

DOCKET NO. : A-125050  
RESPONDENT OR APPLICANT: MXENERGY.COM INC  
PARTY OR COMPLAINANT:

ENTRY	TYPE	DATE	BUREAU	PERSONNEL
1	N	11/10/99	SEC	FAHNESTOCK
APP OF MXENERGY.COM AS SUPPLIER, MUN SUPPLIER, COOP SUPPLIER, BRK, MKT, AGGREGATR				
2	N	11/15/99	SEC	FAHNESTOCK
SEC MEMO TO FUS ASSIGNING APPLICATION				
3	N	11/15/99	SEC	FAHNESTOCK
SEC LTR TO APPLICANT ACKNOWLEDGING RECEIPT OF APPLICATION				
4	N	11/17/99	SEC	HANCOCK
RECEIPT OF \$350.00 FILING FEE ISSUED				
5	N	11/23/99	SEC	ZEIDERS
APPLICANT FILED PROOF OF PUBLICATION				
6	N	11/23/99	SEC	ZEIDERS
APPLICANT FILED PROOF OF SERVICE OF APPLICATION				
7	N	12/17/99	SEC	FRISCIA
ORDER SERVED TO PARTIES				
8	N	12/17/99	SEC	FRISCIA
LICENSE FOR NATURAL GAS SUPPLIER DATED 12/16/99 ISSUED				
9	N	12/16/99	SEC	PATRICK
RECOM ADOPTED- LICENSE APPLICATION APPROVED				
10	N	07/30/07	SEC	JACOBDIANE
LICENSE FOR NATURAL GAS SUPPLIER ISSUED				

1. REPORT DATE: 00/00/00 :  
2. BUREAU: FUS :  
3. SECTION(S): : 4. PUBLIC MEETING DATE:  
5. APPROVED BY: : 00/00/00  
DIRECTOR: :  
SUPERVISOR: :  
6. PERSON IN CHARGE: : 7. DATE FILED: 11/10/99  
8. DOCKET NO: A-125050 : 9. EFFECTIVE DATE: 00/00/00

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PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: MXENERGY.COM INC

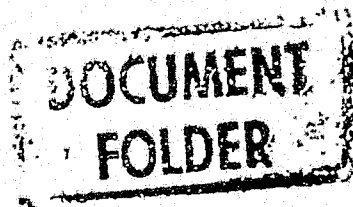
COMP/APP COUNTY:

UTILITY CODE: 125050

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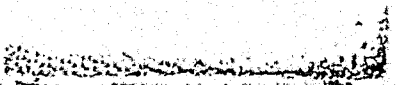
ALLEGATION OR SUBJECT

APPLICATION OF MXENERGY.COM, INC., D/B/A MXENERGY, FOR APPROVAL TO OFFER, RENDER, FURNISH OR SUPPLY NATURAL GAS SERVICES AS A SUPPLIER, MUNICIPAL SUPPLIER, COOPERATIVE SUPPLIER, BROKER/MARKETER AND AGGREGATOR TO THE PUBLIC IN THE COMMONWEALTH OF PENNSYLVANIA, SPECIFICALLY IN THE SERVICE TERRITORIES OF CARNEGIE NATURAL GAS COMPANY; EQUITABLE GAS COMPANY; COLUMBIA GAS OF PA., INC.; THE PEOPLES NATURAL GAS COMPANY; AND T.W. PHILLIPS GAS AND OIL COMPANY.



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- 1. REPORT DATE: 00/00/
- 2. BUREAU: FUS
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR: REVISED
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-125050
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 11/10/99
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: MXENERGY.COM INC

COMP/APP COUNTY:

UTILITY CODE: 125050

ALLEGATION OR SUBJECT

APPLICATION OF MXENERGY.COM, INC., D/B/A MXENERGY, FOR APPROVAL TO OFFER, RENDER, FURNISH OR SUPPLY NATURAL GAS SERVICES AS A SUPPLIER, MUNICIPAL SUPPLIER, COOPERATIVE SUPPLIER, BROKER/MARKETER AND AGGREGATOR TO THE PUBLIC IN THE COMMONWEALTH OF PENNSYLVANIA, SPECIFICALLY IN THE SERVICE TERRITORIES OF COLUMBIA GAS OF PENNSYLVANIA, INC.; THE PEOPLES NATURAL GAS COMPANY; EQUITABLE GAS COMPANY.

DOCUMENT FOLDER

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ORIGINAL

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of MxEnergy.com Inc, d/b/a MxEnergy, for approval to offer, render, furnish, or as a(n) [as specified in item #8 below] to the public in the Commonwealth of Pennsylvania.

To the Pennsylvania Public Utility Commission:

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

MxEnergy.com Inc.  
26 Pequot Trail  
Westport, CT 06880

Phone: 1-203-858-8851  
Fax: 1-203-226-2738

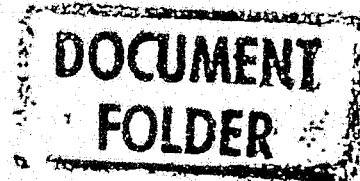
Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

Not Applicable

2 a **CONTACT PERSON:** The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

Robi Artman-Hodge, Vice President and Chief Financial Officer  
MxEnergy.com Inc.  
61 Rye Road  
Rye, NY 10580

Phone and Fax: 914-698-1999



b. **CONTACT PERSON-PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:** The name, title, address telephone number and FAX number of the person with whom contact should be made by PEMA:

Robi Artman-Hodge, Vice President and Chief Financial Officer  
MxEnergy.com Inc.  
61 Rye Road  
Rye, NY 10580

Phone and Fax: 914-698-1999

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

Ms. Pam Ireland  
Jeffers and Associates  
1248 Post Road  
Fairfield, CT 06430  
Phone: 203-259-7900  
Fax: 203-259-1070

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

CT Corporation System  
1635 Market Street  
Philadelphia, PA 19103  
Phone: 215-563-7750  
Fax: 215-563-7771

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

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

MxEnergy

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

**OR**

The Applicant will not be using a fictitious name.

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

The Applicant is a sole proprietor.

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

**OR**

The Applicant is a:

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

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

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- \* If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

OR

X The Applicant is a :

- domestic corporation (none)  
X foreign corporation (15 Pa. C.S. §4124)  
 domestic limited liability company (15 Pa. C.S. §8913)  
 foreign limited liability company (15 Pa. C.S. §8981)  
 Other \_\_\_\_\_

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation. (Please see attached)

Give name and address of officers.

Jeffrey A Mayer, President MxEnergy.com Inc. 26 Pequot Trail Westport, CT 06880

Carole R. Artman-Hodge, Vice President and Chief Financial Officer MxEnergy.com Inc. 61 Rye Road Rye, NY 10580

Daniel Burke, Sr., Chief Operating Officer, Director of Marketing MxEnergy.com Inc. 11844 Commonwealth Drive, Louisville, KY 40299

The Applicant is incorporated in the state of Delaware.

