the ultimate parent of the corporation, has granted the corporation permission to use the "Siemens" name within the corporation's name. Upon written notice to the corporation, Siemens AG and its legal successor or authorized agents may revoke such permission at any time and for any reason or no reason. In addition, the corporation's right to use the name "Siemens" within its name shall immediately terminate without need for Siemens AG to provide written notice in the event that Siemens AG ceases to hold (directly or indirectly) more than fifty (50) percent of the issued and outstanding share capital and voting rights of the corporation. For purposes of the preceding sentence, Siemens AG shall be deemed to hold an indirect holding of more than fifty (50) percent if more than fifty (50) percent of the outstanding shares and voting rights are held at each separate holding level between Siemens AG and the corporation (including by one or more Siemens entities).

If the permission is revoked or otherwise terminated, the corporation and the shareholders shall take all appropriate actions to cause the name of the corporation to be changed within a period of ninety (90) days following such revocation or termination. No successor name of the corporation may contain either the "Siemens" name or a title that could be confused therewith or that is otherwise similar thereto or any reference suggesting that the corporation is associated with the Siemens group or its organization.

Neither the corporation nor any of its shareholders shall be entitled to any compensation in the event that the corporation's right to use the "Siemens" name is revoked or terminated.

**SECOND:** Its registered office in the state of Delaware is to be located at c/o The Corporation Trust Company, 1209 Orange Street, in the City of Wilmington, County of New Castle, Delaware 19801. The registered agent in charge thereof is The Corporation Trust Company.

**THIRD:** The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**FOURTH:** The total number of shares of stock that the corporation shall have authority to issue is 45,000 (Forty-Five Thousand) shares of common stock, all of which are at no par value.


**FIFTH:** No director of this corporation shall be personally liable to the corporation or its stockholders for any monetary damages for breaches of fiduciary duty as a director, provided that this provision shall not eliminate or limit the liability of a director to the extent that such liability is imposed: (i) for any breach of the director's duty of loyalty to the corporation or its stockholders; (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law (iii) under Section 174 or successor provisions of the General Corporation Law of the State of Delaware ("DGCL"); or (iv) for any transaction from which the director derived an improper personal benefit. Further, this provision shall not eliminate or limit the liability of a director for any act or omission if such elimination or limitation is prohibited by the DGCL. Any amendment to or repeal of this Article Fifth shall be prospective only and not apply to or have any effect on the liability or alleged liability of any director or reduce a director's right to indemnification hereunder for or with respect to any acts or omissions of such director occurring prior to such amendment or repeal. Notwithstanding the foregoing, if the DGCL is amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the DGCL, as so amended.

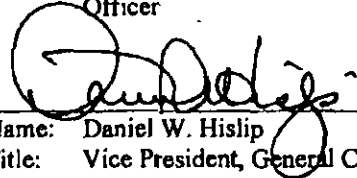
4. This Amended and Restated Certificate of Incorporation was duly adopted by unanimous written consent of the sole stockholder in accordance with the applicable provisions of Section 228, 242 and 245 of the General Corporation Law of the State of Delaware.

5. This Amended and Restated Certificate of Incorporation shall be effective upon the date of filing.

IN WITNESS WHEREOF, Siemens Industry, Inc. has caused this Amended and Restated Certificate of Incorporation to be signed this 15 day of May, 2012.

SIEMENS INDUSTRY, INC.

By:   
Name: Daryl D. Dulane  
Title: President and Chief Executive Officer

By:   
Name: Daniel W. Hislip  
Title: Vice President, General Counsel and Secretary



**BYLAWS  
OF  
SIEMENS INDUSTRY, INC.**

**ARTICLE I**

**Offices**

**Section 1.01 Registered Office.** The registered office of the Corporation shall be established and maintained at the office of The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware, 19801, and said corporation shall be the Registered Agent of this Corporation in charge thereof.

**Section 1.02 Other Offices.** The Corporation may have other offices, either within or without the State of Delaware, at such place or places as the Board of Directors may from time to time appoint or the business of the Corporation may require.

**ARTICLE II**

**Meetings of Stockholders**

**Section 2.01 Annual Meetings.** Unless directors are elected by written consent in lieu of an annual meeting, an annual meeting of stockholders shall be held for the election of directors and for such other business as may be stated in the notice of the meeting. Such meeting shall be held at such place, either within or without the State of Delaware, and at such time and date as the Board of Directors, by resolution, shall determine and as set forth in the notice of the meeting. At each annual meeting, the stockholders entitled to vote shall elect a Board of Directors, and they may transact such other corporate business as shall be stated in the notice of the meeting.

**Section 2.02 Special Meetings.** Meetings of stockholders for any purpose or purposes may be held at such time and place, within or without the State of Delaware, as shall be stated in the notice of the meeting. Special meetings of the stockholders may be called by the Chairman, the Senior Officer (as hereinafter defined) or the Secretary, or by resolution of the directors.

**Section 2.03 Voting.** Each stockholder entitled to vote in accordance with the terms of the Certificate of Incorporation and in accordance with the provisions of these Bylaws shall be entitled to one vote, in person or by proxy, for each share of stock entitled to vote held by such stockholder, but no proxy shall be voted after three years from its date unless such proxy provides for a longer period. Upon the demand of any stockholder, the vote for directors and the vote upon any question before the meeting shall be by written ballot. All elections for directors and all other questions shall be decided by majority vote except as otherwise provided by the Certificate of Incorporation or the laws of the State of Delaware.

A complete list of the stockholders entitled to vote at any meeting, arranged in alphabetical order, with the address of each, and the number of shares held by each, shall be open to examination by any stockholder, for any purpose germane to the meeting, during ordinary business hours for a period of at least ten days prior to the meeting at the principal business office of the Corporation. The list shall also be produced and kept at the time and place of the meeting during the whole time thereof, and may be inspected by any stockholder who is present.

**Section 2.04 Quorum.** Except as otherwise required by law or by the Certificate of Incorporation, the presence, in person or by proxy, of stockholders holding a majority of the stock of the Corporation entitled to vote shall constitute a quorum at all meetings of the stockholders. In case a quorum shall not be present at any meeting, a majority in interest of the stockholders entitled to vote thereat, present in person or by proxy, shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until the requisite amount of stock entitled to vote shall be present. At any such adjourned meeting at which the requisite amount of stock entitled to vote shall be represented, any business may be transacted which might have been transacted at the meeting as originally noticed; but only those stockholders entitled to vote at the meeting as originally noticed shall be entitled to vote at any adjournment or adjournments thereof. If the adjournment is for more than thirty days, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each stockholder of record entitled to vote at the meeting.

**Section 2.05 Notice of Meetings.** Written notice, stating the place, date and time of the meeting, and the general nature of the business to be considered, shall be given to each stockholder entitled to vote thereat at his or her address as it appears on the records of the Corporation, not less than ten nor more than sixty days before the date of the meeting. No business other than that stated in the notice shall be transacted at any meeting without the unanimous consent of all the stockholders entitled to vote thereat.

**Section 2.06 Action Without Meeting.** Except as otherwise provided by the Certificate of Incorporation, whenever the vote of stockholders at a meeting thereof is required or permitted to be taken in connection with any corporate action by any provisions of statute, the Certificate of Incorporation, or these Bylaws, the meeting and vote of stockholders may be dispensed with, if a consent in writing, setting forth the action taken, shall be signed by the holders of outstanding stock having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all shares entitled to vote thereon were present and voted. Prompt notice of the taking of corporate action without a meeting by less than unanimous written consent shall be given to those stockholders who have not consented in writing.

## ARTICLE III

### Directors

**Section 3.01 Number and Term.** The number of directors which shall constitute the entire Board of Directors of this Corporation shall be not less than two; the exact number shall be determined by resolution of the directors or the stockholders. Unless directors are elected by written consent in lieu of an annual meeting, the Board of Directors shall be elected at each annual meeting of the stockholders. Each director shall hold office until his or her successor shall be elected and shall qualify or until such director's earlier resignation or removal. Directors need not be stockholders.

**Section 3.02 Resignations.** Any director or member of a committee may resign at any time. Such resignation shall be made in writing, and shall take effect at the time specified therein, and if no time be specified, at the time of its receipt by the Senior Officer or by the Secretary. The acceptance of a resignation shall not be necessary to make it effective.

**Section 3.03 Vacancies.** If the office of any director or member of a committee becomes vacant, for any reason, the remaining directors in office, though less than a quorum, by a majority vote, or a sole remaining director, may appoint any qualified person to fill such vacancy, who shall hold office for the unexpired term and until such director's successor shall be elected and shall qualify or until such director's earlier resignation or removal.

**Section 3.04 Removal.** Any director may be removed either for or without cause at any time by the affirmative vote of the holders of a majority of all the shares of stock outstanding and entitled to vote, at a special meeting of the stockholders called for the purpose, and the vacancies thus created may be filled at such meeting by the affirmative vote of a majority in interest of the stockholders entitled to vote.

**Section 3.05 Increase of Number.** The number of directors may be increased by the affirmative vote of a majority of the directors at any duly constituted Board Meeting or by the affirmative vote of a majority in interest of the stockholders at the Annual Meeting of Stockholders or at a Special Meeting of Stockholders called for that purpose, and by like vote the additional directors may be elected at such meetings to hold office until the election and qualification of their successors or until their earlier resignation or removal.

**Section 3.06 Powers.** The Board of Directors shall exercise all of the powers of the Corporation except such as are by law, the Certificate of Incorporation, or these Bylaws conferred upon or reserved to the stockholders.

**Section 3.07 Committees.** The Board of Directors may, by resolution passed by a majority of the whole Board, designate one or more committees, each committee to consist of two or more of the directors of the Corporation. The Board may designate one or more directors as alternate members of any committee, who may replace any absent or disqualified member at any meeting of the committee. In the absence or disqualification of any member of any such committee, the member or members thereof present

at any meeting and not disqualified from voting, whether or not such member or members constitute a quorum, may unanimously appoint another member of the Board of Directors to act at the meeting in the place of any such absent or disqualified member. Any such committee, to the extent provided in the resolution designating such committee, shall have and may exercise all of the powers of the Board of Directors in the management of the business and affairs of the Corporation; provided, however, that no such committee shall have power or authority in reference to amending the Certificate of Incorporation of the Corporation, adopting an agreement of merger or consolidation, recommending to the stockholders the sale, lease or exchange of all or substantially all of the Corporation's property and assets, recommending to the stockholders a dissolution of the Corporation or a revocation of a dissolution, or amending these Bylaws; and, unless the resolution expressly so provides, no such committee shall have the power or authority to declare a dividend or to authorize the issuance of stock. Such committee or committees shall have such name or names as may be determined from time to time by resolution adopted by the Board of Directors. Each committee shall keep regular minutes of its meetings and report the same to the Board of Directors when required.

**Section 3.08 Meetings.** Unless directors were elected by written consent in lieu of an annual meeting, the newly elected directors shall hold their first meeting for the purpose of organization and the transaction of business, if a quorum be present, immediately after the annual meeting of the stockholders; or the time and place of such meeting may be fixed by consent in writing of all the directors. This meeting (or Board action by consent in lieu of a meeting) shall be called the Annual Meeting of the Board. At each annual meeting, the Board shall elect a slate of officers, Board Committees, if any, and they may transact such other corporate business as shall be stated in the notice of the meeting. Regular meetings of the Board of Directors may be held without notice if the time and place of such meetings are fixed by the Board of Directors. Special Meetings of the Board of Directors may be called by the Chairman, the President, or the Secretary, or on the written request of any two directors on at least two days' notice to each director and shall be held at such place or places as may be determined by the directors, or as shall be stated in the call of the meeting.

**Section 3.09 Quorum and Manner of Action.** A majority of the directors shall constitute a quorum for the transaction of business. If at any meeting of the Board there shall be less than a quorum present, a majority of those present may adjourn the meeting from time to time until a quorum is obtained, and no further notice thereof need be given other than by announcement at the meeting which shall be so adjourned. Action by the Board shall be effective when taken by majority vote of those present at a meeting at which a quorum is present, unless otherwise required by law, by the Certificate of Incorporation, or by these Bylaws.

**Section 3.10 Compensation.** Directors shall not receive any stated salary for their services as directors or as members of committees, but by resolution of the Board a fixed fee and expenses of attendance may be allowed for attendance at each meeting. Nothing herein contained shall be construed to preclude any director from serving the Corporation in any other capacity, as an officer, agent or otherwise, and receiving compensation therefor.

**Section 3.11 Attendance at Meetings by Electronic Means.** Members of the Board of Directors or any committee thereof may participate in any regular or special meeting of the Board or such committee by means of conference telephone, videoconferencing or similar communications equipment which allows all persons participating in the meeting to hear each other at the same time. Participation by a director by such electronic means shall constitute presence in person at any such meeting of the Board or committee.

**Section 3.12 Action Without Meeting.** Any action required or permitted to be taken at any meeting of the Board of Directors, or of any committee thereof, may be taken without a meeting, if all members of the Board of Directors or such committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the Board of Directors, or such committee.

## **ARTICLE IV**

### **Officers**

**Section 4.01 Officers.** The officers of the Corporation shall include the following: (a) one or more of the following positions: (1) a Chairman, (2) a Chief Executive Officer and (3) a President, (b) a Treasurer and/or a Chief Financial Officer, and (c) a Secretary, all of whom shall be elected by the Board of Directors and who shall hold office until their successors are elected and qualified or until their earlier resignation or removal. In addition, the Board of Directors may elect one or more Vice Presidents, a Controller, and such Assistant Secretaries, Assistant Treasurers and Assistant Controllers as they may deem proper. None of the officers of the Corporation other than the Chairman need be directors. More than one office may be held by the same person, except the offices of (i) Chief Executive Officer and/or President and (ii) Secretary.

**Section 4.02 Resignation, Removal.** Any officer may resign at any time. Such resignation shall be made in writing, and shall take effect at the time specified therein, and if no time be specified, at the time of its receipt by the Chairman, the Senior Officer or the Secretary. The acceptance of a resignation shall not be necessary to make it effective. Any officer may be removed, for or without cause, at any time, by the affirmative vote of a majority of the Board of Directors. Any vacancy occurring in any office shall be filled for the unexpired portion of the term by the Board of Directors.

**Section 4.03 Chairman of the Board.** The Chairman of the Board (the "Chairman"), if one shall be elected, shall preside, when present, at any meeting of (i) the Board of Directors or (ii) the stockholders. The Chairman shall act in a general advisory capacity to the Senior Officer, and, in the absence or disability of such Senior Officer, he or she may take upon the exercise of all of the powers and responsibilities of that officer. The Chairman shall have such further powers and duties as may be conferred upon him or her by the Board of Directors or contemplated by the Section of these Bylaws entitled "Vice Presidents".

**Section 4.04 Chief Executive Officer.** The Chief Executive Officer, if one shall be elected, shall be the senior officer of the Corporation (“Senior Officer”) and shall, under the direction of the Board of Directors, have responsibility for the general direction of the business, policies and affairs of the Corporation. Without limiting the generality of the foregoing, the Chief Executive Officer shall, in the absence or disability of the Chairman of the Board, or if one shall not have been elected, preside at all meetings of the stockholders and the Board of Directors, and shall see that all orders and resolutions of the Board of Directors are carried into effect. In addition, subject to the Joint Representation requirement set forth in Section 4.15 of these Bylaws, the Chief Executive Officer shall have the power to sign all contracts, powers of attorney and other instruments on behalf of the Corporation and to execute bonds, mortgages and other contracts of the Corporation, except where required by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly and exclusively delegated by the Board of Directors to some other officer or officers of the Corporation.

**Section 4.05 President.** Subject to such supervisory powers, if any, as may be given by the Board of Directors to the Chairman or the Chief Executive Officer, the President, if one shall be elected (and in the absence of a Chief Executive Officer in office), shall be the Senior Officer and shall, subject to the control of the Board of Directors, have the general powers and duties of management usually vested in the office of president of a corporation and shall have such other powers and duties as may be prescribed by the Board of Directors or these Bylaws. In the absence or disability of the Chief Executive Officer, or if one shall not have been elected, the President shall perform all the duties of the Chief Executive Officer and when so acting shall have all the powers of, and be subject to all the restrictions upon, the Chief Executive Officer. In addition, subject to the Joint Representation requirement set forth in Section 4.15 of these Bylaws, the President shall have the power to sign all contracts, powers of attorney and other instruments on behalf of the Corporation and to execute bonds, mortgages and other contracts, except where required by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly and exclusively delegated by the Board of Directors to some other officer or officers of the Corporation.

**Section 4.06 Chief Financial Officer.** The Chief Financial Officer, if one shall be elected, shall have overall supervision of the financial operations of the Corporation subject to the control of the Board of Directors. The Chief Financial Officer shall have such other general powers and duties usually vested in the office of chief financial officer of a corporation and shall have such additional or modified powers and duties as may be prescribed by the Board of Directors or these Bylaws.

**Section 4.07 Vice Presidents.** Each Vice President (of any rank, e.g., Executive Vice President, Senior Vice President, Vice President, etc.), if any shall be elected or appointed, shall have such powers and responsibilities as may from time to time be prescribed in writing by the Board of Directors or by the Senior Officer. In the absence or disability of the Senior Officer and provided that the Chairman has not taken upon himself or herself the powers and responsibilities as interim Senior Officer (pursuant to Section 4.03 of these Bylaws), the duties of the Senior Officer shall be performed by, and his or her powers may be exercised by, such Vice President as shall be designated in writing by such Senior Officer or, failing such designation, the Chairman, if any, may appoint either himself or herself or another officer of the Corporation as the interim Senior Officer to exercise all powers and responsibilities of such position; subject in any case to review and superseding action by the Board of Directors.

**Section 4.08 Secretary.** The Secretary shall attend all meetings of the Board of Directors and the stockholders and shall record all votes and the minutes of all proceedings in a book to be kept for that purpose and shall, when requested, perform like duties for all committees of the Board of Directors. The Secretary shall attend to the giving of notice of all meetings of the stockholders and special meetings of the Board of Directors and committees thereof. The Secretary shall have custody of the corporate seal, if one exists, and shall have authority to affix the same to any instrument and, when so affixed, it shall be attested by his or her signature. The Secretary shall keep and account for all books, documents, papers and records of the Corporation, except those for which some other officer or agent is properly accountable, and shall have authority to execute certificates with respect to the contents thereof. The Secretary shall have authority to sign stock certificates, and shall generally perform all the duties appertaining to the office of secretary of a corporation. In addition, any Assistant Secretary may perform the duties of the Secretary.

