



3 Traylor Drive, West Chester, PA 19382

August 11, 2023

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

To whom it may concern:

On behalf of The O.E. Group Inc, enclosed, please find revised pages for the Application of The O.E. Group Inc. to become a licensed broker of electricity in the Commonwealth of Pennsylvania.

The O.E. Group Inc. has previously submitted its Application to obtain an electricity broker license. The Application has not been formally accepted by the Secretary's office and therefore has no docket number associated with the application. The original application was received at the Commission on July 14<sup>th</sup>, 2023. The Commission received affidavits of publication of legal notices in seven newspapers on July 28, generally completing the application materials. With this letter, The O.E. Group Inc. is submitting nine separate pages that should be substituted into the application and replace the current pages of the filing. These pages reflect revised materials or corrections of typographical errors. The pages included are numbered 2, 4, 6, 7, 8, 11, 12, 13, and 19.

Additionally, we have been informed that the Secretary's office is concerned that the signature page sent with the original Application may not be an original signature. We believe that each of the documents in the Commission's possession that have signatures on them, including the Application signature page, are all original documents with "wet" signatures on them.

Thank you for your consideration of this Application.

Sincerely,

A handwritten signature in black ink that reads 'Frank Lacey' in a cursive script.

Frank Lacey  
President, Electric Advisors Consulting  
[frank@eacpower.com](mailto:frank@eacpower.com)  
610-793-2809

# BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of The O.E. Group Inc., d/b/a d/b/a Not applicable, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) broker/Marketer engaged in the business of supplying electricity services, but not taking title to electricity, nor making payments for customers, as described 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:

**The O.E Group Inc.  
5314 16<sup>th</sup> Avenue, Suite 187  
Brooklyn, NY 11204  
Tel: 718-403-9444**

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

**Registered Agents, Inc.  
1150 First Avenue, Suite 187  
King Of Prussia, PA 19406  
Tel: 610-456-2133**

- 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 and future inquiries should be addressed.

**NOTE:** To ensure timely receipt of regulatory information, a contact employed directly by the Applicant, and not a consultant, is preferred.

**Charles Bergman  
President  
5314 16<sup>th</sup> Avenue, Suite 187  
Brooklyn, NY 11204  
Tel: 718-403-9444  
Fax: 718-972-5068  
Email: cbergman@theoegroup.com**

- 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**

**XXX** The Applicant is a:

- domestic corporation (15 Pa. C.S. §1308)
- XXX**  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.
- **The Foreign Corporation filing is attached as Exhibit 1.**
- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation.
- **The O.E. Group Inc. is organized and formed in the State of New York. Organizational Documents for the firm are attached as Exhibit 2.**
- Give name and address of officers.

**Charles Bergman, President**  
**5314 16<sup>th</sup> Avenue, Suite 187**  
**Brooklyn, NY 11204**  
**Tel: 718-403-9444**  
**Fax: 718-972-5068**  
**Email: cbergman@theoegroup.com**

or

The Applicant is not presently doing business in Pennsylvania.

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

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

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

The O.E. Group Inc. provides electricity advisory services, including procurement support. The O.E. Group Inc. was a licensed electricity broker in Pennsylvania (licensed in Docket No. A-2018-2647476) until a February 2023 order in Docket No. M-2022-3030286, when its license was suspended for failure to provide the Commission with the required financial security. A copy of the Pennsylvania License is provided here as Exhibit 3. While operating under an active license, The O.E. Group Inc. assisted approximately seven (7) customers with electricity procurement services. These customers are still active customers of The O.E. Group Inc.

Through a series of one or more administrative errors, The O.E. Group Inc. failed to communicate with the Commission that it had renewed its required surety bond. The O.E. Group Inc. did in fact renew its surety bond. Attached as Exhibit 4 to this application is a receipt from Old Republic Surety Group dated August 31, 2022, showing a renewal of the surety bond for two years, with an effective date of November 22, 2022.

The Applicant is also operating as a fully licensed broker for natural gas services and have been operating as such since 2019. That license was approved in Docket No. No. A-2018-3000443. The PA gas license is presented as Exhibit 5.

