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FRONT DESK

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September 1, 2017

**VIA HAND DELIVERY**

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Application of New Wave Energy Corp. for Approval to Offer, Render, Furnish or  
Supply Electric Generation Services as a Supplier  
Docket No. A-\_\_\_\_\_**

Dear Secretary Chiavetta:

Enclosed for filing please find an original plus one copy of the Application of New Wave Energy Corp. for Approval to Offer, Render, Furnish or Supply Electric Generation Services as a Supplier, along with all required affidavits and attachments. **Please note that Exhibit 3 (Financial Fitness) and Exhibit 4 (Tax Certification) to this filing contain Confidential information, and have been marked as such and provided in a separate envelope. The Applicant requests that Exhibits 3 and 4 be filed under Seal.**

Also enclosed herewith are:

- A check in the amount of \$350.00 for payment of the filing fee.
- An original plus two copies of a Letter of Credit in the amount of \$250,000, and
- A CD-Rom containing a .pdf copy of the Application.

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Secretary Rosemary Chiavetta  
September 1, 2017  
Page 2

Copies of the Application have been served in accordance with the attached Certificate of Service. If you have questions, please do not hesitate to contact me.

Very truly yours,

STEVENS & LEE



Michael A. Grun

Encl.  
cc: Certificate of Service

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of New Wave Energy Corp., d/b/a \_\_\_\_\_, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) Electric Generation Supplier to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

### 1. IDENTIFICATION AND CONTACT INFORMATION

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

**NEW WAVE ENERGY CORP.**  
434 Delaware Ave.  
Buffalo, NY 14202  
Telephone Number: (716) 887-9700  
Fax: 1-(866) 316-9366  
www.nwaveenergy.com

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

**Registered Agent:** InCorp Services, Inc.  
7208 Red Top Road  
Hummelstown, PA 17036  
Telephone Number: 702-866-2500  
Fax: 1-702-866-2689

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

**Robert Knoer**  
The Knoer Group  
424 Main St #1820  
Buffalo, NY 14202  
Telephone Number: (716) 332-0032  
Fax: 1(866)-316-9366  
rknoer@knoergroup.com

**Nicholas Jerge**  
Executive Vice President  
NEW WAVE ENERGY CORP.  
434 Delaware Ave.  
Buffalo, NY 14202  
Telephone Number: (716) 713-9154  
Fax: 1-(866) 316-9366  
nick@nwaveenergy.com

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

Michael A. Gruin  
Stevens & Lee  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, Pa 17101  
T: 717-255-7365  
F: 610-988-0852  
[mag@stevenslee.com](mailto:mag@stevenslee.com)

- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS: (Required of ALL Applicants)** Provide the name, title, address, telephone number, FAX number, and e-mail **OF THE PERSON AND AN ALTERNATE PERSON (2 REQUIRED)** responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed EGSSs.

**James Schuster**  
Director of Operations  
NEW WAVE ENERGY CORP.  
434 Delaware Ave.  
Buffalo, NY 14202  
Telephone Number: (716) 887-9700 ext. 105  
Fax: 1-(866) 316-9366  
[jschuster@nwaveenergy.com](mailto:jschuster@nwaveenergy.com)

**Melisa Kelogg**  
Customer Service  
NEW WAVE ENERGY CORP.  
434 Delaware Ave.  
Buffalo, NY 14202  
Telephone Number: (716) 887-9700 ext. 110  
Fax: 1-(866) 316-9366  
[MelisaK@nwaveenergy.com](mailto:MelisaK@nwaveenergy.com)

## 2. **BUSINESS ENTITY FILINGS AND REGISTRATION**

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

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

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

**OR**

x The Applicant will not be using a fictitious name.

- b. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:**

(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)

The Applicant is a sole proprietor.

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

**OR**

The Applicant is a:

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

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

**OR**

The Applicant is a:

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

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

**See copy of the Articles of Incorporation and Foreign Registration Statement, attached hereto as Exhibit 1**

**Officers:**

**John Ludtka, Director of Operations  
Nicholas Jerge, Executive Vice President  
434 Delaware Ave.  
Buffalo, NY 14202**

**3. AFFILIATES AND PREDECESSORS**

*(both in state and out of state)*

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

**Not Applicable**

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

**Not Applicable**

**4. OPERATIONS**

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

Definitions

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

- The Applicant is presently doing business in Pennsylvania as a

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

**New Wave Energy Corp. is currently licensed as a Natural Gas Supplier in Pennsylvania. See Order issued by the Commission on December 3, 2015 in Docket no. A-2015-2503679**

or

The Applicant is not presently doing business in Pennsylvania.

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

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

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

**Applicant will provide electric generation supply services to residential and commercial customers initially in Pennsylvania as it already does in New York State. Applicant offers both variable rate, fixed rate, and value added products to both residential and commercial customers.**

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

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

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

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

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

**Upon approval by the Commission.**

## 5. COMPLIANCE

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

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

**Neither the Applicant, nor any person identified in this Application, has been convicted of a crime involving fraud or similar activity.**

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

**Not Applicable.**

- c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints, in the Commonwealth of Pennsylvania or any state, filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **Applicant should also include if it had a Pennsylvania PUC EGS or NGS license previously cancelled by the Commission.** If the Applicant has no actions or complaints to list, explicitly state such.

**New Wave Energy Corp has never had a license previously cancelled, and has had no complaints from customers in Pennsylvania since beginning service as an NGS in 2015. See Exhibit 2 hereto for a listing of formal customer complaints filed against New Wave Energy Corp. in the past five (5) years in, including a summary of the status and/or resolution of each.**

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

**See Exhibit 2 hereto for a listing of formal customer complaints filed against New Wave Energy Corp. in the past five (5) years in, including a summary of the status and/or resolution of each..**



## 6. PROOF OF SERVICE

**Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.**  
(Example Certificate of Service is attached at Appendix C)

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

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2 West  
Harrisburg, PA 17120

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

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

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

Office of the Small Business Advocate  
Commerce Building, Suite 202  
300 North Second Street  
Harrisburg, PA 17101

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

**Pike County Light & Power Company:**  
Vice President – Energy Supply  
Corning Natural Gas Holding Corporation  
330 West William Street  
Corning, NY 14830

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

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

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

**PPL:**  
Office of General Counsel  
Attn: Kimberly A. Klock  
PPL  
Two North Ninth Street (GENTW3)  
Allentown, PA 18101-1179

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

**UGI:**

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

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

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

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

## 7. FINANCIAL FITNESS

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

- Furnishing the **ORIGINAL** of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$250,000.
- Furnishing the **ORIGINAL** of another initial security for Commission approval, to ensure financial responsibility, such as a parental guarantee, in the amount of \$250,000.
- For Marketers and Brokers** - Filing for a modification to the \$250,000 requirement and furnishing the **ORIGINAL** of an initial bond, letter of credit or proof of bonding to the Commission in the amount of \$10,000. Applicant is required to provide information supporting an amount less than \$250,000. Such supporting information must include indication that the Applicant will not take title to electricity and will not pay electricity bills on behalf of its customers. Further details for modification may be described as well.

### CRITICAL BONDING NOTES:

Applicant is required to maintain a bond or other financial instrument the entire time it maintains an EGS license with the Commonwealth of Pennsylvania. If Applicant's security instrument is not continuous, Applicant **MUST** submit a Rider, Amendment, or Continuation Certificate annually based on the expiration date of its security instrument.

At least sixty days (60) prior to the security instrument's expiration date, Applicant should contact Stephen Jakab at [sjakab@pa.gov](mailto:sjakab@pa.gov) to determine the appropriate bonding amount based on a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. Once the amount has been determined, Applicant should overnight the updated security instrument(s) at least thirty (30) days prior to the expiration date to ensure adequate time for staff review and approval of the security instrument(s).

Template versions of a continuous bond, fixed-term bond, continuous letter of credit, and parental guarantee are attached at Appendix E, F, G, & H, respectively. Applicant's security must follow language from these examples, and must include the unmodified language outlined in Appendix D. Any deviation from these examples must be identified in the application and may not be acceptable to the Commission.

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

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

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

**See Confidential Exhibit 3, attached hereto, which includes a summary of the Applicant's Organizational Structure, financial statements for 2015 and 2016, evidence of Applicant's credit rating, description of Applicant's Insurance, Applicant's most recent bank statements, and Applicants 2015 and 2016 tax returns**

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

**New Wave funds its operations through cash flow and capital reserves. New Wave also has lines of credits in place to assist in funding its operations.**

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

**Not Applicable.**

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

Bruce Zgoda, CPA  
 Chief Accountant  
 4848 Smiley Terrace  
 Clarence, NY 14031  
 Telephone Number: (716) 759-8358  
 Fax: (716) 759-6996  
 bmz4848@aol.com

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

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

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

**See Confidential Tax Certification, attached hereto as Exhibit 4**

### 8. TECHNICAL FITNESS:

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

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

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

**See Company Profile and Summary of Technical Experience, attached hereto as Exhibit 5**

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

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

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

- Yes
- No

If yes, will the Applicant be using verification procedures?

- Yes

No

If yes, describe the Applicant's verification procedures.

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

**See Marketing Quality Assurance Policy attached hereto as Exhibit 6**

- e. **OFFICERS:** Identify Applicant's chief officers, and include the professional resumes for any officers directly responsible for operations. All resumes should include date ranges and job descriptions containing actual work experience.

**Officers:**

**John Ludtka, Director of Operations  
Nicholas Jerge, Executive Vice President  
434 Delaware Ave.  
Buffalo, NY 14202**

**See Resumes included with Exhibit 5 – Company Profile and Summary of Technical Fitness**

- f. **FERC FILING:** Applicant has:

Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.

