

ROTHFELDER STERN, L.L.C.

Attorneys at Law

Martin C. Rothfelder, Esq.
(Admitted in NJ, NY, NH, PA, MO)

407 Greenwood Ave., Unit #301
Trenton, NJ 08609-2158
Tel: (609) 394-1000
mrothfelder@rothfelderstern.com

NY Office: 194 Washington Ave.
Suite 610, Albany, NY 12210

Bradford M Stern, Esq.
(Admitted in NJ, PA)

22 Lakeview Hollow
Cherry Hill, NJ 08003
Tel: 856-520-6806
Fax: 856-375-2151
bstern@rothfelderstern.com

Please reply to Cherry Hill

November 1, 2022

Via eFiling and Overnight Courier

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

**Re: Application of Capital Energy, Inc. for NGS License
NEW FILING**

Dear Secretary Chiavetta:

On behalf of Capital Energy, Inc., please find enclosed Capital Energy's application to provide natural gas marketer/broker services in Pennsylvania. Provided are a public copy, which has also been e-filed with the Commission, and a confidential copy. Enclosed also is a \$350 check payable to the Commonwealth of PA. A certificate of service is included in the application.

On behalf of Capital Energy, we thank the Commission for its consideration of Capital Energy's application for an NGS license. Please call should there be any questions.

Sincerely,



Bradford M. Stern

Enclosure

cc: Certificate of Service (public copy)

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Capital Energy, Inc., d/b/a _____, for approval to offer, render, furnish, or supply natural gas supply services as a(n) Broker/Marketer 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:

Capital Energy, Inc.
45 Broadway, Suite 2230
New York, NY 10006
www.capitalenergyservices.com
(212) 684-1431

- 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 Services, Inc.
7208 Red Top Road
Hummelstown, PA 17036
(702) 866-2500 (Phone)
(702) 866-2689 (Fax)

- 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.

Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006
(212) 684-1431 (Phone)
(888) 351-2122 (Fax)
caleb.berger@capitalenergy.net

- 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.

Bradford M. Stern, Esq. (Atty #57298)
Rothfelder Stern, L.L.C.
407 Greenwood Avenue, Unit #301
Trenton, NJ 08609
(609) 394-1000 (Phone)
(856) 375-2151 (Fax)
bstern@rothfelderstern.com

- 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.

Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006
(212) 684-1431 (Phone)
(888) 351-2122 (Fax)
caleb.berger@capitalenergy.net

Alisha Kapral, Vice President of Sales
45 Broadway, Suite 2230
New York, NY 10006
(646) 762-6889 (Phone)
(888) 351-2122 (Fax)
alisha.kapral@capitalenergy.net

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

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. See Attachment 2(a)
- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation. See Attachment 2(b)
- Give name and address of officers.

Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006

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.

NONE

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.

NONE

4. OPERATIONS

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

Definitions

- Supplier – an entity which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company
- Broker/Marketer - an entity that acts as an intermediary in the sale and purchase of natural gas but does not take title to the natural gas.

X The Applicant is presently doing business in Pennsylvania as a

- natural gas interstate pipeline
- municipality providing service outside its municipal limits
- local gas distribution company
- retail supplier of natural gas services in the Commonwealth
- a natural gas producer
- a broker/marketer engaged in the business of supplying natural gas services
- X Other. (Identify the nature of service being rendered)

Applicant is a licensed Electric Generation Supplier pursuant to Application A-2010-2209014.

or

The Applicant is not presently doing business in Pennsylvania.

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

- Supplier or Aggregator of natural gas services
- Municipal supplier of natural gas services
- Cooperative supplier of natural gas services
- X Broker/Marketer engaged in the business of supplying natural gas services
 - X Check here to verify that your organization will not be taking title to the natural gas nor will you be making payments for customers.
- Other (Describe):

c. **PROPOSED SERVICES:** Describe in detail the natural gas supply services which the Applicant proposes to offer.

Natural gas supply broker/marketer and related consulting services provided to end-users

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

- Columbia
- National Fuel Gas
- PECO
- Peoples Natural Gas Company

- Peoples Gas Company
- Philadelphia Gas Works
- UGI Utilities – Gas Division
- Valley Energy

All of the above

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

- Residential Customers
- Small Commercial Customers - (Less than 6,000 Mcf annually)
- Large Commercial Customers - (6,000 Mcf or more annually)
- Industrial Customers
- Governmental Customers

All of above

Other (Describe):

Residential and Small Commercial Customers in a Mixed Meter Capacity

This customer class reflects situations in which a large commercial, industrial, and/or governmental customer account also contains features of residential and/or small commercial customers. In this instance, the residential and/or small commercial portion must be an incidental portion of the larger account. **This customer class alone does not allow marketing targeted directly to residential and/or small commercial customers.** Further information may be found in the Requirements Applicable to Mixed Meter Scenarios Secretarial Letter served March 25, 2011, at Docket No. M-2009-2082042.

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

As soon as possible.

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.

NONE

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

NOT APPLICABLE (N/A)

- 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.

N/A

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

N/A

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)

Proof of service is attached.

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

Department of Revenue
 Bureau of Compliance
 PO Box 281230
 Harrisburg, PA 17128-1230

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

b.) NGDCs: 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 Natural Gas 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 NGDC is as follows.