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

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

Entire Commonwealth of PA

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

- Residential Customers
- Small Commercial Customers - (25 kW and Under)
- Large Commercial Customers - (Over 25 kW)
- 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.

**The O.E. Group Inc. intends to begin to provide services immediately upon Commission approval of this application. The O.E. Group Inc. has active customers that were supported during the period of active licensure. The O.E Group will not actively solicit any additional customers until this application is approved.**

## 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**

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

The O.E. Group Inc had its electricity broker license revoked in Pennsylvania for failure to provide the Commission with an updated surety bond. This action was taken in Docket No. M-2022-3030286. A final order in that docket was issued on February 17, 2023. As shown elsewhere in this application, The O.E. Group Inc. did not ever let the bond lapse, however, it failed to deliver the updated surety to the Commission.

The O.E. Group Inc has not been subject to any regulatory actions in any other state.

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

As an initial remedy, The O.E. Group Inc is filing this Application and seeking forgiveness from the Commission for its compliance oversight. The O.E. Group, Inc. has committed to enhancing its internal compliance practices and has retained the services of Electric Advisors Consulting, LLC to assist in that process.

## 6. PROOF OF SERVICE

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

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

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

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

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

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

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

**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.

**An organizational structure chart is presented as Exhibit 7.**

**Balance Sheets and Income Statements for the calendar years 2021 and 2022 are provided as CONFIDENTIAL EXHIBIT A.**

**Bank Account statements for the years ending 202X and 202X are included as CONFIDENTIAL EXHIBIT B.**

**Tax Returns for the same years are provided as CONFIDENTIAL EXHIBIT C.**

**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.

**Not applicable**

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

**The O.E. Group Inc. will collect commissions from EGS operating in the Commonwealth of PA.**

**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.

**Charles Bergman**  
**President, The O.E. Group Inc.**  
**5314 16<sup>th</sup> Avenue, Suite 187**  
**Brooklyn, NY 11204**  
**Tel: 718-403-9444**  
**Fax: 718-972-5068**  
**Email: [cbergman@theoegroup.com](mailto:cbergman@theoegroup.com)**

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

*All sections of the Tax Certification Statement must be completed. 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.*

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

**The Completed Tax Certification Statement, designated Appendix I (Confidential) in the Application package, is attached as Confidential Exhibit D.**

## 8. TECHNICAL FITNESS:

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

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

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

**A brief overview of the company is presented as Exhibit 8. More information about the company can be found on its website at <http://www.theoegroup.com/>. The Applicant operates in New York, New Jersey and Pennsylvania. New York does not have a licensing requirement for brokers, although that requirement will be in place by the end of this year. The New Jersey license is attached as Exhibit 9. In total, The O.E. Group Inc. services approximately 600 electricity and natural gas customers. As noted above, it has seven (7) electricity customers in Pennsylvania.**

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

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



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

- Yes  
 No

If yes, will the Applicant be using verification procedures?

- Yes  
 No

If yes, describe the Applicant's verification procedures.

**Not Applicable**

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.

The O.E. Group Inc. is a small energy consultancy. It does not engage in mass marketing efforts. The O.E. Group Inc. website can be found at <http://www.theoegroup.com/>. The O. E. Group Inc. proudly serves manufacturers, grocery outlets, medical facilities and commercial real estate entities. Marketing efforts are personalized and professional. The O. E. Group Inc. does not engage subcontractors for marketing purposes. The material presented at Exhibit 8 is the primary marketing material for the company.

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.

**Brief bios for Charles Bergman, President; Louis Weil, Senior Analyst; Henry Hartstein, CEO; and Pinny Brown, Director of Sales are attached at Exhibit 10.**

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

- Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.
- Received approval from FERC to be a Power Marketer at Docket or Case Number \_\_\_\_\_.
- Not applicable

## 12. CHECKLIST

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

Applicant: **The O.E. Group Inc.**

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

Applicant's Use

PUC Secretary's Bureau Use