

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of NuEnergex, LLC, d/b/a NuEnergex, LLC, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) Broker 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:

NuEnergex, LLC

Primary Address: 10 Bank Street, Suite 600 White Plains, NY 10606-1957

Web Address: <https://www.nuenergen.com/>

Phone: 866-977-0901

- 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.

NuEnergex, LLC

874 Slate Hill Road,

Morrisville, PA 19067 – 1853

- 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.

Sudhir Sarma

General Manager – Sourcing and Auditing

10 Bank Street, White Plains, NY 10606

Phone: 866-977-0901 x812

Fax: 914-358-1102

Email: [auditing@nuenergen.com](mailto:auditing@nuenergen.com)

[ssarma@nuenergen.com](mailto:ssarma@nuenergen.com)

- 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.

Applicant (NuEnergex, LLC) is not using an attorney.

- e. **CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS: (Required of ALL Applicants)** Provide the name, title, address, telephone number, FAX number, and e-mail **OF THE PERSON AND AN ALTERNATE PERSON (2 REQUIRED)** responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Electric Distribution Company,

the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed EGSs.

**Contact 1**

Sudhir Sarma  
General Manager – Sourcing, Auditing and Consulting  
10 Bank St, Suite 600,  
White Plains, NY 10606  
Tel: 866-977-0901 x 812  
Fax : 914-358-1102  
Email: [ssarma@nuenergen.com](mailto:ssarma@nuenergen.com), [auditing@nuenergen.com](mailto:auditing@nuenergen.com)

**Contact 2:**

Brett Wu  
VP of Client Service  
10 Bank St, Suite 600,  
White Plains, NY 10606  
Tel: 866-977-0901 x 818  
Fax : 914-358-1102  
Email: [bwu@nuenergen.com](mailto:bwu@nuenergen.com)

**2. BUSINESS ENTITY FILINGS AND REGISTRATION**

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

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

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

**or**

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.  
[Colorado – See attached](#)
- \* 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.  
[Attached](#)
- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation.  
[Attached](#)
- Give name and address of officers.

**Kevin Hamilton**  
President & CEO  
10 Bank Street, STE 600  
White Plains, NY 10606

**Anthony Nole**  
Chief Operating Officer  
10 Bank Street, STE 600  
White Plains, NY 10606

**Michael Herz**  
Chief Financial Officer  
10 Bank Street, STE 600  
White Plains, NY 10606

### 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.

Nuenergy does not have any affiliates that do business in Pennsylvania.

- 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.

NuEnergy does not have any predecessors.

### 4. OPERATIONS

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

Definitions

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

- The Applicant is presently doing business in Pennsylvania as a

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

**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.

NuEnergen is an energy management consulting firm which provides energy procurement to commercial, industrial, and institutional customers in addition to energy-related consulting and invoice auditing services. NuEnergen assists customers with the solicitation, review and execution and audit of energy supply agreements to suit the customer's financial goals. We operate as a consultant and liaison (broker) between our clients and third-party suppliers. We also actively audit our customers' energy invoices for billing errors and seek redressal for incorrect billing with the electric supplier and Utilities, on behalf of the customer, as applicable. NuEnergen also offers demand response services in NYISO, PJM and ERCOT

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         | <input checked="" type="checkbox"/> | 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.

4/1/2024 or as soon as approved.

## 5. COMPLIANCE

- **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.

NuEnergien has not been a defendant in such proceedings.

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

NuEnergien does not have any proceedings to list.

- **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.

NuEnergien does not have any actions or complaints to list.

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

NuEnergien does not have any actions or complaints to list.

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

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

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

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

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

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

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

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

**UGI:**

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
1 UGI Drive  
Denver, PA 17517

**Citizens' Electric Company:**

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

**Wellsboro Electric Company:**

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

## 7. FINANCIAL FITNESS

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

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

NuEnergen, LLC will only be functioning as a broker and not as an energy supplier. As a result, NuEnergen does not take title to electricity and NuEnergen does not pay bills on behalf of our clients. We assist in understanding contracts, facilitating the lowest price from registered suppliers, and facilitating the signature on the contract, which is always between our clients and the final best supplier for their needs.