**Section 4.09 Treasurer.** The Treasurer, if one shall be elected, shall have the care and custody of all the funds of the Corporation and shall deposit the same in such banks or other depositories as the Board of Directors, or any other officer or officers, or any officer and agent jointly, duly authorized by the Board of Directors, shall, from time to time, direct or approve. The Treasurer shall keep a full and accurate account of all moneys received and paid on account of the Corporation, and shall render a statement of his accounts whenever the Board of Directors shall require. The Treasurer shall perform all other necessary acts and duties in connection with the administration of the financial affairs of the Corporation, and shall generally perform all the duties usually appertaining to the office of treasurer of a corporation. When required by the Board of Directors, the Treasurer shall give bonds for the faithful discharge of his or her duties in such sums and with such sureties as the Board of Directors shall approve. In addition, any Assistant Treasurer may perform the duties of the Treasurer.

**Section 4.10 Controller.** The Controller, if one shall be elected, shall be the chief accounting officer of the Corporation, and shall have active control of and shall be responsible for all matters pertaining to the accounts of the Corporation and its subsidiaries. The Controller shall supervise the auditing of all payrolls and vouchers of the Corporation and its subsidiaries and shall direct the manner of certifying the same; the Controller shall supervise the manner of keeping all vouchers for payments by the Corporation and its subsidiaries and all other documents relating to such payments; the Controller shall receive, audit and consolidate all operating and financial statements of the Corporation, its various departments, divisions and subsidiaries; the Controller shall supervise the books of account of the Corporation and its subsidiaries, their arrangement and classification; and the Controller shall supervise the accounting and auditing practices of the Corporation and its subsidiaries. In addition, any Assistant Controller may perform the duties of the Controller.

**Section 4.11 Assistant Secretaries, Assistant Treasurers, and Assistant Controllers.** Assistant Secretaries, Assistant Treasurers, and Assistant Controllers, if any shall be elected, shall have such powers and responsibilities as shall be prescribed by the Board of Directors, and to the extent not inconsistent with the foregoing, by the officer of the Corporation to which such person reports (e.g., by the Treasurer with respect to an Assistant Treasurer).

**Section 4.12 Other Officers and Agents.** The Board of Directors may elect such other officers and agents as it may deem advisable, who shall hold their offices for such terms and shall exercise such powers and responsibilities as shall be prescribed in writing from time to time by the Board of Directors and, to the extent not inconsistent with the foregoing, by the Senior Officer.

**Section 4.13 Appointment of Officers.** Notwithstanding anything contained in these Bylaws to the contrary, the Senior Officer shall have the authority to unilaterally appoint any person to hold any office contemplated by Article IV of these Bylaws, other than the offices of Chairman, Chief Executive Officer, President, Chief Financial Officer or Secretary. All such appointed officers shall have such powers and responsibilities applicable to such positions described in these Bylaws. If no Controller has been elected by the Board of Directors, such Senior Officer may also appoint the Controller.

**Section 4.14 Chain of Command.** By virtue of its place in the Siemens AG group of affiliated companies (collectively, "Siemens"), the Corporation has a fundamental interest in assuring well-functioning cooperation within Siemens. From time to time, as a prerequisite of such cooperation, Siemens AG and certain of its authorized affiliates may take actions to promulgate certain policies, procedures, guidelines, circulars, reporting obligations and other matters (collectively, "Siemens Internal Regulations") that should be implemented and applied within Siemens to the fullest possible extent. Therefore, the Senior Officer – insofar as the Corporation has a Senior Officer or, in his or her absence or disability, the other person, if any, who shall be the Senior Officer, or perform his or her duties, each pursuant to these Bylaws, otherwise all the executive officers serving on the Board of Directors (the "Executive Members") - shall take the necessary precautions to ensure that all the Executive Members shall:

- (1) cause the close monitoring of the publication of Siemens Internal Regulations and keep themselves up to date on all applicable Siemens Internal Regulations;
- (2) examine (or cause to be examined) whether implementation of each Siemens Internal Regulation by the Corporation is permitted under Delaware law;
  - a. If the result of this examination is positive, (A) take (or cause to be taken) all appropriate measures to duly cause the timely implementation of such Siemens Internal Regulation by the Corporation and (B) promptly inform (or cause to be informed) the issuer of the respective Siemens Internal Regulation and the CD S OG unit of Siemens AG ("CD S OG") (or any successor internal organization of each) about such implementation including the provision of appropriate documentation.
  - b. If the result of this examination is not positive (it is found that, for legal reasons, the Siemens Internal Regulation cannot be implemented in the Corporation or can be implemented only with modifications), in each instance, (A) promptly inform (or cause to be informed) the issuer of the respective Siemens Internal Regulation and CD S OG (or any successor internal organization of each) about that and the reasons thereof. Until the



Executive Members have reached agreement with the issuer about the implementation of the relevant Siemens Internal Regulation, the Executive Members shall implement (or cause to be implemented) such regulation in so far as it is legally permissible and reflects as closely as possible the meaning and purpose of the Siemens Internal Regulation;

- (3) annul (or cause to be annulled) any existing regulations, policies and practices of the Corporation to the extent such regulations, policies and practices contradict a Siemens Internal Regulation as each is implemented;
- (4) take (or cause to be taken) all appropriate measures to duly ensure compliance with implemented Siemens Internal Regulations and to monitor such compliance;
- (5) promptly inform (or cause to be informed) the issuer of the respective Siemens Internal Regulation and CD S OG (or any successor internal organization of each) if for legal reasons a Siemens Internal Regulation can no longer, or can only with modifications, be implemented;
- (6) adequately document (or cause to be adequately documented) the processes described in subsections (1) through (5) above; and
- (7) cause the responsibilities and processes described in subsections (1) through (6) above to be implemented by each subsidiary of the Corporation.

**Section 4.15 Joint Representation/Authorized Signatories.** All contracts, powers of attorney, bonds, mortgages and other significant documents and instruments to be entered into or filed on behalf of the Corporation with a third party or governmental entity shall be subject to a joint representation (*i.e.*, two-signatures) requirement as set forth herein. However, in the event only one officer has been appointed by the Board of Directors of the Corporation (or only one such officer is holding office at any such time), such officer shall be the Corporation's sole necessary signatory for this joint representation requirement. If two or more officers have been appointed by the Board of Directors of the Corporation (and the Corporation continues to have two or more such officers), such joint representation requirement shall be satisfied by the signature of two board-appointed officers or the signature of one officer appointed by the Senior Officer (pursuant to Section 4.13 of these Bylaws) in conjunction with one board-appointed officer. This joint representation requirement shall not supersede, and shall otherwise conform with, any other requirements applicable to the Corporation pursuant to the Certification of Incorporation, these Bylaws, any limitations of authority or other limitations or restrictions imposed by the Board of Directors from time to time, any applicable Siemens Internal Regulations and any other internal policies or procedures applicable to the Corporation.

## **ARTICLE V**

### **Miscellaneous**

**Section 5.01 Certificates of Stock.** The shares of the Corporation shall be represented by certificates in such form as shall be determined by the Board of Directors and shall be signed by the President or a Vice President and the Secretary, an Assistant Secretary, the Treasurer or an Assistant Treasurer of the Corporation. The signatures of the officers upon a certificate may be facsimiles if the certificate is countersigned by a Transfer Agent or registered by a Registrar other than the Corporation or its employee. In case any officer who has signed or whose facsimile signature has been placed upon a certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the Corporation with the same effect as if such officer continued to hold such office at the date of issue.

**Section 5.02 Transfer Agents and Registrars.** The Board of Directors may, in its discretion, appoint one or more banks or trust companies in such city or cities as the Board of Directors may deem advisable, from time to time, to act as Transfer Agents and Registrars of the shares of stock of the Corporation; and upon such appointments being made, no certificate representing shares of stock shall be valid until countersigned by one of such Transfer Agents and registered by one of such Registrars.

**Section 5.03 Lost Certificates.** In case any certificate representing shares shall be lost, stolen or destroyed, the Board of Directors, or any officer or officers duly authorized by the Board of Directors or these Bylaws, may authorize the issuance of a substitute certificate in place of the certificate so lost, stolen or destroyed, and may cause or authorize such substitute certificate to be countersigned by the appropriate Transfer Agent and registered by the appropriate Registrar. In each such case, the applicant for a substitute certificate shall furnish to the Corporation and to such of its Transfer Agents and Registrars as may require the same, evidence to their satisfaction, in their discretion, of the loss, theft or destruction of such certificate and of the ownership thereof, and also such security or indemnity as may by them be required.

**Section 5.04 Transfer of Shares.** Transfers of shares shall be made on the books of the Corporation only by the person named in the certificate, or by attorney lawfully constituted in writing, and upon surrender and cancellation of a certificate or certificates for a like number of shares of the same class, with duly executed assignment and power of transfer endorsed thereon or attached thereto, and with such proof of the authenticity of the signatures as the Corporation or its agents may reasonably require, and new certificates shall thereupon be issued.

**Section 5.05 Stockholders Record Date.** In order that the Corporation may determine the stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof, or to express consent to corporate action in writing without a meeting, or entitled to receive payment of any dividend or other distribution or allotment of any rights, or entitled to exercise any rights in respect of any change, conversion or exchange of stock or for the purpose of any other lawful action, the Board of Directors may fix, in advance, a record date, which shall not be more than sixty nor less than ten days before the date of such meeting, nor more than sixty days prior to any other action. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders shall apply to any adjournment of the

meeting; provided, however, that the Board of Directors may fix a new record date for the adjourned meeting.

**Section 5.06 Dividends.** Subject to the provisions of law and of the Certificate of Incorporation, the Board of Directors may, out of funds legally available therefor, at any regular or special meeting, declare dividends upon the capital stock of the Corporation as and when they deem expedient. Before declaring any dividend, there may be set apart out of any funds of the Corporation available for dividends, such sum or sums as the directors from time to time in their discretion deem proper for working capital or as a reserve fund to meet contingencies or for equalizing dividends or for such other purposes as the directors shall deem conducive to the interests of the Corporation.

**Section 5.07 Fiscal Year.** The fiscal year of the Corporation shall end on September 30th of each year.

**Section 5.08 Checks.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation, and in such manner as shall be determined from time to time by resolution of the Board of Directors.

**Section 5.9 Notice and Waiver of Notice.** Whenever any notice is required by these Bylaws to be given, personal notice is not meant unless expressly so stated, and any notice so required shall be deemed to be sufficient if given by depositing the same in the United States mail, postage prepaid, addressed to the person entitled thereto at his or her address as it appears on the records of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. Notice to directors may also be given by telegram. Stockholders not entitled to vote shall not be entitled to receive notice of any meetings except as otherwise provided by statute.

Whenever any notice is required to be given under the provisions of any law, of the Certificate of Incorporation of the Corporation, or of these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the stockholders, directors, or members of a committee of directors need be specified in any written waiver of notice unless so required by the Certificate of Incorporation. Attendance of a person at a meeting shall constitute a waiver of notice of such meeting, except when the person attends a meeting for the express purpose of objecting, at the beginning of the meeting to the transaction of any business because the meeting is not lawfully called or convened.

## ARTICLE VI

### Indemnification

**Section 6.01 Limitation on Liability.** The liability of a director of the Corporation to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director shall be limited or eliminated to the fullest extent permitted by applicable law. Any repeal or modification of this Article VI by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

**Section 6.02 Third Party Actions.** The Corporation shall, to the fullest extent permitted by applicable law, indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Corporation) by reason of the fact that the person is or was a director, officer or employee of the Corporation, or is or was serving at the request of the Corporation as a director, officer or employee of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by the person in connection with such action, suit or proceeding if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the person's conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in or not opposed to the best interests of the Corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that the person's conduct was unlawful.

**Section 6.03 Actions by or in the Right of the Corporation.** The Corporation shall, to the fullest extent permitted by applicable law, indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the Corporation to procure a judgment in its favor by reason of the fact that the person is or was a director, officer or employee of the Corporation, or is or was serving at the request of the Corporation as a director, officer or employee of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by the person in connection with the defense or settlement of such action or suit if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the Corporation unless and only to the extent that the Court of Chancery or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the Court of Chancery or such other court shall deem proper.

**Section 6.04 Successful Defense; Payment of Expenses.** To the extent that a present or former director or officer of the Corporation has been successful on the merits or otherwise in defense of any

action, suit or proceeding referred to in the Sections of these Bylaws entitled “Third Party Actions” or “Actions by or in the Right of the Corporation”, or in defense of any claim, issue or matter therein, such person shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by such person in connection therewith.

**Section 6.05 Determination of Conduct.** Any indemnification under the Sections of these Bylaws entitled “Third Party Actions” or “Actions by or in the Right of the Corporation” (unless ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the present or former director, officer or employee is proper in the circumstances because the person has met the applicable standard of conduct set forth in such Sections. Such determination shall be made, with respect to a person who is a director or officer at the time of such determination, (1) by a majority vote of the directors who are not parties to such action, suit or proceeding, even though less than a quorum, or (2) by a committee of such directors designated by majority vote of such directors, even though less than a quorum, or (3) if there are no such directors, or if such directors so direct, by independent legal counsel in a written opinion, or (4) by the stockholders.

**Section 6.06 Advancement of Expenses.** Expenses (including attorneys' fees) incurred by an officer or director in defending any civil, criminal, administrative or investigative action, suit or proceeding may be paid by the Corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of such director or officer to repay such amount if it shall ultimately be determined that such person is not entitled to be indemnified by the Corporation as authorized in this Article VI. Such expenses (including attorneys' fees) incurred by former directors and officers or other employees and agents may be so paid upon such terms and conditions, if any, as the Corporation deems appropriate.

**Section 6.07 Indemnity Not Exclusive.** The indemnification and advancement of expenses provided by, or granted pursuant to, the other Sections of this Article VI shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any agreement, vote of stockholders or disinterested directors or otherwise, both as to action in such person's official capacity and as to action in another capacity while holding such office.

**Section 6.08 Insurance.** The Corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against such person and incurred by such person in any such capacity, or arising out of such person's status as such, whether or not the Corporation would have the power to indemnify such person against such liability under this Article VI.

**Section 6.09 Continuation of Indemnification and Advancement of Expenses.** The indemnification and advancement of expenses provided by, or granted pursuant to, this Article VI shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a

director, officer or employee and shall inure to the benefit of the heirs, executors and administrators of such a person.

## **ARTICLE VII**

### **Amendments**

These Bylaws may be altered or repealed, and Bylaws may be made, (1) at any meeting of the stockholders by the affirmative vote of a majority of the stock issued and outstanding and entitled to vote thereat (or pursuant to an action taken pursuant to the Section of these Bylaws entitled "Action Without Meeting"), or (2) by the affirmative vote of a majority of the Board of Directors at any meeting of the Board of Directors; provided, however, that the Section of these Bylaws entitled "Chain of Command" may only be altered or repealed pursuant to subsection (1) of this Article VII.

EXHIBIT B: Financial Records, Statements, and Ratings

**QUESTION 7b:** Applicant must provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

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

**RESPONSE:** Siemens Industry, Inc.'s ("SII") Dun and Bradstreet credit report is attached hereto. The 2013 and 2014 Annual Reports of Siemens Aktiengesellschaft, SII's ultimate corporate parent, are available at:

[http://www.siemens.com/annual/13/en/download/pdf/Siemens\\_AR2013.pdf](http://www.siemens.com/annual/13/en/download/pdf/Siemens_AR2013.pdf) and  
[http://www.siemens.com/annual/14/en/download/pdf/siemens\\_ar2014.pdf](http://www.siemens.com/annual/14/en/download/pdf/siemens_ar2014.pdf).

**Live Report : SIEMENS INDUSTRY, INC.**

D-U-N-S<sup>®</sup> Number: 01-094-4650  
 Trade Names: (SUBSIDIARY OF SIEMENS CORPORATION, NEW YORK, NY)  
 Endorsement/Billing Reference: darin.ball@siemens.com

<b>D&amp;B Address</b>	
<b>Address</b> 1000 Deerfield Pkwy Buffalo Grove, IL - 60089	<b>Location Type</b> Headquarters (Subsidiary)
<b>Phone</b> 847 215-1000	<b>Web</b> www.usa.siemens.com
<b>Fax</b>	

<b>Added to Portfolio:</b> 03/21/2012
<b>Last View Date:</b> 08/29/2014
<b>Endorsement :</b> darin.ball@siemens.com

**Company Summary**

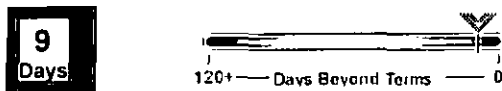
Currency: Shown in USD unless otherwise indicated

**Score Bar**

<b>PAYDEX<sup>®</sup></b>		<b>68</b>	Paying 17 days past due
<b>Commercial Credit Score Percentile</b>		<b>39</b>	Moderate Risk of severe payment delinquency.
<b>Financial Stress Score National Percentile</b>		<b>12</b>	Moderate to High Risk of severe financial stress.
<b>D&amp;B Viability Rating</b>	<input type="checkbox"/> 4	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> <b>B</b> <input checked="" type="checkbox"/> <b>Z</b> <a href="#">View More Details</a>
<b>Bankruptcy Found</b>	<input type="radio"/> No		
<b>D&amp;B Rating</b>	<b>1R3</b>		1R indicates 10 or more Employees, Credit appraisal of 3 is fair

**Detailed Trade Risk Insight™**

Days Beyond Terms Past 3 Months



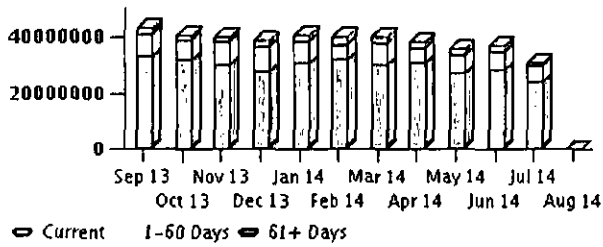
Dollar-weighted average of **1566** payment experiences reported from **336** Companies

