

**FELLER
LAW
GROUP**

159 20th St., Suite 1B
Brooklyn, NY 11232

P. 212 590 0145

info@feller.law
www.feller.law

Via FedEx

September 8, 2017

Pennsylvania Public Utility Commission
Secretary
400 North Street, Keystone Building
Harrisburg, PA 17120

Re: Electric Broker License Docket No. A-2017-2618301, Data Request for Electricity Ratings, LLC

Dear Secretary Chiavetta:

Electricity Ratings, LLC ("Electricity Ratings") hereby submits its response to the Commission's Data Request for Electric Broker License Docket No. A-2017-2618301 (dated September 6, 2017).

In accordance with Pa. Code Section 54.32, Electricity Ratings is providing the following documents under separate cover and requests that its responses and corresponding attachments to the following be treated as confidential:

- Section 7.b: Financials Fitness (2015-16 Tax Returns); and,
- Section 7.b: Financials Fitness (July – August 2017 Bank Statements)

This information is treated as confidential by Electricity Ratings, and public disclosure of such information could be potentially harmful to applicant's position as competitive Electric Generation Supplier. Electricity Ratings further requests that its responses to any subsequent requests for additional information or clarification which staff might make with regard to these same requests also be permitted to be filed under seal. Please direct any questions or concerns about the information enclosed to the undersigned.

Sincerely,

Lena Golze Desmond, Esq.
Feller Law Group, PLLC
159 20th St, Suite 1B
Brooklyn, NY 11232
lenadesmond@feller.law

RECEIVED

SEP 08 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Counsel for Electricity Ratings, LLC

VERIFICATION

I, Lena Golze Desmond, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Lena Golze Desmond, Esq.
Feller Law Group, PLLC
159 20th St, Suite 1B
Brooklyn, NY 11232
lenadesmond@feller.law

Counsel for Electricity Ratings, LLC

Dated: September 8, 2017

RECEIVED

SEP 08 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGINAL

Docket No. A-2017-2618301
Electricity Ratings, LLC
Data Request Response (9/8/17)

1. **Reference Application, Section 2.b, Formation Documents – Applicant failed to provide limited liability company formation documentation. Please provide the missing documentation.**

Electricity Ratings includes the following documents in response to Data Request #1 / Section 2.b (Formation Documents):

- Certificate of Formation; and
- Certificate of Good Standing

RECEIVED

SEP 08 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

- 2. Reference Application, Section 7.b, Financial Fitness – Applicant did not provide sufficient documentation to demonstrate financial fitness. Please provide financial fitness documentation that may include two consecutive years of income tax filings, three consecutive months of bank statements, etc. Applicant may elect to mark the information as confidential.**

Electricity Ratings includes the following documents in response to Data Request #2 / Section 7.b (Financial Fitness):

- CONFIDENTIAL 2014-16 Form 1040 (financials relating to Electricity Ratings reflected in Schedule C)
- CONFIDENTIAL Bank Statements (June – August 2017)

3. Reference Application, Section 8.a, Technical Fitness – Applicant failed to provide its licenses for Texas and Ohio. Please provide the missing documentation.

Ohio

Electricity Ratings submitted initial electric and natural gas broker license applications to both Ohio Public Utilities Commission (“PUCO”) in May 2017, and PUCO issued the electric and natural gas broker licenses on June 11, 2017 (License Nos. 17-1235-EL-AGG / 17-1236-GA-AGG).¹

Texas

The Texas Public Utilities Commission does not require brokers to be licensed. Accordingly, Electricity Ratings does not have license information to provide.

Please also see below for additional information regarding recent license approvals:

Additional States Where No License is Required

In addition to Texas, Electricity Ratings is also operating in the following states that do not require broker certification:

- California (gas only)
- Connecticut
- New York

New Jersey

Electricity Ratings received its combined electric broker license from the New Jersey Board of Public Utilities on July 26, 2017 (License No. EA-0415; *receipt of license hard copy still pending from the BPU*).

Illinois

Electricity Ratings received its electric broker license from the Illinois Commerce Commission on July 26, 2017 (License No. 17-0236).

Maryland

Electricity Ratings submitted initial electric and natural gas broker applications to the Maryland Public Service Commission and is currently awaiting approval.

Electricity Ratings includes the following documents in response to Data Request #3 / Section 8.a (Technical Fitness):

- Ohio Electric Broker License
- Ohio Natural Gas Broker License
- Illinois Electric Broker License

¹ Electricity Ratings also submitted its initial electric broker license application to the Pennsylvania Public Utilities Commission in May 2017. However, the PAPUC returned Electricity Ratings initial application on June 12, 2017, requiring resubmission on the more recent application forms. Electricity Ratings then resubmitted its initial electric broker application in late July 2017, and was entered on the e-docket by the Commission in early August 2017.