<p>Columbia Gas of PA, Inc. Transport Support Services 290 W. Nationwide Blvd. Columbus, OH 43215 PH: 614.460.4980 e-mail: transportevaluations@nisource.com</p>	<p>National Fuel Gas Distribution Corp. Daniel Czechowicz, Director – Gas Supply Administration 6363 Main Street Williamsville, NY 14221 PH: 716.857.6917 e-mail: czechowiczd@natfuel.com</p>
<p>Peoples Natural Gas Company LLC Carol Scanlon 375 North Shore Drive Pittsburgh, PA 15212 PH: 412.208.6931 FAX: 412.208.6577 e-mail: Carol.Scanlon@peoples-gas.com</p>	<p>PECO Suzette Adams, Sr. Manager, Gas Supply and Transportation 2301 Market Street, S-18 Philadelphia, PA 19103 PH: 215.841.6467 Email: Suzette.Adams@exeloncorp.com</p>
<p>Peoples Gas Company LLC Carol Scanlon 375 North Shore Drive Pittsburgh, PA 15212 PH: 412.208.6931 FAX: 412.208.6577 e-mail: Carol.Scanlon@peoples-gas.com</p>	<p>Philadelphia Gas Works Ryan Reeves, Director Supply Transportation & Control 800 West Montgomery Avenue Philadelphia, PA 19122 PH: 215.787.5103 email: pgwchoicesupply@pgworks.com</p>
<p>Valley Energy Inc. Ed Rogers 523 South Keystone Avenue Sayre, PA 18840-0340 PH: 570.888-9664 FAX: 570.888.6199 email: erogers@ctenterprises.org</p>	<p>UGI Utilities, Inc. – Gas Division Sherry Epler 1 UGI Drive Denver, PA 17517 PH: 610.796.3447 Email: sepler@ugi.com</p>

7. FINANCIAL FITNESS

- a. **BONDING:** In accordance with 66 Pa. C.S. Section 2208(c), no natural gas supplier license shall be issued or remain in force unless the applicant or holder furnishes a bond or other security in a form and amount to ensure the financial responsibility of the natural gas supplier. The criteria used to determine the amount and form of such bond or other security shall be set by each NGDC. Provide documentation that the applicant has met the security requirement of each NGDC by submitting the letters sent by the NGDCs stating what bonding amounts they require. The contact information is located in Section 6.b.

See Attachment 7(a).

- 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 Attachment 7(b) – CONFIDENTIAL INFORMATION

- 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.

N/A

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

Applicant typically will receive a millage fee remittance from natural gas supplier with which end-user has entered into a supply agreement resulting from Applicant's recommendation.

- 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.

Jacob Meller, Accountant
3084 Bedford Avenue
Brooklyn, NY 11230
(718) 258-9060
jacobmel@optionline.net

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

All sections of the Tax Certification Statement must be completed. Submitting N/A on either the Sales Tax License Number or the Employer ID Number (items 7A and 7B) 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.

Please see completed Tax Certification Statement attached hereto. Applicant has been advised that it is not required by law to collect and remit sales tax in connection with its proposed service offerings in the Commonwealth, as described in the response to Question 4(b). Therefore, Item 7(A) (Sales Tax License) has been marked as "N/A" on Applicant's Tax Certification Statement.

8. TECHNICAL FITNESS:

To ensure that the present quality and availability of service provided by natural gas distribution companies 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 natural gas industry.
 - Summary and proof of licenses as a supplier of natural gas 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.
 - Any other information appropriate to ensure the technical capabilities of the Applicant.

Applicant was founded in 2010 with a focus on brokering electricity supply. In 2015, it began offering natural gas procurement brokering and related consulting services to customers within the State of New York (no license is required). Applicant provides its services to an estimated two thousand natural gas customers ranging from small business to industrial rate classes. Applicant currently staffs 5 sales consultants who have been trained in-house, and has plans to expand its trained sales staff.

b. PROPOSED MARKETING METHOD (check all that apply)

- Internal – Applicant will use its own internal resources/employees for marketing
- External NGS – Applicant will contract with a **PUC LICENSED NGS**
- Affiliate – Applicant will use a **NON-NGS affiliate that is a nontraditional marketer and/or marketing services consultant**
- External Third-Party – Applicant will contract with a **NON-NGS third party nontraditional marketer and/or non-selling marketer**
- Other (Describe):

Applicant may retain subcontractors engaged in marketing its services to customers, under close supervision and management by Applicant. See the response to Section 8(d).

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.

Applicant markets its services directly to customers predominantly through its own sales consultants, who are employees of the company. They are all trained to sell ethically, and all calls are recorded and available for review should any issue arise. Most contracts originated by phone are verified through Third Party Verification. When Applicant does retain subcontractors, all customer supply contracts brokered by the subcontractors are verified by Applicant's management, and the price and terms of the supply contract are reviewed with the customer before arranging natural gas supply to the customer.

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.

Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006
(212) 684-1431 (Phone)
(888) 351-2122 (Fax)
caleb.berger@capitalenergy.net

9. DISCLOSURE STATEMENT:

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

DISCLOSURE STATEMENTS: If proposing to serve Residential and/or Small Commercial (less than 6,000 Mcf annually) Customers, provide a Residential and/or Small Commercial disclosure statement. A sample disclosure statement is provided as Appendix E to this Application.

- Natural gas 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.

N/A – Applicant will be providing marketing/broker services only; see response to Question 4(b).

10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

- a. **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 § 62.114.

AGREED

- b. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission:
- Reports of Gross Receipts: Applicant shall file an annual report with the Commission on an annual basis no later than April 30th following the end of the calendar year per 52 Pa. Code § 62.110.