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

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

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

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

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

- Provide specific details concerning the affiliation and/or ownership interests involving:
- (a) any natural gas producer and/or marketers,
  - (b) any wholesale or retail supplier or marketer of natural gas, electricity, oil, propane or other energy sources.

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

Microfilm Number \_\_\_\_\_

Entity Number 297666

Filed with the Department of State MAY 05 1999

*Norm Pyszynski*  
Secretary of the Commonwealth

APPLICATION FOR CERTIFICATE OF AUTHORITY  
DSCB:15-4124/6124 (Rev 90)

- Indicate type of corporation (check one):
- Foreign Business Corporation (15 Pa.C.S. § 4124)
  - Foreign Nonprofit Corporation (15 Pa.C.S. § 6124)

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. (relating to corporations and unincorporated associations) the undersigned association hereby states that:

1. The name of the corporation is MxEnergy.com Inc.

2. The name which the corporation adopts for use in this Commonwealth is (complete only when the corporation must adopt a corporate designator for use in Pennsylvania):

3. (If the name set forth in Paragraph 1 is not available for use in this Commonwealth, complete the following):  
The fictitious name which the corporation adopts for use in transacting business in this Commonwealth is:

This corporation shall do business in Pennsylvania only under such fictitious name pursuant to the attached resolution of the board of directors under the applicable provisions of 15 Pa.C.S (relating to corporations and unincorporated associations) and the attached form DSCB:54-311 (Application for Registration of Fictitious Name).

4. The name of the jurisdiction under the laws of which the corporation is incorporated is:  
Delaware

5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:  
c/o Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801 New Castle County  
Number and Street                      City                      State                      Zip                      County

6. The (a) address of this corporation's proposed registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) \_\_\_\_\_  
Number and Street                      City                      State                      Zip                      County

(b) c/o: CT CORPORATION SYSTEM                      Philadelphia  
Name of Commercial Registered Office Provider                      County

DSCB:15-4124/6124 (Rev 90)-2

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

7. (Check one of the following):

(Business corporation): The corporation is a corporation incorporated for a purpose or purposes involving pecuniary profit, incidental or otherwise.

(Nonprofit corporation): The corporation is a corporation incorporated for a purpose or purposes not involving pecuniary profit, incidental or otherwise.

IN TESTIMONY WHEREOF, the undersigned corporation has caused this Application for a Certificate of Authority to be signed by a duly authorized officer this 26<sup>th</sup> day of April, 19 99.

McEnergy.com Inc  
 (Name of Corporation)  
 BY: [Signature]  
 (Signature)  
 TITLE: President

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

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

**OR**

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

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

- The Applicant is presently doing business in Pennsylvania as a
- natural gas interstate pipeline.
  - municipal providing service outside its municipal limits.
  - local gas distribution company
  - retail supplier of natural gas services in the Commonwealth
  - a natural gas producer
  - Other. (Identify the nature of service being rendered.)

**OR**

X The Applicant is not presently doing business in Pennsylvania.

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

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

9. **PROPOSED SERVICE:** Generally describe the natural gas service which the Applicant proposes to offer.

Marketing and supplying natural gas and power to residential and small commercial customers. Additionally, we will provide meters, metering and energy services, consulting, and information services.

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

We intend to be a national company. In Pennsylvania, we initially intend to provide services in the Pittsburgh area. Over time our services may be offered within the entire state.

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

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

12. **START DATE:** The Applicant proposes to begin delivering services on January 1, 2000 (approximate date).

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

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

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

Bernard A. Ryan, Jr.  
Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

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

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

<b>NUI Valley Cities Gas (NUI Transportation Services)</b> Mike Vogel PO Box 3175 Union, NJ 07083-1975 PH: 908.289.5000 ext. 5441      FAX: 908.2898.6444	<b>National Fuel Gas Distribution Corp.</b> James E. Patterson 10 Lafayette Square Buffalo, NY 14203 PH: 716.857.7130      FAX: 716.857-7823
<b>Penn Fuel [North Penn Gas Company &amp; Penn Fuel Gas]</b> Jim Evans      or      Tom Olsen 2 North 9th Street GENA94 Allentown, PA 18101 PH: 610.774.7981      610.774.4975 FAX: 610.774.5694      610.774.4975 e-mail: jevans@papl.com      or      teolson@papl.com	<b>The Peoples Natural Gas Company</b> Joe Gregorini      or      Bill McKeown 625 Liberty Avenue Pittsburgh, PA 15222 e-mail: jgregorini@png.cng.com PH: 412.497.6851      or      412.497.6840 FAX: 412.497.6630
<b>T. W. Phillips Gas and Oil Company</b> Robert M. Hovanec 205 North Main Street Butler, PA 16001 PH: 724.287.2725      FAX: 724.287.5021 e-mail: rhovanec@twphillips.com	<b>UGI</b> David Beaston      or      Bob Krieger PO Box 12677      or      225 Morgantown Rd Reading, PA 15222      Reading, PA 15222 PH: 610.796.3425      PH: 610.796.3516 FAX: 610.796.3559
<b>PG Energy</b> Richard N. Marshall      or      Wendy K. Saxe One PEI Center Wilkes-Barre, PA 18711-0601 e-mail: marshall@pgenergy.com      or      saxe@pgenergy.com PH: 570.829.8795      FAX: 570.829.8652	<b>Equitable Gas Company</b> Antionette Litchy 200 Allegheny Center Mall Pittsburgh, PA 15212-5352 PH: 412.395.3117      FAX: 412.395.3158
<b>Carnegie Natural Gas Company</b> Donald A. Melzer 800 Regis Avenue Pittsburgh, PA 19236 PH: 412.655.8510 ext. 331      FAX: 412.655.0335	<b>Columbia Gas of PA, Inc.</b> Paula Frauen      or      Shirley Bardes-Hasson 650 Washington Road Pittsburgh, PA 15228 e-mail: pfrauen@columbiaenergygroup.com PH: 412.572.7131      FAX: 412.572.7161
	<b>PECO</b> Kevin Carrabine 300 Front Street Building 2 Conshohocken, PA 19428 PH: 610.832.6413

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

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

15. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.

Applicant, affiliate or a person identified in this application has NOT been convicted of a crime involving fraud or similar activity.

16. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** All services should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

a. **Contacts for Consumer Service and Complaints:** Provide the name, title, address, telephone number and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with Applicant, the Distribution Company, the Pennsylvania Public Utility Commission or other agencies.

Primary contact will be Ms. Cindy Johnson, Head of Customer Care  
MxEnergy.com Inc.  
11844 Commonwealth Drive  
Louisville, KY 40299  
Phone: 1-800-785-4373  
Fax: 1-502-267-2061

b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.

See Attached Example of contracts used in another state. Applicant will abide by utility and Public Utility Commission criteria in its contracts to be employed in the State of Pennsylvania.

c. If proposing to serve Residential and/or Small Commercial customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix B to this Application.