Recent Derogatory Events

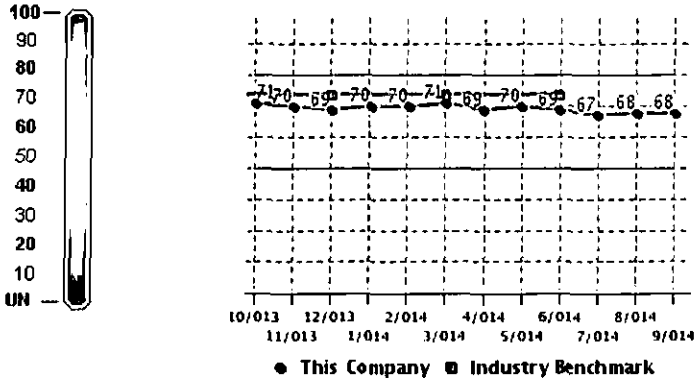
	Jun-14	Jul-14	Aug-14
<b>Placed for Collection</b>	-	4,462 on 4,462 4 acct 4 acct	
<b>Bad Debt Written Off</b>	-	-	-

Total Amount Current & Past Due - 12 Month Trend





**PAYDEX® Trend Chart**



**D&B Viability Rating**

<b>4</b>	<b>Viability Score</b> 
<b>6</b>	<b>Portfolio Comparison</b> 
<b>B</b>	<b>Data Depth Indicator</b> 
<b>Z</b>	<b>Company Profile</b> <b>Subsidiary</b>

**D&B Company Overview**

This is a headquarters (subsidiary) location

Branch(es) or Division(s) exist Y

<b>Chief Executive</b>	DARYL DULANEY, PRES-CEO-SEC
<b>Year Started</b>	1994
<b>Employees</b>	7422 (1200 Here)
<b>Financing</b>	SECURED
<b>SIC</b>	3822 , 5063
<b>Line of business</b>	Mfg environmtl controls, whol electrical equip, mfg communications equip, electrical contractor
<b>NAICS</b>	334512

**Account Summaries**

						Total Current Balance	Total Past Due	Total Past Due Cycle 1	Total Past Due Cycle 2	Total Past Due Cycle 3	Total Past Due Cycle 4	Total Past Due Cycle 5	Total Charge-Off Amount
Type	Lender	Date Reported	Open Date	Closed Date	Current Balance	Total Current Balance	Total Past Due	Past Due Cycle 1	Past Due Cycle 2	Past Due Cycle 3	Past Due Cycle 4	Past Due Cycle 5	Charge-Off Amount

**Corporate Linkage**

**Global Ultimate**

Company	City, Country	D-U-N-S® NUMBER
Siemens AG	München, GERMANY	31-606-7164

**Parent**

Company	City, State	D-U-N-S® NUMBER
SIEMENS CORPORATION	WASHINGTON, District of Columbia	06-499-5533

**Subsidiaries (Domestic)**

Company	City, State	D-U-N-S® NUMBER
SIEMENS PRODUCT LIFECYCLE MANAGEMENT SOFTWARE INC.	PLANO, Texas	01-071-2847
PACE GLOBAL ENERGY SERVICES, LLC	FAIRFAX, Virginia	06-518-5522
VAI POMINI INC.	CANONSBURG, Pennsylvania	09-998-3277
SIEMENS GOVERNMENT TECHNOLOGIES, INC.	ARLINGTON, Virginia	10-516-2098
SIEMENS MAINTENANCE SERVICES, LLC	RICHARDSON, Texas	12-283-5122
SIEMENS WATER TECHNOLOGIES CORP.	BUFFALO GROVE, Illinois	18-789-4373
UGS CAPITAL CORP	PLANO, Texas	79-077-4637
WINERGY DRIVE SYSTEMS CORPORATION	ELGIN, Illinois	11-104-7259
SIEMENS INDUSTRY, INC.	GREENVILLE, South Carolina	00-355-3472
FARADAY, INC.	TECUMSEH, Michigan	05-416-1864
EMETER CORPORATION	SAN MATEO, California	11-720-3054
FCE, LLC	HUNTINGDON VALLEY, Pennsylvania	18-082-6112
SEIMENS HEARING	MALVERN, Pennsylvania	06-457-4330
SIEMENS INDUSTRY, INC.	HOLLYWOOD, Florida	16-797-4216

**Subsidiaries (International)**

Company	City, Country	D-U-N-S® NUMBER
Ostram Sylvania Ltd	MISSISSAUGA, CANADA	20-420-2352

**Branches (Domestic)**

<b>Company</b>	<b>City , State</b>	<b>D-U-N-S® NUMBER</b>
SIEMENS INDUSTRY, INC.	STREATOR , Illinois	00-121-0041
SIEMENS INDUSTRY, INC.	FAIRLESS HILLS , Pennsylvania	00-138-5322
SIEMENS INDUSTRY, INC.	PORTLAND , Oregon	00-180-4470
SIEMENS INDUSTRY, INC.	MINNEAPOLIS , Minnesota	00-175-4667
SIEMENS INDUSTRY, INC.	NEWARK , New Jersey	00-251-9101
SIEMENS INDUSTRY, INC.	NEWARK , New Jersey	00-251-5802
SIEMENS INDUSTRY, INC.	EVERGREEN , Colorado	00-296-2657
SIEMENS INDUSTRY, INC.	TAMPA , Florida	00-383-1950
SIEMENS INDUSTRY, INC.	WARREN , Ohio	00-377-9084
SIEMENS INDUSTRY, INC.	AUBURNDALE , Massachusetts	00-397-0139
SIEMENS INDUSTRY, INC.	CINCINNATI , Ohio	00-425-8828
SIEMENS INDUSTRY, INC.	WASHINGTON , New Jersey	00-461-1260
SIEMENS INDUSTRY, INC.	NOVI , Michigan	00-463-7257
SIEMENS INDUSTRY, INC.	EUGENE , Oregon	00-531-9657
SIEMENS INDUSTRY, INC.	SAN ANTONIO , Texas	00-528-2095
SIEMENS INDUSTRY, INC.	HOUSTON , Texas	00-575-8276
SIEMENS INDUSTRY, INC.	MADISON , Indiana	00-637-4722
SIEMENS INDUSTRY, INC.	FORT LAUDERDALE , Florida	00-727-3241
SIEMENS INDUSTRY, INC.	AUSTIN , Texas	00-762-1456
SIEMENS INDUSTRY, INC.	NORCROSS , Georgia	00-760-3363
SIEMENS INDUSTRY, INC.	HUDSON , Illinois	00-918-3786
SIEMENS INDUSTRY, INC.	GREENSBORO , North Carolina	00-918-5351
SIEMENS INDUSTRY, INC.	CASTLE HAYNE , North Carolina	00-935-4804
SIEMENS INDUSTRY, INC.	MIDLAND , Michigan	00-997-4622
SIEMENS INDUSTRY, INC.	LITTLETON , Colorado	01-063-4483

This list is limited to the first 25 branches.

For the complete list, Please logon to DNBI and view the Dynamic Family Tree Information.

**Affiliates (Domestic)**

<b>Company</b>	<b>City , State</b>	<b>D-U-N-S® NUMBER</b>
MANNESMANN CORPORATION	NEW YORK , New York	03-781-6261
FRANCIS W LAVELLE LLC	ALPHARETTA , Georgia	06-738-1806
SIEMENS MEDICAL SOLUTIONS USA, INC.	MALVERN , Pennsylvania	10-323-1817
SIEMENS FOUNDATION	ISELIN , New Jersey	11-405-1936
SIEMENS CAPITAL COMPANY LLC	ISELIN , New Jersey	12-978-9371
SIEMENS FINANCIAL SERVICES, INC	ISELIN , New Jersey	13-221-3638
SIEMENS SHARED SERVICES, LLC	ORLANDO , Florida	13-912-1144
SIEMENS ENERGY, INC.	ORLANDO , Florida	15-397-7632
SIEMENS CORPORATE RESEARCH INC	PRINCETON , New Jersey	62-068-0298
SIEMENS TECHNOLOGY-TO-BUSINESS CENTER L L C	BERKELEY , California	84-231-1180
SIEMENS REAL ESTATE, INC.	ISELIN , New Jersey	84-394-7552
SIEMENS FIRST CAPITAL COMMERCIAL FINANCE, LLC	OKLAHOMA CITY , Oklahoma	80-956-9788
SIEMENS NETWORK CONVERGANCE LLC	WESTFORD , Massachusetts	15-906-7870
SIEMENS HEALTH SERVICES CORPORATION	MALVERN , Pennsylvania	80-129-6455

**Affiliates (International)**

Company	City , Country	D-U-N-S® NUMBER
SIEMENS PAKISTAN	KARACHI , PAKISTAN	64-553-1265
SIEMENS LLC	DUBAI , UNITED ARAB EMIRATES	85-120-8812

**Predictive Scores**

Currency: Shown in USD unless otherwise indicated

**D&B Viability Rating Summary**

The D&B Viability Rating uses D&B's proprietary analytics to compare the most predictive business risk indicators and deliver a highly reliable assessment of the probability that a company will go out of business, become dormant/inactive, or file for bankruptcy within the next 12 months.

<b>4</b>	<b>Viability Score</b>	<p>9 High Risk 5 1 Low Risk</p>
<p><b>Compared to All US Businesses within the D&amp;B Database:</b></p> <ul style="list-style-type: none"> <li>• Level of Risk: <b>Low Risk</b></li> <li>• Businesses ranked 4 have a probability of becoming no longer viable: <b>5 %</b></li> <li>• Percentage of businesses ranked 4: <b>14 %</b></li> <li>• Across all US businesses, the average probability of becoming no longer viable: <b>14 %</b></li> </ul>		
<b>6</b>	<b>Portfolio Comparison</b>	<p>9 High Risk 5 1 Low Risk</p>
<p><b>Compared to All US Businesses within the same MODEL SEGMENT:</b></p> <ul style="list-style-type: none"> <li>• Model Segment : <b>Established Trade Payments</b></li> <li>• Level of Risk: <b>Moderate Risk</b></li> <li>• Businesses ranked 6 within this model segment have a probability of becoming no longer viable: <b>5 %</b></li> <li>• Percentage of businesses ranked 6 with this model segment: <b>9 %</b></li> <li>• Within this model segment, the average probability of becoming no longer viable: <b>5 %</b></li> </ul>		
<b>B</b>	<b>Data Depth Indicator</b>	<p>G Descriptive A Predictive</p>
<p><b>Data Depth Indicator:</b></p> <ul style="list-style-type: none"> <li>✓ Rich Firmographics</li> <li>✓ Extensive Commercial Trading Activity</li> <li>✓ Basic Financial Attributes</li> </ul> <p>Greater data depth can increase the precision of the D&amp;B Viability Rating assessment.</p>		
<b>Z</b>	<b>Company Profile</b>	<b>Subsidiary</b>

**Credit Capacity Summary**

This credit rating was assigned because of D&B's assessment of the company's creditworthiness. For more information, see the D&B Rating Key

D&B Rating : **1R3**

**Number of employees: 1R indicates 10 or more employees**  
**Composite credit appraisal: 3 is fair**

The 1R and 2R ratings categories reflect company size based on the total number of employees for the business. They are assigned to business files that do not contain a current financial statement. In 1R and 2R Ratings, the 2, 3, or 4 creditworthiness indicator is based on analysis by D&B of public filings, trade payments, business age and other important factors. 2 is the highest Composite Credit Appraisal a company not supplying D&B with current financial information can receive.

**Below is an overview of the company's rating history since 01-23-1999**

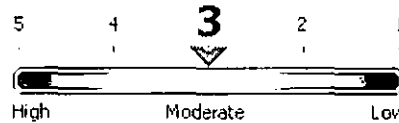
**Number of Employees Total:** 7,422 (1200 here)

D&B Rating	Date Applied
1R3	06-21-2011
1R4	07-18-2005
--	08-13-2002
5A3	03-27-2001
--	02-05-2001
5A3	05-29-1999
4A3	01-23-1999

Payment Activity:	(based on 874 experiences)
Average High Credit:	77,890
Highest Credit:	3,000,000
Total Highest Credit:	66,478,000

**D&B Credit Limit Recommendation**

**Conservative credit Limit** 500,000  
**Aggressive credit Limit:** 1,000,000



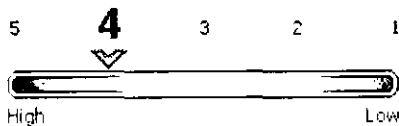
**Risk category for this business :** **MODERATE**

The Credit Limit Recommendation (CLR) is intended to serve as a directional benchmark for all businesses within the same line of business or industry, and is not calculated based on any individual business. Thus, the CLR is intended to help guide the credit limit decision, and must be balanced in combination with other elements which reflect the individual company's size, financial strength, payment history, and credit worthiness, all of which can be derived from D&B reports. Risk is assessed using D&B's scoring methodology and is one factor used to create the recommended limits. See Help for details.

**Financial Stress Class Summary**

The Financial Stress Score predicts the likelihood of a firm ceasing business without paying all creditors in full, or reorganization or obtaining relief from creditors under state/federal law over the next 12 months. Scores were calculated using a statistically valid model derived from D&B's extensive data files. The Financial Stress Class of 4 for this company shows that firms with this class had a failure rate of 0.84% (84 per 10,000), which is 1.75 times higher than the average of businesses in D & B's database.

**Financial Stress Class :**



Moderately higher than average risk of severe financial stress, such as a bankruptcy or going out of business with unpaid debt, over the next 12 months.

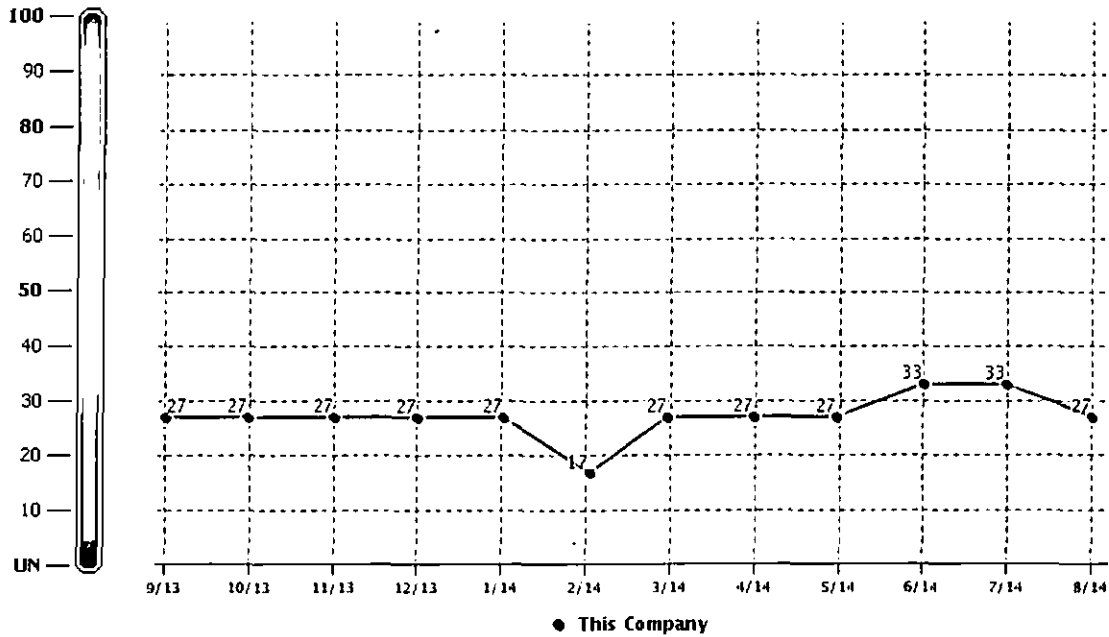
**Probability of Failure:**

Risk of Severe Financial Stress for Businesses with this Class: **0.84 %** (84 per 10,000)  
 Financial Stress National Percentile : **12** (Highest Risk: 1; Lowest Risk: 100)  
 Financial Stress Score : **1406** (Highest Risk: 1,001; Lowest Risk: 1,875)  
 Average Risk of Severe Financial Stress for Businesses in D&B database: **0.48 %** ( 48 per 10,000)

**The Financial Stress Class of this business is based on the following factors:**

- Low proportion of satisfactory payment experiences to total payment experiences.
- UCC Filings reported.
- Evidence of open suits
- High proportion of slow payment experiences to total number of payment experiences.
- High proportion of past due balances to total amount owing.
- High number of inquiries to D & B over last 12 months.

**Financial Stress Percentile Trend:**



**Notes:**

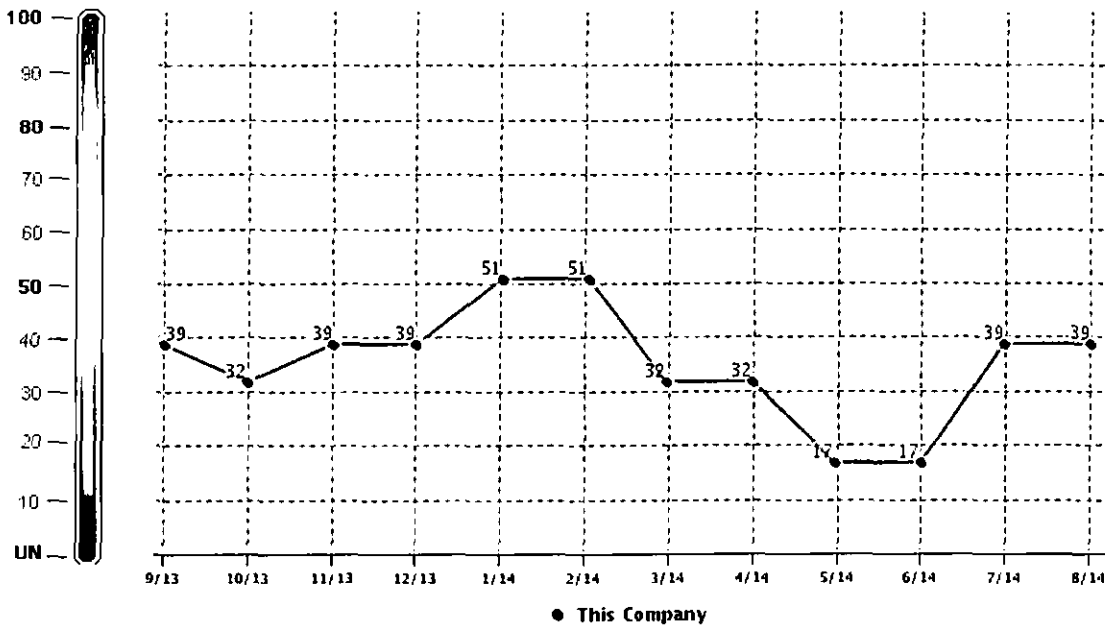
The Financial Stress Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience financial stress.