AGREED

- c. **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. § 2208(d). Transferee will be required to file the appropriate licensing application.

AGREED

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

ACKNOWLEDGED

e. **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 § 62.105.

 AGREED

f. **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.

 AGREED

g. **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 thirty (30) days, as to the specifics of any changes which have a significant impact on the conduct of business in Pennsylvania. See 52 Pa. Code § 62.105.

 AGREED

h. **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.

 AGREED

i. **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.

 PAYMENT ENCLOSED

With hardcopy mailed to Secretary.

11. AFFIDAVITS
(All 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.

Affidavit is attached.

- b.) **OPERATIONS AFFIDAVIT:** Provide an officially notarized affidavit stating that you will adhere to the Public Utility Code of Pennsylvania and applicable federal and state laws. An example copy of this Affidavit can be found at Appendix B.

Affidavit is attached.

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 NGDC. For example, an applicant that wants to operate in Peoples Natural Gas would need to run ads in The Erie Times-News, the Pittsburgh Post-Gazette, and the Johnstown Tribune-Democrat. 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 or Philadelphia Inquirer	Pittsburgh Post-Gazette	Scranton Times-Tribune	Williamsport Sun-Gazette	Johnstown Tribune-Democrat
Columbia Gas	X	X		X		X	X
National Fuel Gas	X			X			
PECO			X				
Peoples Natural Gas	X			X			X
Peoples Gas Company				X			
Philadelphia Gas Works			X				
UGI Utilities – Gas Div.	X	X	X	X	X	X	X
Valley Energy					X	X	
Entire Commonwealth	X	X	X	X	X	X	X

(Newspaper Publication Templates are provided at Appendices F and G)

See Attachment 12(b) for proofs of newspaper publication.

13. SIGNATURE

Applicant: Capital Energy Inc.
By: [Signature]
Title: President

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 is complete.

Applicant: Capital Energy, Inc.

Applicant's Use	Signature	
	Filing Fee (ONLY CERTIFIED CHECK OR MONEY ORDER)	
	Application Affidavit	
	Operations Affidavit	
	Proof of Publication	
	Tax Certification Statement	
	Commonwealth Department of State Verification	
	Certificate of Service	

PUC Secretary's Bureau Use

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of New York :

County of New York :

ss.

Caleb Berger, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President (Office of Affiant) of Capital Energy, Inc. (Name of Applicant);]

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

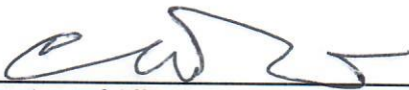
That the Applicant herein Capital Energy, Inc. has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as a natural gas supplier pursuant to 66 Pa. C.S. § 2208 (c)(1).

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

That the Applicant herein Capital Energy, Inc. acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein Capital Energy, Inc. acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

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



Signature of Affiant

Sworn and subscribed before me this 25 day of OCT, 2022.



Signature of official administering oath

My commission expires _____.

Daniel Ellison
Commissioner of Deeds, City of New York
No.1-10197
Cert. Filed in New York County
Commission Expires March 1st 2024
The UPS Store © 82 Nassau 212.406.9010

Appendix B

OPERATIONS AFFIDAVIT

[Commonwealth/State] of New York :

: ss.

County of New York :

_____, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President (Office of Affiant) of Capital Energy, Inc. (Name of Applicant);]

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

That Capital Energy, Inc., the Applicant herein, acknowledges that [Applicant] may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations including Emergency Orders which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

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

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

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

Appendix B (Continued)

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

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

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



Signature of Affiant

Sworn and subscribed before me this 25 day of Oct, 2022.



Signature of official administering oath

My commission expires _____

Daniel Ellison
Commissioner of Deeds, City of New York
No.1-10197
Cert. Filed in New York County
Commission Expires March 1st 2024
The UPS Store @ 62 Nassau 212.406.9010

Appendix C

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

CERTIFICATE OF SERVICE TEMPLATE

On this the 1st day of November 2022, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as a Natural Gas Supplier and all **NON-CONFIDENTIAL** attachments have been served, as either a hardcopy or a searchable PDF version on a cd-rom, upon the following:

<p>Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17120</p>	<p>Office of the Attorney General Bureau of Consumer Protection Strawberry Square, 14th Floor Harrisburg, PA 17120</p>
<p>Office of the Small Business Advocate Commerce Building, Suite 202 300 North Second Street Harrisburg, PA 17101</p>	<p>Department of Revenue Bureau of Compliance PO Box 281230 Harrisburg, PA 17128-1230</p>
<p>Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street, 2 West Harrisburg, PA 17120</p>	
<p>Columbia Gas of PA, Inc. Transport Support Services 290 W. Nationwide Blvd. Columbus, OH 43215 PH: 614.460.4980 e-mail: transportevaluations@nisource.com</p>	<p>National Fuel Gas Distribution Corp. Daniel Czechowicz, Director – Gas Supply Administration 6363 Main Street Williamsville, NY 14221 PH: 716.857.6917 e-mail: czechowiczd@natfuel.com</p>
<p>Peoples Natural Gas Company LLC Carol Scanlon 375 North Shore Drive Pittsburgh, PA 15212 PH: 412.208.6931 FAX: 412.208.6577 e-mail: Carol.Scanlon@peoples-gas.com</p>	<p>PECO Suzette Adams. Sr. Manager, Gas Supply and Transportation 2301 Market Street, S-18 Philadelphia, PA 19103 PH: 215.841.6467 Email: Suzette.Adams@exeloncorp.com</p>
<p>Peoples Gas Company LLC Carol Scanlon 375 North Shore Drive Pittsburgh, PA 15212 PH: 412.208.6931 FAX: 412.208.6577 e-mail: Carol.Scanlon@peoples-gas.com</p>	<p>Philadelphia Gas Works Ryan Reeves, Director Supply Transportation & Control 800 West Montgomery Avenue Philadelphia, PA 19122 PH: 215.787.5103 email: pgwchoicesupply@pgworks.com</p>

Valley Energy Inc.

