

Karen O. Moury
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October 3, 2024

Via Electronic Filing

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

Re: The Power Company USA, LLC Application for Approval of Electric Generation
Supplier License to Serve All Classes of Customers As a Broker In Pennsylvania
Docket No.-A-2024-

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the *public* version of the Application of The Power Company USA, LLC, for an electric generation supplier license. The confidential version of the Application is being filed today via overnight delivery to the PA Public Utility Commission. Please note the “original” documents required for this filing will be included in the overnight package. The public version is being served on the interested parties as required by the Application form. Payment of the filing fee was also made electronically.

If anything further is required, please let me know. Thank you for your attention to this matter.

Sincerely,

/s/ Karen O. Moury

Karen O. Moury

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of The Power Company USA, LLC's EGS Application upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via First Class Mail

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
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

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

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

Citizens Electric Company
Attn: EGS Coordination
1175 Industrial Boulevard
Lewisburg, PA 17837

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

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

PECO
Manager Energy Acquisition
PECO Energy Company
2301 Market Street
Philadelphia, PA 19103-8699

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

Met -Ed Penelec, and Penn Power
Legal Department
First Energy
2800 Pottsville Pike
Reading, PA 19612

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

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

UGI Utilities, Inc. - Gas Division
Attn: Rates Department- Choice Coordinator
1 UGI Drive
Denver, PA 17517

Date: October 3, 2024

Karen O. Moury
Karen O. Moury, Esq.

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of The Power Company USA, LLC, d/b/a _____, for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) electric generation supplier to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

1. IDENTIFICATION AND CONTACT INFORMATION

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

The Power Company USA, LLC
111 Congress Ave. STE 500, Austin, TX 78701
www.nextvoltenergy.com
(877) 473-7266

- 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.

Cogency Global Fax 800-253-5177
600 North 2nd Street
Harrisburg, PA 17101
866-621-3524
statrep@cocencyglobal.com

- 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.

Katie Widmar, Chief Administrative Officer
111 Congress Ave. STE 500, Austin, TX 78701
kwidmar@p1ec.com
563-542-7269

- 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.

Karen O. Moury 717.237.6036
Eckert Seamans kmoury@eckertseamans.com
213 Market Street Fax: 717.237.6019
8th Floor
Harrisburg, PA 17101

- 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.

Katie Widmar, Chief Administrative Officer
111 Congress Ave. STE 500, Austin, TX 78701
kwidmar@p1ec.com
563-542-7269

Cullen Hay, President
111 Congress Ave. STE 500, Austin, TX 78701
chay@p1ec.com
(832) 259-6224

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 DSCB: 54-311.

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. § 412 relating to Department of State filing requirements.

or

The Applicant is a:

- domestic general partnership (*)
- domestic limited partnership (15 Pa.C.S. § 8621)
- foreign general or limited partnership (15 Pa.C.S. §§ 411 and 412)
- domestic limited liability partnership (15 Pa.C.S. §§ 8201 and 8221)
- foreign limited liability general partnership (15 Pa.C.S. §§ 411 and 412)
- foreign limited liability limited partnership (15 Pa.C.S. §§ 411 and 412)

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.
- Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.
- Provide the state in which the business is organized/formed and provide a copy of the Applicant’s charter documentation.
- * If a corporate partner in the Applicant’s domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant’s Department of State filing pursuant to 15 Pa.C.S. §§ 411 and 412.

or

The Applicant is a:

- domestic corporation (15 Pa.C.S. § 1308)
- foreign corporation (15 Pa.C.S. §§ 411 and 412)
- domestic limited liability company (15 Pa.C.S. § 8821)
- foreign limited liability company (15 Pa.C.S. §§ 411 and 412)
- Other (Describe):

- Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

[See Exhibit 2a](#)

- Provide the state in which the business is incorporated/organized/formed and provide a copy of

[Applicant was originally organized as an Illinois LLC.](#)

Officers:
Richard Rathvon, Chief Executive Officer
William Cannon, Vice President Sales
David Draper, Chief Financial Officer
Katie Widmar, Chief Administrative Officer

Address:
111 Congress Ave. STE 500, Austin, TX 78701

3. AFFILIATES AND PREDECESSORS

(both in state and out of state)

a. **AFFILIATES:** Give name and address of any affiliates currently doing business and state whether the affiliates 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.

