

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of NuEnergen, LLC, d/b/a NuEnergen, LLC, for approval to offer, render, furnish, or supply natural gas supply services as a(n) [as specified in item #4b below] to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

1. IDENTIFICATION AND CONTACT INFORMATION

- a. **IDENTITY OF THE APPLICANT:** Provide name (including any d/b/a fictitious name), primary address, web address, and telephone number of Applicant:

NuEnergen, 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.

NuEnergen, 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

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 (NuEnergen, LLC) is not using an attorney.

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

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

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@nuenergy.com, auditing@nuenergy.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@nuenergy.com

2. BUSINESS ENTITY FILINGS AND REGISTRATION

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

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

Provide a copy of the Applicant's filing with Pennsylvania's Department of State Pursuant to 54 Pa. C.S. §311.

or

The Applicant will not be using a fictitious name.

b. BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:

(Select appropriate statement and provide supporting documentation. As well, understand that Domestic means being formed within Pennsylvania and foreign means being formed outside Pennsylvania.)

The Applicant is a sole proprietor.

- If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

or

The Applicant is a:

- domestic general partnership (*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)

- domestic limited liability partnership (15 Pa. C.S. §8201)
- foreign limited liability general partnership (15 Pa. C.S. §8211)
- foreign limited liability limited partnership (15 Pa. C.S. §8211)

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.
- Provide the state in which the business is organized/formed and provide a copy of the Applicant's charter documentation.
[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.

Nuenergen 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.

NuEnergen does not have any predecessors.

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.

- 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
 - 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:

- Supplier or Aggregator of natural gas services
- Municipal supplier of natural gas services
- Cooperative supplier of natural gas services
- Broker/Marketer engaged in the business of supplying natural gas services
 - 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.

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 Natural Gas Distribution Company for which the Applicant proposes to provide service.

- | | |
|---|---|
| <input type="checkbox"/> Columbia | <input type="checkbox"/> Philadelphia Gas Works |
| <input type="checkbox"/> National Fuel Gas | <input type="checkbox"/> UGI Utilities – Gas Division |
| <input type="checkbox"/> PECO | <input type="checkbox"/> Valley Energy |
| <input type="checkbox"/> Peoples Natural Gas Company - Peoples Natural Gas Division | |
| <input type="checkbox"/> Peoples Natural Gas Company - Peoples Gas Division | |
- 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.
1/1/2024 or as soon as 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.

NuEnergen has not been a defendant in such proceedings.

- b. **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.

NuEnergen does not have any proceedings to list.

- c. **SUMMARY:** If applicable; provide a statement as to the resolution or present status of any actions listed above. Additionally, provide details of any actions the applicant has undertaken that will prevent the items listed above from occurring if licensed in Pennsylvania.

NuEnergen 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:

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

**Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement**

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 – Peoples Natural Gas Division 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>Peoples Natural Gas Company LLC – Peoples Gas Division 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>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>UGI Utilities, Inc. – Gas Division Sherry Epler 1 UGI Drive Denver, PA 17517 PH: 610.796.3447 Email: sepler@ugi.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>

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.
- 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 statements (3-12 recent consecutive months), 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 NuEnergy 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.

NuEnergy'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 NuEnergy,
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 NuEnergy 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 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.

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.

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.
- NuEnergy 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 natural gas services in other states or jurisdictions. NuEnergy 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, all of which are either large commercial or institutional.
- 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, NuEnergen 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 NuEnergen team to get them fully onboarded.

- **Business plans for operations within the Commonwealth.**
NuEnergen'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.

- 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 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):

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.

NuEnergen'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

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.

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

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

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.
- 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.

12. NEWSPAPER PUBLICATIONS

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

All Applicants MUST include a Commission issued Docket Number in their publications. Docket Numbers are issued to new applicants when an application packet is submitted to the PUC's Secretary's Bureau. **Newspaper publications published without a Commission issued Docket No. will be rejected.** For more information, see 52 Pa. Code § 62.107.