Ed Rogers
523 South Keystone Avenue
Sayre, PA 18840-0340
PH: 570.888-9664
FAX: 570.888.6199
email: erogers@ctenterprises.org

UGI Utilities, Inc. – Gas Division

Sherry Epler
1 UGI Drive
Denver, PA 17517
PH: 610.796.3447
Email: sepler@ugi.com



Bradford M. Stern, Esq.
Atty ID 57298
Rothfelder Stern, L.L.C.
407 Greenwood Avenue, Unit #301
Trenton, NJ 08609

Attorneys for Applicant, Capital Energy, Inc.

APPENDIX D
TAX CERTIFICATION STATEMENT
CONFIDENTIAL

ATTACHMENT 2(a)

Application For Certificate of Authority

9/23, 2010
PA04B
303002

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Application For Certificate of Authority

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

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

Name
Infotax Square
Address
7 David Avenue
City State Zip Code
Hicksville New York 11801

Commonwealth of Pennsylvania
Certificate of Authority 2 Page(s)

Fee: \$250



T1026764054

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:
Capital Energy Inc.
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:
New York
5. The address of its principal office under the laws of the jurisdiction in which it is incorporated is:
2113 W 7th Street Brooklyn New York 11223
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
(b) Name of Commercial Registered Office Provider County
co: 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.

0300220100923

CC-250

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU
Foreign Signature Form

Document must be completed and mailed to the address listed below.

Department of State
Corporation Bureau
P.O. Box 8722
Harrisburg, PA 17105-8722
(717) 787-1057

- 1. The enterprise structure is:
Corporation
- 2. The enterprise legal name is:
Capital Energy Inc.
- 3. The enterprise's fictitious name is:

IN TESTIMONY WHEREOF, the undersigned have caused this application to be executed this
22 day of September, 2010

Capital Energy Inc.
Enterprise Name

Signature [Handwritten Signature]

Title Authorized Agent

0300220100923

To avoid any delay or rejection, signature form(s) should be received within 7-10 days of the registration submission date.

PA DEPT. OF STATE

SEP 23 2010

State of New York
Department of State } ss:

I hereby certify, that the Certificate of Incorporation of CAPITAL ENERGY INC. was filed on 08/27/2010, with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is an existing corporation.



*WITNESS my hand and the official seal
of the Department of State at the City of
Albany, this 30th day of September two
thousand and ten.*

A handwritten signature in black ink, appearing to read "Neil A. ...", is written over a faint circular outline.

First Deputy Secretary of State

CERTIFICATE OF INCORPORATION

OF

CAPITAL ENERGY INC.

Pursuant to Section 402 of the Business Corporation Law

I, the undersigned, a natural person of at least 18 years of age, for the purpose of forming a corporation under Section 402 of the Business Corporation Law of the State of New York hereby certify:

FIRST: The name of the corporation is:

CAPITAL ENERGY INC.

SECOND: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under Article IV of the Business Corporation Law, except that it is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained.

THIRD: The office of the corporation is to be located in the County of **KINGS**, State of New York.

FOURTH: The aggregate number of shares which the corporation shall have the authority to issue is **TWO HUNDRED**, each of which shall be common stock with no par value.

FIFTH: The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

J. MELLER
3084 BEDFORD AVENUE
BROOKLYN, NY 11210-3714

SIXTH: No director of the corporation shall have personal liability to the corporation or to its shareholders for damages for any breach of duty in such capacity, provided, however, that the provision shall not eliminate or limit:

(a) the liability of any director of the corporation if a judgment or other final adjudication adverse to him establishes that his acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that he personally gained in fact a financial profit or other advantage to which he was not legally entitled or, with respect to any director of the corporation, that his acts violated Section 719 of the Business Corporation Law of the State of New York, or

(b) the liability of a director for any act or omission prior to the final adoption of this article.

SEVENTH: The holders of any of the corporation's equity shares shall be entitled to preemptive rights in accordance with the provisions of BCL section 622.

IN WITNESS WHEREOF, the undersigned incorporator has executed this certificate of incorporation.

8/27/10



Sharon Babala, Incorporator
BlumbergExcelsior Corporate
Services, Inc.
52 South Pearl Street
Albany, New York 12207

Certificate of Incorporation

of

CAPITAL ENERGY INC.

Pursuant to Section 402 of the Business Corporation Law

BLU-39
DRAW DOWN

Filed By:
BlumbergExcelsior Corporate Services, Inc.
52 South Pearl Street, 2nd Floor
Albany, NY 12207

ATTACHMENT 2(b)

Caleb Berger

45 Broadway
Suite 2230
(212) 684-1431
caleb.berger@capitalenergy.net

Experience

August 2010 - PRESENT

Capital Energy Inc - *President & CEO*

- Founded an energy brokerage company and grew its customer base to include over two thousand commercial and industrial users spanning over 12 states.
- Duties include overseeing operations, management of finances, hands- on involvement with sales and marketing.