The Probability of Failure shows the percentage of firms in a given Class that discontinued operations over the past year with loss to creditors. The Probability of Failure - National Average represents the national failure rate and is provided for comparative purposes.

The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&Bs file.

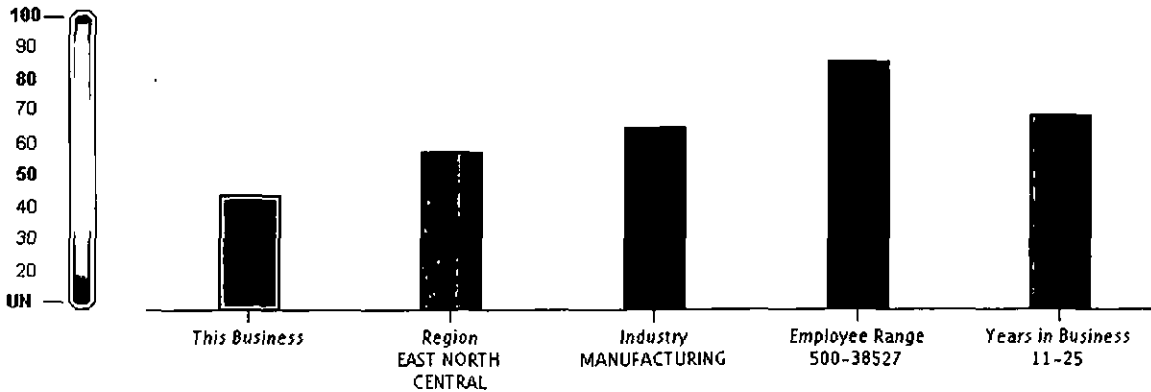
The Financial Stress Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.





**Notes:**

The Commercial Credit Score Risk Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience severe delinquency. The incidence of Delinquent Payment is the percentage of companies with this classification that were reported 91 days past due or more by creditors. The calculation of this value is based on D&B's trade payment database. The Commercial Credit Score percentile reflects the relative ranking of a firm among all scorable companies in D&B's file. The Commercial Credit Score offers a more precise measure of the level of risk than the Risk Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.



Norms	National %
This Business	39
Region: EAST NORTH CENTRAL	54
Industry: MANUFACTURING	62
Employee range: 500-38527	84
Years in Business: 11-25	66

This business has a Credit Score Percentile that shows:

- Higher risk than other companies in the same region.
- Higher risk than other companies in the same industry.
- Higher risk than other companies in the same employee size range.
- Higher risk than other companies with a comparable number of years in business.

**Trade Payments**



**D&B PAYDEX®**

The D&B PAYDEX is a unique, weighted indicator of payment performance based on payment experiences as reported to D&B by trade references. Learn more about the D&B PAYDEX

Timeliness of historical payments for this company.

**Current PAYDEX is 68** Equal to 17 days beyond terms ( Pays more slowly than the average for its industry of 9 days beyond terms )

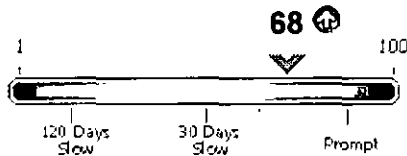
**Industry Median is 74** Equal to 9 days beyond terms

**Payment Trend currently is** ↔ Unchanged, compared to payments three months ago

Indications of slowness can be the result of dispute over merchandise, skipped invoices etc. Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

<b>Total payment Experiences in D&amp;Bs File (HQ)</b>	874
<b>Payments Within Terms (not weighted)</b>	61 %
<b>Trade Experiences with Slow or Negative Payments(%)</b>	55.61%
<b>Total Placed For Collection</b>	3
<b>High Credit Average</b>	77,890
<b>Largest High Credit</b>	3,000,000
<b>Highest Now Owing</b>	2,000,000
<b>Highest Past Due</b>	800,000

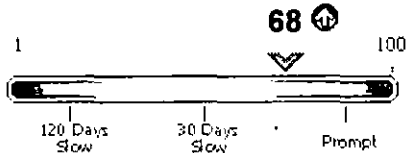
**D&B PAYDEX**



- High risk of late payment (Average 30 to 120 days beyond terms)
- Medium risk of late payment (Average 30 days or less beyond terms)
- Low risk of late payment (Average prompt to 30+ days sooner)

When weighted by amount, payments to suppliers average 17 days beyond terms

**3-Month D&B PAYDEX**



- High risk of late payment (Average 30 to 120 days beyond terms)
- Medium risk of late payment (Average 30 days or less beyond terms)
- Low risk of late payment (Average prompt to 30+ days sooner)

Based on payments collected over last 3 months.

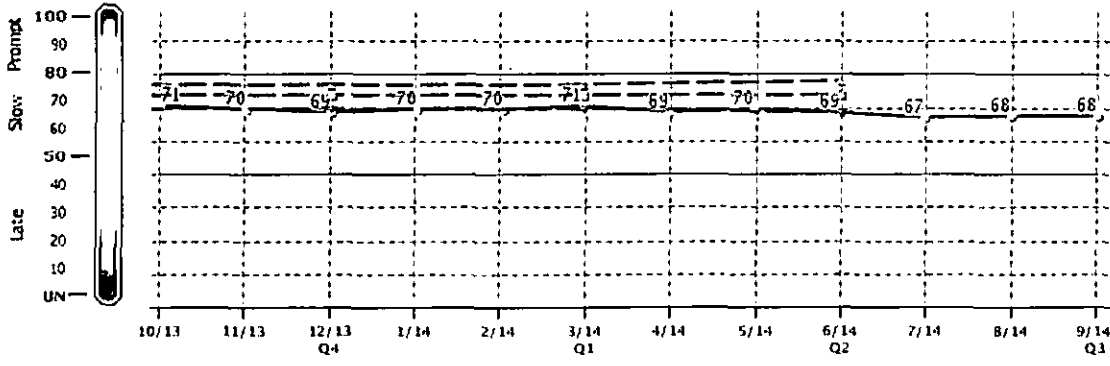
When weighted by amount, payments to suppliers average 17 days beyond terms

**D&B PAYDEX® Comparison**

**Current Year**

PAYDEX® of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Mfg environmentl controls, whol electrical equip, mfg communications equip, electrical contractor , based on SIC code 3822 .

Shows the trend in D&B PAYDEX scoring over the past 12 months.



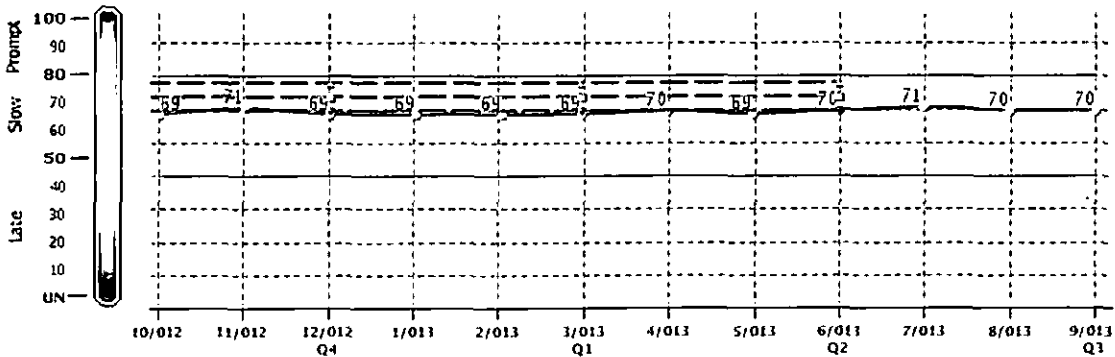
▲ This Company ▲ Industry Upper 25% ▼ Industry Lower 25% □ Industry Median

	10/13	11/13	12/13	1/14	2/14	3/14	4/14	5/14	6/14	7/14	8/14	9/14
<b>This Business</b>	71	70	69	70	70	71	69	70	69	67	68	68
<b>Industry Quartiles</b>												
Upper			77			77			78			
Median			74			74			74			
Lower			70			70			69			

Current PAYDEX for this Business is 68 , or equal to 17 days beyond terms  
 The 12-month high is 71 , or equal to 14 DAYS BEYOND terms  
 The 12-month low is 67 , or equal to 18 DAYS BEYOND terms

**Previous Year**

Shows PAYDEX of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Mfg environmntl controls, whol electrical equip, mfg communications equip, electrical contractor , based on SIC code 3822 .



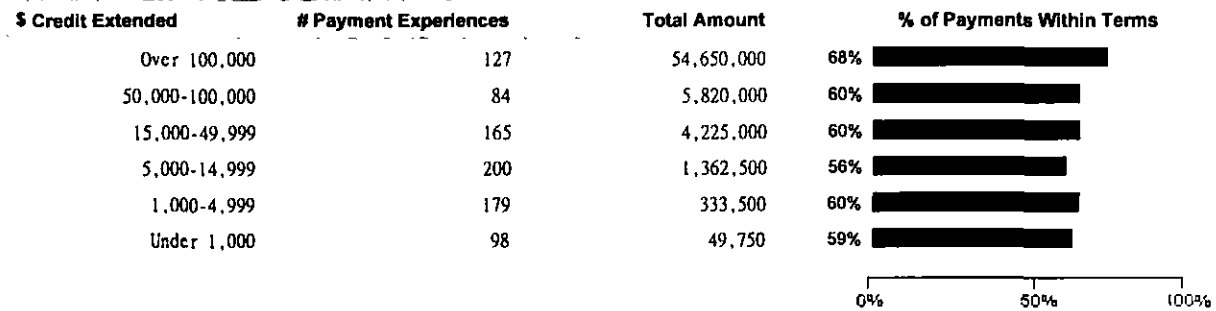
▲ This Company ▲ Industry Upper 25% ▼ Industry Lower 25% □ Industry Median

<b>Previous Year</b>	09/12 Q3'12	12/12 Q4'12	03/13 Q1'13	06/13 Q2'13
<b>This Business</b>	UN	69	69	70
<b>Industry Quartiles</b>				
Upper	78	78	78	78
Median	74	74	74	74
Lower	70	70	70	70

Based on payments collected over the last 4 quarters.  
 Current PAYDEX for this Business is 68 , or equal to 17 days beyond terms  
 The present industry median Score is 74 , or equal to 9 days beyond terms  
 Industry upper quartile represents the performance of the payers in the 75th percentile  
 Industry lower quartile represents the performance of the payers in the 25th percentile

**Payment Habits**

For all payment experiences within a given amount of credit extended, shows the percent that this Business paid within terms. Provides number of experiences to calculate the percentage, and the total credit value of the credit extended.



Based on payments collected over last 24 months.

All Payment experiences reflect how bills are paid in relation to the terms granted. In some instances, payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

### Payment Summary

There are 874 payment experience(s) in D&Bs file for the most recent 24 months, with 861 experience(s) reported during the last three month period.

The highest **Now Owes** on file is 2,000,000 . The highest **Past Due** on file is 800,000

Below is an overview of the companys currency-weighted payments, segmented by its suppliers primary industries:

	Total Revd (#)	Total Amts	Largest High Credit	Within Terms (%)	Days Slow <31 31-60 61-90 90>			
<b>Top Industries</b>								
Nonclassified	48	1,506,000	500,000	74	14	6	4	2
Whol electronic parts	48	1,789,750	400,000	35	34	24	6	1
Whol electrical equip	43	3,069,250	600,000	76	19	2	0	3
Whol industrial suppl	41	5,463,500	2,000,000	89	7	1	2	1
Whol industrial equip	32	2,783,250	1,000,000	17	3	20	60	0
Trucking non-local	31	4,021,750	3,000,000	91	6	0	2	1
Telephone communictns	30	2,395,750	2,000,000	99	1	0	0	0
Whol plumb/hydraulics	28	1,813,250	1,000,000	65	32	2	1	0
Whol metal	28	3,801,000	1,000,000	43	37	15	3	2
Whol chemicals	23	493,750	100,000	69	8	0	5	18
Whol computers/softwr	22	3,909,250	900,000	59	25	16	0	0
Mfg relays/controls	14	3,206,250	1,000,000	98	2	0	0	0
Electric services	14	45,500	15,000	98	1	1	0	0
Mfg refrig/heat equip	13	240,000	90,000	71	6	2	0	21
Mfg electric test prd	12	1,033,500	500,000	80	6	2	10	2
Misc business credit	12	198,000	75,000	52	48	0	0	0
Short-trlm busn credit	11	191,000	85,000	48	47	0	0	5
Arrange cargo transpt	10	2,930,000	2,000,000	49	49	2	0	0
Mfg process controls	10	1,173,250	250,000	66	23	11	0	0
Whol misc profsn eqpt	10	257,750	200,000	56	1	43	0	0
Mfg computers	9	3,505,000	1,000,000	81	4	14	1	0
Truck rental/leasing	9	135,750	65,000	19	37	0	35	9
Misc equipment rental	9	38,000	20,000	23	30	15	4	28
Mfg elect. connectors	8	481,000	300,000	84	10	2	0	4
Whol service paper	8	148,500	35,000	53	13	32	0	2
Prepackaged software	7	49,000	35,000	27	73	0	0	0
Whol office equipment	6	1,183,000	1,000,000	48	0	3	46	3
Whol office supplies	6	550,000	200,000	78	19	0	0	3

Whol petroleum prdts	6	153,250	100,000	48	2	33	2	15
Help supply service	6	65,500	40,000	50	18	31	1	0
Coating/engrave svcs	6	62,000	35,000	55	45	0	0	0
Mfg valve/pipe fittng	6	62,000	25,000	73	26	1	0	0
Misc business service	6	29,250	7,500	60	27	0	13	0
Mfg fluid power pumps	5	1,295,000	900,000	51	38	11	0	0
Mfg photograph equip	5	800,000	700,000	12	88	0	0	0
Mfg chemicals	5	627,500	250,000	56	8	36	0	0
Paper mill	5	585,000	250,000	27	23	30	3	17
Air courier service	5	420,000	250,000	95	0	0	0	5
Mfg misc trnsmn eqpt	5	367,500	200,000	88	5	0	0	7
Misc repair services	5	235,000	200,000	90	9	1	0	0
Mfg plastic sheet/flm	5	92,250	50,000	55	45	0	0	0
Mfg elect. components	5	60,000	40,000	54	42	0	0	4
Mfg misc elect. equip	5	60,250	35,000	67	4	29	0	0
Industrial launderer	5	13,250	5,000	20	50	0	0	30
Mfg misc plastic prdt	4	507,750	500,000	98	2	0	0	0
Nonferrous wiredrawng	4	920,000	500,000	78	22	0	0	0
Mfg medical instrmnt	4	523,500	500,000	97	3	0	0	0
Mfg pumping equipment	4	307,500	250,000	43	57	0	0	0
Radiotelephone commun	4	310,000	100,000	52	0	48	0	0
Public finance	4	127,500	100,000	100	0	0	0	0
Mfg motors/gencrators	4	275,000	100,000	80	2	18	0	0
Passenger car rental	4	145,000	55,000	34	0	0	0	66
Operative builders	4	125,000	45,000	46	14	22	18	0
Mfg air/gas compress	4	57,000	40,000	96	4	0	0	0
Mfg misc metal prdts	4	60,000	30,000	100	0	0	0	0
Oil/gas field service	4	55,000	30,000	78	2	0	18	2
Mfg plane engine/part	4	35,000	20,000	57	0	29	0	14
Whol heating/ac equip	4	38,500	20,000	61	39	0	0	0
Security broker/deal	4	14,250	10,000	97	0	3	0	0
Local truck w/storage	4	6,500	5,000	50	12	38	0	0
Books-print/publish	4	4,000	2,500	41	0	6	31	22
Mfg male work clothes	3	401,000	300,000	62	38	0	0	0
Mfg public bldg furn	3	311,000	250,000	90	0	0	10	0
Electric eqpt repair	3	215,750	200,000	7	47	46	0	0
Secondary smelt metal	3	402,500	200,000	99	1	0	0	0
Mfg measure devices	3	160,000	100,000	100	0	0	0	0
Business consulting	3	275,000	100,000	68	32	0	0	0
Mfg organic chemicals	3	88,500	85,000	52	48	0	0	0
Mfg industrial valves	3	57,500	35,000	13	44	30	0	13
Mfg power transformer	3	21,250	20,000	98	2	0	0	0
Whol const/mine equip	3	25,000	15,000	60	0	10	0	30
Mfg environment cntrl	3	15,250	10,000	65	0	33	0	2
Mfg roasted coffee	3	15,000	5,000	67	0	0	0	33
Whol durable goods	3	5,750	5,000	57	43	0	0	0
Rct mail-order house	3	7,750	5,000	32	32	0	0	36
Mfg telephone equip	2	1,002,500	1,000,000	100	0	0	0	0
Mfg gray/ductile iron	2	900,000	500,000	22	56	22	0	0
Mfg blowers/fans	2	105,000	100,000	50	0	50	0	0
Gravure printing	2	115,000	100,000	100	0	0	0	0
Mfg guidance equip	2	195,000	100,000	26	74	0	0	0
Special storage	2	190,000	100,000	74	0	26	0	0
Mfg sheet metalwork	2	100,000	95,000	95	5	0	0	0