Received approval from FERC to be a Power Marketer at Docket or Case Number **ER-16-1509-001**\_\_\_\_\_.

Not applicable

**9. DISCLOSURE STATEMENTS:**

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

- Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

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

**See sample disclosure statement and contract summary attached hereto as Exhibit 7**

## 10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

- a. **PJM LOAD SERVING ENTITY REQUIREMENT:** As a prospective EGS, the applicant understands that those EGSs which provide retail electric supply service (i.e. takes title to electricity) must provide either:

- proof of registration as a PJM Load Serving Entity (LSE), or
- proof of a contractual arrangement with a registered PJM LSE that facilitates the retail electricity services of the EGS.

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

*(Select only one of the following)*

- AGREED** - Applicant has included compliance with this requirement in the instant application, labeled in correspondence with this section (10).

**See Letter confirming PJM Membership and signature page to Membership Agreement, attached hereto as Exhibit 8**

AGREED - Applicant will provide compliance with this requirement within 120 days of receiving its license

ACKNOWLEDGED - Applicant is not proposing to provide retail electric supply service at this time, and therefore is not presently obligated to provide such information

- b. **STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission. Further, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure set out in Commission regulations at 52 Pa. Code § 54.43, as well as any future amendments.

**AGREED**

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

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

- Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

**x      AGREED**

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

**x      AGREED**

- e. **ANNUAL FEES:** The Public Utility Code authorizes the PUC to collect an annual fee of \$350 from suppliers, brokers, marketers, and aggregators selling electricity in the Commonwealth of PA, and an annual supplemental fee based on annual gross intrastate revenues, applicable to suppliers only.

**x      ACKNOWLEDGED**

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

**x      AGREED**

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

**x      AGREED**

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

**x      AGREED**

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

**x      AGREED**

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

**x      AGREED**

- k. **FILING FEE:** The Applicant has enclosed or paid the required, non-refundable filing fee by **CERTIFIED CHECK OR MONEY ORDER** in the amount of **\$350.00** payable to the Commonwealth of Pennsylvania. The Commission does not accept corporate or personal checks for filing fees.

11. AFFIDAVITS

Must be notarized before filing.

- a. **APPLICATION AFFIDAVIT:** Complete and submit with your filing an officially notarized Application Affidavit stating that all the information submitted in this application is truthful and correct. An example copy of this Affidavit can be found at Appendix A.
- b. **OPERATIONS AFFIDAVIT:** Provide an officially notarized affidavit stating that you will adhere to the reliability protocols of the North American Electric Reliability Council, the appropriate regional reliability council(s), and the Commission, and that you agree to comply with the operational requirements of the control area(s) within which you provide retail service. An example copy of this Affidavit can be found at Appendix B.

12. NEWSPAPER PUBLICATIONS

Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator.

Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. The newspapers in which proof of publication are required is dependent on the service territories the applicant is proposing to serve.

The chart below dictates which newspapers are necessary for each EDC. For example, an applicant that wants to operate in Penn Power would need to run ads in both The Erie Times-News and the Pittsburgh Post-Gazette. If the applicant is proposing to serve the entire Commonwealth, please file proof of publication in all seven newspapers.

The only acceptable verification of this requirement is with Notarized Proofs of Publication, which may be requested from each newspaper and must be supplied with this application. Applicants do not need a docket number in their publication. Docket numbers will be issued when all criteria on the item 14 checklist (see below) are satisfied.

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

(Example Publications are provided at Appendices K and L)

See Proofs of Publication enclosed as Exhibit 9



**13. SIGNATURE**

Applicant: *John M. Ludtka*  
 By: *John M. Ludtka*  
 Title: *President*

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PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

**14. CHECKLIST**

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

Applicant: *New Wave Energy Corp*

	Signature	
<input checked="" type="checkbox"/>	Filing Fee (CERTIFIED CHECK OR MONEY ORDER ONLY)	
<input checked="" type="checkbox"/>	Application Affidavit	
<input checked="" type="checkbox"/>	Operations Affidavit	
<input checked="" type="checkbox"/>	Proof of Publication	
<input checked="" type="checkbox"/>	Bond, Letter of Credit, or Parental/Affiliate Guarantee	
<input checked="" type="checkbox"/>	Tax Certification Statement	
<input checked="" type="checkbox"/>	Commonwealth Department of State Verification	
<input checked="" type="checkbox"/>	Certificate of Service	

Applicant's Use

PUC Secretary's Bureau Use

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Appendix A

SEP - 1 2017

APPLICATION AFFIDAVIT

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

[Commonwealth/State] of New York :

ss.

County of Erie :

John M. Ludtke, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President (Office of Affiant) of New Wave Energy Corp.;

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

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

That the Applicant herein New Wave Energy Corp. has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein New Wave Energy Corp. 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 New Wave Energy Corp. 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.

John M. Ludtke  
Signature of Affiant

Sworn and subscribed before me this 28 day of August, 20 ~~17~~.

[Signature]  
Signature of official administering oath

My commission expires 9/7/18.

JOSHUA SCIGAJ  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01SC6227604  
My Commission Expires Sept. 7, 2018

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Appendix B

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OPERATIONS AFFIDAVIT

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

[Commonwealth/State] of New York :

: ss.

County of Essex :

John M. Ludtke, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

He/she is the President (Office of Affiant) of New Wave Energy Corp.;

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

That New Wave Energy Corp, the Applicant herein, acknowledges that New Wave Energy Corp. 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 New Wave Energy Corp., the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

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

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

**Appendix B (Continued)**


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

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

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

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

Sworn and subscribed before me this 28 day of August, 2017.

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

JOSHUA SCIGAJ  
Notary Public, State of New York  
Qualified in Erie County  
Reg. No. 01SC6227604  
My Commission Expires Sept. 7, 2018

My commission expires 9/7/18

**Exhibit 1**

**Articles of Incorporation and Foreign Registration Statement**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

New Wave Energy Corp

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

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

ENTITY NUMBER: 4105758

New Wave Energy Corp  
434 Delaware Ave  
Buffalo, NY 14202

Docketing Statement DSCB:15-134A (Rev 2001)  
Departments of State and Revenue

One (1) required

**BUREAU USE ONLY:**

Dept. of State Entity # \_\_\_\_\_

Dept. of Rev. Box # \_\_\_\_\_

Filing Period \_\_\_\_\_ Date 3 4 5 \_\_\_\_\_

SIC/NAICS \_\_\_\_\_ Report Code \_\_\_\_\_

**Check proper box:**

*Pennsylvania Entities*

- business stock
- business non-stock
- professional
- nonprofit stock
- nonprofit non-stock
- statutory close
- management
- cooperative
- insurance
- limited liability company
- restricted professional
- limited liability company
- business trust

*Foreign Entities*

State/Country Florida, USA Date 10/26/09

- business
- nonprofit
- limited liability company
- restricted professional
- limited liability company
- business trust

*Other*

- domestication
- division
- consolidation

1. Entity Name:  
New Wave Energy Corp

2. Individual name and mailing address responsible for initial tax reports:

<u>Nicholas Jerge</u>	<u>434 Delaware Ave</u>	<u>Buffalo</u>	<u>NY</u>	<u>14202</u>
Name	Number and street	City	State	Zip

3. Description of business activity:  
Energy Supply Services

4. Specified effective date, if any:  
May 15, 2012  
month/day/year          hour, if any

5. EIN (Employer Identification Number), if any:  
61-1607145

6. Fiscal Year End:  
December 31

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

**PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU**

**Application for Certificate of Authority  
(15 Pa.C.S.)**

- Foreign Business Corporation (§ 4124)  
 Foreign Nonprofit Corporation (§ 6124)

Name	<b>New Wave Energy Corp</b>		
Address	<b>434 Delaware Ave.</b>		
City	State	Zip Code	
<b>Buffalo</b>	<b>NY</b>	<b>14202</b>	

Document will be returned to the name and address you enter to the left.



Fee: \$250

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

1. The name of the corporation is: **New Wave Energy Corp**

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

3. If the name set forth in paragraph 1 or 2 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:

The 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: **Florida**

5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:

**2805 E. Oakland Park Blvd #351**      **Ft. Lauderdale**      **FL**      **33306**

Number and street      City      State      Zip



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
7208 Red Top Road	Hummelstown	PA	17036	Dauphin

---

(b) Name of Commercial Registered Office Provider County  
 c/o: InCorp Services, Inc. Dauphin

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 Certificate of Authority to be signed by a duly authorized officer thereof this 27 day of March, 2012.

New Wave Energy Corp.  
 Name of Corporation

[Signature]  
 Signature

Executive Vice President  
 Title



## Registered Agent Service

**Thank you for your purchase!**

The Agent address for Pennsylvania to use on your documents is:

InCorp Services, Inc.  
7208 Red Top Road  
Hummelstown, PA 17036

County: Dauphin

Copyright © 1998 - 2012 · InCorp Services, Inc. · All rights reserved.

# *State of Florida*

## *Department of State*

I certify from the records of this office that NEW WAVE ENERGY CORP is a corporation organized under the laws of the State of Florida, filed on October 26, 2009.

The document number of this corporation is P09000088200.

I further certify that said corporation has paid all fees due this office through December 31, 2013, that its most recent annual report/uniform business report was filed on April 13, 2013, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this is  
the Thirteenth day of April, 2013*



*Ken Detzner*  
**Secretary of State**

Authentication ID: CC1310558613

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.

<https://efile.sunbiz.org/certauthver.html>

**Electronic Articles of Incorporation  
For**

P09000088200  
FILED  
October 26, 2009  
Sec. Of State  
Ipole

NEW WAVE ENERGY CORP

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

**Article I**

The name of the corporation is:

NEW WAVE ENERGY CORP

**Article II**

The principal place of business address:

3250 NE 28TH ST  
408  
FORT LAUDERDALE, FL. US 33308

The mailing address of the corporation is:

3250 NE 28TH ST  
408  
FORT LAUDERDALE, FL. US 33308

**Article III**

The purpose for which this corporation is organized is:

TO PROVIDE LOW COST ENERGY SUPPLY AND CONSULTING SERVICES  
TO INDIVIDUAL BUSINESSES AND CORPORATIONS.