### **CRITICAL BONDING NOTES:**

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

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

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

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

- Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.  
[Attached](#)
- Published Applicant or parent company financial and credit information (i.e. 10Q or 10K). (SEC/EDGAR web addresses are sufficient)  
[Not applicable/ No published information](#)
- Applicant's accounting statements, including balance sheet and income statements for the past two years.  
[Attached](#)
- 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.  
[NuEnergen does not subscribe to Dun and Bradstreet. Our DUNS# is 80-783-8284](#)
- 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.  
[Insurance Summary Attached](#)
- Audited financial statements exhibiting accounts over a minimum two-year period.  
[See above Item 3](#)
- Bank account statement, tax returns from the previous two years, or any other information that demonstrates Applicant's financial fitness.

**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 as NuEnergen will operate as a Broker/Marketer](#)

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

[NuEnergen's procurement customers compensate the firm in one of two ways depending upon the customer's preference and/or the legal requirements of the territory in which we are delivering services.](#)

1. [Some customers pay a direct consulting fee to NuEnergen,](#)
2. [Others utilize broker fees which are paid by the client to the supplier \(broker fee embedded in the supply contract unit price\), and that fee is then remitted to NuEnergen by the supplier.](#)

**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.

[Michael B. Herz, CPA, MBA](#)  
[Chief Financial Officer](#)  
[NUENERGEN, LLC](#)  
[10 Bank St., Ste. 600 | White Plains, NY 10606](#)  
[Phone: 866-977-0901 x 816](#)  
[Fax: 914-358-1102](#)  
[Mobile: 203-731-1577](#)  
[mherz@nuenergen.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. → [Completed](#)*

## 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.

NuEnergien has been in the energy consulting business for over 15 years and has provided auditing, sourcing, and consulting services since its inception, with our largest footprint being in New York State. Our Chief executive officer has over 30 years in the energy industry. Our Chief Operating Officer has over 25 years of experience in the energy industry, including time in petroleum engineering, refining and marketing, natural gas marketing, electricity generation and marketing, demand response. Our VP of Client Services has over 15 years of energy industry experience, focused on electricity and natural gas broker operations and demand response, and our GM of Sourcing and Auditing has 10 years of energy industry experience focused on energy procurement and contracting.

- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions.

NuEnergien currently serves customers as an energy broker in NY, NJ, and CT. We are registered in NJ and CT. We will be registering in NY when final rules are published.

State	Registration Docket Number	Expiry
NJ	EE23040238L	6/29/2024
CT	23-06-39	10/15/2024

- Type of customers and number of customers Applicant currently serves in other jurisdictions. Large commercial, institutional, and industrial customers. We currently serve close to 90 customers in other jurisdictions
- Staffing structure and numbers as well as employee training commitments.

Our operations team consists of a GM for the Auditing and Sourcing business, supported by an assistant

manager, 2 energy analysts, and 3 data support specialists who collectively manage our dashboard services, bill data gathering, bill auditing and other customer services. This team supports all our sourcing, auditing, and consulting business operations. The business is also supported by our VP of Client Services and Chief Operating Officer. In addition, NuEnergien has a team of between 5 and 7 Client Service Managers who perform sales and client management across all our offerings. Each new team member is trained by their direct supervisor and other members of the NuEnergien team to get them fully onboarded.

- Business plans for operations within the Commonwealth.

NuEnergien's Client service managers serve as our direct sales team. While our plans could change as we gauge success in the market, our expectation is that we will begin with a limited expansion of our business into Pennsylvania through an extension of services from clients who we are already serving in our existing core markets, but who have facilities in Pennsylvania. We also may be able to leverage any growth in our provision of other consulting or demand response services. It is possible we may gain some clients from channel partner arrangements, but this is not expected to be the primary focus.

- 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.

NuEnergien is registered with PJM as an Other Supplier and a Voting member, participating as a curtailment service provider. We can be found listed on the PJM website on the members list.

- Any other information appropriate to ensure the technical capabilities of the Applicant.

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

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

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

- Yes
- No

If yes, will the Applicant be using verification procedures?

- Yes
- No

If yes, describe the Applicant's verification procedures.

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

*NuEngen's procurement services are propagated via responses to public RFPs, customer referrals and direct sales efforts via the company's sales professionals.*

**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.

*Kevin Hamilton – President & CEO  
Anthony Nole – COO  
Michael Herz – CFO*

**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

## 9. DISCLOSURE STATEMENTS:

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

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

*Not applicable for an applicant applying for a license exclusively as a broker/marketer to clients that are not residential and/or small commercial customers.*

## 10. VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS

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

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

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

*(Select only one of the following)*

- AGREED - Applicant has included compliance with this requirement in the instant application, labeled in correspondence with this section (10).
- AGREED - Applicant will provide compliance with this requirement within 120 days of receiving its license
- ACKNOWLEDGED - Applicant is not proposing to provide retail electric supply service at this time, and therefore is not presently obligated to provide such information.