Mfg concrete products	2	67,500	65,000	50	48	2	0	0
Mfg paint/allied prdt	2	72,500	65,000	50	0	5	45	0
Lcl truck-w/o storage	2	46,000	45,000	98	2	0	0	0
Scheduled air trans	2	46,000	45,000	100	0	0	0	0
Mfg conveyors	2	37,500	35,000	53	0	0	47	0
Mfg manifold forms	2	50,000	30,000	0	0	30	30	40
Mfg service ind. mach	2	26,000	25,000	52	48	0	0	0
Natural gas distrib	2	27,500	25,000	100	0	0	0	0
Whol groceries	2	30,000	20,000	100	0	0	0	0
Custom programming	2	27,500	20,000	64	36	0	0	0
Hvy const eqpt rental	2	16,000	15,000	47	47	3	3	0
Testing laboratory	2	15,000	10,000	100	0	0	0	0
Mfg elevator/escaltrs	2	10,000	7,500	100	0	0	0	0
Ret stationery	2	6,000	5,000	83	17	0	0	0
Mfg lime	2	6,000	5,000	83	0	0	0	17
Management services	2	10,000	5,000	100	0	0	0	0
Whol hardware	2	3,500	2,500	64	36	0	0	0
Whol furniture	2	3,000	2,500	17	0	0	41	42
Whol lumber/millwork	2	3,000	2,500	100	0	0	0	0
Misc publishing	2	1,000	750	100	0	0	0	0
Mfg signs/ad specltys	2	1,500	750	100	0	0	0	0
Mfg soap/detergents	2	750	500	50	33	0	17	0
Mfg switchgear-boards	1	2,000,000	2,000,000	50	50	0	0	0
Erects building equip	1	1,000,000	1,000,000	50	0	50	0	0
Railroad	1	1,000,000	1,000,000	50	50	0	0	0
Mfg surgical supplies	1	750,000	750,000	50	0	0	0	50
Mfg metal cut mach	1	250,000	250,000	50	50	0	0	0
Whol auto parts	1	250,000	250,000	100	0	0	0	0
Ret misc merchandise	1	200,000	200,000	100	0	0	0	0
Mfg plate work	1	200,000	200,000	100	0	0	0	0
Mfg alkalis/chlorine	1	200,000	200,000	100	0	0	0	0
Mfg electric wire dev	1	95,000	95,000	50	50	0	0	0
Mfg structural metal	1	70,000	70,000	0	100	0	0	0
Whol appliances	1	50,000	50,000	100	0	0	0	0
Gas service station	1	50,000	50,000	50	0	0	50	0
Steel works	1	40,000	40,000	50	0	0	50	0
Mfg alum extrud prdts	1	35,000	35,000	100	0	0	0	0
Mfg primary batteries	1	30,000	30,000	100	0	0	0	0
Mfg readymix concrete	1	25,000	25,000	0	50	0	50	0
Mfg car parts	1	20,000	20,000	100	0	0	0	0
Real estate agent/mgr	1	20,000	20,000	50	50	0	0	0
Custom compounding	1	15,000	15,000	0	100	0	0	0
Copper roll/drawing	1	15,000	15,000	100	0	0	0	0
Nonferrous foundry	1	15,000	15,000	100	0	0	0	0
Mfg prefab metal bldg	1	15,000	15,000	100	0	0	0	0
Paperboard mill	1	15,000	15,000	100	0	0	0	0
State commercial bank	1	10,000	10,000	0	0	50	50	0
Mfg comp peripherals	1	7,500	7,500	100	0	0	0	0
Whol poultry/products	1	7,500	7,500	100	0	0	0	0
Mfg die/tool/jig/fixt	1	7,500	7,500	50	0	50	0	0
Mfg plastics/resins	1	7,500	7,500	50	50	0	0	0
Mfg overhead hoists	1	7,500	7,500	50	0	50	0	0
Armature rewinding	1	5,000	5,000	0	0	50	50	0
Whol construct materl	1	5,000	5,000	0	0	100	0	0

Mechanical contractor	1	5,000	5,000	100	0	0	0	0
Mfg power handtools	1	5,000	5,000	0	0	0	100	0
Mfg construction mach	1	5,000	5,000	0	100	0	0	0
Newspaper-print/publ	1	5,000	5,000	50	50	0	0	0
Information retrieval	1	5,000	5,000	100	0	0	0	0
Transmission repair	1	5,000	5,000	0	50	0	0	50
Mfg cutting tool/part	1	2,500	2,500	100	0	0	0	0
Mfg elect coil/trnsfm	1	2,500	2,500	50	50	0	0	0
Whol medical equip	1	2,500	2,500	100	0	0	0	0
Electrical contractor	1	2,500	2,500	50	0	0	50	0
Whol nondurable goods	1	2,500	2,500	50	50	0	0	0
Mfg general machinery	1	2,500	2,500	100	0	0	0	0
Mfg inorganic chemcls	1	2,500	2,500	50	50	0	0	0
Mfg synthetic rubber	1	2,500	2,500	100	0	0	0	0
Mfg elect indus equip	1	1,000	1,000	100	0	0	0	0
Drywall/insulate work	1	1,000	1,000	100	0	0	0	0
Mfg fluid meters	1	1,000	1,000	100	0	0	0	0
Whol service equip	1	750	750	50	0	50	0	0
Mfg glass products	1	750	750	0	0	0	100	0
Combination utilities	1	750	750	100	0	0	0	0
Whol plastic material	1	500	500	50	50	0	0	0
Investment advice	1	250	250	50	50	0	0	0
Whol farm/garden mach	1	250	250	0	100	0	0	0
Mfg hardware	1	250	250	0	100	0	0	0
Mfg alarm/signal dvcs	1	250	250	0	50	50	0	0
Whol picce goods	1	250	250	100	0	0	0	0

**Other payment categories**

Cash experiences	10	9,000	2,500
Payment record unknown	7	13,250	5,000
Unfavorable comments	1	15,000	15,000
Placed for collections	3	N/A	0
<b>Total in D&amp;B's file</b>	<b>874</b>	<b>66,478,000</b>	<b>3,000,000</b>

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Indications of slowness can be result of dispute over merchandise, skipped invoices etc.

**Detailed payment history for this company**

Date Reported (mm/yy)	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last Sale Within (month)
08/14	Disc	1,000,000	250,000	0		1 mo
	Disc-Ppt	750,000	20,000	0		2-3 mos
	Ppt	200,000	100,000	0		1 mo
	Ppt	200,000	0	0		2-3 mos
	Ppt	200,000	100,000	15,000	N60	1 mo
	Ppt	85,000	75,000	2,500	N60	1 mo
	Ppt	70,000	70,000	0		1 mo
	Ppt	65,000	30,000	0		1 mo
	Ppt	45,000	0	0		4-5 mos
	Ppt	30,000	30,000	2,500	N60	1 mo
	Ppt	25,000	0	0		6-12 mos

Ppt	20,000	0	0	1 mo
Ppt	15,000	15,000	0	1 mo
Ppt	15,000	0	0	2-3 mos
Ppt	10,000	500	0	1 mo
Ppt	10,000	1,000	0	1 mo
Ppt	7,500	50	0	1 mo
Ppt	7,500	0	0	6-12 mos
Ppt	5,000	0	0	6-12 mos
Ppt	5,000	0	0	2-3 mos
Ppt	5,000	250	0	2-3 mos
Ppt	5,000	0	0	4-5 mos
Ppt	2,500	100	0	1 mo
Ppt	2,500	250	Lease Agreemnt	
Ppt	2,500	50	0	1 mo
Ppt	1,000	0	0	1 mo
Ppt	1,000	0	0	4-5 mos
Ppt	1,000	1,000	0 N30	1 mo
Ppt	750	0	0	6-12 mos
Ppt	250	0	0	4-5 mos
Ppt-Slow 15	20,000	20,000	0 2 30 N45	1 mo
Ppt-Slow 30	700,000	250,000	5,000	1 mo
Ppt-Slow 30	250,000	100,000	15,000	1 mo
Ppt-Slow 30	200,000	100,000	20,000 N60	1 mo
Ppt-Slow 30	80,000	55,000	0	1 mo
Ppt-Slow 30	20,000	0	0	6-12 mos
Ppt-Slow 30	15,000	5,000	1,000	1 mo
Ppt-Slow 30	7,500	0	0	6-12 mos
Ppt-Slow 30	5,000	0	0 N30	1 mo
Ppt-Slow 30	5,000	5,000	2,500	1 mo
Ppt-Slow 30	2,500	1,000	0	1 mo
Ppt-Slow 60		750	250	1 mo
Ppt-Slow 60	250,000	0	0	2-3 mos
Ppt-Slow 60	50,000	30,000	0	1 mo
Ppt-Slow 60	20,000	5,000	2,500 N45	1 mo
Ppt-Slow 60	2,500	0	0	4-5 mos
Ppt-Slow 60	1,000	100	100	1 mo
Ppt-Slow 60	1,000	0	0	6-12 mos
Ppt-Slow 90	7,500	50	50	1 mo
Ppt-Slow 90	2,500	2,500	2,500 N30	2-3 mos
Ppt-Slow 90+	25,000	750	750	1 mo
Ppt-Slow 120	25,000	15,000	10,000	1 mo
Slow 20	1,000	0	0	4-5 mos
Slow 30	80,000	0	0	6-12 mos
Slow 30	10,000	250	0	1 mo
Slow 30	5,000	0	0	6-12 mos
Slow 30	5,000	0	0	6-12 mos
Slow 30	2,500	0	0	6-12 mos
Slow 30	1,000	1,000	1,000	1 mo
Slow 30-60	200,000	0	0	6-12 mos
Slow 60	25,000	20,000	20,000 2 10 N30	1 mo
Slow 60	5,000	250	0	1 mo
Slow 60	2,500	0	0	2-3 mos
Slow 30-90		2,500	2,500	

	Slow 30-90		500	500	
	Slow 30-90	7,500	100	100	6-12 mos
	Slow 120	250	250	250 N30	1 mo
	Slow 130	70,000	70,000	70,000	4-5 mos
07/14	Ppt	2,500	2,500	0 N30	1 mo
	Ppt	2,500	0	0	2-3 mos
	Ppt	750	0	0	2-3 mos
	Ppt	500	500	0	1 mo
	Ppt	250	0	0	1 mo
	Ppt-Slow 30	1,000,000	100,000	25,000	1 mo
	Ppt-Slow 30	2,500	1,000	250	1 mo
	Ppt-Slow 110	60,000	50,000	20,000	1 mo
	Slow 30	15,000	15,000	15,000	1 mo
	Slow 120	20,000	7,500	5,000 N30	1 mo
	Slow 30-120	10,000	10,000	10,000	2-3 mos
	Slow 120	5,000	5,000	5,000	6-12 mos

**Payments Detail Key:**  30 or more days beyond terms

Payment experiences reflect how bills are paid in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc. Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

## Public Filings

**Currency:** Shown in USD unless otherwise indicated 

### Summary

The following data includes both open and closed filings found in D&B's database on this company.

Record Type	# of Records	Most Recent Filing Date
Bankruptcy Proceedings	0	-
Judgments	0	-
Liens	3	07/24/14
Suits	7	07/24/14
UCCs	197	08/01/14

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

### Liens

A lien holder can file the same lien in more than one filing location. The appearance of multiple liens filed by the same lien holder against a debtor may be indicative of such an occurrence.

<b>Status</b>	Open
<b>BOOK/PAGE</b>	1510/0464
<b>Type</b>	State Tax
<b>Filed By</b>	STATE OF KENTUCKY
<b>Against</b>	SIEMENS INDUSTRY INC
<b>Where Filed</b>	JEFFERSON COUNTY DEEDS AND RECORDS, LOUISVILLE, KY
<b>Date Status Attained</b>	07/24/14
<b>Date Filed</b>	07/24/14
<b>Latest Info Received</b>	08/08/14

**Status** Open



**DOCKET NO.** 14-0230163  
**Type** State Tax  
**Filed By** STATE OF ALABAMA  
**Against** SIEMENS INDUSTRY INC, AUSTIN, TX  
**Where Filed** SECRETARY OF STATE/UCC DIVISION, MONTGOMERY, AL  
**Date Status Attained** 06/10/14  
**Date Filed** 06/10/14  
**Latest Info Received** 06/15/14

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**Amount** 11,111  
**Status** Open  
**FILING NO.** 146915933  
**Type** State Tax  
**Filed By** WORKFORCE SERVICES  
**Against** SIEMENS INDUSTRY INC, SANDY, UT  
**Where Filed** SALT LAKE COUNTY 3RD DISTRICT COURT, SALT LAKE CITY, UT  
**Date Status Attained** 06/06/14  
**Date Filed** 06/06/14  
**Latest Info Received** 06/26/14

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#### Suits

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**Suit Amount** IN EXCESS OF 100000  
**Status** Pending  
**CASE NO.** 14CV32900  
**Plaintiff** AARON CAPPS  
**Defendant** SIEMENS INDUSTRY INC., ALPHARETTA, GA AND OTHERS  
**Cause** PERSONAL INJURY MOTOR VEHICLE  
**Where filed** DENVER COUNTY DISTRICT COURT, DENVER, CO

**Date status attained** 07/24/14  
**Date filed** 07/24/14  
**Latest Info Received** 08/06/14

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**Status** Pending  
**CASE NO.** 1407766SC  
**Plaintiff** 2917 - TMI COMPRESSED AIR SYSTEMS INC  
**Defendant** SIEMENS INDUSTRY INC, BENTON HARBOR, MI  
**Where filed** BERRIEN COUNTY DISTRICT COURT 5TH, SAINT JOSEPH, MI

**Date status attained** 07/18/14  
**Date filed** 07/18/14  
**Latest Info Received** 07/24/14

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**Status** Pending  
**DOCKET NO.** 13CI05995  
**Plaintiff** RICHARD WISE  
**Defendant** SIEMENS INDUSTRY INC, ALPHARETTA, GA  
**Where filed** JEFFERSON COUNTY CIRCUIT COURT, LOUISVILLE, KY

**Date status attained** 11/14/13  
**Date filed** 11/14/13  
**Latest Info Received** 12/02/13

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**Status** Pending  
**DOCKET NO.** 201300004194  
**Plaintiff** MELAMED, YEFIM, HOLLAND, PA  
**Defendant** SIEMENS INDUSTRY INC AND OTHERS  
**Cause** TORT  
**Where filed** BUCKS COUNTY PROTHONOTARY, DOYLESTOWN, PA

**Date status attained** 05/30/13  
**Date filed** 05/30/13  
**Latest Info Received** 06/08/13

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**Suit Amount** 6,800  
**Status** Pending  
**CASE NO.** SMCD1300904  
**Plaintiff** EDDIE O'CAMPO  
**Defendant** SIEMENS INDUSTRY INC., CYPRESS, CA AND OTHERS  
**Cause** SMALL CLAIMS - & gt;\$5,000 & lt;\$10,000(IMAGED)  
**Where filed** SAN BERNARDINO COURT SMALL CLAIMS COURT/SAN BERNARDINO, SAN BERNARDINO, CA

**Date status attained** 03/25/13  
**Date filed** 03/25/13  
**Latest Info Received** 05/20/13

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**Status** Pending  
**DOCKET NO.** 12CV015815  
**Plaintiff** BENNETT MICHAEL  
**Defendant** SIEMENS INDUSTRY INC AND OTHERS  
**Where filed** FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OH

**Date status attained** 12/28/12  
**Date filed** 12/28/12  
**Latest Info Received** 01/18/13

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**Status** Pending  
**DOCKET NO.** 110915684  
**Plaintiff** MELVILLE, JOHN W  
**Defendant** SIEMENS INDUSTRY INC, BUFFALO GROVE, IL AND OTHERS  
**Where filed** SALT LAKE COUNTY 3RD DISTRICT COURT, SALT LAKE CITY, UT

**Date status attained** 06/28/11  
**Date filed** 06/28/11  
**Latest Info Received** 11/16/12

If it is indicated that there are defendants other than the report subject, the lawsuit may be an action to clear title to property and does not necessarily imply a claim for money against the subject.

#### UCC Filings

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**Collateral** Negotiable instruments including proceeds and products - Inventory including proceeds and products - Account(s) including proceeds and products - General intangibles(s) including proceeds and products - and OTHERS

**Type** Original

**Sec. Party** SIEMENS CREDIT WAREHOUSE, INC., ISELIN, NJ

**Debtor** SIEMENS INDUSTRY, INC.

**Filing No.** 2012 0073652

**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2012-01-06

**Latest Info Received** 01/27/12

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**Collateral** Negotiable instruments including proceeds and products - Inventory including proceeds and products - Accounts receivable including proceeds and products - Account(s) including proceeds and products - and OTHERS

**Type** Original

**Sec. Party** SIEMENS FINANCIAL SERVICES, INC., ISELIN, NJ

**Debtor** SIEMENS INDUSTRY, INC.

**Filing No.** 2011 1121147

**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2011-03-25

**Latest Info Received** 04/20/11

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**Collateral** All Accounts receivable and proceeds - All General intangibles(s) and proceeds - All Equipment and proceeds

**Type** Original

**Sec. Party** CANON FINANCIAL SERVICES, MT LAUREL, NJ

**Debtor** SIEMENS INDUSTRY INC, TALLAHASSEE, FL

**Filing No.** 2010 1398233

**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2010-04-22

**Latest Info Received** 05/19/10

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**Collateral** Accounts receivable and proceeds - General intangibles(s) and proceeds - Equipment and proceeds

**Type** Original

**Sec. Party** CANON FINANCIAL SERVICES, MT LAUREL, NJ

**Debtor** SIEMENS INDUSTRY INC, PLYMOUTH, MI

**Filing No.** 2012 3508894

**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2012-09-11

**Latest Info Received** 10/04/12

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**Collateral** Account(s) and proceeds - Contract rights and proceeds

**Type** Original

**Sec. Party** DOMINION FEDERAL CORPORATION, MCLEAN, VA  
**Debtor** SIEMENS INDUSTRY, INC.  
**Filing No.** 018521644  
**Filed With** SECRETARY OF STATE/UCC DIVISION, SPRINGFIELD, IL  
  
**Date Filed** 2013-08-19  
**Latest Info Received** 09/04/13

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**Type** Assignment  
**Sec. Party** DOMINION FEDERAL CORPORATION, MCLEAN, VA MASSMUTUAL ASSET FINANCE, LLC, FOXBOROUGH, MA  
**Debtor** SIEMENS INDUSTRY, INC.  
**Filing No.** 009299525  
**Filed With** SECRETARY OF STATE/UCC DIVISION, SPRINGFIELD, IL  
  
**Date Filed** 2014-05-12  
**Latest Info Received** 05/20/14  
**Original UCC Filed Date** 2013-08-19  
**Original Filing No.** 018521644

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**Collateral** Account(s) and proceeds - Equipment and proceeds  
**Type** Original  
**Sec. Party** LASALLE NATIONAL LEASING CORPORATION, TOWSON, MD  
**Debtor** SIEMENS BUILDING TECHNOLOGIES, INC., NORCROSS, GA  
**Filing No.** 4149937 7  
**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE  
  
**Date Filed** 2004-06-01  
**Latest Info Received** 06/24/04

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**Collateral** Leased Assets and proceeds - Leased Equipment and proceeds  
**Type** Original  
**Sec. Party** ASCENTUM CAPITAL LLC, KINGWOOD, TX  
**Debtor** SIEMENS INDUSTRY, INC., PORTLAND, OR  
**Filing No.** 2014 0834093  
**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE  
  
**Date Filed** 2014-03-04  
**Latest Info Received** 04/11/14

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**Collateral** Equipment and proceeds  
**Type** Original  
**Sec. Party** MASSMUTUAL ASSET FINANCE LLC, FOXBORO, MA  
**Debtor** SIEMENS INDUSTRY, INC. BUILDING TECHNOLOGY DIVISION, CANTON, MA  
**Filing No.** 2013 4153707  
**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2013-10-23  
**Latest Info Received** 11/15/13

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**Collateral** Equipment and proceeds  
**Type** Original  
**Sec. Party** THOMPSON TRACTOR CO., INC., BIRMINGHAM, AL  
**Debtor** SIEMENS WATER TECHNOLOGIES LLC, PORTLAND, OR  
**Filing No.** 2013 3473486  
**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2013-09-06  
**Latest Info Received** 09/30/13

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**Collateral** Equipment and proceeds  
**Type** Original  
**Sec. Party** WELLS FARGO BANK, N.A., LINCOLNSHIRE, IL  
**Debtor** SIEMENS INDUSTRY, INC., PORTLAND, OR  
**Filing No.** 2013 2412527  
**Filed With** SECRETARY OF STATE/UCC DIVISION, DOVER, DE

**Date Filed** 2013-06-24  
**Latest Info Received** 07/19/13

### Government Activity

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#### Activity summary

Borrower (Dir/Guar)	NO
Administrative Debt	YES
Contractor	YES
Grantee	NO
Party excluded from federal program(s)	NO

#### Possible candidate for socio-economic program consideration

Labour Surplus Area	YES (2014)
Small Business	N/A
8(A) firm	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

## History & Operations

Currency: Shown in USD unless otherwise indicated 

## Company Overview

**Company Name:** SIEMENS INDUSTRY, INC.  
**Doing Business As :** (SUBSIDIARY OF SIEMENS CORPORATION, NEW YORK, NY)  
**Street Address:** 1000 Deerfield Pkwy  
Buffalo Grove , IL 60089  
**Phone:** 847 215-1000  
**URL:** <http://www.usa.siemens.com>  
**History** Is clear  
**Present management control** 20 years

## History

The following information was reported: **05/09/2014**

**Officer(s):** DARYL DEAN DULANEY, PRES-SEC-CEO  
MICHAEL CAHILL, PRES  
KEN CORNELIUS, PRES  
ANDREAS SCHIERENBECK, PRES  
GEORGE T BURCK, V PRES-CONTRL  
AXEL MEIER, V PRES

**THE OFFICER(S) and**  
**Rolf Ranz, George**  
**Nolan, Heribert Stumpf,**  
**Garry Wagner, Heinrich**  
**Hiesinger, Daryl**  
**Dulaney, Johannes**  
**Milde.**

The Delaware Secretary of State's business registrations file showed that Siemens Industry, Inc. was registered as a Corporation on November 28, 1972.