**Article IV**

The number of shares the corporation is authorized to issue is:

100

**Article V**

The name and Florida street address of the registered agent is:

JOHN M LUDTKA  
3250 NE 28TH ST  
408  
FORT LAUDERDALE, FL. 33308

I certify that I am familiar with and accept the responsibilities of registered agent.

P09000088200  
FILED  
October 26, 2009  
Sec. Of State  
Ipoole

Registered Agent Signature: JOHN M. LUDTKA

### Article VI

The name and address of the incorporator is:

JOHN M. LUDTKA  
3250 NE 28TH ST  
408  
FORT LAUDERDALE, FL 33308

Incorporator Signature: JOHN M. LUDTKA

### Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: P  
JOHN M LUDTKA  
3250 NE 28TH ST  
FORT LAUDERDALE, FL. 33308 US

**Exhibit 2**  
**Complaint History**

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SECRETARY'S BUREAU

Date Case Filed	Case #	Complainant	Status	
2/28/2014	413821	Ultra Wash, Inc	Satisfied	Non Resi
4/4/2014	425736	Bill Grays Regional Iceplex	Satisfied	Non Resi
4/4/2014	416869	PFM Ventures	Satisfied	Non Resi
6/16/2014	437664	Jim & Jim Enterprises	Satisfied	Non Resi
8/7/2014	430989	Goulds Pumps	Satisfied	Non Resi
9/4/2014	434065	Stephanie Goodwin	Satisfied	
9/25/2014	436645	Aimee Morris	Satisfied	
11/3/2014	451040	Kathleen Carrero	Satisfied	
4/29/2015	524894	Glaubs Collision	Satisfied	Non Resi
2/11/2016	616274	TriCounty CC	Satisfied	Non Resi
3/4/2016	619786	David Stoyell	Satisfied	
4/11/2016	624080	Ted Katra	Satisfied	
11/3/2016	627873	Art Part Signs	Satisfied	Non Resi
12/8/2016	633071	Win Fa Market	Satisfied	Non Resi
5/16/2017	720318	Town of Orchard Park	Satisfied	Non Resi

**Exhibit 5**

**Company Profile and Summary of Technical Fitness**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU





**NEW WAVE**  
Energy Corporation

Ride the Wave  
to our Energy Future

## COMPANY PROFILE

### NEW WAVE ENERGY CORP. - THE WAVE TO OUR ENERGY FUTURE

#### 1. Description of New Wave Energy's Organization:

*New Wave Energy offers ultimate energy savings through directly supplying discounted power and natural gas to a wide-range of consumers.*

##### I. QUICK FACTS:

- **Structure:** S- Corp
- **Founded:** October 26, 2009
- **State of Incorporation:** Florida
- **Customer Base:** Approximately 10,000 Customers
- **Headquartered:** 434 Delaware Ave., Buffalo, NY 14202
- **Licensed as a Natural Gas Supplier in Pennsylvania since December 2015 (Certificate No.A-2015-2503679).** Serving customers in the service territories of National Fuel Gas Distribution Corporation, Peoples Natural Gas Company, LLC, Peoples Natural Gas Company, LLC - Equitable Division, and Peoples TWP LLC.

##### II. MISSION STATEMENT:

*New Wave Energy is the next frontier in energy choice. Our main focus is providing low cost, environmentally friendly, and reliable energy to our customers across the United States. Whether you are a large business on Wall Street, or a small business on Main Street, our expertise always has your bottom line as our core concern. As energy innovators, the experts at New Wave Energy are constantly researching methods to produce and supply the most beneficial, cost effective means to secure our energy future.*

##### III. OUR VISION:

Founded, established and located in Buffalo, NY in 2009, New Wave Energy has quickly become one of Western New York's fastest growing and most reputable energy supply companies. Servicing approximately 10,000 local customers, New Wave Energy continues to expand and grow. Under the leadership of its principal officers, New Wave Energy quickly achieved its goal of becoming an approved licensed supplier and generator of electricity and natural gas services in New York State. New Wave Energy is determined to

become a dominant force in the deregulated energy markets, wherever they may exist or arise. As deregulation expands into new markets, so will our operations.

We have a local approach to a national phenomenon and plan on using the telecom model as an analogous means to view upcoming consumer trends and demands. We consistently and constantly sign new clientele and are proud of our expansive book of customers.

In today's economy, individuals understand their energy choices and needs better than ever. It goes without saying that the future of domestic energy does not lay overseas, in fossil fuels or pollutants. Securing our energy future means innovations in non-carbon emitting facets including the power of natural gas, wind, solar, and WAVE. The Research & Development team at New Wave Energy will never tire until our energy future is secured.

## 2. STRATEGIC ADVANTAGES:

- **Brand Identity** – New Wave Energy Corporation has a strong, established brand identity. Additionally, its mission statement, brand identity, logo and ultimate goals are consistent.
- **Web Portal**- New Wave Energy has developed and continues to develop a successful web portal for customers, brokers, and administrators to better run and manage day-to-day operations.
- **Strategic Partnerships** – Our strategic relationships will have allowed us to continue our successful growth strategy. Through our partnership with the NHL and the Buffalo Sabres organization we have been able to convey our message and our brand to a national venue via television advertisement, concert venues, and live game play.
- **Customer Loyalty** – Once customers become comfortable using New Wave Energy's services, it is unlikely that they will move to a competitive service because our contracts have auto-renewals and our Management Fees are very low in comparison to competitors. Additionally, we will be constantly reviewing ways to ensure customers remain on a comprehensive energy plan that is both updated and suits their overall needs.
- **Proprietary Integrated Technology System**- We have built an internal technology platform to manage our book of business. The platform is a complete back-office, software-as-a-service to operate and manage an effective retail energy supply company. We have enhanced the customer experience and have driven operational efficiencies by utilizing the Customer Information, EDI, Meter Data Mgmt., Forecasting, Billing, Cash & Credit Mgmt. and Sales & CRM features of the platform. The integrated platform has consolidated services across the business, providing us with a 360-degree view of our customers.
  - By utilizing an integrated platform, we have and will continue to gain insights to improve service quality levels and drive business growth
  - The flexible Billing features of our platform has also allowed us to create innovative product offerings that will benefit our customers and our company going forward.
- **Innovative Pricing Model for New York customers (NYISO + Marginal Cost)**- We use an innovative internal index that allows us to offer flexible pricing to our variable rate book of customers, while simultaneously allowing us profitability. We call this pricing index NYISO+"Marginal Cost of Energy".

## 3. Background and Experience Credentials:

New Wave Energy is committed to providing leading expertise and products in deregulated markets across the United States. As a company, we are committed to supplying our customers with the most comprehensive energy plan available to suit their individual needs. In accordance with these goals, New Wave Energy will use its best efforts to service any and all customers it solicits, approaches, or otherwise meets.

**Our Customers are diverse and widespread. They include:**

- Large Industrial & Manufacturing Companies
- Government & Municipalities
- Small Businesses
- Individual Residencies

NWEC is a leading retail energy service provider and has leading expertise dealing with projects of all shapes, sizes, profiles and demands. Through managing and supplying thousands of customers, whom amount to hundred-of-thousands of square footage, and hundreds-of-millions of kilowatt hours (kWh), NWEC has the knowledge, experience, and background to service any customer no matter their scope or size.

As the official energy provider to the Buffalo Sabres, Tonawanda Coke, Town of Cheektowaga, First Niagara Center, Village of Lancaster, Village of Depew, Town of Somerset, Notre Dame High School, and many other school districts, municipalities, and large industrial users, NWEC continues to prove itself as one of the most reliable and most competitive Energy Supply/Service Companies (ESCOs) in the industry.

Our philosophy is simple--We put the customer first: ***Supplying locally produced, low-cost energy, with top-rated levels of customer service at no obligation.*** Beyond low-cost energy rates, we pride ourselves based upon our unmatched responsiveness to our customers.

Our management team combines the experiences of executives, inside sales, and outside sales channels with extensive backgrounds in managing and developing successful portfolios within the established and emerging energy markets. New Wave Energy currently has three (3) executives and a support staff with more than fifty years of combined experience. The Company's executive staff and operations are conveniently located in Buffalo, NY.

#### **4. Qualifications of Professional Staff:**

NWEC prides itself on the qualifications and professionalism of its management and staff. The individuals who will be responsible for the services provided to your organization are leading experts in the deregulated energy sectors. Through ground-breaking technology, unmatched SmartSuite account accessibility services, and Market Watch tools, New Wave Energy's professional team is confident in its ability to provide top level services to all of our customers.

Our management team combines the experiences of executives and outside sales channels with extensive backgrounds in managing and developing successful portfolios within the established and emerging energy markets. New Wave Energy currently has three executives and a support staff with more than fifty years of combined experience. The Company's executive staff and operations is conveniently located in Buffalo, NY.

The two primary individuals, who will make your requirements a top priority, will be John Ludtka, CEO and Nicholas Jerge, Executive Vice President. Both individuals have expansive experience in the deregulated energy markets. They have acquired prestigious degrees from their respective University's and many other certificates which qualify them as Energy Specialists in New York State and beyond.