ORIGINAL

Data Response #1
Section 2.b
Formation Documents



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

Filed in the Office of the
Secretary of State of Texas
Filing #: 801188156 10/29/2009
Document #: 281463800002
Image Generated Electronically
for Web Filing

Filing Fee: \$300

**Certificate of Formation
Limited Liability Company**

Article 1 - Entity Name and Type

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

Electricity Ratings, LLC

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

Article 2 - Registered Agent and Registered Office

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

OR

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

Name:

Oberle Matt

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

Street Address:

1640 E TC Jester #1024 Houston TX 77008

Article 3 - Governing Authority

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

OR

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

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

Manager 1: **Oberle Matt**

Title: **Manager**

Address: **1640 E TC Jester #1024 Houston TX, USA 77008**

Article 4 - Purpose

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

Supplemental Provisions / Information

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

Organizer

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

Matt Oberle 1640 E TC Jester #1024, Houston, TX 77008

Effectiveness of Filing

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

OR

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is: **October 30, 2009**

Execution

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

Matt Oberle

Signature of Organizer

FILING OFFICE COPY



Office of the Secretary of State

Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Electricity Ratings, LLC (file number 801188156), a Domestic Limited Liability Company (LLC), was filed in this office on October 29, 2009.

It is further certified that the entity status in Texas is in existence.

Delayed Effective date: October 30, 2009

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on March 31, 2016.



A handwritten signature in black ink, appearing to read "Cascos" followed by a horizontal line.

Carlos H. Cascos
Secretary of State

Data Request 3
Section 8.a
Technical Fitness

FILE



**Public Utilities
Commission**

Asim Z. Haque, Chairman

Commissioners
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

3

PUBLIC UTILITIES COMMISSION OF OHIO

Certified as a Competitive Retail Electric Service Provider

Certificate Number:

17-1234E (1)

Issued Pursuant to Case Number(s):

17-1235-EL-AGG

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **Electricity Ratings, LLC** whose office or principal place of business is located at **1502 Sawyer St, Suite 130, Houston, TX 77007** to provide power broker services within the State of Ohio effective **June 11, 2017**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: June 16, 2017

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary
Tanowa M. Troupe, Acting Secretary
Felecia D. Burdett, Acting Secretary

Certificate Expires: June 11, 2019

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

180 East Broad Street
Columbus, Ohio 43215-3793

Date Processed JUN 16 2017

(614) 466-3016
www.PUCO.ohio.gov

FILE

3

The Public Utilities Commission of Ohio

Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate

Issued pursuant to Case Number(s):
17-1236-GA-AGG

is
Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:
17-607G(1)

Granted to:
Electricity Ratings, LLC

Whose office or principal place of business is located at:
1502 Sawyer St, Suite 130, Houston, TX 77007

And is hereby certified to provide:
Retail Natural Gas Aggregator/Broker Services
within the state of Ohio, for a two-year period.

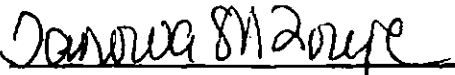
Certification Effective:
June 11, 2017 through June 11, 2019

The certification of Ohio competitive retail natural gas aggregators/brokers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio
Dated: **June 12, 2017**

By Order of
The Public Utilities Commission of Ohio

Barcy F. McNeal, Secretary
Tanowa M. Troupe, Acting Secretary
Felecia D. Burdett, Acting Secretary

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician DAK Date Processed JUN 12 2017

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Electricity Ratings, LLC d/b/a :
Texas Electricity Ratings :
 : **17-0236**
Application for Licensure of :
Agents, Brokers and Consultants under :
Section 16-115C of the Public Utilities Act. :

By the Commission:

I. INTRODUCTION

On May 11, 2017, Electricity Ratings, LLC d/b/a Texas Electricity Ratings ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an agent, broker, or consultant ("ABC") in Illinois pursuant to Section 16-115C of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 454, "Licensure of Retail Electric Agents, Brokers and Consultants" ("Part 454"). Applicant requests authority to offer services as an ABC for the procurement or sale of retail electricity supply for third parties in the State of Illinois. Upon review of the application, Staff of the Commission requested additional information and clarification of certain matters. On June 28, 2017, Applicant filed an Errata to its Application. Since all of the information to grant the requested relief was contained in the Application and Errata to the Application, the Hearing was waived.