See Attached Example of terms and conditions used in another state. Applicant will abide by utility and Public Utility Commission criteria in its disclosure statement incorporated into its terms and conditions for contracts with residential and small commercial customers in the State of Pennsylvania.

17. **FINANCIAL FITNESS:**

A. Applicant shall provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

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

MxEnergy.com Inc. is a privately held, Delaware "C" corporation and is the parent of its wholly owned subsidiary, Infometer.com Inc. which in turn is a Delaware "C" corporation.

- Published parent company financial and credit information.

A financial compilation completed by an independent auditor as of September 7, 1999 is attached. Subsequent to this date, the company has obtained additional investor capital and has chosen Ernst and Young LLC of Stamford, CT as its auditors. Fiscal year end is 6/30. Given the newness of the

**Standards Segment of Application:** Please note that following contracts and terms and conditions are illustrative of contracts and terms and conditions that Applicant has employed in other States. MxEnergy.com Inc. will adjust its contracts and terms and conditions to correspond with each utility and the Public Utility Commission of Pennsylvania criteria prior to proceeding with any offers in the State.

**Example Commercial Contract**

MxEnergy.com Inc.  
11844 Commonwealth Drive  
Louisville, KY 40299-9938

Fax 502.267.2061

To: MxEnergy.com Inc.  
From: The Commercial Gas Customer Named Below

Thank you for agreeing to serve as my gas supplier under *Utility* Gas Choice Program. I have read and understand MxEnergy.com's Terms & Conditions and have indicated my agreement by signing the bottom of this form.

To: (*Utility*) Customer Service  
From: The Commercial Gas Customer Named Below

I \_\_\_\_\_  
(please print your name as it appears on your *Utility* Gas bill)

have decided to change Suppliers of natural gas and have authorized MxEnergy.com Inc. (Supplier) to contact you and inform you of that decision on my behalf. Before making that decision, Supplier provided me with, and I have read and understand, the information described in the Authorization to Change Gas Suppliers furnished to me by (*utility*). Further, I acknowledge receipt of a written contract from the Supplier. Finally, I understand that I must call (*Utility*) Customer Service if I want to return to (*Utility*) gas sales service when my contract with the Supplier ends, that my return is subject to (*Utility*) Tariff conditions and that the call must be made at least 30 days before I can return to *Utility* gas sales service.

Service Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address (if different from above): \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #  
(include area code): \_\_\_\_\_

*Utility* Account Number  
(as shown on your bill): \_\_\_\_\_

Term of Gas Service: \_\_\_\_\_ Month to Month \_\_\_\_\_ 2 Years\*  
(check one) \_\_\_\_\_ 1 Year\* \_\_\_\_\_ 3 Years\*

I select this Eligible Charity  
(Internet sign-ups only) \_\_\_\_\_

Signature of Authorized Individual: \_\_\_\_\_

Name of Authorized Individual (Please Print) \_\_\_\_\_  
Date: \_\_\_\_\_

\*XX% savings guaranteed for the entire term

### Example Residential Contract

MxEnergy.com Inc.  
11844 Commonwealth Drive  
Louisville, KY 40299-9938

Fax: 502.267.2061

To: **MxEnergy.com Inc.**  
From: The Residential Gas Customer Named Below

Thank you for agreeing to serve as my gas supplier under *Utility's* Gas Options Program. I have read and understand MxEnergy.com's Terms & Conditions and have indicated my agreement by signing the bottom of this form.

To: **Utility Customer Service**  
From: The Residential Gas Customer Named Below

I \_\_\_\_\_  
(please print your name as it appears on your *Utility* Gas bill)

I have decided to change suppliers of natural gas and have authorized MxEnergy.com Inc. (Supplier) to contact you and inform you of that decision on my behalf. Before making that decision, the Supplier provided me with, and I have read and understand Utility's Authorization to Change Gas Suppliers. Further, I acknowledge receipt of a written contract from the Supplier.

Finally, I understand that I must call *Utility* Customer Service if I want to return to *Utility* gas sales service when my contract with the Supplier ends and that the call must be made at least 30 days before I can return to *Utility* gas sales service.

Service Address:

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Mailing Address (if different from above):

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone #

(include area code):

Utility Account Number (as shown on your bill): \_\_\_\_\_

Term of Gas Service:  
(check one)

\_\_\_\_\_ Month to Month

1 Year\* \_\_\_\_\_

\_\_\_\_\_ 2 Years\*

3 Years\*

I select this Eligible Charity (internet sign-ups only)

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
\*XX% savings guaranteed for the entire term

### Example MxEnergy Terms and Conditions

I agree to purchase my gas supply from you, MxEnergy.com Inc., subject to the eligibility requirements of my local utility, *Utility Name*, and to the following:

1. **Price.** You guarantee that I will save at least XX% on what *Utility* would have charged me for my monthly gas, that is, *Utility's* gas commodity firm rate including associated storage balancing costs. At any time I can switch to a fixed price you and I agree upon.
2. **Transport.** You will arrange to deliver gas to me using *Utility's* pipelines. *Utility* will continue to read my meter and deliver to me the gas you supply.
3. **Moves.** If I move you will let me end this agreement without penalty on the date BGE disconnects me. If I am moving locally, I can switch my service to my new address.
4. **Moneyback Guarantee.** You will provide me with guaranteed, uninterrupted service; if in any month gas fails to flow to me because of your negligence you will pay me the full cost of replacement gas.
5. **Length of Contract.** You will supply gas to me as soon as possible. My gas service will be uninterrupted between now and the time you begin to serve my energy needs. The term of my contract shall be as I indicate on my enrollment form. I may end this agreement at the end of any contract, provided that I give you at least 30 days written notice prior to termination. Otherwise, this agreement will automatically renew for an identical term and you will continue to supply me without interruption as long as I pay my bill. If you notify me of a change in terms and I do not end our agreement, you will make such terms effective at the beginning of the renewal term. If I do terminate, *Utility* will thereafter supply me with gas.
6. **Billing and Payment.** I understand that I will be billed by *Utility* based on its periodic readings of my meter. I will pay my bill in accordance with *Utility's* billing terms. If *Utility* adjusts its gas cost recovery rate retroactively, you will adjust my bill to reflect any credits due to me or debits due from me. I agree to pay all applicable sales, use, and gross receipts taxes and surcharges on the gas portion of my bill. You may, if you choose to do so, bill me directly and separately from *Utility*.
7. **Cancellation.** You will give me seven days from the date I send you this contract to change my mind and notify you in writing that I wish to cancel, all without penalty or cost. I also understand that if the State Public Service Commission decides to end or change the pilot program under which I can buy discounted gas from you, you may cancel this contract immediately without penalty. If I do not pay my bill or otherwise break this contract, or if any other event occurs which is beyond your reasonable control, you can cancel this contract without penalty.