#### **John Ludtka**

John Ludtka brings a decade worth of experience concerning energy deregulation, demand response programs, and energy supply rate structuring. As a former employee of Energy Curtailment Specialist (ECS), John managed a multi-billion dollar portfolio of energy consumers who enrolled and engaged in demand response programs throughout the United States. His expertise was concentrated within the PJM and NYISO markets, in which he implemented succinct, customized strategies to save end users of power generation valued dollars through the engagement in demand response programs he oversaw during peak events. In 2009, Mr. Ludtka went on to co-found New Wave Energy Corporation, a deregulated utility company that operates in deregulated energy states through the U.S. New Wave Energy is a fast-growing leading supplier of both electricity and natural gas servicing residential, commercial, and government entities. John is a graduate

of the University of Buffalo with a degree in International Business and a concentration in government regulation and deregulation.

**Relevant Qualifications:**

- Expertise in both demand-side energy and supply-side energy products
- Expertise and knowledge of key deregulated energy transmission operators (NYISO & PJM)
- Rate structuring and pricing models for energy rates in the deregulated sector
- Bi-lateral contract structuring
- Capacity bidding and spot market expertise
- EDI Transactions

**Nicholas Jerge**

Nicholas Jerge brings with him a wealth of experience and knowledge as it pertains to deregulation throughout the United States. In 2009, Mr. Jerge co-founded New Wave Energy Corporation; one of the fastest growing deregulated utility companies in New York State. Mr. Jerge has particular expertise in deregulated energy markets, both foreign and domestic. Through establishing supply relations with domestic and international entities, Mr. Jerge helped build New Wave Energy into the entity it is today. Mr. Jerge holds a degree from American University- Washington, D.C. with a dual-major in pre-law and political science with a concentration in government regulation and deregulation.

**Relevant Qualifications:**

- Expertise in deregulated states
- Expertise on the emerging deregulation of Mexico and Latin America
- Particular expertise in the initial deregulation of the state of New York and Pennsylvania
- Expertise in structuring deregulated energy markets and filing for Energy Supply Company Status (ESCO status)
- Expertise in product marketing & sales
- Expertise in establishing affinity programs with business organizations

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Exhibit 6

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**Marketing Quality Assurance Policy**

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE



## Marketing Standards Quality Assurance Plan

### **Marketing Standards Quality Assurance Plan**

#### **Training of All Company Employees and Representatives**

All Employees and Representatives of New Wave Energy Corporation will go through this series of training and testing on material pertaining to the company's Marketing Standards Quality Assurance Plan. A copy of this plan and the regulations of the Pennsylvania Public Utility Commission related to natural gas and electricity supplier marketing, enrollment, and other compliance will be provided to all parties and parties will be tested on the material before Representing New Wave Energy Corporation in any capacity.

#### **Training of Marketing Representatives**

- 1.) New Wave Energy assures that every representative of the company will go through extensive training the regulations of the Pennsylvania Public Utility Commission related to natural gas and electricity supplier marketing, enrollment, and other compliance will be given to all representatives to study and to be trained on.
- 2.) Representatives will be trained on all of New Wave Energy Corporations products and services that are offered, coupled with the different stipulations that come along with each product. We offer a wide variety of options for electric and natural gas supply including but not limited to: variable rates, fixed-rates, a combination of variable and fixed-rates, green options (dedicated to purchasing from more renewable and environmentally friendly forms of generation; including wind, hydro, solar, etc.), co-operative purchasing plans, and other products custom tailored to the needs of each individual customer.
- 3.) The Representatives will go through an extensive training program that will ensure the comprehension and full scale knowledge of New Wave Energy's rates, payment options, and cancellation policies and how each apply differently to the type of program the customer chooses. The customers will be made well aware that they have the right to cancel service from New Wave Energy at any time and can choose another supplier or their local utility for supply service at any time. Customers will know their right to cancel, as well as any and all early termination fees, which may apply to each different product.
- 4.) Representatives will receive a copy of the Home Energy Fair Practices Act (HEFPA) documents and will study and be tested on the guidelines of this Act. Each representative will know these documents pertaining to the rights of the customers in budget billing options, financial assistance, billing assistance, etc. and will be able to help customers asses their needs and options regarding the Home Energy Fair Practices Act and energy choice options.
- 5.) The Representatives will have full knowledge in regards to handling any questions or concerns a customer may have, and if the respective representative is not able to answer specific inquiries, they will be equipped and trained to provide the correct contact information (web-site, phone number, government agency, etc.) as to where the correct information can be obtained. Representatives will have access to all of our material including company contact numbers and information and know about our procedures in guiding customers through our process of handling billing questions, disputes and/or complaints. Our representatives will have to pass a variety of training procedures and then will be tested on our company information and regulations that they will need to follow before successfully representing New Wave Energy Corporation.



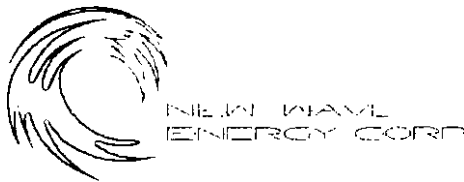
## Marketing Standards Quality Assurance Plan

- 6.) The representative shall provide each prospective residential customer or customer that is marketed to via door to door marketing, with a copy of the New Wave's product information before the marketer makes his or her sales presentation.

### **Interaction and Contact with Customers**

#### **1. In-Person Contact with Customers**

- A. Presentation of Identification, which is to be visible at all times. Representatives of New Wave Energy Corporation who will be offering our products to potential customers will have gone through extensive training and will be provided with a Registered Employee Identification Badge (I.D. Badge):
  - 1.) The Badge will have a the full name and employee identification number on the badge.
  - 2.) The badge will contain a clear photograph of the representative with trade name, and company logo clearly visible on the badge.
  - 3.) The Badge will also contain the New Wave Energy's telephone numbers, email addresses, and web-site which can be contacted for questions, comments, and/or complaints.
- B. Representatives shall make sure the customer knows that they are with New Wave Energy, an alternative energy supplier and will not identify themselves as a representative from their local utility company. The representative will establish the differences between New Wave Energy Corp and the local utility company and describe difference in the services each provides. Also, the fact that the utility will continue to deliver services, maintain infrastructure, and handle emergencies while New Wave Energy Corp is a supplier and will purchase the electricity and/or natural gas supply and transfer to the utility which will still deliver to the customer or end-user, will be explained. The customer will be made aware that we have a Frequently Asked Questions marketing piece for their viewing that may answer any questions they may have or we will refer them to the PA PUC's web-site or; customer service line or; even to their local utility for information on choosing a supplier. Our representatives will be trained on all of these various procedures and will be familiar with the expectations and guidelines listed above to be able to walk the customers through this process step-by-step.
- C. Representative will never claim that they are acting on behalf of the utility and shall make clear the difference between the supplier and Utility, and also will clearly state that by changing to a competitive supplier for your supply service; it will not affect the distribution service they receive from the utility. The utility will still continue to provide the same service as it has in the past, however the customer will be told "by signing up with New Wave Energy as your supplier , they will purchase your energy supply for you using various forms of generation."
- D. Representative will respect the rights of customers and if/when they are asked to leave, they shall remove themselves from the premises immediately. The representatives will have the I.D. Badge on with New Wave Energy's information on it for the customer to use in the event of any misconduct, misrepresentation, or any issues they may have with the representative or company itself. New Wave Energy Corporation maintains an internal process for dealing with complaints, and any misconduct by a representative. If in violation of any rules, regulations or internal procedures, the respective representative will be dealt with accordingly.
- E. Representatives will be provided with informational material to present to the customers, the information contained in this material will be about our products, scope of service, FAQs, policies, and include phone numbers, fax numbers, email addresses, and web-sites where the correct department at New Wave Energy Corporation can be reached for questions or comments on service, billing issues, and complaints.
- F. In the instance that a customer's English language skills are low or insufficient, the representative shall seek another representative in the area who is fluent in this language or to stop the conversation until someone who is fluent in this



## Marketing Standards Quality Assurance Plan

language can be reached to continue dialogue or use a translation service or language identification card. No customer will be forced into accepting service without their full consent and our representatives at New Wave Energy will abide by this.

They are to follow all rules and regulations from the Company, State, the Department, and policies listed in the Uniform Business Practices manual.

### **2. Telephone Contact**

Employees or Representatives from New Wave Energy Corporation who use the telephone to contact potential customers shall:

- A. State the name of the supplier they are calling with their name and if asked, their employee identification number. They will respect the customers and make them aware of the type of company they are with and the scope of service that they provide.
- B. Representatives will make it clear that they are calling on behalf of New Wave Energy an ESCO and establish the difference between supplier's and the services they provide compared to the Utility and the services they provide. They will provide the customer with any information they may ask for including information from the utility or PUCin regards to their supply choice options.
- C. The solicitation will be designed to comply with the provisions of the Commission's regulations for telephone sales
- D. At no time will the representative speak or act on behalf of the utility company and will explain to the customer that by switching to a supplier for their energy supply, it will not change the way their energy is delivered and explain that the Utility will still handle the lines, wires, pipes, infrastructure, and emergency services but by switching to a supplier, their supply would be bought by the supplier and transferred to the Utility who would then transfer and deliver it to the customer or end user. For further questions they will be referred to the utility or PUC web-site or customer service lines.
- E. The representative will give a clear statement as to the nature of the call and the scope of services that New Wave Energy will provide. If the customer is interested or asks for more information, the representative will be able to provide the customer with their request or will lead them in the best direction possible, to the best of their ability. If the customer asks to be taken off the call list, the representative shall do so immediately and will not contact that customer anymore with respect to the rights of the customer.
- F. When it is apparent that the customer is unable to speak English or can do so insufficiently, the call shall be terminated and will not be contacted until an authorized representative can speak the language of the customer fluently or a translation service can be used. A customer who does not speak fluent English will not be forced into anything and will not be contacted unless a solution to the language barrier is met including: another representative who speaks this language contacts them or a translation service is used.