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

AGREED

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

- Retail Electricity Choice Activity Reports: The regulations at 52 Pa. Code §§ 54.201--54.204 require that all active EGSs report sales activity information. An EGS will file an annual report reporting for customer groups defined by annual usage. Reports must be filed using the appropriate report form that may be

obtained from the PUC's Secretary's Bureau or the forms officer, or may be down-loaded from the PUC's internet web site.

- Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
- The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
- Net Metering Reports: Applicant shall be responsible to report any Net Metering per the Standards on [http://www.puc.pa.gov/consumer\\_info/electricity/alternative\\_energy.aspx](http://www.puc.pa.gov/consumer_info/electricity/alternative_energy.aspx). Scroll down to the Net Metering Standards Section.
- Applicant shall report to the Commission the percentages of total electricity supplied by each fuel source on an annual basis per 52 Pa. Code § 54.39(d).
- Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.

AGREED

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

AGREED

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

ACKNOWLEDGED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

AGREED

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

PAYMENT ENCLOSED

## 11. AFFIDAVITS

**Must be notarized before filing.**

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

## 12. NEWSPAPER PUBLICATIONS

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

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

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

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

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

*(Newspaper Publication Templates are provided at Appendices K and L)*

## 13. SIGNATURE

Applicant: NuEnergen, LLC

By: Kevin Hamilton

Title: President & CEO

13. **SIGNATURE**

A handwritten signature in black ink that reads "Kevin Hamilton". The signature is written in a cursive style with a large, looping flourish at the end.

Applicant: NuEnergen, LLC

By: Kevin Hamilton

Title: President & CEO

## 14. CHECKLIST

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

**Applicant: NuEnergen, LLC**

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

Applicant's Use

PUC Secretary's Bureau Use

**Appendix A**

**APPLICATION AFFIDAVIT**

State of New York \_\_\_\_\_ :

: ss.

County of Westchester \_\_\_\_\_ :

**Kevin Hamilton** \_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He is the **President & CEO** \_\_\_\_\_ (Office of Affiant) of **NuEnergen, LLC** \_\_\_\_\_ (Name of Applicant);]

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

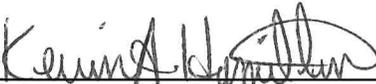
That the Applicant herein **NuEnergen, LLC** \_\_\_\_\_ has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein **NuEnergen, LLC** \_\_\_\_\_ has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein **NuEnergen, LLC** \_\_\_\_\_ 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 **NuEnergen, LLC** \_\_\_\_\_ 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 20th day of December, 2023.

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

My commission expires 11/13/2027 \_\_\_\_\_.

Donna McGrath  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MC0016357  
Qualified in Westchester County  
Commission Expires 11/13/2027

**Appendix B**

**OPERATIONS AFFIDAVIT**

State of New York \_\_\_\_\_ :

:                    **SS.**

County of Westchester \_\_\_\_\_ :

Kevin Hamilton \_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

He is the President & CEO \_\_\_\_\_ (Office of Affiant) of NuEnergen, LLC \_\_\_\_\_ (Name of Applicant);]

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

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

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

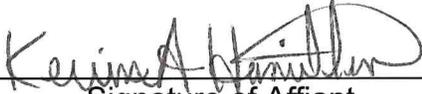
As provided by 66 Pa. C.S. §2810 (C)(6)(iv), Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing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

**Appendix B (Continued)**

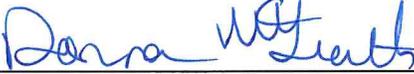
That NuErgen, LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

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

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

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

Sworn and subscribed before me this 20th day of December, 2023.

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

My commission expires 11/13/2027.