8. **Billing Questions.** If I have a question or concern about my bill, I will call your customer service desk at any time at (800) 785-4373 or send a letter to MxEnergy, 11844 Commonwealth Drive, Louisville, KY, 40299. If my question is not resolved, I will go to the Office of External Relations of the State Public Service Commission, (800) xxx-xxxx.
  9. **Contact Us.** You will refer all complaints, written or verbal, to a staff member who will acknowledge them promptly and work out a mutually satisfactory. If I am still unhappy, I may contact a supervisor at any time and he or she will respond to me promptly. I may also call the Consumer Protection Division of the Office of Attorney General, (xxx) xxx-xxxx. If we have a dispute you will continue to flow gas to me until we resolve it.
  10. **Emergency; Liability. I UNDERSTAND THAT IF I SMELL GAS I SHOULD IMMEDIATELY CALL MY LOCAL UTILITY AND LOCAL EMERGENCY PERSONNEL.** Neither you nor I shall be liable to the other for special, indirect, consequential or incidental losses or damages arising from this agreement or from the failure of my local utility to perform its duties, including operation and maintenance of the system or interruption, termination or deterioration of service or from damages arising from any structural damage.
  11. **Special Circumstances.** I will notify you promptly of any material changes in my gas consumption (e.g., as a result of building an extension on my home or business).
  12. **Electricity.** As soon as electricity deregulation becomes effective in my area, you will offer me electricity supply at the terms offered to other customers like me.
  13. **Amendment; Assignment.** Except as provided above, you may amend this contract only with my written agreement. This contract reflects our entire agreement and supersedes any oral or written statements made in connection with my gas supply. You may assign this contract to another supplier authorized by *Utility* provided that you give me reasonable notice and the assignee assumes all of your responsibilities under this contract.
  14. **Thank you for agreeing to be my gas supplier.** I have read and understand the terms above and authorize you to obtain information from my local utility on my historic and current gas usage, billing history, meter readings and other relevant data. You have the right to refuse or accept this contract in your sole discretion and to obtain credit information about me.
- I have indicated my agreement to the terms above by signing the bottom of the "Authorization to Change Gas Suppliers" required by *Utility* on the bottom of the MxEnergy form. You will keep this form as confirmation of our agreement.**

***MxEnergy.com, Inc.***  
Financial Statements - Cash Basis  
For the Year-to-date Ended September 7, 1999

**Raymond L. Abramson, CPA**

42 Stony Brook Rd.  
P.O. Box 0148  
Westport, CT 06881-0148  
(203)221-0600  
Fax(203)222-7309

## Raymond L. Abramson, CPA

42 Stony Brook Rd.  
P.O. Box 0148  
Westport, CT 06881-0148  
(203)221-0600  
Fax:(203)222-7309

To the Partners  
*MxEnergy.com, Inc.*

I have compiled the accompanying statement of assets and liabilities - cash basis of *MxEnergy.com, Inc.* for the year to date ended September 7, 1999 and the related profit and loss statement - cash basis for the period then ended in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The financial statements have been prepared on the accounting basis used by the Company for internal accounting purposes, which is a comprehensive basis of accounting other than generally accepted accounting principles.

A compilation is limited to presenting in the form of financial statements information that is the representation of the owners. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the cash basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's assets, liabilities, equity, revenue, and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

September 8, 1999

Raymond Abramson, CPA

*MxEnergy.com, Inc.*  
Statement of Assets & Liabilities - Cash Basis  
September 7,

	1999
ASSETS	
CURRENT ASSETS	
Cash and cash equivalents (Note 3)	\$ 70,881
TOTAL CURRENT ASSETS	70,881
PROPERTY & EQUIPMENT	
Office Equipment	-
Furniture & fixtures	-
Less: Accumulated depreciation	-
Property & equipment - net	-
TOTAL ASSETS	<u>\$ 70,881</u>
LIABILITIES AND SHAREOWNERS EQUITY	
CURRENT LIABILITIES	
Due to Shareholders	\$ -
TOTAL LIABILITIES	-
EQUITY	
Common Stock (Note 1)	90
Contributed Capital	149,910
Retained Earnings	<u>(79,119)</u>
	<u>70,881</u>
TOTAL LIABILITIES & PARTNERS EQUITY	<u>\$ 70,881</u>

The accompanying notes are an integral part of the financial statements. See also the accountant's report.

*MxEnergy.com, Inc.*  
Profit and Loss Statement - Cash Basis  
and Changes in Partners Capital  
For the Year to Date Ended September 7.

	1999
<b>INCOME</b>	
Income from services	\$ -
Interest	-
TOTAL INCOME	<u>\$ -</u>
<b>EXPENSES.</b>	
General and administrative:	
Professional fees	59,179
Business travel and expenses	12,329
Office expense	5,903
Computer supplies and expense	1,708
Interest expense	-
TOTAL EXPENSES	<u>79,119</u>
<b>EXCESS OF INCOME OVER EXPENSES</b>	(79,119)
<b>RETAINED EARNINGS - Beginning</b>	<u>-</u>
<b>RETAINED EARNINGS - Ending</b>	<u>\$ (79,119)</u>

The accompanying notes are an integral part of the financial statements. See also the accountant's report.

*MxEnergy.com, Inc.*  
Statement of Cash Flows  
September 7,

1999

Excess of income over(under) expenses	\$ (79,119)
Adjustments to reconcile excess of income over expenses to net cash provided by operating activities:	
Depreciation	-
Increase in assessments receivable	-
(Increase)decrease in prepaid expenses	-
Increase (Decrease) in accounts payable	-
Net cash provided from operating activities	<u>(79,119)</u>
Net cash flows from investing activities:	
Funds from stock sale and contributed capital	<u>150,000</u>
Net increase in cash and cash equivalents	70,881
Cash and cash equivalents at beginning of year	<u>-</u>
Cash and cash equivalents at end of period	<u>\$ 70,881</u>

The accompanying notes are an integral part of the financial statements. See also the accountant's report.

**MxEnergy.com, INC.**

Notes to the Financial Statements

Note 1:           Organization

MxEnergy.com, Inc. is a corporation organized and operating under the incorporation laws of Delaware. The corporation has 100,000 shares authorized and 9,050 shares have been issued at a par value of \$0.01. MxEnergy.com, Inc. began operations in April 1999. The corporation will be filing to commence operations in several states over the next few months.

Note 2            Significant Accounting Policies

MxEnergy.com, Inc. prepares its financial statements on the cash basis of accounting which is a comprehensive basis of accounting other than generally accepted accounting principles. Under this basis, income is recognized when collected rather than when earned, and expenses are recognized when paid rather than when incurred. Consequently, services provided, partner funding, and other accounts receivable, interest earned, other investment income, amounts due vendors, and other payables are not included in the financial statements.