### **3. Conduct of Employees and Marketing Representatives**

Employees and Marketing Representatives from New Wave Energy Corp:

- A. Will not engage in any misleading or deceptive conduct as defined by State or Federal Law, or by Commission rule, regulation or order. The customer will be made aware that representatives are representing New Wave Energy an ESCO and are not a representative from any other agency including the local utility. The representative and New Wave Energy's information will be given out to the potential customer and provided the PUC's customer service line for questions or comments to the nature of our business.





NEW WAVE  
ENERGY CORP

## Marketing Standards Quality Assurance Plan

- B. Employees and/or representatives from New Wave Energy will be held to the highest standards and will identify themselves as a representative of New Wave Energy, a supplier, and establish to the customer that they are not representatives of the local utility company and make sure the customer understands the supplier's scope of service before going any further. No promises of savings or guarantees to the customers will be made and it will be explained that we can only use our knowledge of past performance in the market to best consult our customers on how to purchase energy for the future.
- C. Representatives will have the all informational and marketing forms available to send to the customer via fax, email, regular mail, or any other means necessary. These forms in place to give a clear breakdown of the services we offer and also provide our contact information if the customer has any questions or comments. Customers can contact us at our web-site, email, mailing address or phone numbers provided. Contact information and any other forms or information will be available on the internet.
- D. Representatives will make the best efforts to provide accurate and timely information about each of our products. Our rates and terms of service are based on which type of service the customer chooses, (fixed price, variable price, a combination of fixed and variable, a green option, etc.) the terms and conditions, early termination, and cancellation fees will be clearly outlined in our sales agreement and representatives will have full knowledge of how these different terms coincide with the different products and will utilize the Uniform Business Practices in referencing these issues.
- E. Representatives will know that every offer made by New Wave Energy will be written in plain language and will have training in regards to the Sales Agreement, to be able to walk customers through the Sales Agreement and explain every aspect of the agreement. There will be no hidden terms and conditions as everything will be clearly listed on the Sales Agreement and the customers will be made well aware of all options, cancellation policies, early termination fees, etc. There will be no misrepresentation of service and promise or guarantee of savings. The representatives will make it clear to the customer that the energy market like every market is unpredictable and can change at any time, therefore no savings will be guaranteed. New Wave Energy is only capable using our knowledge, past-experience, and day-to-day evaluation of the market to most accurately advise our customers on how to purchase their electricity and/or natural gas.
- F. Every customer inquiry or complaint shall be handled in a timely fashion (within five (5) days) and will further be noted in their customer file to mitigate against future discrepancies of the same nature. New Wave Energy will provide the customer with all information requested from our company as well as contact information to their utility and the NYS PUC as well. Any questions or complaints will be handled internally as well as with local and federal regulators, if required.
- G. All employees and representatives will comply with and cooperate with the PUC regarding marketing practices proscribed by the regulations and with local law enforcement in investigations concerning deceptive marketing practices.

### **4. Door-to-Door Marketing (DTD)**

- A. This applies to DTD sales as and are generally defined to mean a sale, lease or rental of consumer goods or services in which the seller or his representative personally solicits the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller.
- B. All DTD sales representatives will, to the maximum possible extent, be retained as employees of New Wave Energy Corp. and will be primarily compensated by salary rather than on a commission basis.
- C. The training for DTD salespersons will, in addition to covering the items listed in Section II above, emphasize the provisions of the Commission's regulations for door to door sales
- D. The following standards will also be emphasized and incorporated in the solicitation script: the need to produce and make visible the New Wave Energy Corp. photo-ID; provide a copy of the New Wave product materials, the salesperson shall



## Marketing Standards Quality Assurance Plan

inform the customer that he/she represents New Wave Energy Corp., an independent energy marketer; inform the customer that the customer's utility will continue to deliver their energy and will respond to any leaks or emergencies; the obligation to provide the customer with written information regarding New Wave Energy Corp.'s products and services immediately upon request which shall include New Wave Energy Corp.'s name and telephone number for inquiries, verification and complaints; and where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the representative or where the customer or another third party informs the representative of this circumstance, the representative shall either find a representative in the area who is fluent in the customer's language to continue the marketing activity in his/her stead or terminate the in-person contact with the customer.

- E. All materials and agreements provided to the customer will comply with and be provided to the customer in conformance with the Commission's regulations.
- F. A new salesperson will be accompanied by a Supervisor during their initial marketing visit to ensure that the salesperson conducts the solicitation in accordance with New Wave Energy Corp.'s standards. The salesperson will be informed of any deficiencies and the corrective action (s) to be taken.
- G. All marketing teams will be sent out under the supervision of a Team Supervisor, who will be available to respond to questions and inquiries.
- H. All representatives must perform verifications through either third party verification companies hired by New Wave Energy Corp. or an automated voice verification system owned and operated by New Wave Energy Corp.. All recordings and TPV will follow the requirements codified in the regulations and will be designed to confirm the customer's intent to either initiate and enroll supply service with New Wave Energy Corp. or continue or modify the service they receive from New Wave Energy Corp.. New Wave Energy Corp. will design and review the script used for such DTD verification.
- I. New Wave Energy Corp. will on a random and regular basis conduct in-field reviews of the DTD solicitations to ensure that the representatives are following the standards codified in the Program. In the event problems are discerned, the representative will be informed of any deficiency and advised that he /she may be terminated if the deficiency is not immediately corrected. New Wave Energy Corp. will work with the representative to address any identified deficiency. New Wave Energy Corp. will reserve the right to immediately terminate the representative if it determines that the representative's behavior or attitude is incompatible with New Wave Energy Corp.'s quality control standards.
- J. New Wave Energy Corp. will on a random and regular basis review a meaningful sample of verifications to ensure that the representatives are following the standards codified in the Program. In the event problems are discerned, the representative will be informed of any deficiency and advised that he /she may be terminated if the deficiency is not immediately corrected. New Wave Energy Corp. will work with the representative to address any identified deficiency. New Wave Energy Corp. will reserve the right to immediately terminate the representative if it determines that the representative's behavior or attitude is incompatible with New Wave Energy Corp.'s quality control standards.
- K. New Wave Energy Corp. will design and review the marketing script and verifications to be used for all DTD sales solicitations.
- L. The DTD salesperson shall be required to wear a shirt and/or jacket provided by New Wave Energy Corp. that contains the New Wave Energy Corp. logo and otherwise dress in a neat and presentable manner.
- M. The DTD salesperson shall be required to wear in a conspicuous location the New Wave Energy Corp. photo-ID.

#### 4. Dispute Resolution



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## Marketing Standards Quality Assurance Plan

- A. New Wave Energy Corp will maintain an internal process to handle customer complaints and dispute issues which arise from any and all marketing activities with its employees and representatives. Representatives of New Wave Energy will be made aware of the consequences of misrepresenting the company and any and all procedures New Wave Energy has established to deal with such actions. All marketing material or informational documents in the form of brochures, pamphlets, mail outs, emails, web-site information, etc that bears the name of New Wave Energy must be approved by New Wave Energy's Legal Department. Any disputes including those forwarded by the PUC will be handled promptly in coordination with company policy and it's Code of Conduct.
  
- B. Any and all other disputes will be handled in coordination with documents entitled "**Agent Code of Conduct**" and "**Customer Rights and Responsibilities**".

**Exhibit 7**

**Disclosure Statement and Contract Summary**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



434 Delaware Ave.  
Buffalo, NY 14202  
1-855-998-WAVE

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## New Wave Energy Corp. - Pennsylvania Electricity Supply Fixed Price Disclosure Statement and Terms of Service

### Background

This electricity supply services agreement is entered into by and between New Wave Energy Corp. ("New Wave"), an independent electricity generation supplier, and the customer ("Customer") identified on the attached enrollment form, under which Customer shall obtain electricity generation supply service and begin enrollment with NEW WAVE (the "Agreement"). NEW WAVE is licensed by the Pennsylvania Public Utility Commission to offer and supply electricity generation services in Pennsylvania. Our PUC license number for electricity generation supply is \_\_\_\_\_.

Your electricity generation prices and charges will be set by NEW WAVE. The Federal Energy Regulatory Commission regulates electricity transmission prices and services. The Public Utility Commission regulates electricity and natural gas distribution prices and services.

You will continue to receive your bill from your Electric Distribution Company (EDC) for all electricity supply and delivery charges. Your EDC will continue to provide all emergency repairs and services. NEW WAVE is not affiliated with and does not represent your EDC.

### Definitions

**Generation Charge** - Charge for production of electricity. **Transmission Charge** - Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.

**1. Agreement to Sell and Purchase Energy.** Subject to the terms and conditions of this Agreement, NEW WAVE agrees to sell and deliver, and Customer agrees to purchase and accept the quantity of electricity as necessary to meet Customer's requirements based upon consumption data obtained by NEW WAVE from the EDC.

**2. Right of Rescission - You may cancel this Agreement at any time before midnight of the third business day after receiving this disclosure statement by contacting NEW WAVE by phone at 1-855-998-WAVE, by mail at the address listed above or by email at [info@NewWaveenergyco.com](mailto:info@NewWaveenergyco.com).**

**3. Term.** The Term shall commence as of the date of the first meter reading following when the change of Customer's provider to New Wave is deemed effective by the EDC, and shall continue for the period designated in the Customer Enrollment Form. The Term for the initial period is referred to as the "Initial Term".

**4. Agreement Expiration/Change in Terms -** Unless otherwise agreed to, upon completion of an Initial Term, this Agreement will renew on a month-to-month basis with a monthly variable rate methodology with no change to the remaining terms (the "Renewal Term"). If you have a fixed term contract approaching the expiration date, or whenever we propose to change the terms of service in any type of contract, you will receive two separate written notifications that precede either the expiration date or the effective date of the proposed changes. These notifications will explain your options going forward. At least sixty (60) days prior to the expiration date or proposed change, NEW WAVE will send you the first written notice. A second notice with options for your consideration will be sent to you no later than thirty (30) days prior to the expiration date or proposed change to your terms of service.