Donna McGrath  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01MC0016357  
Qualified in Westchester County  
Commission Expires 11/13/2027

## Appendix C

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

### Example CERTIFICATE OF SERVICE

On this the \_\_\_ day of \_\_\_\_\_ 20\_\_\_, I certify that a true and correct copy of the foregoing application form for licensing within the Commonwealth of Pennsylvania as an Electric Generation 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:

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

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

Vice President – Energy Supply  
Corning Natural Gas Holding Corporation  
330 West William Street  
Corning, NY 14830

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

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

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

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

Legal Department  
First Energy  
2800 Pottsville Pike  
Reading PA, 19612

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
1 UGI Drive  
Denver, PA 17517

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

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

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**Kevin Hamilton, President & CEO NuEnergen, LLC**

**Item 1.b.**

**2023 Certificate of Subsistence Request Form**

# 2023 CERTIFICATE OF SUBSISTENCE REQUEST FORM

PA Corporate Certificates  
 120 S 21st St STE 504  
 Philadelphia, PA 19103

QUESTIONS?



PLEASE EMAIL:

**PACS@corporatcertificates.com**  
 OR CALL TOLL FREE  
**1-800-226-6952**

Nuenergen, LLC  
 874 Slate Hill Rd  
 Morrisville PA 19067-1853

**IMPORTANT! FOLLOW INSTRUCTIONS EXACTLY WHEN COMPLETING THIS FORM. PLEASE PRINT CLEARLY.**

<b>Key Code:</b> PA-10251947-77	<b>Notice Date:</b> 11/22/2023	<b>PLEASE RESPOND BY:</b> 12/06/2023
<b>Business Address:</b> Nuenergen, LLC 874 Slate Hill Rd Morrisville PA 19067-1853		

Congratulations on registering your business with the State of Pennsylvania. Your Articles have been filed with the secretary of state and are complete. You have one step left in order to buy your optional Certificate of Subsistence from Pennsylvania Corporate Certificates. **Please confirm the accuracy of the information below for your Pennsylvania Certificate of Subsistence.** A Pennsylvania Certificate of Subsistence is issued by the Secretary of State and may be required for loans, to renew business licenses, or for tax or other business purposes. Pennsylvania Corporate Certificates is not affiliated with any government or state agency and this notice is a solicitation for your business. The Certificate of Subsistence shows the official evidence of an entity's existence and provides a statement of an entity's status, current legal name and date of formation. The Certificate of Subsistence bears the official seal of the Pennsylvania Secretary of State. Pennsylvania Corporate Certificates will mail a hard copy of your Certificate of Subsistence to your business address.

**Business Information:** Limited Liability Company  
 Date of Registration: 11/17/2023  
 Certificate of Subsistence Fee: \$102.50

**Step 1: Please Confirm Business Name & Address Are Correct**

Nuenergen, LLC 874 Slate Hill Rd Morrisville PA 19067-1853	<b>Identification:</b>  13650110
--	--

**Step 2: Contact Information - Do NOT Skip This Step! Email & Contact Number Required for Processing**

Name:	Email:	Phone Number:
-------	--------	---------------

**Step 3: Payment - Select Payment Method & Double Check Payment Information.**

<input type="checkbox"/> CHECK OR MONEY ORDER ENCLOSED IN THE AMOUNT OF: \$102.50 Please make your check or money order payable to: <b>PA Corporate Certificates</b> 120 S 21st St STE 504 Philadelphia, PA 19103	PLEASE ALLOW UP TO FOUR WEEKS FOR PROCESSING AND RETURN OF DOCUMENT  
--	--

**Step 4: Authorization - Please Sign, Date & Return this Form with Payment Enclosed in Return Envelope Provided.**

Signature:	Date:
------------	-------

**Item 2.b.**

**NuEnergen Articles of Organization**



Colorado Secretary of State  
 Date and Time: 04/27/2007 04:55 PM  
 Id Number: 20071187461  
 Document number: 20071205353

Document processing fee  
 If document is filed on paper \$125.00  
 If document is filed electronically \$ 25.00

Fees & forms/cover sheets are subject to change.  
 To file electronically, access instructions for this form/cover sheet and other information or print copies of filed documents, visit [www.sos.state.co.us](http://www.sos.state.co.us) and select Business Center.

Paper documents must be typewritten or machine printed.

