

August 15, 2019

VIA ELECTRONIC AND OVERNIGHT MAIL

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

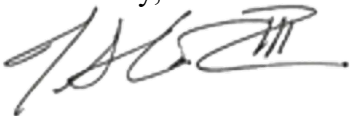
Re: PUC Docket No. A-2019-3011963 – Application of Energy CX, LLC for an Electric Supplier License (Broker)

Dear Secretary Chiavetta:

In response to the letter with Staff data requests sent on August 9, 2019, to Energy CX, LLC, related to its application for an Electric Supplier License (Broker), please find the requested information enclosed to address Data Requests #1, #2, and #4. Data Request #3, related to updates to the Tax Certification Statement, has been filed via overnight mail under confidential cover.

Please do not hesitate to let me know if you have any questions or concerns about this application (frankcaliva@prquinlan.com, 202.506.1657).

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Caliva III', written in a cursive style.

Frank Caliva III
P.R. Quinlan Associates Inc.
Regulatory Consultant to Energy CX, LLC

Docket No. A-2019-3011963
ENERGY CX, LLC
Data Requests

1. Reference Application, Section 2.b, Formation Documents – Applicant failed to provide limited liability company formation documentation. Please provide the missing documentation. **Please see required documentation at Data Request Exhibit #1.**
2. Reference Application, Section 7.b, Financial Fitness – Applicant failed to provide sufficient documentation to demonstrate financial fitness for ENERGY CX, LLC. Please provide financial fitness documentation that includes up to three consecutive months of bank statements for ENERGY CX, LLC or an agreement between Energy Connection and ENERGY CX, LLC that proves that Energy Connection will provide ENERGY CX, LLC sufficient funds to operate as an Electric Generation Supplier in Pennsylvania. Please provide the missing documentation. **Please see executed Memorandum of Understanding between Energy CX, LLC and Biofuels Technology LLC d/b/a Energy Connection at Data Request Exhibit #2.**
3. Reference Application, Section 7.f, Taxation – Applicant failed to provide a Revenue ID Number. Any company registered in the Commonwealth of Pennsylvania after March 2013 must contact the Pennsylvania Department of Revenue for its 10-digit Revenue ID Number. Please resubmit a complete Tax Certification Statement. **Please see the updated Tax Certification Statement, now including the 10-digit Revenue ID Number, at Data Request Exhibit #3, which has been filed via overnight mail under confidential cover.**
4. Reference Application, Section 8.a, Technical Fitness – Applicant failed to provide a license for Ohio and New Jersey. Please provide the missing documentation. **Please note that the licenses for Ohio and New Jersey are for our sister company, Biofuels Technology LLC d/b/a Energy Connection, rather than Applicant Energy CX, LLC. Please see the licenses at Data Request Exhibit #4.**

VERIFICATION

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

Mark Rice
President
Energy CX, LLC

**Data Request Exhibit #1 -
Limited Liability Corporation
Formation Documentation**



OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

APRIL 29, 2019

0758710-4

MARK S. LITNER
111 W. WASHINGTON ST., STE 900
CHICAGO, IL 60602-0000

RE ENERGY CX, LLC

DEAR SIR OR MADAM:

IT HAS BEEN OUR PLEASURE TO APPROVE AND PLACE ON RECORD THE ARTICLES OF ORGANIZATION THAT CREATED YOUR LIMITED LIABILITY COMPANY. WE EXTEND OUR BEST WISHES FOR SUCCESS IN YOUR NEW VENTURE.

PLEASE NOTE! THE LIMITED LIABILITY COMPANY MUST FILE AN ANNUAL REPORT PRIOR TO THE FIRST DAY OF THIS ANNIVERSARY MONTH NEXT YEAR. FAILURE TO TIMELY FILE MAY RESULT IN PENALTY AND DISSOLUTION.
A PRE-PRINTED ANNUAL REPORT WILL BE MAILED TO THE REGISTERED AGENT AT THE REGISTERED OFFICE ADDRESS APPROXIMATELY 45 DAYS BEFORE THE DUE DATE.

A LIMITED LIABILITY COMPANY THAT INTENDS TO PROVIDE A PROFESSIONAL SERVICE REGULATED BY THE ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION MUST REGISTER WITH THAT AGENCY.

PUBLICATIONS/FORMS AND OTHER SERVICES ARE AVAILABLE ON OUR WEBSITE. VISIT WWW.CYBERDRIVEILLINOIS.COM TO VIEW THE STATUS OF THIS COMPANY, PURCHASE A CERTIFICATE OF GOOD STANDING, OR EVEN FILE THE ANNUAL REPORT REFERRED TO IN THE EARLIER PARAGRAPH.