**5. Price and Billing-** This is a fixed price agreement. The prices that you will pay per kWh for electricity generation supply during the Initial Term are set forth on your attached enrollment form and contract summary. Your NEW WAVE electricity price may be higher or lower than the EDC's price in any particular month. Your NEW WAVE price includes transmission charges and estimated total state taxes (including Gross Receipts Tax), but excludes sales tax.

**6. Assignment.** Customer may not assign its interests in and delegate its obligations under this Agreement without the express written consent of NEW WAVE. NEW WAVE may assign this Agreement to another energy supplier, energy services company or other entity authorized by the PUC upon thirty (30) days prior written notice to customer.

**7. Cancellation -** A residential customer may cancel this Agreement by contacting NEW WAVE at 1-855-998-WAVE or by email at [support@nwaveenergy.com](mailto:support@nwaveenergy.com). NEW WAVE may cancel this agreement at any time upon providing written notice to Customer. Common reasons for NEW WAVE to cancel this agreement would include: **Non-Payment** - If your electricity is terminated by your EDC, then this agreement is cancelled on the date that your electric service is terminated. You will owe us for amounts unpaid for our charges for electricity generation service up to the date of termination. **Customer Move** - If the customer moves from the address listed above, this agreement is cancelled. If we cancel this agreement for any reason other than for customer non-payment, we will follow applicable rules in providing notice to you. **Creditworthiness:** If at any time, Customer does not meet NEW WAVE's commercially reasonable credit standards, NEW WAVE may terminate this Agreement.

**8. Penalties, Fees, Exceptions:** If Customer terminates this Agreement prior to the end of the Initial or Renewal Term, or if New Wave terminates the Agreement due to a breach, the Customer shall pay New Wave, in addition to any other applicable charges, an Early Termination Fee equivalent to \$\_\_\_\_\_.

**9. Information Release Authorization.** Customer authorizes New Wave to obtain and review the following information from the EDC: consumption history; billing determinants; and account number. This information may be used by New Wave to determine whether it will commence and/or continue to provide energy supply service to Customer. For Commercial Customers, Customer authorizes New Wave to obtain and review information regarding Customer's credit history from credit reporting agencies in order to determine Customer's creditworthiness. The information referenced in this paragraph will not be disclosed to a third party unless required by law. Customer's execution of this Agreement shall constitute authorization for the release of this information to New Wave. This authorization will remain in effect during the Initial Term and any Renewal Term. Customer may rescind this authorization at any time by providing written notice thereof to New Wave or by calling New Wave at 1.855-998-WAVE. New Wave reserves the right to cancel this Agreement in the event Customer rescinds the authorization.

**10. Agency-Electric:** Customer hereby designates New Wave as agent to; (a) arrange and administer contracts and service agreements between Customer and New Wave and those entities including the PJM Interconnection engaged in the generation, transmission and delivery of Customer electricity supplies; and (b) nominate and schedule with the appropriate entities including the EDC for the delivery of electricity to the Delivery Point and the Customer's end-use premises. New Wave as agent for the Customer will schedule the delivery of adequate supplies of electricity that meet the Customer's requirements as established by the EDC and in response to information provided by the EDC. These services are provided on an arm's length basis and market-based compensation is included in the rate noted above.

**11. Force Majeure.** NEW WAVE will make commercially reasonable efforts to provide or electricity hereunder but NEW WAVE does not guarantee a continuous supply of electricity to Customer. Certain causes and events out of the control of NEW WAVE ("Force Majeure Events") may result in interruptions in service. NEW WAVE will not be liable for any such interruptions caused by a Force Majeure Event, and NEW WAVE is not and shall not be liable for damages caused by Force Majeure Events. Force Majeure Events shall include acts of God, fire, flood, storm, terrorism, war, civil disturbance, acts of any governmental authority, accidents, strikes, labor disputes or problems, required maintenance work, inability to access the local distribution utility system, non-performance by the EDC (including, but not limited to, a facility outage on electricity or natural gas facilities), breakage of machinery, transmission lines, or pipelines, freezing of wells or pipelines, sudden failure of gas or electric supply, grid constraints, failure or curtailment of firm transportation, increased capital or collateral requirements imposed by the grid operator, or systems operator such as PJM and/or any other cause beyond NEW WAVE's control.

**12. Payment Provisions-** Customer will make all payments for NEW WAVE's electricity supply charges to your EDC. Any unpaid amounts may be subject to late payment charges. Your EDC may request a security deposit for amounts which include supplier charges. Your EDC maintains the right to terminate service for any unpaid utility or supplier charges, pursuant to the Pennsylvania Public Utility Commission's regulations.

**13. Dispute Procedures-** In the event of a billing dispute or a disagreement involving NEW WAVE's service hereunder, the parties will use their best efforts to resolve the dispute. Customer may contact NEW WAVE by telephone or in writing, as provided below. If you are not satisfied after discussing your concerns with us you may contact the Public Utility Commission (PUC) by phone at: 1-800-692-7380 or in writing at PO Box 3265, Harrisburg, PA 17105-3265.

**14. Contact Information:**

**Supplier Information:**

NEW WAVE ENERGY CORP.

434 Delaware Ave., Buffalo, NY 14202

1-855-998-WAVE

Website: [www.nwaveenergy.com](http://www.nwaveenergy.com)

[support@nwaveenergy.com](mailto:support@nwaveenergy.com)

**Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265, Phone: 1-800-692-7380**

**Electric Distribution Co. (Default Service Provider)**

Metropolitan Edison P.O. Box 368, Akron, OH 44309

Penelec, P.O. Box 368, Akron, OH 44309

PPL, 827 Hausman Rd, Allentown, PA 18104-9392

**Emergency Number**

888-544-4877 /

888-544-4877 /

800-342-5775 /

**Universal Service Programs Number**

800-545-7741

800-545-7741

800-342-5775

**15. Dispute Resolution** In the event of a billing dispute or disagreement involving New Wave's service, Customer may contact New Wave's Customer Service Center as provided above. If you are not satisfied after discussing your concerns with us you may contact the Public Utility Commission (PUC) by phone at: 1-800-692-7380 or in writing at PO Box 3265, Harrisburg, PA 17105-3265.

**16. WAIVER OF JURY TRIAL.** ALL CLAIMS AND DISPUTES ARISING UNDER OR RELATING TO THIS AGREEMENT ARE TO BE SETTLED BY BINDING ARBITRATION IN THE STATE OF PENNSYLVANIA OR ANOTHER LOCATION MUTUALLY AGREEABLE TO THE PARTIES. THE ARBITRATION SHALL BE CONDUCTED ON A CONFIDENTIAL BASIS PURSUANT TO THE COMMERCIAL ARBITRATION RULES OF THE AMERICAN ARBITRATION ASSOCIATION. ANY DECISION OR AWARD AS A RESULT OF ANY SUCH ARBITRATION PROCEEDING SHALL BE IN WRITING AND SHALL PROVIDE AN EXPLANATION FOR ALL CONCLUSIONS OF LAW AND FACT AND SHALL INCLUDE THE ASSESSMENT OF COSTS, EXPENSES, AND REASONABLE ATTORNEYS' FEES. ANY SUCH ARBITRATION SHALL BE CONDUCTED BY AN ARBITRATOR EXPERIENCED IN COMPETITIVE RETAIL ENERGY MARKET AND SHALL INCLUDE A WRITTEN RECORD OF THE ARBITRATION HEARING. THE PARTIES RESERVE THE RIGHT TO OBJECT TO ANY INDIVIDUAL WHO SHALL BE EMPLOYED BY OR AFFILIATED WITH A COMPETING ORGANIZATION OR ENTITY. AN AWARD OF ARBITRATION MAY BE CONFIRMED IN A COURT OF COMPETENT JURISDICTION. CUSTOMER WILL NOT HAVE THE RIGHT TO PARTICIPATE IN A REPRESENTATIVE CAPACITY OR AS A MEMBER OF ANY CLASS OF CLAIMANTS PERTAINING TO ANY CLAIM SUBJECT TO ARBITRATION.

**17. Limitation of Liability.** The remedy in any claim or suit by Customer against NEW WAVE will be solely limited to direct actual damages. All other remedies at law or in equity are hereby waived. In no event will either NEW WAVE or Customer be liable for consequential, incidental, indirect, special or punitive damages. These limitations apply without regard to the cause of any liability or damages. There are no third-party beneficiaries to this Agreement.

**18. Choice of Laws.** This Agreement shall be construed under and shall be governed by the laws of the Commonwealth of Pennsylvania without regard to the application of its conflicts of law principles.

**19. Taxes.** Except as otherwise provided in the Agreement or provided by law, all taxes of whatsoever kind, nature and description due and payable with respect to service provided under this Agreement, other than taxes based on New Wave's net income, shall be paid by Customer, and Customer agrees to indemnify New Wave and hold New Wave harmless from and against any and all such taxes.

**20. Regulatory Changes.** This Agreement is subject to present and future legislation, orders, rules, regulations or decisions of a duly constituted governmental authority having jurisdiction over this Agreement or the services to be provided hereunder. If at some future date there is a change in any law, rule, regulation, tariff, or regulatory structure ("Regulatory Change") which impacts any term, condition or provision of this Agreement including, but not limited to price, NEW WAVE shall have the right to modify this Agreement to reflect such Regulatory Change by providing two separate written notices, as set forth above in Paragraph 4.

**21. Emergency Service.** Your EDC will continue to respond to leaks and emergencies. In the event of a gas leak, service interruption or other emergency, Customer should immediately call the EDC at the numbers listed above.