Business started 1994. Present control succeeded Jan 01, 1998. 100% of capital stock is owned by the parent company.

### **MERGER/ACQUISITION :**

On May 9, 2014, Kim Patrick, Accounting Manager, stated that the assets of Service Guide, Inc. were acquired by Siemens Industry, Inc. in July 2013 and Service Guide, Inc. discontinued its operations. Terms were undisclosed. Further details were undetermined.

On October 1, 1998, Siemens AG acquired 100% of the industrial business of the Swiss company Electrowatt Ltd. The purchase created a brand-new Siemens company in the United States, Siemens Building Technologies, Inc., formed from Landis & Staefa and Cerberus Pyrotronics, two of Electrowatt's major U.S. companies.

The Landis & Staefa division was founded in 1891 as a family business and operated as Powers Regulator Company. In 1977, Powers Regulator Company was sold to Mark Controls Corp. and was known as MCC Powers, Inc. On October 9, 1987, MCC Powers was purchased by Landis & Gyr Holdings Co and operated as Landis & Gyr Powers Inc until February 1996. In response to ongoing market research studies, Landis & Gyr Powers Inc. legally changed its name to Landis & Gyr Inc. On October 1, 1996, a sister company named Staefa Control Systems Inc (San Diego, CA) merged into Landis & Gyr Inc. and the name of the Company was changed to Landis & Staefa, Inc.

Beginning in October 2001, the former Landis & Staefa division was split into two divisions which were re-named Building Automation and HVAC Products. Both divisions are headquartered in Buffalo Grove, IL.

The Cerberus division was started in 1952 and was a subsidiary of Cerberus Holdings Inc. since 1981. Prior to the merger with Landis & Gyr Holdings in October 1998 to form Siemens Building Technologies, the Company operated under the name Cerberus Pyrotronics.

Beginning in October 2001, the former Cerberus division was re-named the Fire Safety division. The division is headquartered in Florham Park, NJ.

On December 30, 2013, sources stated that Siemens Industry Inc., Buffalo Grove, IL, has acquired Emeter Corporation, Foster City, CA, on December 5, 2011. With the acquisition, Emeter Corporation will now operate as a subsidiary of Siemens Industry Inc. Terms of the transaction were not disclosed. Further details are unavailable.

On May 4, 2012, sources stated that Siemens Industry Inc., Buffalo Grove, IL, has signed and closed a purchase agreement to acquire 100 percent of the shares of FCE LLC, Huntingdon Valley, PA, on April 25, 2012. FCE LLC will now operate as a wholly-owned subsidiary of Siemens Industry Inc. Terms of the deal were not disclosed. Further details are unavailable.

On January 12, 2012, sources stated that Siemens Industry, Inc., Buffalo Grove, IL, has completed the acquisition of Pace Global Energy Services LLC, Fairfax, VA, on January 9, 2012. With this acquisition, Pace Global Energy Services LLC will now operate as a subsidiary of Siemens Industry, Inc. Terms of sales were undisclosed. Further details are not available.

On July 9, 2010, an inside source stated that Morgan Construction Company, Worcester, MA, was merged with Siemens Industry, Inc., Worcester, MA, on July 1, 2010. With this transaction Morgan Construction Company discontinued its business and its operations were integrated into Siemens Industry, Inc. This location now operates as a branch of Siemens Industry, Inc. Further details were unavailable.

On October 31, 2006 Siemens Building Technologies, Inc. (Buffalo Grove, IL) announced that it has completed the transaction to acquire VistaScape Security Systems Corp. (Atlanta, GA) as a wholly owned subsidiary. Terms of the transaction were not disclosed. Further details are unavailable at this time.

On May 12, 2005, George T Burck, treasurer, vp-controller for the company, stated that the company has acquired the assets of Powers of Oklahoma, Inc, Tulsa, OK. The company will continue to operate from the Tulsa and Oklahoma City, OK facilities and has retained the employees at these locations.

On December 3, 2003 an inside source for EMCOR Group Inc, Norwalk, CT stated that the company acquired the facilities management services business operation from Siemens Building Technologies Inc. The acquired business operations employs 365 employees who were integrated into EMCOR's facilities services organization.

Business name has changed from Siemens Building Technologies, Inc. to Siemens Industry Inc. through charter amendment on October 9, 2009.

DARYL DEAN DULANEY. 2004-present active here. 1979-active with Siemens.

MICHAEL CAHILL. Antecedents are unknown.

KEN CORNELIUS. Antecedents are unknown.

ANDREAS SCHIERENBECK. Antecedents are unknown.

GEORGE T BURCK. 1994-present active here.  
AXEL MEIER. 2004-present active here.

Address has been changed from 10 Technology Dr, Lowell, MA to 1000 Deerfield Pkwy, Buffalo Grove, IL.

## Operations

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05/09/2014

Subsidiary of Siemens Corporation, New York, NY started 1954 which operates as a manufacturer of electrical & diagnostic equipment. Intercompany relations: As noted, this company is a subsidiary of Siemens Corporation, DUNS number 06-499-5533, and reference is made to that report for background information on the parent company and its management.

**Description:** Manufactures environmental controls, specializing in air conditioning or refrigeration controls and thermostats or other environmental sensors. Wholesales electrical apparatus and equipment, specializing in alarms and signaling equipment. Manufactures communications equipment, specializing in emergency alarms. Contractor of electrical work, specializing in safety or security systems. Provides security systems services. Manufactures relays or industrial controls.

Has 30000 account(s). Terms are Net 30 days (domestic) and letter of credit (foreign). Sells to manufacturers in diverse industries. Territory : International.

Nonseasonal.

**Employees:** 7,422 which includes officer(s). 1,200 employed here.

**Facilities:** Occupies premises in a building.

**Location:** Industrial section on side street.

**Branches:** This business has numerous branches, detailed information is available in Dun & Bradstreet's linkage or family tree products.  
GREER, SC (864 877-7955). Operates as MFG ELECTRICAL EQUIPMENT/SUPPLIES.

**Subsidiaries:** SIEMENS INDUSTRY, INC. Operates as MFG ELECTRICAL EQUIPMENT/SUPPLIES.

## SIC & NAICS

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### SIC:

Based on information in our file, D&B has assigned this company an extended 8-digit SIC. D&B's use of 8-digit SICs enables us to be more specific about a company's operations than if we use the standard 4-digit code.

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site. Links open in a new browser window.

3822 0100 Air conditioning and refrigeration controls  
3822 0300 Thermostats and other environmental sensors  
5063 0500 Electric alarms and signaling equipment  
3669 0100 Emergency alarms  
1731 0400 Safety and security specialization  
7382 0000 Security systems services  
3625 0000 Relays and industrial controls

### NAICS:

334512 Automatic Environmental Control Manufacturing for Regulating Residential, Commercial, and Appliance Use  
334512 Automatic Environmental Control Manufacturing for Regulating Residential, Commercial, and Appliance Use  
423610 Electrical Apparatus and Equipment, Wiring Supplies and Related Equipment Merchant Wholesalers  
334290 Other Communications Equipment Manufacturing  
238210 Electrical Contractors  
561621 Security Systems Services (except Locksmiths)  
335314 Relay and Industrial Control Manufacturing

## Banking

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**BANK :** Bank of America, New York, NY and Mellon Bank, Pittsburg, PA.

## Financials

Currency: Shown in USD unless otherwise indicated 

Company Financials: D&B

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**Additional Financial Data**

As of March 26, 2014, attempts to contact the management of this business have been unsuccessful. Outside sources confirmed operation and location.

**Request Financial Statements**

Requested financials are provided by SIEMENS INDUSTRY, INC. and are not DUNSRight certified.

**Key Business Ratios**

D & B has been unable to obtain sufficient financial information from this company to calculate business ratios. Our check of additional outside sources also found no information available on its financial performance.

To help you in this instance, ratios for other firms in the same industry are provided below to support your analysis of this business.

Based on this Number of Establishments

23

**Industry Norms Based On 23 Establishments**

	<b>This Business</b>	<b>Industry Median</b>	<b>Industry Quartile</b>
<b>Profitability</b>			
Return on Sales %	UN	7.4	UN
Return on Net Worth %	UN	11.1	UN
<b>Short-Term Solvency</b>			
Current Ratio	UN	2.8	UN
Quick Ratio	UN	1.4	UN
<b>Efficiency</b>			
Assets to Sales %	UN	117.1	UN
Sales / Net Working Capital	UN	2.5	UN
<b>Utilization</b>			
Total Liabilities / Net Worth (%)	UN	63.4	UN

UN = Unavailable

**Associations**

**All Credit Files Created from this D&B Live Report**

<b>Company Name</b>	<b>Type</b>	<b>Status</b>	<b>Date Created</b>
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	03/21/2012 03:15 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
	Snapshot		



SIEMENS INDUSTRY INC.	D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY, INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	01/08/2014 12:56 PM EST
SIEMENS INDUSTRY, INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	05/19/2014 05:26 PM EDT

**All Credit Files with Same D-U-N-S® Number as this D&B Live Report**

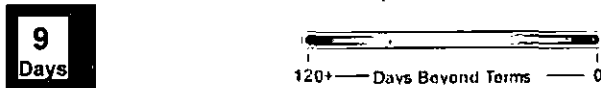
Company Name	Type	Status	Date Created
CB RICHARD ELLIS INC	Account - #443330362378	Credit Review Required	02/06/2012 01:40 AM EST
U S FILTER	Account - #562030349080	Credit Review Required	02/21/2012 02:42 PM EST
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	03/21/2012 03:15 PM EDT
PTI EDUCATION COD ACCOUNT	Account - #3000105023	Credit Review Required	01/24/2013 01:28 AM EST
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
SIEMENS INDUSTRY INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	04/16/2013 01:11 PM EDT
LEXINGTON ARLINGTON LP	Account - #443330460676	No Action Recommended	12/31/2013 02:24 PM EST
SIEMENS INDUSTRY, INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	01/08/2014 12:56 PM EST
SIEMENS INDUSTRY, INC.	Snapshot D-U-N-S Number 01-094-4650	Saved	05/19/2014 05:26 PM EDT

**Detailed Trade Risk Insight™**

Detailed Trade Risk Insight provides detailed updates on over 1.5 billion commercial trade experiences collected from more than 260 million unique supplier/purchaser relationships.

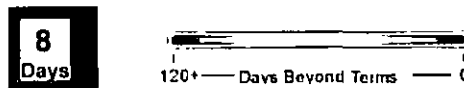
**Days Beyond Terms - Past 3 & 12 Months**

3 months from Jul 14 to Sep 14



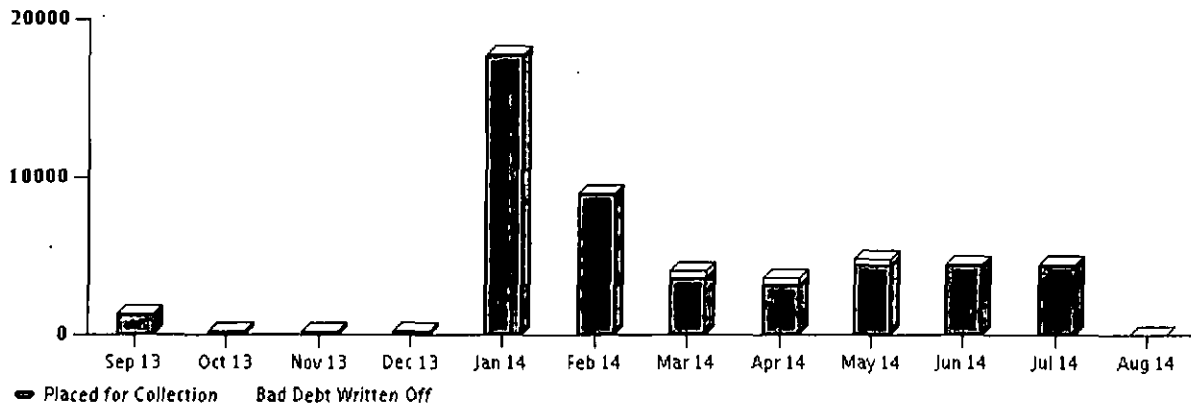
Dollar-weighted average of 1566 payment experiences reported from 336 companies

12 months from Oct 13 to Sep 14



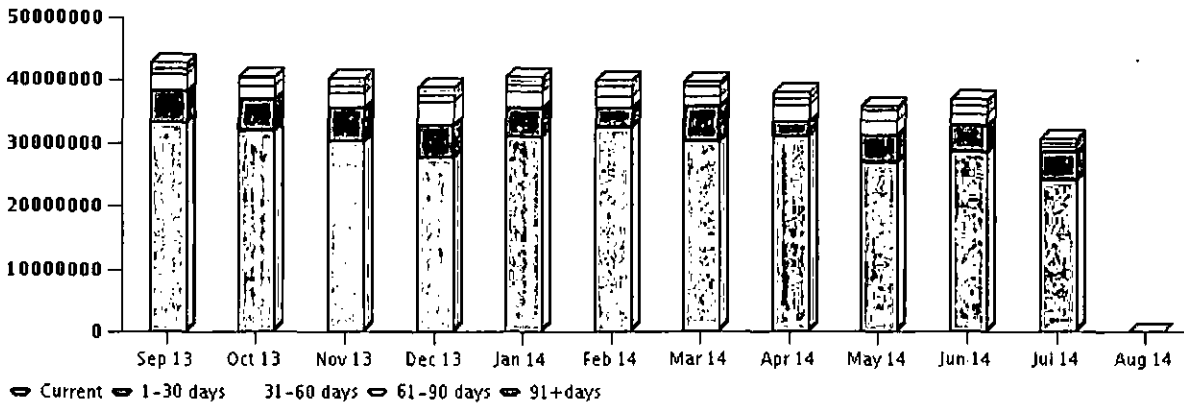
Dollar-weighted average of 2673 payment experiences reported from 504 companies

**Derogatory Events Last 12 Months from Sep 13 to Aug 14**



Status	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14
Placed for collection	1,272 on 2 acct	272 on 1 acct	272 on 1 acct	272 on 1 acct	17,802 on 3 acct	9,044 on 3 acct	3,654 on 3 acct	3,187 on 3 acct	4,462 on 4 acct	4,462 on 4 acct	4,462 on 4 acct	-
Bad debt written off	-	-	-	-	-	-	394 on 1 acct	394 on 1 acct	394 on 1 acct	-	-	-

Total Amount Current and Past Due - 12 month trend from Sep 13 to Aug 14



Status	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14
Total	42,951,032	40,716,464	40,408,461	38,959,496	40,705,048	40,118,644	39,855,892	38,062,963	36,022,870	37,008,785	30,742,105	30,857
Current	33,287,328	31,960,198	30,167,548	27,817,540	31,056,959	32,345,446	30,137,207	31,092,451	26,867,076	28,622,945	24,046,515	30,688
1-30 Days Past Due	5,173,845	5,020,976	5,542,662	5,285,491	4,640,304	3,423,542	5,868,256	2,457,070	4,537,464	4,357,258	4,676,567	-
31-60 Days Past Due	2,445,646	2,064,092	2,321,589	3,320,051	2,509,074	1,481,922	1,447,690	2,367,123	2,233,904	1,736,185	710,759	-
61-90 Days Past Due	968,096	1,254,443	1,061,053	1,150,312	1,131,974	1,789,202	1,429,252	1,054,148	1,573,162	1,382,592	431,496	-
90+ Days Past	1,076,117	416,755	1,315,609	1,386,102	1,366,737	1,078,532	973,487	1,092,171	811,264	909,805	876,768	169

Due | | | | | | | | | |

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### EXHIBIT C: Experience, Plan, Structure

**QUESTION 8a:** 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.

**RESPONSE:** SII intends to act as a consultant to large end-use commercial and industrial customers in connection with the customers' procurement of natural gas and/or electricity. SII would provide advice to its customer clients regarding marketplace transactions, and in some instances will administer auction-style competitive procurements on behalf of its customer clients to assist them in obtaining the most favorable electricity or natural gas supply agreements from competitive energy commodity suppliers. CA and TX are states where SII currently provides electricity and/or gas broker services, and there have been no complaints filed as of the date of this application.