II. REQUIREMENTS FOR ALL APPLICANTS UNDER SECTION 16-115C OF THE ACT

Applicant is a business organized under the laws of Texas and authorized to transact business in Illinois. Applicant has certified that it will comply with all applicable regulations; that it will comply with informational and reporting requirements established by Commission rule; that it will comply with informational and reporting requirements pursuant to Section 16-115C of the Act; and that it will comply with all other applicable laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an ABC. Applicant has agreed to ensure that any person who acts on its behalf will comply with all applicable sections of Part 454. Applicant agrees that it will remain in compliance with the provisions of the Act and Part 454, and will ensure that authorizations received from customers, and all other applicable records are retained for a period of not less than three calendar years after the calendar year in which they were created. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data. The Applicant has also attested that

no complaints have been filed against it for its provision of services in the electric or gas industry in the jurisdictions where it provides or is seeking to provide services.

III. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115C

Applicant is required by Section 454.60 to demonstrate that it meets the managerial qualifications necessary to provide services as an ABC. Applicant must further provide an organizational chart that indicates the position of persons which satisfy the managerial qualification. Applicant has demonstrated that it meets the managerial qualifications set forth in Section 454.60 through Attachments A and B to the Application. Attachment A to the Application contains a corporate organizational chart and identifies the occupational background information of the persons being used to meet the requirements of Section 454.60(a). Attachment B contains occupational background information on the person or persons being used to meet the requirements of Section 454.60(a).

Applicant is required by Section 454.70 to demonstrate that it meets the technical qualifications necessary to provide services as an ABC. Applicant has demonstrated that it meets the technical qualifications set forth in Section 454.70 with the information provided in Attachment B. Attachment B contains occupational background information on the person or persons being used to meet the requirements of Section 454.70(a).

Pursuant to the requirements of Section 454.80 of Part 454, Applicant provided a surety bond in the amount of \$5,000 issued by a qualifying surety authorized to transact business in Illinois. Applicant further agrees to comply with the Code of Conduct for ABCs contained in Section 454.90.

IV. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant regarding the technical, managerial, and financial requirements and all other requirements of the Act and Part 454 and finds that the Applicant sufficiently demonstrates compliance with the requirements. The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ABC in Illinois should be granted and should include the following authority:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Electricity Ratings, LLC d/b/a Texas Electricity Ratings is granted service authority to operate as an agent, broker, or consultant for the procurement or sale of retail electricity supply for third parties in the State of Illinois.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Electricity Ratings, LLC d/b/a Texas Electricity Ratings, a business organized under the laws of Texas and authorized to transact business in Illinois, seeks a certificate of service authority to operate as an ABC under Section 16-115C of the Act;
- (2) the Commission has jurisdiction over the party hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) Electricity Ratings, LLC d/b/a Texas Electricity Ratings has demonstrated that it possesses sufficient financial, managerial, and technical resources and abilities to provide services as an ABC for the procurement or sale of retail electricity supply to third parties in the State of Illinois;
- (5) Electricity Ratings, LLC d/b/a Texas Electricity Ratings has complied with Section 16-115C of the Act and Part 454; and
- (6) Electricity Ratings, LLC d/b/a Texas Electricity Ratings should be granted a certificate of service authority to operate as an ABC as specified in this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Electricity Ratings, LLC d/b/a Texas Electricity Ratings is hereby granted a Certificate of Service Authority authorizing it to operate as an agent, broker, or consultant; said Certificate of Service Authority shall read as that set forth in Section IV of this Order.

IT IS FURTHER ORDERED that Electricity Ratings, LLC d/b/a Texas Electricity Ratings shall comply with all applicable Commission rules and orders now and as hereafter amended.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 26th day of July, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman

ORIGIN ID:FBTA (212) 590-0145
NATARA FELLER
FELLER ENERGY LAW GROUP
159 20TH ST.
SUITE 1B
BROOKLYN, NY 11232
UNITED STATES US

SHIP DATE: 08SEP17
ACTWGT: 1.00 LB
CAD: 103674883/NET3920

BILL SENDER

TO **ROSEMARY CHIAVETTA SECRETARY**
PENNSYLVANIA PUBLIC UTILITY COMMISS
400 NORTH STREET
KEYSTONE BUILDING
HARRISBURG PA 17120

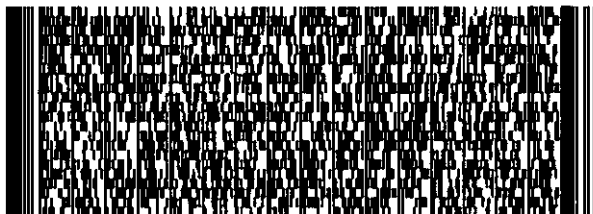
54911FF19104C

(717) 783-5242

REF. ER PA REQUESTED DATA

INV
PO

DEPT:



FedEx.
Express



#172917942947

FedEx Ship Manager - Print Your Label(s)

MON - 11 SEP 10:30A
PRIORITY OVERNIGHT

TRK#
0201

7702 1758 3143

SH MDTA

17120
PA-US MDT