**22. Parties Bound.** This Agreement is binding upon the parties hereto and their respective successors and legal assigns. Customer and NEW WAVE have caused this Agreement to be executed by individuals authorized to bind each party, and Customer has reviewed all of the terms herein.

**23. Entire Agreement.** This Agreement, including Contract Summary and any attached enrollment form, as written, makes up the entire Agreement between Customer and NEW WAVE. NEW WAVE makes no representations or warranties other than those expressly set forth in this Agreement, and NEW WAVE expressly disclaims all other warranties, express or implied, including merchantability and fitness for a particular use.

**Pennsylvania - Contract Summary  
Electricity Generation Supply**

Electric Generation Supplier ("EGS") Information:	New Wave Power Corp. 434 Delaware Ave., Buffalo, NY 14202 1-855-998-WAVE Website: <a href="http://www.nwaveenergy.com">www.nwaveenergy.com</a> <a href="mailto:support@nwaveenergy.com">support@nwaveenergy.com</a> New Wave Power is responsible for your electricity commodity/supply charges.
Price Structure	Fixed Rate.
Electricity Generation Supply Price	Your electricity supply price during the Initial Term of this Agreement is ____ ¢/per kWh.
Statement Regarding Savings	New Wave's electricity supply price may be higher or lower than the EDC's price in any given month, and there is no guarantee of savings.
Deposit Requirements	None
Incentives	
Contract Start Date	New Wave will begin furnishing electricity supply service on a date set by the EDC.
Contract Term/Length	The Initial Term of this Contract is 12 billing cycles
Cancellation/Early Termination Fees	If Customer terminates this Agreement prior to the end of the Initial or Renewal Term, or if New Wave terminates the Agreement as a result of Customer breach, the Customer shall pay New Wave an Early Termination Fee of \$____.
Renewal Terms	Unless otherwise agreed to, upon completion of the Initial Term, this Agreement will renew on a month-to-month basis with a monthly variable rate methodology with no change to the remaining terms. You will receive two separate written notifications that precede the expiration date. These notifications will explain your options going forward.
Electric Distribution Company (Default Service Provider) Information	INSERT UTILITY NAME, PHONE, WEBSITE Your Utility will continue to deliver your electricity and is responsible for distribution charges. You should call your Utility in the event of an emergency or power outage.



**Exhibit 8**

**Proof of PJM Membership**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



2750 Monroe Blvd.  
Valley Forge Corporate Center  
Norristown, PA 19403-2497

August 4, 2017

John Ludtha  
New Wave Energy Corp  
434 Delaware Ave.  
Buffalo, NY 14202

Dear Mr. John Ludtha,

Welcome to PJM!

As promised, enclosed are the signed membership agreements for your records. To ensure your needs are met, I will be your initial point of contact and will reach out to you to welcome you and talk about PJM. I can be contacted at [Megan.McLavery@pjm.com](mailto:Megan.McLavery@pjm.com) (610-666-8832). You may also contact our Customer Service Center at 866-400-8980 should you have any questions as well.

Thank you!

Megan McLavery

Member Liaison

PJM Interconnection, LLC

Enclosures

**SCHEDULE 4**

**STANDARD FORM OF AGREEMENT TO BECOME A MEMBER OF THE LLC**

Any entity which wishes to become a Member of the LLC shall, pursuant to Section 11.6 of this Agreement, tender to the President an application, upon the acceptance of which it shall execute a supplement to this Agreement in the following form:

**Additional Member Agreement**

1. This Additional Member Agreement (the 'Supplemental Agreement'), dated as of 8/4/17, is entered into among New Wave Energy Corp and the President of the LLC acting on behalf of its Members.
2. New Wave Energy Corp has demonstrated that it meets all of the qualifications required of a Member to the Operating Agreement. If expansion of the PJM Region is required to integrate New Wave Energy Corp's facilities, a copy of Attachment J from the PJM Tariff marked to show changes in the PJM Region boundaries is attached hereto. New Wave Energy Corp agrees to pay for all required metering, telemetering and hardware and software appropriate for it to become a member.
3. New Wave Energy Corp agrees to be bound by and accepts all the terms of the Operating Agreement as of the above date.
4. New Wave Energy Corp hereby gives notice that the name and address of its initial representative to the Members Committee under the Operating Agreement shall be:  
John Ludtha  
434 Delaware Ave.  
Buffalo, NY 14202
5. The President of the LLC is authorized under the Operating Agreement to execute this Supplemental Agreement on behalf of the Members.
6. The Operating Agreement is hereby amended to include New Wave Energy Corp as a Member of the LLC thereto, effective as of August 01 2017, the date the President of the LLC countersigned this Agreement.

IN WITNESS WHEREOF, New Wave Energy Corp and the Members of the LLC have caused this Supplemental Agreement to be executed by their duly authorized representatives.

Members of the LLC

By: Megan McLaughlin on behalf of Andy Ott  
Name: Megan McLaughlin  
Title: President

By: [Signature]  
Name: Nikhil Desai  
Title: Executive V.P.

Application for Membership  
Between  
PJM Interconnection, L.L.C.  
and

New Wave Energy Corp

This Application for Membership Agreement ('Agreement') is entered into between PJM Interconnection, L.L.C. ('PJM') and ('Applicant'). The purpose of this Agreement is to apply to become a member of the PJM and to participate under the PJM Amended and Restated Operating Agreement, Third Revised Rates Schedule FERC No. 24 ('Operating Agreement'). The Applicant has read and understands the terms and conditions of the Operating Agreement. The Applicant agrees to accept the concepts and obligations set forth in this Agreement and the Operating Agreement posted on the PJM website at: <http://www.pjm.com/documents/agreements/pjm-agreements.aspx>.

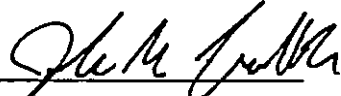
The Applicant also commits to supply data required for coordination of planning and operating, including data for capacity accounting, and agrees to pay all costs and expenses in accordance with the Operating Agreement and all other applicable costs under the PJM Open Access Transmission Tariff ('Tariff'). Such costs include but are not limited to: (i) payment obligations under Schedule 3 of the Operating Agreement; (ii) costs under Schedule 9 of the PJM Tariff; and (iii) potential default allocation payment obligations pursuant to Section 15.2 of the Operating Agreement (PJM may, under the Operating Agreement, declare members in default for not paying their invoices. If that occurs, PJM may pursue collection of the overdue invoices that exceed the collateral PJM holds from the defaulting member as well as take steps to terminate the defaulting members' membership. According to the Operating Agreement, all members are required to pay a portion of the payment default that exceeds the defaulting member's collateral held by PJM.)

The Applicant will pay the annual fee of \$5,000 for the remainder of the year of application upon notification of PJM application approval per Schedule 3.

The Applicant recognizes that it shall become a member of PJM effective as of the date that the Applicant receives the supplement to the Operating Agreement in the form prescribed in Schedule 4 of the Operating Agreement signed by the Applicant and countersigned by the President of PJM pursuant to section 11.6 of the Operating Agreement.

This Agreement will remain in effect until notice of termination is given in writing by the authorized representative of either the Applicant or PJM. Any financial obligations must be satisfied prior to termination of the Applicant's obligations and responsibilities under the PJM Agreement.

Applicant:

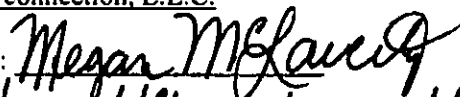
Signature: 

Name: John M. Ludtke

Title: President

Date: 5/18/17

PJM Interconnection, L.L.C.

Signature: 

Name: Megan McLaverty

Title: Member Liaison

Date: 6/4/17

**Exhibit 9**

**Proofs of Publication**

**RECEIVED**

SEP - 1 2017

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

The Scranton Times (Under act P.L. 877 No 160. July 9, 1976)  
Commonwealth of Pennsylvania, County of Lackawanna

STEVENS & LEE  
16TH FLOOR  
17 NORTH 2ND STREET HARRISBURG PA 17101

Account # 625240  
Order # 82116717  
Ad Price: 232.50

PENNSYLVANIA PUBLIC UTILI

Gina Krushinski

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Scranton Times, owner and publisher of The Scranton Times, a newspaper of general circulation, established in 1870, published in the city of Scranton, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

08/19/2017

Affiant further deposes and says that neither the affiant nor The Scranton Times is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true Gina Krushinski

Sworn and subscribed to before me  
this 21st day of August A.D., 2017

Sharon Venturi

(Notary Public)

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Sharon Venturi, Notary Public  
City of Scranton, Lackawanna County  
My Commission Expires Feb. 12, 2018  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**PENNSYLVANIA PUBLIC UTILITY COMMISSION NOTICE**  
**Application of New Wave Energy Corp. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.**  
New Wave Energy Corp. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as supplier of electric power. New Wave Energy Corp. Proposes to sell electricity and related services in the service territories of Metropolitan Edison Company, Pennsylvania Electric Company, and POL under the provisions of the new Electricity Generation Customer Choice and Competition Act.  
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of New Wave Energy Corp. may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to New Wave Energy Corp's attorney at the address listed below.  
  