Note 3.           Line of Credit

The corporation has a one-year standby letter of credit from Citibank secured by a \$10,000 CD, issued to Baltimore Gas and Electric. The letter of credit is required by Baltimore Gas and Electric to assure performance by the corporation for delivery of gas to the corporation's customers. This letter of credit will support approximately 400 residential customers. Upon gaining more customers, the letter of credit will have to be increased to \$100,000. It is anticipated that MxEnergy.com, Inc. will have to increase the current letter of credit to \$100,000 during 1999.

company, initially MxEnergy.com Inc. proposes to supply letters of credit from creditworthy financial institutions as additional support to the utilities and suppliers with whom it works.

Please note that financial statements could not be included in diskette version of this presentation. However, they are attached to the hardcopy application. This was advised to be acceptable by Mr. Bob Bennet of the Bureau of Fixed Utility Services.

- Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available.
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form or other independent financial service reports.

As of 10/16 there was no rating assigned by Dun and Bradstreet. However, MxEnergy.com Inc.'s Dun and Bradstreet number is 09-534-4110.

- 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.

Currently MxEnergy.com Inc. has a package policy bound with Travelers Property Casualty Company that includes, among other things, coverage up to an aggregate of \$2,000,000 of general liability—inclusive of products/completed operations.

- Audited financial statements
- Such other information that demonstrates Applicant's financial fitness.

Banking officer for MxEnergy.com Inc. is Ms. Laurie Gray, Citibank, 999 High Ridge Road, Stamford, CT 06950. Phone: 203-321-4604

B. Applicant must provide the following information:

- Identify Applicant's chief officers including names and their professional resumes.  
Jeffrey A Mayer, President—resume attached  
Carole R. Artman-Hodge, Vice President and Chief Financial Officer—resume attached  
Daniel P. Burke, Sr., Chief Operating Officer, Director of Marketing—resume attached
- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records:

Carole R. Artman-Hodge  
MxEnergy.com Inc.  
61 Rye Road  
Rye, NY 10580  
Phone and Fax: 914-698-1999

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

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.

Jeffrey A Mayer, President  
Carole R. Artman-Hodge, Vice President and Chief Financial Officer  
Daniel P. Burke, Chief Operating Officer, Director of Marketing

Supply and distribution will be outsourced to ABQ Energy Group, 621 Sandia View Road, Albuquerque, NM. Officers responsible for this activity are Scott Kominiak, President; Clark Gentry, Vice President Accounting and Audit; and Bryan Fox, Market Strategy Analyst. Resumes of these individuals are attached.

## Curriculum Vitae

Jeffrey A. Mayer  
26 Pequot Trail  
Westport, CT 06880  
(203) 858 8851 (c)  
(203) 226-0366 (h)

- Personal:** Born November 26, 1951  
Married to Nancy Diamond  
Children: Brian (2/17/88)  
Marshall (12/26/90)
- Education:** Yale University, B.A., 1973  
New York University School of Law, LL.B., 1978
- Employment:** 1992-1999: AIG Trading Corporation  
One Greenwich Plaza, Greenwich, CT  
Managing Director, Energy Derivatives Marketing and Business  
Development  
1998-1999: Managing Director, Structured Deal Group  
AIGTC was sold to Sempra Energy Trading Corporation in December  
1997 and changed its name to Sempra Energy Trading Corporation.
- Successfully structured and completed acquisition of CNG Energy  
Services
- Assisted major US corporations in identifying and managing financial  
risks; reviewed financial statements; prepared business plans; negotiated  
contracts; managed sales team
- 1984-1992: Goldman, Sachs & Co.  
85 Broad Street, New York, New York  
General Counsel to J. Aron Commodities Division, 1984-87  
Vice President, Manager, Futures Clearing and Energy Futures  
Department, 1987-1992
- 1978-1983: Barrett Smith Schapiro Simon & Armstrong  
26 Broadway, New York, New York  
Attorney, private law practice: Litigation, corporate finance, commercial  
contracts, legislative drafting  
Represented New York Mercantile Exchange; acting general counsel of  
Coffee, Sugar & Cocoa Exchange, 1979-1980

**Professional:** Creator and Instructor of Energy Traders' Institute, a one week seminar sponsored by Infocast and presented four times, 1997-99  
Speaker at numerous industry wide conferences and forums

**Civic**

**Activities:** Elected Member, Westport Board of Finance, 1997-Present  
Elected Member, Representative Town Meeting, 1995-1997  
WSHU Board of Directors, 1995-Present  
Member, Sunrise Rotary Club  
South Shore Music Festival Board of Directors, 1995-1997  
Cub Scout Den Leader, 1996-1999

**Avocations:** Collector of rare books, wine, and barbecue sauces

**Carole R. Artman-Hodge ("Robi")**

61 Rye Road

Rye, NY 10580

Tele: 914-698-1999/Fax: 914-698-1999/e:mail Famhodge@aol.com

**Overview**

*Over 23 years with financial institutions developing client relationships and new business units. Key to success was providing understandable and controllable financial solutions through the use of risk mitigation programs (spot and forward foreign exchange, commodity and financial derivatives, precious metals loans), senior debt, letters of credit, mezzanine debt, high yield debt, securitizations, pre-export finance structures, and private or public equity. Trained/educated management (both client and bank) in the accounting and tax consequences plus the costs, benefits, risks, and required controls of structures/products employed.*

**Summary of Qualifications**

**MxEnergy.com Inc.**

*March 1999-current*

Connecticut

*Co-founder, EVP and CFO: Creation and building of a new, natural gas and power marketing company. Though responsible for all aspects of growth, major emphasis ultimately will be on financial wherewithal of the company and risk mitigation.*

**Robi Artman-Hodge, Inc.**

*November 1998 - current*

Rye, NY

*Consultant: Expert Witness/advisor on various matters relating to banking, risk mitigation, commodities, project finance, natural resources, financing and control/monitoring matters.*

**Bank of Ireland**

*December 1997-June 1998*

Dublin, Ireland

*Consultant/Director Project Finance: While managing this new, 4 person unit during it's director's 6 month maternity leave, implemented 3 training courses for entire international unit with particular emphasis on international documentation, risk mitigation products, and internal credit perspectives; monitored and profitably expanded by about \$160MM in commitments (avg. txn. size \$7-15MM) the lending portfolio in the areas of road construction, power projects, aircraft, energy pipelines, and emerging market energy transactions; instituted and implemented a first level marketing program for the unit; initiated training for direct sponsor calling program.*

**American Women's Club of Dublin**

*May 1997 to August 1998*

Dublin, Ireland

*President: Led, organized, and maintained financial soundness of this 200+ member social support and philanthropic organization. Initiated advertising, fund raising, marketing and innovative methods of financing the organization while maintaining its volunteer and social character.*