SINCERELY YOURS,

JESSE WHITE
ILLINOIS SECRETARY OF STATE
DEPARTMENT OF BUSINESS SERVICES
LIMITED LIABILITY DIVISION
(217) 524-8008

Form **LLC-5.5**
May 2018

Illinois
Limited Liability Company Act
Articles of Organization

FILE #

This space for use by Secretary of State.

Secretary of State
Department of Business Services
Limited Liability Division
501 S. Second St., Rm. 351
Springfield, IL 62758
217-524-8008
www.cyberdriveillinois.com

SUBMIT IN DUPLICATE
Type or print clearly.

FILED

APR 29 2019

JESSE WHITE
SECRETARY OF STATE

Payment must be made by certified check, cashier's check, Illinois attorney's check, C.P.A.'s check or money order payable to Secretary of State.

Filing Fee: \$150

Approved:

1. Limited Liability Company name (see Note 1): ENERGY CX, LLC

2. Address of principal place of business where records of the company will be kept: (P.O. Box alone or c/o is unacceptable.)
3501 WOODHEAD DR., #5, NORTHBROOK, IL 60062

3. Articles of Organization effective on: (check one)
 the filing date
 a later date (not to exceed 60 days after the filing date): _____
Month, Day, Year

4. Registered agent's name and registered office address:

Registered agent:	<u>MARK</u>	<u>S.</u>	<u>LITNER</u>
(P.O. Box alone or c/o is unacceptable.)	First Name	Middle Initial	Last Name
Registered office:	<u>111</u>	<u>WEST WASHINGTON STREET</u>	<u>SUITE 900</u>
	Number	Street	Suite #
	<u>CHICAGO</u>	<u>IL</u>	<u>60602</u>
	City		ZIP

Note: The registered agent must reside in Illinois. If the agent is a business entity, it must be authorized to act as agent in this state.

5. Purpose(s) for which the Limited Liability Company is organized: (see Note 2)
The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act and/or exclusively for the purpose(s) stated below:

6. The duration of the company is perpetual unless otherwise stated. If the operating agreement provides for a dissolution date, enter that date here: _____
Month/Day Year

LLC-6.5

7. Optional: Other provisions for the regulation of the internal affairs of the company: (If additional space is needed, use sheets of this size.)

8. The Limited Liability Company has or will have on the effective date of filing one or more members.

9. Name(s) and business address(es) of the manager(s) and any member with the authority of manager:

MARK RICE	3501 WOODHEAD DR., #5	NORTHBROOK	IL	60062
Name	Number & Street	City	State	ZIP
Name	Number & Street	City	State	ZIP
Name	Number & Street	City	State	ZIP
Name	Number & Street	City	State	ZIP
Name	Number & Street	City	State	ZIP

(If additional space is needed, use sheets of this size.)

10. Name and Address of Organizer(s):

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: APRIL 29, 2019
Month/Day Year

1. *Mark S. Litner*
Signature
 MARK S. LITNER, ORGANIZER
Name and Title (type or print)

1. 111 WEST WASHINGTON ST, STE 900
Number Street
 CHICAGO
City

If organizer is signing for a company or other entity, state name of company or entity.

IL 60602
State ZIP

2. _____
Signature

Name (type or print)

2. _____
Number Street

City

If organizer is signing for a company or other entity, state name of company or entity.

IL 60602
State ZIP

Note 1: The name must contain the term Limited Liability Company, LLC or L.L.C. The name cannot contain any of the following terms: "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.," "Co.," "Limited Partnership" or "LP." However, a limited liability company that will provide services licensed by the Illinois Department of Financial and Professional Regulation must instead contain the term Professional Limited Liability Company, PLLC or P.L.L.C. in the name.

Note 2: A professional limited liability company must state the specific professional service or related professional services to be rendered by the professional limited liability company.

**Data Request Exhibit #2 -
Memorandum of Understanding**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Agreement") is executed on the 22nd day of July, 2019

BETWEEN:

1. **Biofuels Technology LLC DBA Energy Connection** a Company located at 3501 Woodhead dr., Northbrook, IL, 60062 (hereinafter referred to as "First Party")
2. **EnergyCX, LLC** a LLC located at (hereinafter referred to as "Second Party")

(The "First Party" and "Second Party" individually referred to as "Party" and collectively to be referred as "Parties")

TERMS:

1. PREAMBLE

Through an agreement dated 7/17/2019, the Second Party received funding from First Party for Business Development in accordance with the terms of above said Agreement.

2. ACKNOWLEDGMENT

The Second Party hereby acknowledge that the Second Party is funded by First Party as per the terms of the above said agreement.