SII has extensive technical, industry and managerial experience, as demonstrated by the attached professional backgrounds of the following SII personnel:

- Justin Barstow, Director, C&I Account Management
- Jim Diemer, Siemens Energy Management Segment Head & Vice President
- Jennifer Porter, Operations Manager
- Greg Simmons, Director, C&I Sales



**James S. Diemer**  
**SEM Segment Head & Vice President**

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**Industry Experience:** 30 years

**Qualifications and Experience:**

Mr. Diemer is the Sustainability & Energy Management Segment Head within the Building Performance and Sustainability service line of the Building Technologies Division of Siemens Industry Inc. In this capacity he oversees three businesses providing supply-side energy management services, energy efficiency and sustainability services, and strategic consulting services to the energy industry market verticals. He manages the P&L for these businesses and provides leadership to all functional elements (operations, offerings, account management and sales) and oversees approximately 200 staff members and all business partners.

For approximately 30 years, Mr. Diemer has focused on fuel markets, natural gas regulatory matters, development support and financing of energy infrastructure projects and procurement practices for large energy consumers such as independent power plants and industrial power houses. He is a recognized expert in natural gas markets (including LNG), midstream infrastructure and energy procurement and he also has experience in coal, petroleum, electric power and air emissions. Many of Mr. Diemer's engagements relate to the development of corporate strategies for energy infrastructure entities that require the integration of market, development, financial and risk expertise.

Mr. Diemer's recent natural gas activities have been focused on the development, financing and merger/acquisition activities of midstream assets largely driven by the changing supply and demand patterns in the U.S. and around the world. In addition, Mr. Diemer has been deposed as an expert witness in natural gas procurement, transportation, nominations, scheduling and balancing in a case relating a dual-fuel 900+ MW power plant in the state of Georgia. He has also been qualified as and deposed an expert on rate design matters before the Federal Energy Regulatory Commission in the 2008 El Paso Natural Gas Pipeline rate case (RP08-426-000). He continued his support for electric generator shippers in the 2010 El Paso Natural Gas Pipeline rate case (RP10-1398) as an expert witness on cost allocation and rate design matters. A complete listing of Mr. Diemer's expert work is provided below. He has also been a witness in a gas supply dispute between a cogeneration facility and the steam host.

**Regulatory Filings and Expert Testimony:**

**TESTIMONY FILED BY JAMES S. DIEMER  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION**

- *Docket No. RP08-426 – El Paso Natural Gas Company NGA Section 4(e) rate case proceeding:* Presented as an expert witness on various cost allocation and rate design issues on behalf of a group of independent power producers and electric cooperatives.
- *Docket No. CP11-120 – LA Storage, LLC (“LA Storage”) NGA Section 7(c) certificate proceeding:* Presented testimony supporting the continuation of market-based rate authority for LA Storage (previously Liberty Gas Storage, LLC).
- *Docket No. RP10-1398 – El Paso Natural Gas Company NGA Section 4(e) rate case proceeding:* Presented as an expert witness on cost allocation and rate design issues on behalf of a group of independent power producers and electric cooperatives.
- *Docket No. CP11-XXX – Sawgrass Storage, LLC (“Sawgrass”) NGA Section 7(c) certificate proceeding:* Presented testimony on behalf of Sawgrass supporting its application for market-based rate authority for the greenfield Sawgrass storage project.
- *Docket No. CP11-XXX – Golden Triangle Storage, Inc. (“GTS”) NGA Section 7(c) certificate proceeding:* Presented testimony on behalf of GTS, supporting the continuation of market-based rate authority for the expanded facilities of the GTS storage project.

**OTHER EXPERT WITNESS ACTIVITIES**

- **Tenaska Georgia Energy Partners vs Georgia Department of Natural Resource, Environmental Protection Division.** Filed testimony and was deposed before an Administrative Law Judge as a qualified expert in natural gas procurement, transportation, nominations, scheduling and balancing in a case relating to the air permit for a 900+ MW dual-fuel power plant.

**Employment History:**

Oct.2012 - Present	Vice President and Sustainability & Energy Management Segment Head, Siemens Industry Inc, Houston TX
1997- Sept. 2012	Managing Director Consulting & Executive Vice President (as well as other various positions of increasing responsibility from Project Manager to Vice President), Pace Global Energy Services, LLC, Houston, TX and Fairfax, VA.
1993-1997	Project Leader, Office of Integrated Analysis and Forecasting, Energy Information Administration, Washington, DC
1984-1993	Various positions of Analyst thru Resource Manager, Science Application International Corporation, McLean, VA

**Education:**

MS	Environmental Engineering, University of Illinois at Urbana-Champaign, May 1984
BS	Engineering, Worcester Polytechnic Institute, May 1982.

**Countries of Experience:** USA, Brazil, Canada, Colombia, Ghana, Guinea, Mexico, Nigeria, & UK

**Recent Presentations/Publications:**

Mr. Diemer regularly presents to industry groups in a variety of forums and is frequently quoted in the industry trade press. A sampling of his recent presentations and articles include:

- *Rational Exuberance and Investment Risk*, Euromoney North America Midstream Infrastructure Finance Forum, Houston Texas, April 29, 2014
- *A Perspective on Taking a Risk-Based Approach to Planning*, National Association of State Energy Offices, Natural Gas Task Force, Washington DC, January 28, 2013.
- *The Impacts of LNG Exports on the Demand for Natural Gas Storage*, 11th Annual Platts Gas Storage Conference, Houston, TX, January 13, 2013
- *The Dash for Gas*, American Association of Blacks in Energy, Long Beach, CA, April 28, 2012
- *The North American Natural Gas Industry: The Path Forward*, Natural Gas Council, Houston, TX, October 27, 2011.
- *The Natural Gas Storage Industry: Where Are We Heading?* Infocast Natural Gas Storage Summit, Houston, TX, October 24, 2011.
- *Evolution and Challenges of the Brazilian Natural Gas & Power Markets*, CWC Rio Natural Gas Forum, Rio de Janeiro, Brazil, April 2011.
- *Business Models for Longer Duration Storage*, Infocast Storage Week 2010, San Diego, CA July 13, 2010.
- *Role of Storage in Rocky Mountain Gas Markets*, Colorado Oil and Gas Association Annual Conference, Denver, CO, July 9, 2010.
- *Do falling natural gas prices, the unwillingness of the United States to place a price on carbon, and the discoveries of vast gas and oil reserves in the Marcellus and Bakken formations have the potential to upend rosy forecasts for renewables?*, Chadbourne & Parke's 21<sup>st</sup> Annual Global Energy and Finance Conference, San Diego, CA, June 9, 2010.

- *Current State of North American Natural Gas Market*, Pipeline and Gas Journal Annual Conference, Houston, TX, March 31, 2010.
- *Gas Storage and Related Infrastructure*, Infocast Midstream Gas Summit, Houston, TX, March 1, 2010.
- *Role of Natural Gas in a Carbon Constrained World*, Strategic Thinkers Workshop, American Gas Association, Washington DC, January 12, 2010.
- *Current Outlook for Gas Storage Fundamentals*, Infocast Gas Storage Investment Summit, Houston, TX, October 12, 2009.
- *Current Condition and Future Paths of Global Energy Market—How to Survive the Next Unexpected Event*, Gas Technology Institute Board Meeting, Kohler, WI, August 12, 2009.
- *Perspective on Natural Gas Shale Plays and The Impact on North American Midstream Infrastructure*, Infocast Midstream Acquisition and Divestiture Summit, Houston, TX, February 19, 2009.
- *Emerging Dynamics of the Global LNG Market: North America's Newest Roller Coaster Ride*, North Baja/Gasoducto Baja Norte/Energia Costal Azul Shipper's Conference, San Diego, CA, October 9, 2008
- *Commercial Opportunities for Storage Trading and Market Rates*, The Canadian Institute Natural Gas Storage Conference, Toronto, Canada, September 30, 2008
- *Identifying and Overcoming Hurdles and Risks in Gas Storage Development*, Infocast Gas Storage Development Tutorial, Houston, TX, May 28 – 30, 2008.
- *Pricing—Supply and Demand, Global Competition and Price Convergence*, Platts 7th Annual Global LNG Conference, Houston TX, May 15-16, 2008.
- *Burgeoning Gulf Coast Natural Gas Storage Development Driven by Market Globalization*, Pipeline and Gas Journal, May 2008.
- *Impact of LNG on Gulf Coast Storage Investment Risk*, Platt's 6th Annual Gas Storage Summit, Houston, TX, January 16-17, 2008.
- *LNG Pricing Models*, Second Annual LNG Infrastructure Conference, Mexico City, Mexico, October 10, 2007.
- *The Business Model for Gas Storage*, Infocast's Gas Storage Finance and Investment Summit Conference, Houston, TX, October 22, 2007.
- *Outlook for North American LNG Supply*, Platt's Global LNG Conference, Houston, TX, May 21, 2007.
- *The Path for Gas—New Supplies, Changing Demand and New Development Opportunities*, Pace Global Energy Services Houston Market Forum, Houston, TX, April 10, 2007.
- *Natural Gas Storage Development and Business Models—A Tutorial*, Infocast's Gas Storage and Investment Summit, Houston, TX, October 22, 2007.
- *Outlook for LNG in North America: Will it come in time? Will the market be there?* Annual Pace Global Bankers Brunch, New York, New York, October 3, 2006.
- *Impact of Emissions Regulations and Compliance Costs on Fuel Choice*, Platt's 3rd Annual Bunker & Residual Fuel Oil Conference, An Assessment of the Global Markets for the "Bottom of the Barrel", Houston, TX, June 20, 2006.
- *North American Regas Unfolding*, Hart Energy Global LNG Outlook Conference, Houston, TX, October 26, 2005.
- *U.S. Natural Gas Market Outlook 2005: Little Growth Despite High Prices*, Platt's Annual Natural Gas Outlook 2005, Houston, TX January 2005.
- *High and Unstable Oil Prices: Potential Responses for Consumers*, Platt's Annual Caribbean Energy Conference, Miami, FL, January 2005.
- *Hidden Implications of LNG in Supply Portfolio Planning*, with John Landry, NEA's Users Forum 2005: Insight and Advantage, Atlanta, Georgia, May 2005.
- *North American Natural Gas Outlook 2005*, American Coal Council Spring Forum 2005, Scottsdale, AZ, May 2005.



**Industry Experience:** 19 years

**Qualifications and Experience:**

Jennifer Porter serves as the Operations Manager for the Energy Supply Service business at Siemens Industry Inc. In this capacity, she leads a team of over 100 professional program managers, energy analysts, procurement specialists, data management technicians and financial specialists who actively manage a global portfolio of over 10K facilities in more than 40 countries. Ms. Porter and her team represent a broad range of energy experience including expertise in energy strategies, regulated tariff analysis, energy procurement, financial transactions and web based energy system solutions.

Ms. Porter has played a major role in designing and implementing the processes that provide domestic and international customers with a comprehensive, single-source and cost-effective energy management service. Her responsibilities include ensuring efficient and accurate processes for all services; recommending and implementing modifications to reach maximum productivity; optimizing customer's energy cost and consumption; and providing strategic planning in the areas of budgeting, deal structuring and carbon foot printing. Ms. Porter is responsible for all aspects of the business operation including the development of new products and information technology-based systems.

Before joining Siemens, Ms. Porter served in several energy management roles for Chevron Corporation and PG&E Energy Services. She also worked for the Federal Highway Administration where she conducted complex reviews of state government financial statements to ensure compliance with Federal requirements and modern management practices and concepts.

<b>Employment History:</b>	2012 – Present	Operations Manager, Siemens Industry Inc, Columbia, SC
	2010 – 2012	Vice President, Operations, Pace Global Energy Services, LLC, Columbia, SC
	2007 – 2010	Operations Manager, Pace Global Energy Services, LLC, Columbia, SC
	2003 – 2007	Director, Pace Global Energy Services, LLC, Columbia, SC
	2000 – 2003	Manager, Chevron Energy Solutions, Columbia, SC
	1997 – 2000	Manager, PG&E Energy Services, Columbia, SC
	1995 – 1997	Manager, Utility Services Associates, Columbia, SC
	1990 – 1995	Financial Management Assistant, Federal Highway Administration, Columbia, SC
	<b>Education:</b>	BS
Certificate		Executive Integral Leadership University of Notre Dame Notre Dame, IN



## Justin Barstow - Director, C&I Account Mgmt

Siemens Industry, Inc.

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**Industry Experience:** 12 years

**Qualifications and Experience:** Justin Barstow serves as an Executive Director in Siemens' Energy Supply Services sub-segment where he is based in Siemens' Columbia, SC office. In this capacity, he is responsible for the overall direction of the account management team and management of the ESS client portfolio. Services performed include strategy development, energy acquisition, portfolio optimization, risk management, energy accounting, contract administration, regulatory monitoring, and management reporting. With his experience in performing complex and challenging energy savings projects and his broad managerial experience in operating in emerging deregulated markets, Mr. Barstow has provided a high level of service to a variety of clients. He has demonstrated insight in the development of comprehensive integrated service packages for industrial, commercial, institutional, and governmental clients and has created unique solutions to accommodate specific needs and constraints in a variety of circumstances.

Mr. Barstow has also served as a Manager in the Pace Global's Energy Management Services Division where he led his department in the analysis and validation of invoices for over 30 clients totaling over 20,000 utility accounts. Under Mr. Barstow's direction, this department was responsible for validation of the historical billing for facility while analyzing pertinent data to determine possible ways to limit energy spend through tariff, tax, operational and capital efficiency opportunities; verification of all invoices processed in the Columbia office to ensure accurate data is entered and transmitted to the client and to identify vendor billing errors which can result in refunds to Pace's clients; and monthly validation to confirm that procured facilities are being billed correctly price based on their contracts.

Mr. Barstow's has extensive experience with aggregate energy purchasing through consortiums for local governments, municipalities, and non-profit institutions.

Mr. Barstow is a Certified Energy Manager (CEM), an accredited Project Management Professional (PMP), a Series 3 Commodity Trading Advisor (CTA), and a LEED Accredited Professional (LEED AP). Mr. Barstow holds an undergraduate degree in Finance and a Masters of Business Administration from the University of South Carolina in Columbia. He uses these skill sets to deliver comprehensive and strategic energy management solutions for SEM's clients.

# SIEMENS

## Industrial and Commercial Services

- *Energy and Carbon Management Strategies.* Mr. Barstow has led Siemens' implementation of a fully integrated energy and carbon management program for industrial companies that builds perspective on the business impacts of energy and carbon, establishes risk thresholds and identifies opportunities in a volatile energy price environment, and sets a strategic path to a managed energy and carbon position. These programs are being actively deployed for several large multi-national companies in various industrial sectors including oil and natural gas services, aluminum extrusion, plastics and consumer products.
- *Market Solicitation and Contract Negotiation.* Mr. Barstow led the negotiation of a new electricity contract for a large consortium of public and private sector non-profits entities in central Pennsylvania to take advantage of the deregulating electricity market. The negotiation preparation included electricity tariff optimization, researching deregulation legislation, and analyzing options to reduce cost exposure in the PJM market. The resulting recommendation has saved the consortium a total of \$3 million in electricity charges per year.
- *Corporate Sustainability Program Launch.* On behalf of a global oil and natural gas services company, Mr. Barstow advised and supported the launch of their corporate sustainability program, including the associated data capture and reporting initiatives. Due to its global operations, the data capture and reporting process was challenging but also vitally important to the client. The successful implementation of this program has provided the client with transparency into its carbon footprint to drive its future decisions.
- *Voluntary Load Reduction Programs.* Throughout his 10 years of industry experience at Siemens, Mr. Barstow has consulted with many large industrial and commercial end users on the costs and benefits of voluntary load reduction programs offered both in ERCOT and in other RTOs and ISOs throughout North America. In addition, Mr. Barstow has provided subject matter expertise and support for end users in claims against utilities for involuntary interruptions.

<b>Employment History:</b>	2010 – Present	Executive Director, Account Relationship Management, Sustainability and Energy Management
	2007 – 2010	Account Manager, Strategic Energy Programs, Carbon and Energy Management Division, Pace Global Energy Services, LLC, Columbia, SC
	2003 – 2007	Manager, Energy Market and Management Services, Pace Global Energy Services, LLC, Columbia, SC
	2002 – 2003	Analyst, Energy Information Services, Chevron Energy Solutions, Columbia, SC

# SIEMENS

**Education:**           MBA - 2011           University of South Carolina  
                              BS - 2002           Finance, University of South Carolina  
                              BS - 2002           Information Systems, University of South Carolina

**Accreditation:**                           Project Management Professional (PMP)  
  Leadership in Energy and Environmental Design  
  Accredited Professional (LEED AP)  
  Certified Energy Manager (CEM)  
  Certified Demand Side Manager (CDSM)  
  *Commodity Trading Advisor (CTA)*

**Languages:**                           English (native)

## Greg Simmons - Director, C&I Sales

Siemens Industry, Inc.

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### Industry Experience: 20 years

**Qualifications and Experience:** With nearly 20 years of experience in the energy and utilities industry, Mr. Simmons is an energy subject matter expert with a proven ability to analyze the energy and carbon management needs of any large commercial, industrial or institutional client. Mr. Simmons' primary areas of focus include: electricity sales, natural gas sales, energy commodity procurement, development of custom hedging strategies, establishment of risk management protocols, tariff rate analysis, evaluation of energy efficiency projects and assessment of market & regulatory risks. Mr. Simmons presently serves clients by providing commercial insights in the areas of retail electricity procurement, retail natural gas procurement, financial scenario analysis, energy cost and usage forecasting, competitive intelligence, sustainability services and general management consulting. Mr. Simmons has repeatedly demonstrated an ability to translate technically complex information into actionable data usable by the business decision maker.