**ING Capital**

*1989 - 1996*

New York, NY

*Managing Director, Risk Mitigation and Origination, Natural Resources: Identified, structured, executed and hedged risk mitigation programs for natural resource clients (emphasis was placed on strategic rather than tactical client hedging). Developed and executed precious metals loans and proprietary hedging products. Originated and developed relationships with entrepreneurial, middle market (mostly non-investment grade) companies. Grew these companies by advising on capital structures and assisting with mergers and acquisitions' plus providing and/or placing senior, subordinated, high yield, and bridge debt coupled with private or public equity.*

*Managing Director: Implemented and further developed ING Capital's Derivative Advisory Unit. Initiated and purchased ING Capital's first Futures Commission Merchant/Broker-Dealer. Centralized and managed the Trade Finance activity in NY with specialization in emerging market barter, countertrade, forfeiting and pre-export finance. Created, managed, and profitably expanded ING Capital's Agribusiness Unit. Managed and expanded ING's commodity finance portfolio until dispersed to ING Bank offices world-wide. Successfully worked-out several distressed commodity loans inherited with the original Commodity Finance portfolio.*

**Banque Paribas**  
New York, NY

1981 - 1989

*Vice President, Treasury Marketing: Developed and implemented marketing strategy for new derivatives group emphasizing interest rate and currency risk management. Established counterparty risk credit approval process and legal documentation system. Created and presented training seminars for corporate senior executives and account officers.*

*Vice President, Commodity Finance: Initiated and profitably managed a \$500MM non-petroleum commodity loan and trade finance portfolio in addition to originating and managing a very profitable \$800MM petroleum trading finance portfolio. Trained major oil companies in letter of credit risks and usage—establishing the industry format for letter of credits used for oil trade finance. Profitably unwound a distressed \$300MM copper repos. Assisted in the creation of Paribas Futures ( a futures commission merchant). Enabled Paribas to become the first foreign bank approved to post letters of credit for certain US Government Export programs as well as to post them to major US futures exchanges.*

**Harris Trust and Savings Bank/  
Harris International Banking Corporation**  
Chicago, IL and New York, NY

1977 - 1981

*Assistant Treasurer: Developed first commodity lending activity for the NY office, marketed FCIA receivable factoring and initiated international correspondent banking relationships.*

*Trainee: Successfully completed credit training program, interned with International, Transportation & Utilities, Commodities, and Marketing departments. Created and coordinated training program for international bankers. Originated and completed marketing studies for new construction finance markets and new international office locations (resulting in the purchase of a small Parisian bank).*

**Action Peace Corps/VISTA**  
Chicago, IL; Cleveland, OH; Shaba, Zaire

1973 - 1977

*Recruiter and Placement Officer: Developed and managed Cleveland's volunteer recruiting program. Provided marketing, public relations and volunteer placement for Midwest Regional Offices while in Chicago.*

*Professor: Taught chemistry, physics, biology, economics, math and gymnastics for two secondary schools in Sandoa, Shaba, Zaire. Education was via the Belgium format and in French.*

#### **Educational Background**

**University of Chicago 190 Program**  
Chicago, IL

1976 - 1979

*MBA Finance with International and Commodities emphasis*

**Kenyon College**  
Gambier, OH

1969 - 1973

*BA Chemistry*

#### **Miscellaneous**

**Licensed Series 3, 7, 24, & 63**  
**Computer literate**

# Daniel P. Burke, Sr.

---

## Experience

1999-Present *MXENERGY*

### **Chief Operating Officer**

- Directs marketing and program development.
- Directs customer administration.

1992-1999 *Commonwealth Energy Services, Inc./Sempra Energy*

### **President**

- Founded the company to provide energy and energy services to industrial consumers.
- Successfully entered residential gas sales in Ohio, Pennsylvania and Maryland in 1997/1998.

1987-1991 *Centran Corporation*

### **President, Natural Gas Division**

- Established Natural Gas Division in February, 1987.
- Full profit and loss responsibility.
- Increased sales from \$4.5 million in 1987 to \$106 million in 1990.
- Division produced net earnings increases each year.
- Employment increased to 40 employees in division.
- Opened division offices in Georgia, Texas, Virginia, and Minnesota.

1980-1987 *St. Bernard Fuels*

### **President**

- Established gas marketing company to provide services to industrial and commercial accounts.

### **Prior Positions Held Include:**

- Chief Financial Officer
- Trustee and Administrator for Employee Defined Benefit Plans
- Financial Consultant (Coopers and Lybrand)
- Financial Analyst
- Director of Accounting Services
- Director of Cash Management Services

## Education

1971-1975 *University of Louisville*

- B.S.C. Accounting
- A.A. English
- Completed 36 credit hours at University of Louisville, School of Law including courses in Insurance, Contracts, Property, Legal Research and Procedures.

## *ABQ Energy Group*

### *Scott Kominiak- President*

Scott brings almost ten years of broad energy trading and risk management experience to the ABQ Energy Group. He has been a consultant to the New Mexico Gas Marketing Bureau for economic analysis of markets for New Mexico's oil and gas production as well as detailing strategies for New Mexico producers to use NYMEX futures contracts to achieve better pricing. He has also worked for utilities, as well as marketing and trading companies.

Scott spent four years with Pacific Gas & Electric Company (the nation's largest investor owned utility) where he worked as a lead member of the team negotiating the settlement to restructure PG&E's Canadian gas supply subsidiaries. This high-profile international trade conflict involved PG&E, two major pipelines, U.S. and Canadian government officials, and 200 natural gas producers. Several of the most commonplace features of the Canadian spot market (such as hub-style trading on the NOVA pipeline) are the direct result of the innovation and effort of Scott's work in resolving this very difficult and complex problem. Scott also led a company-wide team in the development of a comprehensive price risk management program for PG&E, including the fossil-fueled power plants and wholesale power trading activities. This work led to realized natural gas cost savings of over \$1 million. Before leaving PG&E, Scott worked with a small group of individuals to conceive and develop a business plan that ultimately led to the formation of Vantus Energy, now PG&E Energy Trading.

After leaving PG&E Scott joined Catex Vitol Gas, a gas marketing and trading company in Boston, where he established the company's business in the western U.S. and Canada. From Boston, he returned home to New Mexico where he worked for just over two years as the Director and General Manager of PNM Energy Marketing. Scott built this team with the goal of establishing a competitive marketing affiliate for PNM. In its first full year of operations, PNMEM achieved sales of over \$110 million and held a valuable portfolio of strategically controlled pipeline and storage assets in California, the Pacific Northwest, the Southwest, and in the Gulf Coast regions.

Regulatory constraints on the company, and the realization that small business people need an alternative to the traditional energy marketer led Scott to leave PNM and create the ABQ Energy Group.

***Clark Gentry, C.P.A. - Vice President, Accounting and Audit Management***

Clark joined the ABQ Energy Group in May 1999. He is responsible for management of our accounting processes, as well as client consulting in the areas of State, Federal, and Tribal compliance reporting, royalties, and production tax. Clark brings over 20 years of experience in oil and gas compliance accounting and general management accounting to our business. Most recently, he developed a Certified Public Accountancy practice with over 80% of its revenue derived from oil and gas clients.