3. DISCLAIMER AND LIMITATION OF LIABILITY

Except as expressly set forth in this Agreement, neither party makes no representations or warranties whatsoever, express or implied, with respect to the activities to be shown under this Agreement and provides all such activities in a commercially reasonable manner consistent with the level of care. Each party shall be liable for losses of the other party incurred in connection with this Agreement only to the extent such losses result from the wilful misconduct or gross negligence of such party.

4. AMENDMENTS

No amendment or waiver of any provision of this Agreement, nor consent to any departure by any of the Parties there from, shall in any event be effective unless the same shall be in writing and signed by the Parties hereto and then such amendment, waiver or consent shall be effective only in the specific instance and for the specific purpose for which it is given.

5. SEVERABILITY

Each and every obligation under this Agreement shall be treated as a separate obligation and shall be severally enforceable as such and in the event of any obligation or obligations being or becoming enforceable in whole or in part.

6. WARRANTY & REPRESENTATION

Each signatory to this Agreement hereby warrants that (s) he has the authority to execute this Agreement.

7. HEADINGS

Headings are inserted for the convenience of the parties only and are not to be considered when interpreting this Agreement. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

8. BINDING ON SUCCESSORS

Subject to the restrictions on assignment contained herein, this Agreement shall inure to the benefit of the Parties hereto, and shall be binding upon the Parties hereto and their respective successors, personal representatives, heirs and assigns.

9. CHOICE OF LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois without regard to its conflicts of law provisions. The parties agree that any disputes between them may be heard only in the competent courts of the State of Illinois, and the parties hereby consent to venue and jurisdiction in those courts.


10. GENERAL

This Agreement constitutes the entire agreement of the Parties on the subject hereof and supersedes all prior understandings and instruments on such subject. This Agreement may not be modified other than by a written instrument executed by duly authorized representatives of the Parties.

In Witness whereof both the parties have set their respective hands into this Agreement on the day, month and year herein above mentioned.

FIRST PARTY

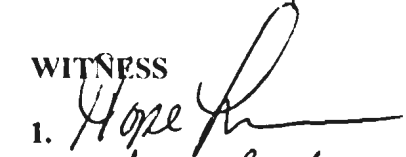

EnergyCX, LLC
Connection


(Authorized Signatory)

Name: Max Rice

Date: 7/22/19

WITNESS

1. 
2. 

SECOND PARTY

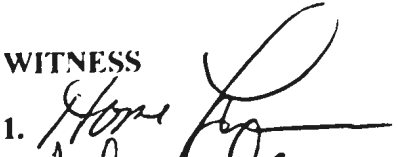
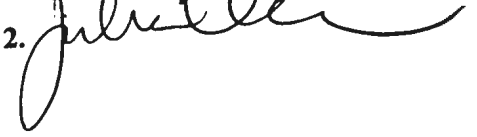
Biofuels Technology LLC DBA Energy


(Authorized Signatory)

Name: Mark Rice

Date: 7/22/19

WITNESS

1. 
2. 

**Data Request Exhibit # 3 -
Tax Certification Statement**

*Filed via overnight mail under
confidential cover*

**Data Request Exhibit # 4 -
Ohio and New Jersey Licenses**



**Public Utilities
Commission**

Asim Z. Haque, Chairman

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

FILE

PUBLIC UTILITIES COMMISSION OF OHIO

Certified as a Competitive Retail Electric Service Provider

RENEWAL

Certificate Number:

15-1018E (2)

Issued Pursuant to Case Number(s):

15-1676-EL-AGG

A certificate as a Competitive Retail Electric Service Provider is hereby granted to **Biofuels Technology, LLC** whose office or principal place of business is located at **3501 Woodhead Drive, Northbrook, IL 60062** to provide **power broker** services within the State of Ohio effective **October 26, 2017**.

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

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

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

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

Dated: **October 31, 2017**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary
Tanowa M. Troupe, Acting Secretary
Susan Patterson, Acting Secretary
Beverly Hoskinson, Acting Secretary

Certificate Expires: October 26, 2019

This is to certify that the images appearing are an accurate and complete reproduction of a copy of the document delivered in the regular course of business.
Technician AR Date Processed 10/31/17

State of New Jersey



Board of Public Utilities

44 South Clinton Avenue, 3rd Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

HEREBY REGISTERS

Biofuels Technology LLC
d/b/a Energy Connection
3850 Princeton Pike
Lawrenceville, New Jersey 08648

To conduct business in the State of New Jersey as an

Energy Agent


Aida Camacho-Welch

Secretary of the Board

Registration No. EA-0552
Effective Date: March 29, 2019
Expiration Date: March 28, 2020