[See Exhibit 3a for information on applicant's affiliates. Neither applicant nor any of its affiliates are jurisdictional public utilities.](#)

b. **PREDECESSORS:** Identify any predecessors of the Applicant and provide the names under which the Applicant has operated, including address, web address, and telephone number, if applicable. If the Applicant does not have any predecessors that have done business, explicitly state so.

[Applicant has no predecessors.](#)

c. **RELATED DOCKET NUMBERS:** Provide the Docket Numbers for any previous Pennsylvania PUC licenses for the Applicant, all affiliates, and any predecessors. If the Applicant does not have any related Docket Numbers, explicitly state so.

[Docket Numbers for ResCom Energy LLC EGS license applications are listed below. The most recently filled application has not yet been assigned a docket number.](#)

[Docket No. A-2011-2220388](#)
[Docket No. A-2021-3023855](#)
[Docket No. A-2023-3043724](#)

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)*:

- 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.

Applicant proposes to offer services as an energy broker in order to facilitate energy supply agreements between customers and licensed electric generation suppliers.

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

- Citizens' Electric
- Duquesne Light
- Met-Ed
- PECO
- Penelec
- Penn Power

- Pike
- PPL
- UGI Utilities
- Wellsboro
- West Penn

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.

December 1, 2024 or upon approval of this Application.

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.

[See Exhibit 5](#)

- b. **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.

[See Exhibit 5](#)

- c. **SUMMARY:** Provide a statement as to the resolution or present status of any proceedings or 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.

[See Exhibit 5](#)

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 Sections 1.57, 1.58, and 54.32(d) of the Commission's Regulations, 52 Pa. Code §§ 1.57, 1.58, and 54.32(d), 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 Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101

- b. **EDCs:** Pursuant to Sections 1.57, 1.58, and 54.32(d) of the Commission’s Regulations, 52 Pa. Code §§ 1.57, 1.58, and 54.32(d), provide Proof of Service of the Application and attachments upon each Electric Distribution Company the Applicant proposes 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.

| | |
|---|---|
| <p>Citizens’ Electric Company: Citizens' Electric Company Attn: EGS Coordination 1775 Industrial Boulevard Lewisburg, PA 17837</p> | <p>Duquesne Light Company: Regulatory Affairs Duquesne Light Company 411 Seventh Street, MD 16-4 Pittsburgh, PA 15219</p> |
| <p>Met-Ed, Penelec, and Penn Power: Legal Department First Energy 2800 Pottsville Pike Reading PA, 19612</p> | <p>PECO: Manager Energy Acquisition PECO Energy Company 2301 Market Street Philadelphia, PA 19101-8699</p> |
| <p>Pike County Light & Power Company: Vice President – Energy Supply Coming Natural Gas Holding Corporation 330 West William Street Coming, NY 14830</p> | <p>PPL: Office of General Counsel Attn: Kimberly A. Klock PPL Two North Ninth Street (GENTW3) Allentown, PA 18101-1179</p> |
| <p>UGI: UGI Utilities, Inc. Attn: Rates Dept. – Choice Coordinator 1 UGI Drive Denver, PA 17517</p> | <p>Wellsboro Electric Company: Wellsboro Electric Company Attn: EGS Coordination 33 Austin Street P. O. Box 138 Wellsboro, PA 16901</p> |
| <p>West Penn Power: Legal Department West Penn Power d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601-1689</p> | |

7. FINANCIAL FITNESS

a. **FINANCIAL SECURITY:** In accordance with 66 Pa.C.S. § 2809(c)(1)(i) and 52 Pa. Code § 54.40(a), 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.

As Applicant will not be taking title to the electricity, an amount less than \$250,000 is justified. See Confidential Exhibit 7a for evidence of \$10,000 bond.