October 2009 -September 2010

National Energy Group Corp - *Executive Vice President*

- Responsible for daily operations, supplier relations, and management of sales staff

2007-2008

1 Stop Camera & Electronics - *General Manager*

- Responsible for staffing, training, supervision of sales staff, as well as handling the company's larger customer relationships.

2003-2007

J&K Cameras - *Sales Manager*

- Responsible for staffing, training, supervision of sales staff, as well as handling the company's larger customer relationships.

ATTACHMENT 7(a)



August 31, 2022

Caleb Berger
Capital Energy, Inc.
45 Broadway Suite 2230
New York, NY 10006

Dear Caleb Berger:

We are pleased that Capital Energy, Inc. has applied for a license to provide Natural Gas Broker/Marketer Services on the distribution system of Columbia Gas of Pennsylvania, Inc. ("Columbia Gas").

Under Paragraph 2.4.5 of the Rules Applicable to Distribution Service section of the Tariff of Columbia Gas, Capital Energy, Inc. could be required to provide to Columbia Gas a bond or other financial security instrument in an amount that Columbia Gas determines to be appropriate. Capital Energy, Inc. has indicated only brokering and consulting services will be provided. Therefore, we have determined at this time that Capital Energy, Inc. does not need a bond or other financial security requirement to provide broker natural gas services to Columbia Gas customers.

If the creditworthiness requirement or Columbia Gas' exposure to Capital Energy, Inc. changes in the future, Columbia Gas might deem it appropriate to require Capital Energy, Inc. to provide a bond or other financial security instrument.

Please feel free to contact me at 614-460-4980 should you have any questions regarding a bond or other financial security instrument requirements of Columbia Gas.

Sincerely,

Kylia Davis

Kylia Davis
Manager of Choice and Transportation Support Services



National Fuel

August 25, 2022

Capital Energy Inc
Attn: Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006

Dear Caleb,

National Fuel Gas Distribution Corporation (“NFGDC”) is aware Capital Energy, Inc. (CEI) has filed an application with the Pennsylvania Public Utility Commission to supply natural gas service to the public in Pennsylvania and specifically within the service territory of NFGDC.

As you know, in making such an application, CEI must furnish acceptable security to each utility where CEI will do business. As such, under its tariff, NFGDC could require CEI to provide a bond or other financial security instrument in an amount that NFGDC determines to be appropriate.

However, you have indicated, and it is NFGDC’s understanding that CEI intends only to provide natural gas aggregating, brokering and consulting services at this time. You have stated that, in performing these services, CEI will never take title to any delivered natural gas, nor will it accept any customer payments or deposits.

Based upon your representations, NFGDC has determined that, at this time, CEI does not need to post a bond or other form of security to operate in its service territory. However, if the services provided by CEI change in the future, NFGDC reserves the right to require security from CEI as it deems appropriate.

If you have any questions concerning the foregoing, please contact me at 716-857-7541.

Yours truly,

Nicole Barker
Transportation Services Department



pecoSM

AN EXELON COMPANY

September 2, 2022

Caleb Berger, President
Capital Energy, Inc.
45 Broadway, Suite 2230
New York, NY 10006

Re: Bonding Requirements

Dear Capital Energy, Inc.

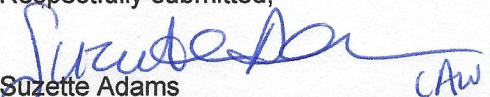
PECO is aware that Capital Energy, Inc. has applied for a license to provide brokering and consulting services to commercial and industrial customers on the distribution system of PECO.

In making such an application Capital Energy, Inc. could be required to provide to PECO a bond or other acceptable financial security in an amount that PECO determines to be appropriate. Capital Energy, Inc. has indicated that it intends to provide only brokering and consulting services to commercial and industrial customers will not take title to any delivered natural gas; nor will accept any customer payments or deposits.

Therefore, PECO has determined at this time that Capital Energy, Inc. does not need a bond or other financial security requirement, since they are not directly engaging in business with PECO and only providing brokering or consulting services to PECO customers. However, if the services provided by Capital Energy, Inc. or the creditworthiness requirement for PECO's exposure to Capital Energy, Inc. changes in the future, PECO reserves the right to require Capital Energy, Inc. to provide a bond or other financial security instrument.

If you should have any questions regarding this matter, please contact Wanda Rucker at wanda.rucker@exeloncorp.com.

Respectfully submitted,


Suzette Adams (AW)
Manager, Gas Supply and Transportation
2301 Market
Philadelphia, PA 19103



375 North Shore Drive
Pittsburgh, Pennsylvania 15212

www.peoples-gas.com

Carol Scanlon
Manager, Rates

Peoples Service Company LLC
Phone: 412-208-6931
Email: Carol.Scanlon@peoples-gas.com

August 29, 2022

Caleb Berger
President
Capital Energy, Inc.
45 Broadway, Suite 2230
New York, NY 10006

Dear Mr. Berger:

We are pleased that Capital Energy, Inc. has applied for a license to provide natural gas services on the Peoples Group of Companies. Specifically you have requested to be licensed as a supplier on the distribution systems of Peoples Natural Gas Company LLC, and Peoples Gas Company LLC (formerly Peoples TWP) ("the Companies").

Since Capital Energy, Inc. is not currently serving customers on the Peoples systems, we have determined at this time that Capital Energy, Inc. does not need a bond or other financial security requirement to provide these services to the Company's customers.