ABOVE SPACE FOR OFFICE USE ONLY

**Articles of Organization**

filed pursuant to §7-90-301, et seq. and §7-80-204 of the Colorado Revised Statutes (C.R.S)

1. Entity name:

**NuEnerGen, LLC**

*(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "llc", "llc.", or "ltd." §7-90-601, C.R.S.)*

2. Use of Restricted Words (if any of these terms are contained in an entity name, true name of an entity, trade name or trademark stated in this document, mark the applicable box):

- "bank" or "trust" or any derivative thereof
- "credit union"       "savings and loan"
- "insurance", "casualty", "mutual", or "surety"

3. Principal office street address:

8000 E. Maplewood Avenue  
(Street name and number)  
 Suite 125  
 Greenwood Village CO 80111  
(City) (State) (Postal/Zip Code)  
 United States  
(Province - if applicable) (Country - if not US)

4. Principal office mailing address (if different from above):

(Street name and number or Post Office Box information)  
 \_\_\_\_\_  
(City) (State) (Postal/Zip Code)  
(Province - if applicable) (Country - if not US)

5. Registered agent name (if an individual):

Hamilton Alexander V. III  
(Last) (First) (Middle) (Suffix)

OR (if a business organization): \_\_\_\_\_

6. The person identified above as registered agent has consented to being so appointed.

7. Registered agent street address:

8000 E. Maplewood Avenue  
(Street name and number)  
 Suite 125  
 Greenwood Village CO 80111  
(City) (State) (Postal/Zip Code)

8. Registered agent mailing address  
(if different from above):

\_\_\_\_\_  
*(Street name and number or Post Office Box information)*

\_\_\_\_\_  
 \_\_\_\_\_  
*(City) (State) (Postal/Zip Code)*

\_\_\_\_\_  
 \_\_\_\_\_  
*(Province - if applicable) (Country - if not US)*

9. Name(s) and mailing address(es)  
of person(s) forming the limited  
liability company:

(if an individual) Hamilton Alexander V. III  
*(Last) (First) (Middle) (Suffix)*

OR (if a business organization)

8000 E. Maplewood Avenue  
Suite 125 *(Street name and number or Post Office Box information)*

Greenwood Village CO 80111  
*(City) (State) (Postal/Zip Code)*

United States  
*(Province - if applicable) (Country - if not US)*

(if an individual) \_\_\_\_\_  
*(Last) (First) (Middle) (Suffix)*

OR (if a business organization)

\_\_\_\_\_  
*(Street name and number or Post Office Box information)*

\_\_\_\_\_  
 \_\_\_\_\_  
*(City) (State) (Postal/Zip Code)*

United States  
*(Province - if applicable) (Country - if not US)*

(if an individual) \_\_\_\_\_  
*(Last) (First) (Middle) (Suffix)*

OR (if a business organization)

\_\_\_\_\_  
*(Street name and number or Post Office Box information)*

\_\_\_\_\_  
 \_\_\_\_\_  
*(City) (State) (Postal/Zip Code)*

United States  
*(Province - if applicable) (Country - if not US)*

*(If more than three persons are forming the limited liability company, mark this box  and include an attachment stating the true names and mailing addresses of all additional persons forming the limited liability company)*

10. The management of the limited liability company is vested in managers   
OR is vested in the members

11. There is at least one member of the limited liability company.

12. (Optional) Delayed effective date: \_\_\_\_\_  
(mm/dd/yyyy)

13. Additional information may be included pursuant to other organic statutes such as title 12, C.R.S. If applicable, mark this box  and include an attachment stating the additional information.

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

14. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

Hamilton	Alexander	V.	III
(Last)	(First)	(Middle)	(Suffix)
Kissinger & Fellman, P.C.			
(Street name and number or Post Office Box information)			
3773 Cherry Creek N. Dr., #900			
Denver	CO	80209	
(City)	(State)	(Postal/Zip Code)	
	United States		
(Province - if applicable)	(Country - if not US)		

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box  and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

## **NOTICE:**

*This "image" is merely a display of information that was filed electronically. It is not an image that was created by optically scanning a paper document.*

*No such paper document was filed. Consequently, no copy of a paper document is available regarding this document.*

*Questions? Contact the Business Division. For contact information, please visit the Secretary of State's web site.*

Click the following links to view attachments

Attachment 1  
Articles of Organization

**ARTICLES OF ORGANIZATION**  
**FOR A COLORADO LIMITED LIABILITY COMPANY**  
**NUENERGEN, LLC**

I, Alexander V. Hamilton III, being at least eighteen (18) years of age, hereby form a limited liability company under and by virtue of the Colorado Limited Liability Company Act, as amended.

**ARTICLE ONE**

**NAME**

The name of the limited liability company (which is hereafter referred to as the "Company") is NuEnerGen, LLC.