From 1977 through 1993, Clark applied his skills in a variety of management positions for Southern Union Natural Gas, and PNM, New Mexico's largest gas and electric utility. As Manager of Gas Accounting, he was responsible for all contract and regulatory accounting for the vertically integrated natural gas division and its affiliates.

***Bryan Fox - Market Strategy Analysis***

With 17 years in the energy industry Bryan has worked with such firms as Sedco Forex, Southwest Gas, El Paso Electric, and NIPSCO Energy Services. His experiences are wide-ranging and include offshore drilling operations, regulatory policy analysis, natural gas trading and operations, generation fuel arbitrage, and energy market forecasting analysis. While at El Paso Electric and NIPSCO, Bryan's work in analyzing and forecasting wholesale and utility market supply and demand fundamentals was critical to operational efficiency and profitability.

- A copy of any Federal energy license currently held by the Applicant.

Not applicable at this time

- Proposed staffing and employee training commitments.

As volumes of business grow and as MxEnergy.com Inc. expands the States in which it provides natural gas and power services, additional staff may be added to assist in the operational oversight of the company—including the supply and distribution of product. Initially, experienced personnel will be hired to fill specific requirements. Personnel will be required to remain current on various aspects of the industry via industry publications, roundtables, meetings, and educational courses where appropriate.

- Business plans.

MxEnergy.com Inc. plans to expand its client base through traditional mass marketing channels and through acquisition of accounts being sold by other companies. Though commencing with the distribution of natural gas, it is anticipated that MxEnergy.com Inc. will enter into the sale of power when ancillary costs are more controllable for an independent marketer. MxEnergy.com Inc. plans to be a national company.

19. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 68 Pa. C.S. Section 2208(D). Transferee will be required to file the appropriate licensing application.
20. **UNIFORM STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.
21. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:
- a. **Reports of Gross Receipts:** Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on an annual basis no later than 30 days following the end of the calendar year.
- Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 22 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive natural gas market.
22. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
23. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.
24. **FEE:** The Applicant has enclosed the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania.

Applicant: MxEnergy.com Inc

By: 

Title: Vice President and Chief Financial Officer

AFFIDAVIT

[Commonwealth/State] of Connecticut :

: ss. Fairfield

County of FAIRFIELD :

Carole R Artman-Hodge, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

She is the Vice President and Chief Financial Officer (Office of Affiant) of MxEnergy.com Inc. (Name of Applicant);]

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

That MxEnergy.com 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 MxEnergy.com Inc., the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render natural gas supply service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

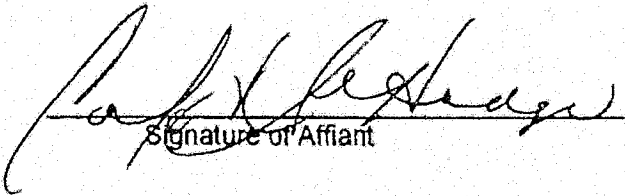
That MxEnergy.com Inc., the Applicant herein, certifies to the Commission that it is subject to, will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2 ), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 22 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional natural gas sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

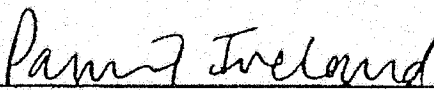
That MxEnergy.com Inc., the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, and the standards and billing practices of 52 PA. Code Chapter 56.

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

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

  
Signature of Affiant

Sworn and subscribed before me this 8th day of November, 19 99.

  
Signature of official administering oath  
Pamela T. Ireland  
Commissioner of Superior Court

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

AFFIDAVIT

[Commonwealth/State] of Connecticut

ss. Fairfield

County of FAIRFIELD

Carole R Artman-Hodge, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the Vice President and Chief Financial Officer (Office of Affiant) of MxEnergy.com Inc. (Name of Applicant);]

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

That MxEnergy com Inc., the Applicant herein certifies that it has caused the notice of the filing of its license application to be published in the following newspapers on \_\_\_\_\_:

(date) PITTSBURGH POST-GAZETTE  
74 BROADWAY OF THE ARTS  
PITTSBURGH PA 15222-1204

A copy of the notice as it appeared in each of the above newspapers is attached. Noted on each copy is the newspaper section (name, number or letter), if applicable, and the page number on which the notice appeared. COMPLETED ARRANGEMENTS ON NOVEMBER 10, 1999 FOR APPEARANCE FEBRUARY, NOVEMBER 12, 1999

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

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

[Handwritten Signature]  
Signature of Affiant

Sworn and subscribed before me this 8<sup>th</sup> day of November, 1999.

[Handwritten Signature]  
Signature of official administering oath Pamela T. Ireland  
Commissioner of Superior Court

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

Applicant utilized the example form of notice provided below:

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
NOTICE**

*Application of MxEnergy.com Inc. (d/b/a "MxEnergy") For Approval To Offer, Render, Furnish Natural Gas Supply Services as a Marketer/Broker or Aggregator Inged In The Business Of Supplying Natural Gas Supply Services, To The Public In The Commonwealth Of Pennsylvania, Docket No. A-125050.*

On November 10, 1999 MxEnergy.com Inc. filed an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as (1) a supplier of natural gas, (2) a broker/marketer engaged in the business of supplying natural gas, and (3) an aggregator engaged in the business of providing natural gas supply services. MxEnergy.com Inc. proposes to sell natural gas and related services throughout all of Pennsylvania, but initially in the Pittsburgh area, under the provisions of the new Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of MxEnergy.com 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 MxEnergy.com Inc.'s attorney at the address listed below. Please include the PUC's "docket number" on any correspondence, which is A-125050.

**Jeffers & Associates**  
1248 Post Road  
Fairfield, CT 06430  
Phone: 1-203-259-7900  
Fax: 1-203-259-1070  
Contact Name: Ms. Pamela Ireland

AFFIDAVIT

[Commonwealth/State] of Connecticut

ss. Fairfield

County of FAIRFIELD

Carole R. Artman-Hodge, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the Vice President and Chief Financial Officer (Office of Affiant) of MxEnergy.com Inc. (Name of Applicant);]

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

That the Applicant herein MxEnergy.com Inc. has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as a natural gas supplier pursuant to 66 Pa. C.S. §2208(c)(1).

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

That the Applicant herein MxEnergy.com 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 MxEnergy.com 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 8<sup>th</sup> day of November, 1999.

[Handwritten Signature]  
Signature of official administering oath  
Pamela T Ireland  
Commissioner of Superior Court

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

DATE: November 15, 1999  
SUBJECT: A-125050  
TO: Bureau of Fixed Utility Services  
FROM: James J. McNulty, Secretary

LAF

Attached is a copy of the Application of MxEnergy.com Inc., d/b/a MxEnergy, for a license to supply Natural Gas Services as a Supplier, Municipal Supplier, Cooperative Supplier, Broker/Marketer and Aggregator engaged in the business of supplying natural gas.

