



HERCULES ENERGY

A DIVISION OF HERCULES LED

5411 Market Street
Youngstown, OH 44512
1-844-437-2533

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

Re: *Response to "Data Request Letter for Docket No. A-2021-3024215".*

To Whom It May Concern:

Hercules Energy, LLC recently filed an application to become a licensed broker in the State of Pennsylvania. We received a data request letter on March 10, 2021 requesting additional information and revisions that needed made to our Natural Gas Supplier License Application. Attached to this cover letter you will find the revised application pages, responses to the data request and any supporting documentation asked for. All other parts have been marked confidential and have been mailed in. Should there be any more information needed, please feel free to reach me at my contact details below.

Thank you,

Brooke Shilling

Brooke Shilling
Administrative Assistant
Hercules Energy, LLC
330-330-8963
bshilling@herculesled.com



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Youngstown, OH 44512
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Docket No. A-2021-3024215
Hercules Energy, LLC
Data Requests

1. Reference Application, Section 1.a, Identity of Applicant – The Applicant stated throughout the Application that the name of the applicant is Hercules Energy, LLC dba Hercules Energy. This is not consistent with the Pennsylvania Department of State filing which shows the applicant’s name Hercules Energy, LLC. Please either provide the corrected application pages or submit the necessary documentation from the Pennsylvania Department of State for the registration of a fictitious name. **See revised application page**
2. Reference Application, Section 1.a, Identity of Applicant – Applicant failed to provide the applicant’s web address. Please provide an updated application page with the appropriate corrections. **See revised application page. (This website was just launched end of February)**
3. Reference Application, Section 1.c, Regulatory Contact – Applicant failed to provide a telephone number for the regulatory contact. Please provide an updated application page with the appropriate corrections. **See revised application page**
4. Reference Application, Section 2.a, Fictitious Name – Applicant checked the option that it will not be using a fictitious name. However, in section 1.a of the application, applicant did list its name with a fictitious name or “dba”. Please see Data Request No. 1. **See revised application page**
5. Reference Application, Section 5.a and c, Customer/Regulatory/Prosecutory Actions – The Applicant’s qualifying statement (N/A) is non-responsive to Questions 5.a and c. Please provide a full and complete answer to Questions 5.a and c. **See revised application page**
6. Reference Application, Section 7.b, Financial Fitness – Applicant provided financial documentation for its affiliate company, Hercules LED, please provide financial documentation in the name of the applicant. These may include 3 recent consecutive months of bank account statements. Audited or unaudited financial statements for the two most recent years (2019 and 2020) pro-forma is acceptable for 2020 or proof of an agreement between the affiliate entity and the applicant for proof of access to funding, such as a drawdown or credit agreement. Applicant may mark confidentially submitted documentation as such. **We are providing (2) months of bank statements for Hercules Energy, LLC as we are a new entity and only recently started making sales (See “Attachment A”). Also attached is a letter of agreement between affiliate company, Hercules LED, and Hercules Energy showing proof of access to funding (See “Attachment B”), along with 2020 bank statements for Hercules LED (See “Attachment C”).**
These will be mailed in

7. 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. See “Appendix F” **This will be mailed in**
8. Reference Application, Section 8.e, Technical Fitness – Applicant failed to provide detailed professional resumes of its chief officers, including detailed descriptions of all experience and activities including date ranges. Please provide the missing documentation. See “Attachment D”

I, James Rosan, 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).


James E Rosan, Owner

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Hercules Energy, LLC, d/b/a _____, for approval to offer, render, furnish, or supply natural gas supply services as a(n) [as specified in item #4b below] 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:

Hercules Energy, LLC
5411 Market Street, Boardman, OH 44512
1-844-437-2533
www.herculesenergy.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.

InCorp Service, Inc
7208 Red Top Road Hummelstown, PA 17036
1.800.246.2677

- 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.

James Rosan
Owner
5411 Market Street, Boardman, OH 44512
jrosan@herculesled.com
844-437-2533

- 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.

Will not be using an attorney

- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** Provide the name, title, address, telephone number, fax number, and e-mail **OF THE PERSON AND AN ALTERNATE PERSON (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 Natural Gas 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 NGSS.

Brooke Shilling
Administrative Assistant
5411 Market Street, Boardman, OH 44512
1-844-437-2533
bshilling@herculesled.com

Melissa Berry
Executive Assistant
5411 Market Street, Boardman, OH 44512
1-844-437-2533
mberry@herculesled.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.

Or

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

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, an affiliate, a predecessor of either, or a person identified in this application has ever been a defendant of a criminal or civil proceeding in the last (5) years.

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

Neither the applicant, an affiliate, a predecessor of either, or a person identified in this application has ever been a defendant of a criminal or civil proceeding in the last (5) years.

- c. **CUSTOMER/REGULATORY/PROSECUTORY ACTIONS:** Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. **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.

No complaints or actions have ever been filed against Hercules Energy, LLC or anyone employed by Hercules Energy, LLC.

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

No complaints or actions have ever been filed against Hercules Energy, LLC or anyone employed by Hercules Energy, LLC.

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:

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

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

Office of the Small Business Advocate
Commerce Building, Suite 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

JAMES E. ROSAN

Youngstown, OH
3308835511
j.rosan@ymail.com

WORK EXPERIENCE

Owner

01/2014 to Present

Hercules LED, LLC / Hercules Energy, LLC
5411 Market Street Youngstown, OH 44512

With over 30 years of sales and management experience, I am focused on enhancing my company's growth and customer base with integrity. We save our customers money in electricity by converting their facilities to LED lighting and more cost effective energy supply. Our goal is to help our clients save money and maintain a long a prosperous business relationship.

Account Representative

04/2012 to 01/2014

Titan LED
Youngstown, OH

Learned the value and benefits of LED lighting. Obtained new accounts through cold calling, telemarketing and networking,

Area Sales Manager

11/2008 to 03/2012

Pitney Bowes
Brecksville, OH

Managed a sales team to obtain new and existing business in order to achieve sales goals. Successfully fulfilled all positions starting from a Sales Representative, Field Sales Manager and Area Sales Manager. President's Club and Top Honors Award winner each year eligible.

SKILLS

Sales Experience - 10+ years

Management experience - 10+ years

Business Ownership - 7 years

EDUCATION

Campbell Memorial

High school or equivalent

Business

Campbell, OH

09/1984 to 06/1988