**ARTICLE TWO**

**PRINCIPAL PLACE OF BUSINESS**

The principal place of business of the Company is 8000 E. Maplewood Avenue, Suite 125, Greenwood Village, Colorado 80111.

**ARTICLE THREE**

**REGISTERED OFFICE AND AGENT**

The street address of the Company's initial registered office is 8000 E. Maplewood Avenue, Suite 125, Greenwood Village, Colorado 80111. The name of the Corporation's initial Registered Agent at that office is Alexander V. Hamilton III, and the consent of the Registered Agent is designated by the signature of the initial Registered Agent on these Articles of Organization.

**ARTICLE FOUR**

**MANAGERS**

Management of the Company shall be vested in managers rather than members. The Company shall have one or more managers. The names and business addresses of the initial manager or managers until their earlier death, resignation or removal are as follows:

<u>Name</u>	<u>Address</u>
Alexander V. Hamilton III	8000 E. Maplewood Avenue, Suite 125 Greenwood Village, Colorado 80111
Kevin A. Hamilton	8000 E. Maplewood Avenue, Suite 125

Greenwood Village, Colorado 80111

**ARTICLE FIVE**

**PURPOSES**

The purpose for which this Company is formed is to engage in any lawful business, subject to any provisions of law governing or regulating such business within this state.

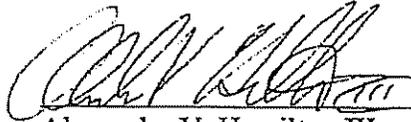
**ARTICLE SIX**

**DURATION**

This Company shall have perpetual existence.

**CONSENT OF REGISTERED AGENT**

The undersigned consents to the appointment as the initial registered agent of NuEnerGen, LLC.



Alexander V. Hamilton III

The (a) name or names, and (b) mailing address or addresses, of any one or more of the individuals who cause this document to be delivered for filing, and to whom the Secretary of State may deliver notice if filing of this document is refused are: Alexander V. Hamilton III, c/o Kissinger & Fellman, P.C., 3773 Cherry Creek North Drive, Suite 900, Denver, Colorado 80209.

**Item 2.b.**

**Initial Business Filing Approval**

## Anthony Nole

---

**From:** Michael Herz  
**Sent:** Tuesday, November 21, 2023 2:27 PM  
**To:** Anthony Nole; Sudhir Sarma  
**Subject:** FW: Department of State Business Filing System - Business Filing Approved

FYI



---

**Michael B. Herz, CPA, MBA**

Chief Financial Officer

**Phone:** 866-977-0901 x 816

**Cell:** 203-731-1577

**Fax:** 914-358-1102

**Email:** mherz@nuenergy.com

10 Bank Street, Suite 600  
White Plains, NY 10606

[www.nuenergy.com](http://www.nuenergy.com)

---

**From:** no\_reply@pa.gov <no\_reply@pa.gov>  
**Sent:** Tuesday, November 21, 2023 10:13 AM  
**To:** Michael Herz <mherz@nuenergy.com>  
**Subject:** Department of State Business Filing System - Business Filing Approved

[ External Email ]

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## Initial Business Filing Approval

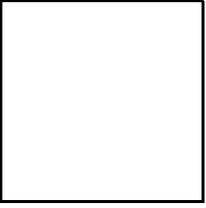
11/21/2023

**Entity / Record Name:** NuEnergy, LLC  
**Entity / Record Type:** Foreign Limited Liability Company  
**Entity / Record ID.:** 0013650110  
**Document Type:** Foreign Registration Statement  
**Document ID:** 0013650110  
**File Date:** 11/17/2023

Congratulations! The above referenced document has been accepted for filing by the Department of State, Bureau of Corporations and Charitable Organizations. To access the filed documents, go to [file.dos.pa.gov](http://file.dos.pa.gov). The documents can be found in the "My Work Queue" section and will remain available for 60 days.

For further assistance, contact us at [888-659-9962](tel:888-659-9962)/ [717-787-1057](tel:717-787-1057) or visit <https://file.dos.pa.gov/>.

[Tell us how we did.](#)



Thank you for using the Pennsylvania Department of State Business Filing System for online filings, searches, business records, and additional resources.

***Important:*** Do not reply to this message. Replies will be routed to an unmonitored email box.

**Item 7.b. (1)**

**NuEnergen Corporate Organizational Chart**

**NUENERGEN CORPORATE ORGANIZATIONAL CHART  
AS OF MAY 31, 2023**