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, EGS suppliers should email pc-puc-tus-energy@pagov.onmicrosoft.com or call (717)783-5242 to determine the appropriate bonding amount based on a percentage of suppliers gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. Once the amount has been determined, suppliers 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 (preferred), 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.
[See Confidential Exhibit 7b](#)
- Published Applicant or parent company financial and credit information (i.e. 10Q or 10K) (SEC/EDGAR web addresses are sufficient)
[N/A](#)
- Applicant's accounting statements, including balance sheet and income statements for the past two years.
[See Confidential Exhibit 7b](#)
- 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.
[See Confidential Exhibit 7b](#)
- 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.
[See Confidential Exhibit 7b](#)
- Audited financial statements exhibiting accounts over a minimum two-year period.
[See Confidential Exhibit 7b](#)
- 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.
[See Confidential Exhibit 7b](#)

c. SUPPLIER FUNDING METHOD: If Applicant is operating as anything other than **Broker/Marketer only**, explain how Applicant will fund its operations. Provide all credit agreements, lines of credit, etc., and elaborate on how much is available on each item.

[N/A](#)

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

[Applicant will receive compensation from the suppliers that it facilitates agreements with. Such compensation will be reflected in the energy supply agreement price offered to the customer.](#)

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.

[Kurcias, Jaffe & Company LLP, Certified Public Accountants
1400 Old Country Road, Westbury, NY 11590
Tel. \(516\) 482-7777 Fax \(516\) 466-5836 info@kjandco.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.

8. TECHNICAL FITNESS:

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

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

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

[See Exhibit 8a](#)

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.

See Exhibit 8d

- 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.

See Exhibit 8e

- 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.

Not applicable as customers will receive disclosure statements from their selected EGS.

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. 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(b)(4).
- 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 of the Public Utility Code, 66 Pa.C.S. Chapt. 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. § 2809(D) and 52 Pa. Code § 54.41(a). 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. §§ 4902, 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 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 § 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.
- 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.

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 § 54.35.

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 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 |
|---------------------|-----------------|-------------------------|--|-------------------------|------------------------|--------------------------|----------------------------|
| 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: The Power Company USA, LLC

By: Katie Widmar

Title: Chief Administrative Officer



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: The Power Company USA, LLC

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

Applicant's Use

PUC Secretary's Bureau Use

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of Texas :

: ss.

County of Travis :

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

[He/she is the CEO (Office of Affiant) of The Power Company USA LLC (Name of Applicant);]

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

That the Applicant herein The Power Company USA 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) and 52 Pa. Code § 54.37.

That the Applicant herein The Power Company USA LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

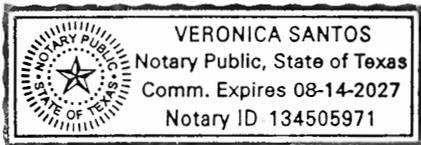
That the Applicant herein The Power Company USA LLC acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein The Power Company USA 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]
Signature of Affiant

Sworn and subscribed before me this 12 day of September, 2021.



[Signature]
Signature of official administering oath

My commission expires 8/14/2027.

Appendix B

OPERATIONS AFFIDAVIT

[Commonwealth/State] of Texas :

ss.

County of Texas :

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

[He/she is the CEO (Office of Affiant) of The Power Company USA LLC (Name of Applicant);]

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

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

That The Power Company USA 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 The Power Company USA 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 Code of 1971, 72 P.S. §§ 7101 et seq., 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 The Power Company USA 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.

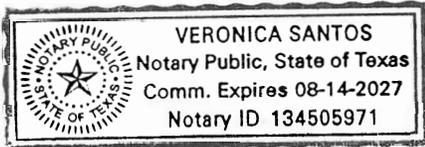
That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the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

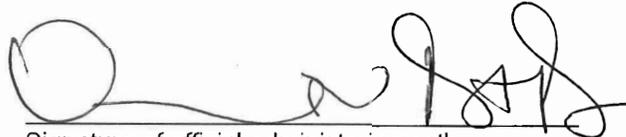
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.



Signature of Affiant

Sworn and subscribed before me this 12 day of September, 2007.





Signature of official administering oath

My commission expires 8/14/2007.

Appendix C

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

Example CERTIFICATE OF SERVICE

On this the 2nd day of October 2024, 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 or a USB flash drive, 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

Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
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

John Doe, President ABC Corp.