If a Pool is established, and customers are enrolled which alters the creditworthiness requirement or the Company's exposure to Capital Energy, Inc. provision of services on the Peoples' system changes in the future, the Companies may deem it appropriate to require a bond or other financial instrument.

If you have any questions feel free to contact me at 412-208-6931 or by email at Carol.Scanlon@peoples-gas.com.

Sincerely,

Carol Scanlon
Manager, Rates
Peoples Natural Gas Company LLC

Cc: Stephen Kelly
Mina Speicher



PHILADELPHIA GAS WORKS

800 West Montgomery Avenue • Philadelphia, PA 19122

9/13/2022

Caleb Berger, President
Capital Energy, Inc.
45 Broadway, Suite 2230
New York, NY 10006

Email: caleb.berger@capitalenergy.net

RE: Security Requirement Bond for Capital Energy, Inc.

Dear Mr. Berger,

Philadelphia Gas Works ("PGW") is aware that Capital Energy, Inc has filed an application with the Pennsylvania Public Utility Commission to supply natural gas services to the public in Pennsylvania and specifically within the services territory of Philadelphia Gas Works.

As you know, in making such an application, Capital Energy, Inc must furnish acceptable security to each utility where Bounce Energy, Inc will do business. As such, under its tariff, Philadelphia Gas Works could require Capital Energy, Inc to provide a bond or other financial security instrument in an amount that Philadelphia Gas Works determines to be appropriate.

However, you have indicated, and it is Philadelphia Gas Works' understanding, that Capital Energy, Inc intends only to provide natural gas aggregating, brokering and consulting services at this time. You have stated that in performing these services Capital Energy, Inc will never take title to any delivered natural gas.

Based upon your representations, Philadelphia Gas Works has determined that, at this time, Capital Energy, Inc does not need to post a bond or other form of security to operate in its service territory. If the services provided by Capital Energy, Inc should change, Philadelphia Gas Works reserves the right to require security from Capital Energy, Inc as it deems appropriate.

If you have any questions concerning the foregoing, please contact me at 215-684-6725.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John C. Zuk', is written over the typed name.

JOHN C. ZUK
Sr. Vice President, Gas Management

/dls



UGI Utilities, Inc.
1 UGI Drive
Denver, PA 17517

610-796-3400

VIA E-MAIL

August 31, 2022

Capital Energy, Inc.
45 Broadway
Suite 2230
New York, NY 10006

ATTENTION: Caleb Berger, President

**RE: Capital Energy, Inc.
Application to Serve as a Natural Gas Broker**

Dear Mr. Berger,

Based on your assertion that Capital Energy, Inc. ("Capital Energy") is applying with the State of Pennsylvania to operate as a natural gas broker/marketer, UGI Utilities, Inc.-Gas Division ("UGIU") has concluded that Capital Energy will not need to post security with UGIU. This is based on the declaration that Capital Energy will be acting in conjunction with a licensed natural gas supplier who has been approved by the Pennsylvania Public Utility Commission to serve in the applicable UGIU service territories and who has posted the required financial security as specified in the UGIU Tariff. If Capital Energy wishes to directly serve Choice customers in the service territories of UGIU in the future as a natural gas supplier, it will have to post security as specified in the UGIU Tariff prior to the commencement of the service.

Please feel free to contact me with any additional questions you may have.

Sincerely,

A handwritten signature in blue ink that reads 'Sherry Epler'.

Sherry Epler
Senior Manager
Tariff & Supplier Administration

SE/rks



VALLEY ENERGY

523 S. Keystone Avenue, P.O. Box 340, Sayre, PA 18840
800/998-4427 • 570/888-9664 • FAX 570/888-6199

August 31, 2022

VIA EMAIL

Capital Energy, Inc.
Mr. Caleb Berger, President
45 Broadway, Suite 2230
New York, NY 10006
caleb.berger@capitalenergy.net

Dear Mr. Berger:

We understand that Capital Energy, Inc. has applied with the Pennsylvania Public Utility Commission to supply natural gas services to the public in Pennsylvania including our company's service area.

Because Capital Energy, Inc. intends to only provide natural gas aggregating, brokering, and consulting services at this time, we have determined that Capital Energy, Inc. will not be required to post a bond or other form of financial security instrument to provide these services in our service area. However, if the services provided change in the future, we reserve the right to require security from Capital Energy, Inc. as deemed appropriate.

If you have any questions, please contact Jamie Levering at 570-888-9664 (Ext. 5232).

Sincerely,

Edward E. Rogers
President & CEO

EER/ss

cc: J. Levering, Valley Energy
bstern@rothfelderstern.com

ATTACHMENT 7(b)
CONFIDENTIAL

ATTACHMENT 12(b)

LOCALiQ

Erie Times-News | The Intelligencer
Bucks County Courier Times
The Daily American | Beaver County Times
Pocono Record | Burlington County Times

PO Box 630531 Cincinnati, OH 45263-0531

PROOF OF PUBLICATION

Bradford M. Stern, Esq.
Rothfelder Stern, LLC
407 Greenwood AVE # 301
Trenton NJ 08609-2158

STATE OF PENNSYLVANIA, COUNTY OF ERIE

The Erie Times-News is a newspaper of general circulation, whose principal place of business is at 205 W 12th Street, Erie, Pennsylvania. That a copy of the printed notice, hereto attached, is exactly as the same was printed and published in the regular edition of the Erie Times-News, published in the issue dated:

09/02/2022

Sworn to and subscribed before on 09/02/2022

PENNSYLVANIA PUBLIC UTILITY COMMISSION LEGAL NOTICE

Application of Capital Energy, Inc. For Approval to Offer, Render or Furnish Natural Gas Services as a Supplier, Aggregator, or Marketer/Broker Engaged in the Business of Supplying Natural Gas Supply Services, to the Public in the Commonwealth of Pennsylvania.

Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.


The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Capital Energy 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 Capital Energy's attorney at the address listed below.

By and Through Counsel: Bradford M. Stern, Esq.

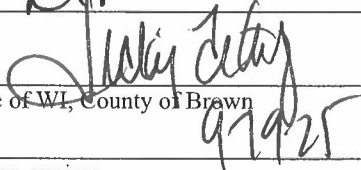
Rothfelder Stern, LLC
407 Greenwood Avenue, #301
Trenton, NJ 08609
Phone: (609) 394-1000
Fax: (856) 375-2151

(9-7730679-NT-2)

Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$213.82

Order No: 7730679

of Copies:

Customer No: 830099

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin



The Patriot News

LEGAL AFFIDAVIT

AD#: 0010438177

Commonwealth of Pennsylvania,) ss
County of Cumberland)

Christine Arnold 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 09/04/2022

Principal Clerk of the Publisher

Sworn to and subscribed before me this 28th day of September 2022

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Crystal B. Rosensteel, Notary Public
Dauphin County
My commission expires June 27, 2024
Commission number 1299212
Member, Pennsylvania Association of Notaries

PENNSYLVANIA PUBLIC UTILITY COMMISSION LEGAL NOTICE

**Application of Capital Energy, Inc.
For Approval to Offer, Render or
Furnish Natural Gas Services as a
Supplier, Aggregator, or
Marketer/Broker Engaged in the
Business of Supplying Natural Gas
Supply Services, to the Public in the
Commonwealth of Pennsylvania.**

Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Capital Energy 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 Capital Energy's attorney at the address listed below.

By and Through Counsel:
Bradford M. Stern, Esq.
Rothfelder Stern, LLC
407 Greenwood Avenue, #301
Trenton, NJ 08609
Phone: (609) 394-1000
Fax: (856) 375-2151

COMMONWEALTH OF PENNSYLVANIA }
County of Cambria } SS

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
 LEGAL NOTICE**

Application of Capital Energy, Inc. For Approval to Offer, Render or Furnish Natural Gas Services as a Supplier, Aggregator, or Marketer/Broker Engaged in the Business of Supplying Natural Gas Supply Services, to the Public in the Commonwealth of Pennsylvania.

Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Capital Energy 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 Capital Energy's attorney at the address listed below.

By and Through Counsel: Bradford M. Stern, Esq.
 Rothfelder Stern, LLC
 407 Greenwood Avenue, #301
 Trenton, NJ 08609
 Phone: (609) 394-1000
 Fax: (856) 375-2151

publish that the
 of The JOHNSTOWN TRIBUNE-DEMOCRAT, Johnstown, PA, on September 2, 2022; 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.

nty of Cambria, and Commonwealth of Pennsylvania and ve matter published in said publication in the regular issues

On this 12th day of September A.D. 2022, 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 Sales Manager / Major Accounts 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,

Christie Marhefka

STATEMENT OF ADVERTISING COSTS

Signed and sworn to before me on 12th day of September, 2022, by Christine Marhefka making the statement.

Vivian Ohs

0.00 Lines @ \$2.70 per line	0.00
6 Inches @ \$27.00 per inch	162.00
Notary Fee	5.00
Clerical Fee	2.50
Total Cost	169.50

Commonwealth of Pennsylvania - Notary Seal
 Vivian Ohs, Notary Public
 Cambria County
 My commission expires December 6, 2024
 Commission number 1123017
 Member, Pennsylvania Association of Notaries

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

Vivian Ohs for publisher of TRIBUNE-DEMOCRAT
 a newspaper of general circulation, hereby acknowledges receipt of the aforesaid and publication costs and certifies that the same has been duly paid.

TRIBUNE-DEMOCRAT
 (Name of Newspaper)
 By Vivian Ohs

The Philadelphia Inquirer

801 MARKET STREET, SUITE 300, PHILADELPHIA, PA 19107

Affidavit of Publication

On Behalf of:

ROTHFELDER STERN, LLC
407 GREENWOOD AVENUE, #301
TRENTON, NJ 08609

STATE OF PENNSYLVANIA COUNTY OF PHILADELPHIA:

Before the undersigned authority personally appeared the undersigned who, on oath represented a and say: that I am an employee of The Philadelphia Inquirer, LLC, and am authorized to make this affidavit of publication, and being duly sworn, I depose and say:

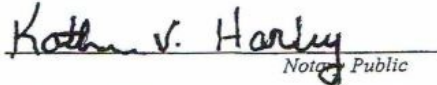
1. The Philadelphia Inquirer, LLC is the publisher of the Philadelphia Daily News, with its headquarters at 801 Market Street, Suite 300, Philadelphia, Pennsylvania 19107.
2. The Philadelphia Daily News is an edition of The Philadelphia Inquirer. The Philadelphia Daily News is continuously published and distributed Sunday-Friday in the City of Philadelphia, count and state aforesaid.
3. The printed notice or publication attached hereto set forth on attached hereto was published in all regular print editions of the Philadelphia Daily News on

Legal Notices

as published in Daily News Legals in the issue(s) of:

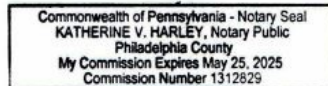
9/7/2022

4. Under oath, I state that the following is true and correct, and that neither I nor The Philadelphia Inquirer, LLC have any interest in the subject matter of the aforesaid notice or advertisement.