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 - Peoples Natural Gas Division 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 to the Commission before the applicant is licensed.**

	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 – Peoples Natural Gas Division	X			X			X
Peoples Natural Gas – Peoples Gas Division				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)

13. SIGNATURE

Applicant: NuEnergex, LLC

By: Kevin Hamilton

Title: President & CEO, NuEnergex, LLC

13. SIGNATURE

Kevin A Hamilton

Applicant: NUENERGEN, LLC

By: Kevin Hamilton

Title: President & CEO, NuEnergen, LLC



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: NuEnergen, LLC

	Signature	
	Filing Fee (ONLY CERTIFIED CHECK OR MONEY ORDER)	
Applicant's Use	Application Affidavit	
	Operations Affidavit	
	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 _____ :

ss.

County of Westchester _____ :

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

[He/she is the President & CEO _____ (Office of Affiant) of NuEnergex, LLC _____ (Name of Applicant);]

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

That the Applicant herein NuEnergex, LLC _____ 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 NuEnergex, LLC _____ has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein NuEnergex, 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 NuEnergex, 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.



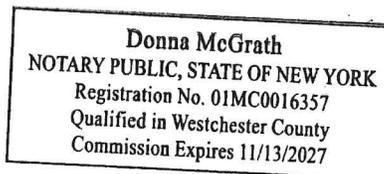
Signature of Affiant

Sworn and subscribed before me this 20th day of December, 20 23



Signature of official administering oath

My commission expires 11/13/2027 _____.

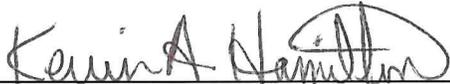


Appendix B (Continued)

That NuEnergen, LLC, 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 20th day of December, 2023.

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



Signature of official administering oath

My commission expires 11/13/2027.

Appendix C

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

CERTIFICATE OF SERVICE TEMPLATE

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 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 or a USB flash drive, upon the following:

Office of Consumer Advocate

5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17120

Office of the Small Business Advocate

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

**Pennsylvania Public Utility Commission
Bureau of Investigation & Enforcement**

Commonwealth Keystone Building
400 North Street, 2 West
Harrisburg, PA 17120

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

Peoples Natural Gas Company LLC - Peoples Natural Gas Division

Carol Scanlon
375 North Shore Drive
Pittsburgh, PA 15212
PH: 412.208.6931
e-mail: Carol.Scanlon@peoples-gas.com

Philadelphia Gas Works

Ryan Reeves, Director Supply Transportation & Control
800 West Montgomery Avenue
Philadelphia, PA 19122
PH: 215.787.5103
email: pgwchoicesupply@pgworks.com

Valley Energy Inc.

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

**Office of the Attorney General
Bureau of Consumer Protection**

Strawberry Square, 14th Floor
Harrisburg, PA 17120

**Department of Revenue
Bureau of Compliance**

PO Box 281230
Harrisburg, PA 17128-1230

Columbia Gas of PA, Inc.

Transport Support Services
290 W. Nationwide Blvd.
Columbus, OH 43215
PH: 614.460.4980
e-mail: transportevaluations@nisource.com

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

Peoples Natural Gas Company LLC - Peoples Gas Division

Carol Scanlon
375 North Shore Drive
Pittsburgh, PA 15212
PH: 412.208.6931
e-mail: Carol.Scanlon@peoples-gas.com

UGI Utilities, Inc. – Gas Division

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

Kevin Hamilton, President & CEO NuEnergy, 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.

Key Code: PA-10251947-77	Notice Date: 11/22/2023	PLEASE RESPOND BY: 12/06/2023
Business Address: 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	Identification: 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: PA Corporate Certificates 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 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.

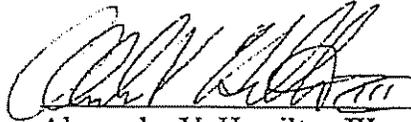
ARTICLE SIX

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

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]

Initial Business Filing Approval

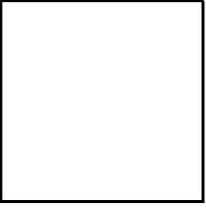
11/21/2023

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. 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**