### Sustainability and Energy Management

- Mr. Simmons has directed numerous engagements focused on the deployment of customized energy and carbon solutions that meet the unique business needs of a diverse portfolio of commercial, industrial and governmental clients. In doing so, Mr. Simmons is actively advising clients on the implementation of energy management strategies that, within the context of an established risk policy, act to reduce energy usage, moderate cost volatility and decrease carbon liabilities. Mr. Simmons has advised clients on the installation of flexible and scalable data management solutions that allow for the administration of complex utility cost and carbon emissions data, establishes energy budgets & emissions baselines and produces compliance summaries designed to meet both mandatory & voluntary sustainability reporting requirements.
- Mr. Simmons currently leads successful engagements with large commercial, industrial and institutional entities such as the Extended Stay Hotels, Valspar Corporation, and Villanova University.
- Mr. Simmons has overseen the marketing redesign of programs and tools that provide value to the customers of several Siemens clients. These projects included advisory services related to corporate brand, a corporate website and online data management solutions.
- Mr. Simmons presently leads significant consulting engages for two of Siemens largest clients: one a *Fortune 500*, vertically integrated electric utility, and the second a large municipality. In both cases, Siemens provided these clients with important insights on wholesale and retail market operations and costs, providing significant analysis and value.

# SIEMENS

## Wholesale and Retail Energy Supply

- Mr. Simmons has successfully managed contracts with large commercial and governmental customers for electricity, natural gas and other solutions related to energy efficiency, demand response and overall energy cost reductions. These engagements included governmental agencies such as the General Services Administration and the Department of Defense. Mr. Simmons has also effectively worked with commercial and industrial customers such Novartis Pharmaceuticals and Rutgers University to implement innovative energy procurement strategies that allowed for transparent access to wholesale markets and proactive management of the customer's energy budget.
- Mr. Simmons commonly acts as a technical expert in the areas of renewable energy, regulatory affairs and energy derivative products. Mr. Simmons utilizes an asset management methodology to assist customers in instituting energy purchasing strategies commensurate with each customer's risk tolerance. Mr. Simmons has successfully negotiated transactions based on NYMEX futures contracts, Locational Marginal Prices ("LMP") and bilateral transactions.
- Mr. Simmons has developed financial models designed to prioritize and assess the potential opportunity of new markets, including the creation of business cases to support new market entry recommendations. In these cases, Mr. Simmons worked with the clients to monitor the performance of existing markets and suggested programs to meet sales goals. These analyzes commonly included the forecasting of various scenarios to identify, and avoid, business risks.
- Mr. Simmons has successfully managed the profitability, development and full life cycle of a line of electricity products and environmentally friendly initiatives for residential and small commercial customers. This engagement included the creation of an original product business plan that projections of long-range revenues and profits over several scenarios.
- Mr. Simmons managed a portfolio of clients with an aggregate electrical demand of nearly 5,000 MWs and an annual natural gas requirement exceeding 30 Bcf.
- Mr. Simmons developed a portfolio purchasing program for the Baltimore Regional Cooperative Purchasing Committee. This program has generated approximately \$31 Million in savings for group members.
- Mr. Simmons created models analyzing the financial impact of regulatory changes in capacity, transmission and the renewable portfolio standard. This analysis assisted clients by promoted strategies to help mitigate associated cost increases.
- Mr. Simmons has managed the evaluation and implementation of numerous energy efficiency projects, peak load management programs, demand response solutions and advanced metering alternatives at industrial and commercial sites.
- Mr. Simmons advised a large, national retail electricity supplier on the implementation of wholesale hedging solutions designed to reduce the size of ongoing collateral obligations via the use of credit default swaps, call options and novation transactions.

# SIEMENS

- Mr. Simmons has worked with buyers and sellers operating in the renewable energy marketplace to provide retail end users with greater access to green generation alternatives, renewable energy certificates ("RECs") and assistance in achieving sustainability goals.
- Mr. Simmons has worked with numerous clients to completed energy supply transactions for fixed price, index based and hybrid contracts with customers located throughout PJM, MISO, the NYISO, ISO-NE and ERCOT.

## Employment

### History:

2009 - Present	Director, C&I Sales Siemens Industry, Inc. Fairfax, VA
2007 - 2009	Vice President, Retail Commodity Sales Pepco Energy Services, Inc. Arlington, VA
2006 - 2007	Director, Mid-Atlantic & Midwest Operations Pepco Energy Services, Inc. Arlington, VA
2004 - 2006	Manager, Market Strategy and Expansion Pepco Energy Services, Inc. Arlington, VA
2003 - 2004	MCI Communications Manager, Product Strategy and Pricing Ashburn, VA
2001 - 2003	Product Manager, Retail Electricity Pepco Energy Services, Inc. Arlington, VA
2000 - 2001	Manager, Channel Marketing Net2000 Communications, Inc. Herndon, VA
1997 - 2000	Statoil Energy Services, Inc. Strategic Accounts Manager Alexandria, VA

### Education:

M.B.A.	Master of Business Administration University of Maryland (Focus: Corporate Finance) College Park, MD
B.S.	Bachelor of Science in Public Administration George Mason University (Minor: Economics) Fairfax, VA
Certificate	Executive Integral Leadership University of Notre Dame Norte Dame, IN

**Countries of Experience:** United States, Canada, Europe, Asia

**Languages:** English

## EXHIBIT D: Newspaper Publications

**QUESTION 12:** Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. Below is a list of newspapers which cover the publication requirements for Electric Generation Suppliers looking to do business in Pennsylvania.

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

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

**RESPONSE:** Please see attached notice and proof of publication in the following six newspapers:

1. Erie Times-News
2. Harrisburg Patriot-News
3. Philadelphia Daily News
4. Pittsburg Post-Gazette
5. Williamsport Sun-Gazette
6. Johnstown Tribune-Democrat

Proof of publication in the Scranton Times-Tribune will be filed separately.



PROOF OF PUBLICATION  
In  
THE ERIE TIMES-NEWS  
COMBINATION EDITION

Crowell & Moring LLP  
1001 Pennsylvania Ave. NW  
Washington DC 20004

REFERENCE: 84386 129730  
PUC Notice

STATE OF PENNSYLVANIA)  
COUNTY OF ERIE ) SS:

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

PUBLISHED ON: 04/09/15

TOTAL COST: \$409.00 AD SPACE: 0 Lines

FILED ON: 04/09/15

RECEIVED

APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
NOTICE  
Applications of Siemens Industry, Inc. For Approval to Offer, Render, or Furnish Services as a Marketer/Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services To The Public in The Commonwealth Of Pennsylvania.  
Siemens Industry, Inc. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Siemens Industry, Inc. will also be filing an application with the PUC for a license to supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity. Siemens Industry, Inc. proposes to sell electricity, natural gas, and related services in the entire Commonwealth under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act.  
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Siemens Industry, Inc. may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3285, Harrisburg, PA 17105-3265. You should send copies of any protest to Siemens Industry, Inc. attorney at the address listed below.  
By and through Counsel: Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Ave. NW  
Washington, DC 20004  
(202) 624-2619  
(202) 628-5116 (fax)

Sworn to and subscribed before me this 9th day of April 2015

Affiant: Debra McGraw

NOTARY: Barbara J Moore

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

COMMONWEALTH OF PENNSYLVANIA }  
 County of Cambria } SS

PENNSYLVANIA  
 PUBLIC UTILITY  
 COMMISSION  
 NOTICE

Applications of Siemens Industry, Inc. For Approval To Offer, Render, or Furnish Services as a Marketer/Broker Engaged In The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services To The Public In The Commonwealth Of Pennsylvania.

Siemens Industry, Inc. will be filing an application with the Pennsylvania Public Utility Commission (PUC) for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services.

published continuous that the annexed is of The Johnstown Tribune the subject matter of said publication are

Siemens Industry, Inc. will also be filing an application with the PUC for a license to supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity.

Siemens Industry, Inc. proposes to sell electricity, natural gas, and related services in the entire Commonwealth under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act.

Sworn and Subscribed 9th day of April, 2015

*[Signature]*

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Siemens Industry, Inc. may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to Siemens Industry, Inc. attorney at the address listed below.

By and through Counsel:  
 Diana Jeschke  
 Crowell & Moring, LLP  
 1001 Pennsylvania Ave.  
 NW  
 Washington, DC 20004  
 (202) 624-2619  
 (202) 628-5116 (fax)

the County of Cambria, and Commonwealth of Pennsylvania and in the above matter published in said publication in the regular issues of The Johnstown Tribune, Johnstown, PA, on April 9, 2015; and that the Affiant is not interested in the matter and that all of the allegations as to time, place and character of

*Christine Marhefka*

STATEMENT OF ADVERTISING COSTS

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

COMMONWEALTH OF PENNSYLVANIA  
 Notary Seal  
 Notary Public  
 Cambria County  
 Expires Dec. 6, 2016  
 ASSOCIATION OF NOTARIES

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

RECEIPT FOR ADVERTISING COSTS

I, \_\_\_\_\_ for publisher of \_\_\_\_\_  
 hereby acknowledge receipt of the aforesaid  
 and certifies that the same has been duly paid.

\_\_\_\_\_  
 (Name of Newspaper)

By \_\_\_\_\_

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

# The Patriot-News

Now you know

CROWELL & MORING LLP  
1001 PENNSYLVANIA AVENUE NW  
ATTN: DIANA JESCHKE

WASHINGTON DC 20004

**RECEIVED**  
APR 24 2015  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

### THE PATRIOT NEWS THE SUNDAY PATRIOT NEWS

#### Proof of Publication

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

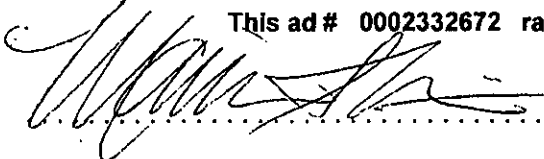
Marianne Miller, being duly sworn according to law, deposes and says:

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

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

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

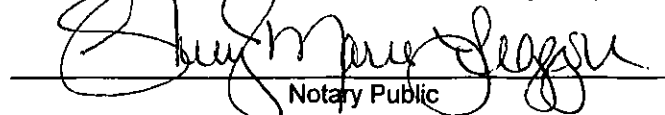
Dauphin in Miscellaneous Book "M", Volume 14, Page 317.



This ad # 0002332672 ran on the dates shown below:

April 09, 2015

Sworn to and subscribed before me this 10 day of April, 2015 A.D.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Sheryl Marie Luggore, Notary Public  
Hampden Twp., Cumberland County  
My Commission Expires July 16, 2018

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**NOTICE**  
Applications of Siemens Industry, Inc. For Approval To Offer, Render, or Furnish Services as a Marketer/Broker Engaged in The Business of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public in The Commonwealth Of Pennsylvania.  
Siemens Industry, Inc. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Siemens Industry, Inc. will also be filing an application with the PUC for a license to supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity. Siemens Industry, Inc. proposes to sell electricity, natural gas, and related services in the entire Commonwealth under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act.  
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Siemens Industry, Inc. may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to Siemens Industry, Inc. attorney at the address listed below.  
By and through Counsel:  
Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Ave. NW  
Washington, DC 20004  
(202) 624-2619  
(202) 628-3116 (fax)

RECEIVED

APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

STATE OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

Florence Devlin being duly sworn, deposes and says that **The Philadelphia Daily News** is a newspaper published daily, except Sunday, at Philadelphia, Pennsylvania, and was established in said city in 1925, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said newspaper on the following dates:

April 10, 2015

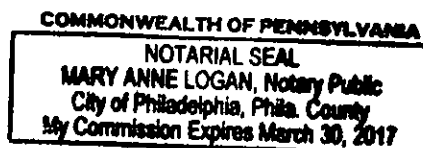
Affiant further deposes and says that she is an employee of the publisher of said newspaper and has been authorized to verify the foregoing statement and that she is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



Sworn to and subscribed before me this 10th day of  
April, 2015.

  
Notary Public

My Commission Expires:



Copy of Notice of Publication

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE  
Applications of Siemens Industry, Inc. For Approval to Offer, Render, or Furnish Services as a Marketer/Broker Engaged in the Business of Supplying Natural Gas, Supply Services and Electricity Supply or Electric Generation Services to the Public in the Commonwealth of Pennsylvania.  
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By and through Counsel: Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Ave. NW  
Washington, DC 20004  
(202) 624-2619  
(202) 628-5116 (fax)

### Proof of Publication of Notice in Pittsburgh Post-Gazette

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

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

09 of April, 2015

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

H. Java

PG Publishing Company

Sworn to and subscribed before me this day of:  
April 09, 2015

Linda M. Gaertner

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Linda M. Gaertner, Notary Public  
City of Pittsburgh, Allegheny County  
My Commission Expires Jan. 31, 2019  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

RECEIVED

APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

STATEMENT OF ADVERTISING COSTS  
CROWELL & MORING LLP  
1001 PENNSYLVANIA AVENUE NW  
ATTN: DIANA A. JESCHKE  
WASHINGTON DC 20004

To PG Publishing Company

Total ----- \$495.00

#### Publisher's Receipt for Advertising Costs

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

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

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

By [Signature]  
Germuel J. Arbujona

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

Attorney For

#### COPY OF NOTICE OR PUBLICATION

PENNSYLVANIA  
PUBLIC UTILITY  
COMMISSION NOTICE

Applications of Siemens Industry, Inc. For Approval To Offer, Render, or Furnish Services as a Marketer/Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services, To The Public in The Commonwealth Of Pennsylvania.

Siemens Industry, Inc. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Siemens Industry Inc. will also be filing an application with the PUC for a license to supply electricity or electric generation services as a broker/marketer engaged in the business of supplying electricity. Siemens Industry, Inc. proposes to sell electricity, natural gas, and related services in the entire Commonwealth under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Siemens Industry, Inc. may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3265, Harrisburg, PA 17105-3265. You should send copies of any protest to Siemens Industry Inc. attorney at the address listed below.

By and through Counsel:  
Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Ave. NW  
Washington, DC 20004  
(202) 624-2619  
(202) 628-5116 (fax)

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

STATE OF PENNSYLVANIA  
COUNTY OF LYCOMING

SS:

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

of said Williamsport Sun-Gazette on the following dates, viz:

PENNSYLVANIA  
PUBLIC UTILITY  
COMMISSION  
NOTICE  
Applications of Siemens Industry, Inc. For Approval To Offer, Render or Furnish Services as a Market/Broker Engaged in The Business Of Supplying Natural Gas Supply Services and Electricity Supply or Electric Generation Services To The Public In The Commonwealth Of Pennsylvania.

*April 10, 2015*

Affiant further to verify the publication

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

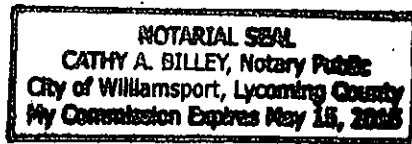
*Bernard A. Oravec*

SUN-GAZETTE COMPANY

Sworn to and subscribed before me

the *15th* day of *April* 2015

*Cathy A. Billey*  
Notary Public



Siemens Industry, Inc. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/market engaged in the business of providing natural gas services. Siemens Industry Inc. will also be filing an application with the PUC for a license to supply electricity or electric generation services as a broker/market engaged in the business of supplying electricity. Siemens Industry, Inc. proposes to sell electricity, natural gas, and related services in the entire Commonwealth under the provisions of the new Natural Gas Choice and Competition Act and the Electricity Generation Customer Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Siemens Industry, Inc. may be filed within 15 days of the date of this notice with the Secretary of the PUC, P.O. Box 3285, Harrisburg, PA 17105-3285. You should send copies of any protest to Siemens Industry, Inc. attorney at the address listed below.

STATEMENT OF ADVERTISING COSTS

To the Sun-Gazette Company, Dr.:  
For publishing the notice attached hereto on the above state dates.....\$ *288.36*  
Probated same.....\$  
Total.....\$ *288.36*

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

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

SUN-GAZETTE COMPANY

BY Bernard A. Oravec

THE SUN-GAZETTE  
and certify

By and through Counsel:  
Diana Jeschke  
Crowell & Moring, LLP  
1001 Pennsylvania Ave.  
NW  
Washington, DC 20004  
(202) 624-2619  
(202) 628-5118 (fax)

RECEIVED

APR 24 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Appendix C

CERTIFICATE OF SERVICE

On this the 24 day of April 2015, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as an Electric Generation Supplier and all attachments have been served, as either a hardcopy or a searchable PDF version on a cd-rom, upon the following:

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

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

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

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

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

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

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

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

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

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

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

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

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

APR 24 2015

RECEIVED

  
Diana Jeschke

From: (202) 624-2500  
 Diana Jeschke  
 Crowell & Moring LLP  
 1001 Pennsylvania Ave NW

Origin ID: RDVA



Washington, DC 20004

Ship Date: 24APR15  
 ActWgt: 5.0 LB  
 CAD: 104961116WSX12750

Delivery Address Bar Code



Ref # 078609.0000036.002775  
 Invoice #  
 PO #  
 Dept #

SHIP TO: (717) 772-7777

BILL SENDER

Secretary  
 Pennsylvania Public Utility Commiss  
 400 NORTH ST

HARRISBURG, PA 17120

RELEASE#: 3785346

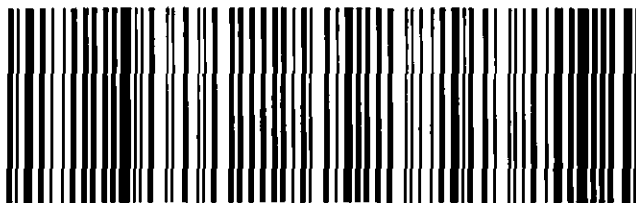
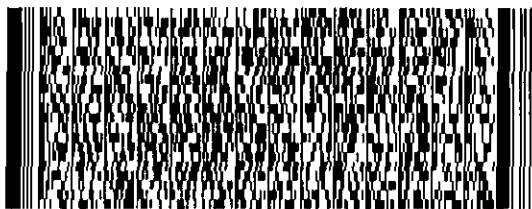
MON - 27 APR 10:30A  
 PRIORITY OVERNIGHT

TRK# 7805 5461 0317

0201

17120  
 PA-US  
 MDT

SH MDTA



537\_12/16FC5/E4B

FOLD on this line and place in shipping pouch with bar code and delivery address visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains the terms and conditions of shipping and information useful for tracking your package.

**Legal Terms and Conditions**

Tendering packages by using this system constitutes your agreement to the service conditions for the transportation of your shipments as found in the applicable FedEx Service Guide, available upon request. FedEx will not be responsible for any claim in excess of the applicable declared value, 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 applicable 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 USD or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is 500 USD, 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 applicable FedEx Service Guide. FedEx will not be liable for loss or damage to prohibited items in any event or for your acts or omissions, including, without limitation, improper or insufficient packaging, securing, marking or addressing, or the acts or omissions of the recipient or anyone else with an interest in the package. See the applicable FedEx Service Guide for complete terms and conditions. To obtain information regarding how to file a claim or to obtain a Service Guide, please call 1-800-GO-FEDEX (1-800-463-3339).