Please note that the following item(s) were not filed with the application:

I. Certificate of Service

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: LAW  
BCS  
CMU  
OTS  
CFEP

laf

DOCUMENT  
FOLDER

DOCKETED

NOV 15 1999

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

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

November 15, 1999

A-125050

PAM IRELAND  
JEFFERS AND ASSOCIATES  
1248 POST RD  
FAIRFIELD CT 06430

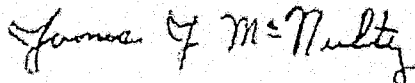
Dear Ms. Ireland:

The Application and \$350.00 filing fee of MxEnergy.com Inc., d/b/a MxEnergy, filed in this Office on November 10, 1999, for approval to supply Natural Gas Services as a Supplier, Municipal Supplier, Cooperative Supplier, Broker/Marketer and Aggregator engaged in the business of supplying natural gas is hereby acknowledged.

Pursuant to the Commission's Final Order, entered July 16, 1999, at M-00991249F0002, all entities wishing to engage in the business of a natural gas supplier must hold a license issued by the Commission, in order to provide services starting November 1, 1999.

The application will receive the attention of the Commission, and you will be advised of any further necessary procedure.

Sincerely,



James J. McNulty  
Secretary

JJM:laf

cc: ROBI ARTMAN-HODGE VP & CFO  
MXENERGY.COM INC  
61 RYE RD  
RYE NY 10580

**DOCKETED**

NOV 15 1999

**DOCUMENT  
FOLDER**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

RECEIPT

NOV 19 1999

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

MXENERGY.COM INC  
D/B/A MXENERGY  
26 PEQUOT TRAIL  
WESTPORT CT 06880

DATE 11/17/99  
RECEIPT # 196372

IN RE: Application fees for MXENERGY.COM INC D/B/A MXENERGY

Docket Number A-125050..... \$350.00

REVENUE ACCOUNT: 001780-017601-102

CHECK NUMBER: 1030  
CHECK AMOUNT: \$350.00

C. Joseph Meisinger  
(for Department of Revenue)

DOCUMENT  
FOLDER

EEF

**MIXENERGY.COM**  
The power of choice

MxEnergy.com Inc. • Box 2454 • Westport, CT 06880 • 203 858 8851 • www.mxenergy.com

November 23, 1999

James J. McNulty, Secretary  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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FOLDER

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NOV 23 1999

Re: MxEnergy.com Inc. Natural Gas License Application  
Docket #125050 A-125050  
Certificate of Service and Proof of Publication

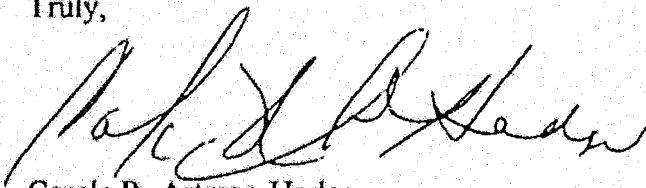
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Sir:

Please find attached one original and 8 copies of MxEnergy.com Inc.'s Certificate of Service and Proof of Publication that are required as part of our Natural Gas License Application.

Should you have any questions, please contact me at 914-698-1999. Thank you for your help in this matter. We look forward to servicing Pennsylvania consumers.

Truly,



Carole R. Artman-Hodge  
Vice President and Chief Financial Officer

68

EEF

# Proof of Publication of Notice in Post-Gazette

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

A. Blanchard

Commonwealth of Pennsylvania, County of Allegheny, ss: \_\_\_\_\_, being duly sworn, deposes and says that the Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 and the 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 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 Post-Gazette a newspaper of general circulation on the following dates, viz:

November 12, 1999

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the 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 aforesaid notice or publication; and that all allegations in the foregoing statement as to time, place and character of publication are true.

### COPY OF NOTICE OR PUBLICATION

PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE

Application of MxEnergy.com Inc. (d/b/a "MxEnergy") For Approval To Offer, Render, Furnish Natural Gas Supply Services as a Marketer/Broker or Aggregator Engaged in The Business Of Supplying Natural Gas Supply Services To The Public in The Commonwealth Of Pennsylvania, Docket No. A-125050.

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Jetters & Associates  
1248 Post Road  
Fairfield, CT 06430  
Phone: 1-203-259-7900  
Fax: 1-203-259-1070  
Contact Name:  
Ms. Pamela Ireland

DOCUMENT FOLDER

A. Blanchard  
PG Publishing Company

Sworn to and subscribed before me this day of:

November 12, 1999

Mary E. Waznonger

Notarial Seal  
Mary E. Waznonger, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Feb. 3 2000  
Member, Pennsylvania Association of Notaries

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NOV 23 1999

DOCKETED

NOV 30 1999

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

### STATEMENT OF ADVERTISING COSTS

MxEnergy.com  
61 Rye Rd.  
Rye, NY 10508

To PG Publishing Company

Total ----- \$ 416.50

### Advertiser's Receipt for Advertising Costs

\_\_\_\_\_, publisher of the Post-Gazette, a newspaper of general circulation, hereby acknowledges and certifies that the same have been fully paid.

PG PUB receipt of

Office  
Boulevard of the Allies  
PITTSBURGH, PA 15230  
Phone 412-263-1338

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

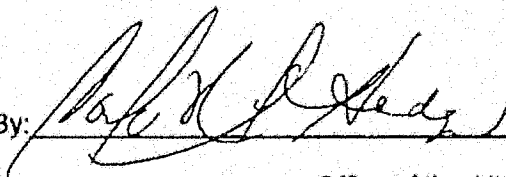
By Pamela Ireland

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.

**Certificate of Service**

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below in accordance with the requirements of 52 Pa Code §1.57 and §1.58

Dated this 10<sup>th</sup> day of November, 1999.

By: 

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

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

Bernard A. Ryan, Jr.  
Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

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

**The Peoples Natural Gas Company**  
Joe Gregorini or Bill McKeown  
625 Liberty Avenue  
Pittsburgh, PA 15222  
e-mail: [jgregorini@png.cng.com](mailto:jgregorini@png.cng.com)  
PH: 412.497.6851 or 412.497.6840  
FAX: 412.497.6630

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NOV 23 1999

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Equitable Gas Company**  
Antionette Litchy  
200 Allegheny Center Mall  
Pittsburgh, PA 15212-5352  
PH: 412.395.3117 FAX: 412.395.3156

**Columbia Gas of PA, Inc.**  
Paula Frauen or Shirley Bardes-Hasson  
650 Washington Road  
Pittsburgh, PA 15228  
e-mail: [pfrauen@columbiaenergygroup.com](mailto:pfrauen@columbiaenergygroup.com)  
PH: 412.572.7131 FAX: 412.572.7161

DOCKETED  
NOV 30 1999

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

DOCUMENT  
FOLDER