By and through Counsel:  
**Michael Gruin, Esq.**  
Stevens & Lee  
17 N. 2<sup>nd</sup> St., 16<sup>th</sup> Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (610) 988-0852

PROOF OF PUBLICATION  
In  
THE ERIE TIMES-NEWS  
COMBINATION EDITION

STEVENS & LEE  
17 N SECOND ST  
HARRISBURG PA 17101

REFERENCE: 136098 277734  
PUC Notice

STATE OF PENNSYLVANIA)  
COUNTY OF ERIE ) SS:

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

PUBLISHED ON: 08/23/17

TOTAL COST: \$543.00 AD SPACE: 0 Lines

FILED ON: 08/23/17

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

*Application of New Wave Energy Corp. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.*

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*The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of New Wave Energy Corp. may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to New Wave Energy Corp's attorney at the address listed below.*

By and through Counsel:  
**Michael Gruin, Esq.**  
Stevens & Lee  
17 N. 2nd St., 16th Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (610) 988-0852

EP27734

Sworn to and subscribed before me this 24<sup>th</sup> day of August 2017

Affiant: Brenda L. Learn

NOTARY: Barbara J. Moore

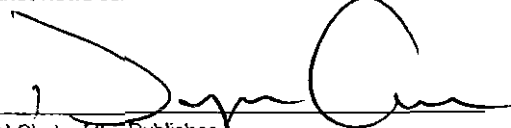
COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Barbara J. Moore, Notary Public  
City of Erie, Erie County  
My Commission Expires March 23, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



Commonwealth of Pennsylvania,) ss  
County of Cumberland)

Dwayne Connor being duly sworn, deposes that he/she is principal clerk of PA Media Group; that The Patriot News is a public newspaper published in the city of Mechanicsburg, with general circulation in Cumberland and Dauphin and surrounding counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

The Patriot News 08/22/2017

  
Principal Clerk of the Publisher

Sworn to and subscribed before me this 22th day of August 2017

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Crystal B. Rosensteel, Notary Public  
Susquehanna Twp., Dauphin County  
My Commission Expires June 27, 2020  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

Application of **New Wave Energy Corp.** For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As a **Supplier Of Electric Power** To The Public In The Commonwealth Of Pennsylvania.

**New Wave Energy Corp.** will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as a supplier of electric power. **New Wave Energy Corp.** proposes to sell electricity and related services in the service territories of Metropolitan Edison Company, Pennsylvania Electric Company, and PPL under the provisions of the new Electricity Generation Customer Choice and Competition Act.

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By and through Counsel:  
**Michael Grun, Esq.**  
Stevens & Lee  
17 N. 2nd St., 16th Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (610) 988-0852



**COMMONWEALTH OF PENNSYLVANIA** } SS  
*County of Cambria*

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE**

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By and through Counsel:

**Michael Gruin, Esq.**  
**Stevens & Lee**  
17 N. 2nd St., 16th Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (610) 988-0852

publis  
that ti  
of The  
in the  
of said publication are true.

... of Cambria, and Commonwealth of Pennsylvania and  
... ove matter published in said publication in the regular issues  
PA, on August 19, 2017; and that the Affiant is not interested  
... nd that all of the allegations as to time, place and character

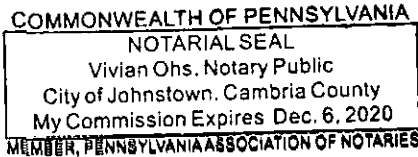
*Christine Marhefka*

**STATEMENT OF ADVERTISING COSTS**

Sworn and Subscribed before me this  
22nd day of August, 2017.

*Vivian Ohs*

0.00 Lines @	\$2.50 per line	0.00
6 Inches @	\$25.00 per inch	150.00
Notary Fee		5.00
Clerical Fee		2.50
<b>Total Cost</b>		<b>157.50</b>



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

**PUBLISHER'S RECEIPT FOR ADVERTISING COSTS**

\_\_\_\_\_ for publisher of \_\_\_\_\_  
a newspaper of general circulation, hereby acknowledges receipt of the aforesaid  
and publication costs and certifies that the same has been duly paid.

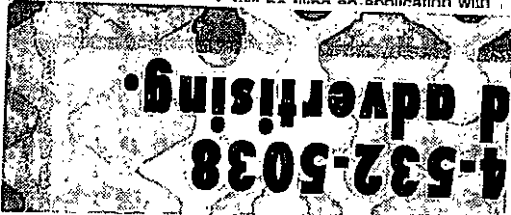
\_\_\_\_\_  
(Name of Newspaper)

By \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA }  
 County of Cambria } SS

PENNSYLVANIA  
 PUBLIC UTILITY COMMISSION  
 NOTICE

Application of New Wave Energy Corp. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.



On this 22nd day of August A.D. 2017, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Christine Marhefka, who being duly sworn according to law, deposes and says as Classified Advertising Manager of the Tribune-Democrat, Johnstown, PA, a newspaper of general circulation as defined by the "Newspaper Advertising Act", a merger September 8, 1952, of the Johnstown Tribune, established December 7, 1853; and of the Johnstown Democrat, established March 5, 1863,

published continuously at Johnstown Pa. in the County of Cambria, and Commonwealth of Pennsylvania and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of The Johnstown Tribune-Democrat, Johnstown, PA, on August 19, 2017; and that the Affiant is not interested in the subject matter of said notice or advertising and that all of the allegations as to time, place and character of said publication are true.

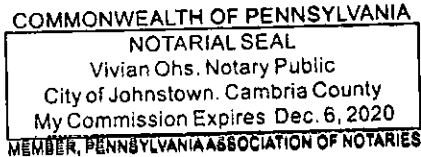
*Christine Marhefka*

STATEMENT OF ADVERTISING COSTS

Sworn and Subscribed before me this 22nd day of August, 2017.

*Vivian Ohs*

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6 Inches @	\$25.00 per inch	150.00
Notary Fee		5.00
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<b>Total Cost</b>		<b>157.50</b>



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

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

\_\_\_\_\_ for publisher of \_\_\_\_\_  
 a newspaper of general circulation, hereby acknowledges receipt of the aforesaid and publication costs and certifies that the same has been duly paid.

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

By \_\_\_\_\_

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

STATE OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA

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

August 21, 2017

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

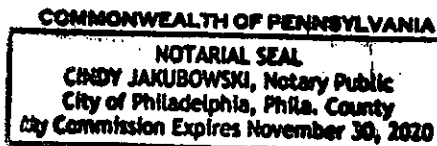


Sworn to and subscribed before me this 21st day of  
August, 2017.



*Cindy Jakubowski*  
Notary Public

My Commission Expires:



Copy of Notice of Publication

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
NOTICE

Application of New Wave Energy Corp. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania. New Wave Energy Corp. will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to supply electricity or electric generation services as supplier of electric power. New Wave Energy Corp. proposes to sell electricity and related services in the service territories of Metropolitan Edison Company, Pennsylvania Electric Company, and PPL under the provisions of the new Electricity Generation Customer Choice and Competition Act. The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of New Wave Energy Corp. may be filed within 15 days of the date of this notice with the Secretary of the PUC, 400 North Street, Harrisburg, PA 17120. You should send copies of any protest to New Wave Energy Corp's attorney at the address listed below.

By and through Counsel:

Michael Gruin, Esq.  
Stevens & Lee  
17 N. 2nd St., 16th Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (910) 988-0852

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

STATE OF PENNSYLVANIA

COUNTY OF LYCOMING

SS:

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

August 21, 2017

Affiant further deposes that he is an officer daily authorized by the Sun-Gazette LLC, publisher of the Williamsport Sun-Gazette, to verify the foregoing statement under oath and declare that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all the allegations in the foregoing statement as to time, place and character of publication are true.

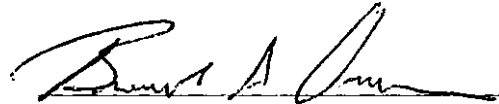
**PENNSYLVANIA  
PUBLIC UTILITY  
COMMISSION  
NOTICE**

Application of New Wave Energy Corp. For Approval To Offer, Render, Furnish Or Supply Electricity Or Electric Generation Services As Supplier Of Electric Power To The Public In The Commonwealth Of Pennsylvania.

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By and through Counsel:  
Michael Gruin, Esq.  
Stevens & Lee  
17 N. 2nd St., 16th Fl.  
Harrisburg, PA 17101  
Phone (717) 255-7365  
Fax (610) 988-0852



SUN-GAZETTE LLC

Sworn to and subscribed before me

The 21<sup>st</sup> day of August 20 17



**NOTARIAL SEAL  
BETH A MILLER  
Notary Public  
CITY OF WILLIAMSPORT, LYCOMING COUNTY  
My Commission Expires Apr 18, 2020**

Notary Public

STATEMENT OF ADVERTISING COSTS

To the Sun-Gazette LLC, Dr.:

For publishing the notice attached

Hereto on the above state dates.....\$ 222.20

Probated same.....\$

Total.....\$ 222.20

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

THE SUN-GAZETTE LLC hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid

SUN-GAZETTE LLC

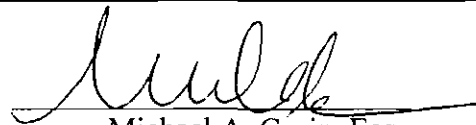
BY Bernard A. Oravec

## CERTIFICATE OF SERVICE

On this the 1<sup>st</sup> day of September 2017, I certify that a true and correct copy of the foregoing application for licensing within the Commonwealth of Pennsylvania as an Electric Generation Supplier and all non-confidential attachments have been served upon the following by First Class U.S. Mail, postage prepaid:

Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17120	Office of the Attorney General Bureau of Consumer Protection Strawberry Square, 14th Floor Harrisburg, PA 17120
Small Business Advocate Commerce Building, Suite 202 300 North Second Street Harrisburg, PA 17101	Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Harrisburg, PA 17128-0946
Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 West Harrisburg, PA 17120	
Legal Department First Energy 2800 Pottsville Pike Reading PA, 19612	Legal Department Attn: Paul Russell PPL Two North Ninth Street Allentown, PA 18108-1179

DATE: September 1, 2017

  
Michael A. Gruin, Esq.

**RECEIVED**  
2017 SEP - 1 PM 2:01  
PA PUC  
SECRETARY'S BUREAU  
FRONT DESK