Notary Public

My Commission Expires:



Ad No: 114458

Customer No: 115864

COPY OF ADVERTISEMENT

PENNSYLVANIA PUBLIC UTILITY COMMISSION LEGAL NOTICE

Application of Capital Energy, Inc. For Approval to Offer, Render or Furnish Natural Gas Services as a Supplier, Aggregator, or Marketer/Broker Engaged in the Business of Supplying Natural Gas Supply Services, to the Public in the Commonwealth of Pennsylvania.

Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.

The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Capital Energy 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 Capital Energy's attorney at the address listed below.

By and Through Counsel: Bradford M. Stern, Esq.
Rothfelder Stern, LLC
407 Greenwood Avenue, #301
Trenton, NJ 08609
Phone: (609) 394-1000
Fax: (856) 375-2151


Proof of Publication of Notice in Pittsburgh Post-Gazette

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

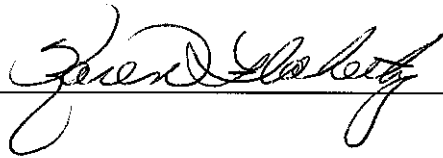
Commonwealth of Pennsylvania, County of Allegheny, ss T. Kopyar, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the _____ regular _____ editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

08 of September, 2022

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



PG Publishing Company
Sworn to and subscribed before me this day of:
September 08, 2022



Karen Flaherty

Commonwealth of Pennsylvania - Notary Seal
Karen Flaherty, Notary Public
Allegheny County
My commission expires November 16, 2024
Commission number 1386128
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS
Rothfelder Stern, LLC
407 Greenwood Ave., Unit 301
Trenton New Jersey 08609

To PG Publishing Company

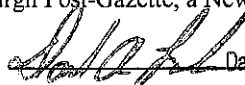
Total ----- \$408.00

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
CLINTON, PA 15026
legaladvertising@post-gazette.com
Phone 412-263-1440

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

By  _____
David A. Lockerbie

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

COPY OF NOTICE OR PUBLICATION

PENNSYLVANIA PUBLIC UTILITY COMMISSION LEGAL NOTICE
Application of Capital Energy, Inc. For Approval to Offer, Render or Furnish Natural Gas Services as a Supplier, Aggregator, or Marketer/ Broker Engaged in the Business of Supplying Natural Gas Supply Services to the Public in the Commonwealth of Pennsylvania.
Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.
The PUC may consider this application without a hearing. Protests directed to the technical or financial fitness of Capital Energy 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 Capital Energy's attorney at the address listed below:
By and Through Counsel:
Bradford M. Stern, Esq.
Rothfelder Stern, LLC
407 Greenwood Avenue, #301
Trenton, NJ 08609
Phone: (609) 394-1000
Fax: (856) 375-2151

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

ROTHFELDER STERN, LLC
407 GREENWOOD AVE., #301
TRENTON NJ 08609

Account # 646808
Order # 82662554
Ad Price: 239.44

LEGAL NOTICE PENNSYLVANIA

Sharon Venturi

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:

09/12/2022

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 Sharon Venturi

Sworn and subscribed to before me
this 12th day of September A.D., 2022

Kathleen Weaver
(Notary Public)

Commonwealth of Pennsylvania - Notary Seal
Kathleen Weaver, Notary Public
Lackawanna County
My commission expires June 14, 2025
Commission number 1314506
Member, Pennsylvania Association of Notaries

LEGAL NOTICE
PENNSYLVANIA PUBLIC
UTILITY COMMISSION

Application of Capital Energy, Inc. For Approval to Offer, Render or Furnish Natural Gas Services as a Supplier, Aggregator, or Marketer/ Broker Engaged in the Business of Supplying Natural Gas Supply Services, to the Public in the Commonwealth of Pennsylvania.

Capital Energy will be filing an application with the Pennsylvania Public Utility Commission ("PUC") for a license to provide natural gas supply services as a broker/marketer engaged in the business of providing natural gas services. Capital Energy proposes to sell natural gas services throughout all of Pennsylvania, under the provisions of the new Natural Gas Choice and Competition Act.

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Rothfelder Stern, LLC
407 Greenwood Avenue, #301
Trenton, NJ 08609
Phone: (609) 394-1000
Fax: (856) 375-2151

WILLIAMSPORT SUN-GAZETTE
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA
COUNTY OF LYCOMING, CLINTON, SULLIVAN &
TIOGA/BRADFORD SS:

Robert O. Rolley, Jr., Publisher of the Williamsport Sun-Gazette LLC publishes 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:

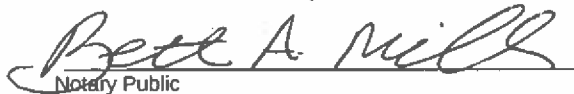
8 Sep 2022

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


SUN-GAZETTE LLC

Sworn to and subscribed before me

The 8th day of September 22


Notary Public

Commonwealth of Pennsylvania - Notary Seal
BETH A MILLER - Notary Public
Lycoming County
My Commission Expires Jun 4, 2024
Commission Number 1297751

PENNSYLVANIA PUBLIC
UTILITY COMMISSION
LEGAL NOTICE

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