Exhibit 2a

Pennsylvania Department of State
Bureau of Corporations and Charitable Organizations
PO Box 8722 | Harrisburg, PA 17105-8722
T: 717-787-1057
dos.pa.gov/BusinessCharities

Regarding: The Power Company USA, LLC
Request Type: Certificate of Registration
Request No.: 041936630
Receipt No.: 1197109
Filing Type: Foreign Limited Liability Company
Filing Subtype: Limited Liability Company
Initial Filing Date: October 27, 2014
Status: Active

Issuance Date: August 30, 2024
File No: 0004309884

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

I DO HEREBY CERTIFY THAT

The Power Company USA, LLC

is a foreign association duly registered to do business in this Commonwealth as of the issuance date herein.

I DO FURTHER CERTIFY THAT this Certificate of Registration shall not imply that all fees, taxes and penalties owed to the Commonwealth of Pennsylvania are paid.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed, the day and year above written.

A handwritten signature in cursive script, appearing to read "Albert Schmidt".

Albert Schmidt
Secretary of the Commonwealth

Verify this certificate online at www.file.dos.pa.gov

Form **LLC-5.5**

Illinois
**Limited Liability Company Act
Articles of Organization**

FILE # 03412504

Secretary of State Jesse White
Department of Business Services
Limited Liability Division
www.cyberdriveillinois.com

Filing Fee: \$500
Expedited Fee: \$100
Approved By: PMM

FILED
NOV 29 2010
Jesse White
Secretary of State

1. Limited Liability Company Name: THE POWER COMPANY USA, LLC

2. Address of Principal Place of Business where records of the company will be kept:
3221 NORTH SOUTHPORT, #2

CHICAGO, IL 60657

3. Articles of Organization effective on the filing date.

4. Registered Agent's Name and Registered Office Address:

CHERYL ARTS
3221 N SOUTHPORT AVE
CHICAGO, IL 60657-3203

COOK

5. Purpose for which the Limited Liability Company is organized:

"The transaction of any or all lawful business for which Limited Liability Companies may be organized under this Act."

6. The LLC is to have perpetual existence.

7. The Limited Liability Company is managed by the manager(s).

ARTS, CHERYL A
3221 NORTH SOUTHPORT, #2, CHICAGO, IL 60657

8. Name and Address of Organizer

I affirm, under penalties of perjury, having authority to sign hereto, that these Articles of Organization are to the best of my knowledge and belief, true, correct and complete.

Dated: NOVEMBER 29, 2010

CHERYL A ARTS
3221 NORTH SOUTHPORT, #2
CHICAGO, IL 60657

Exhibit 3a

Exhibit 3a

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.

Applicant is a subsidiary of The Power 1 Energy Company ("P1EC"). Applicant's affiliates include the following:

- ResCom Energy LLC, dba NextVolt Energy, a retail electricity supplier operating in various jurisdictions.
- NextVolt Energy TX LLC, an entity in the process of seeking authority to operate as a retail electricity provider in Texas.

Neither Applicant, its parent, nor any of its affiliates fall under the category of a jurisdictional public utility in Pennsylvania. The physical address for all of these companies is: 111 Congress Ave. STE 500, Austin, TX 78701. ResCom Energy LLC has a pending EGS license application that was recently filed with the Pennsylvania Public Utility Commission.

Exhibit 5

Exhibit 5

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.

Company Response:

On August 8, 2024 Alexander Reents filed a class action complaint against Applicant's affiliate, ResCom Energy LLC in U.S. District Court for the Northern District of Illinois alleging violations of the Telephone Consumer Protection Act. This matter is pending. ResCom Energy intends to vigorously defend itself against this complaint which it considers to be unfounded and without merit. Mr. Reents is a known serial litigator.

On January 27, 2023, Applicant (The Power Company USA, LLC) was named as a codefendant in a complaint filed in Allegheny County Common Pleas Court in Pennsylvania alleging violations of the Telephone Consumer Protection Act. The matter is: Steward M. Abrahamson vs. Titan Gas, LLC dba CleanSky Energy, The Power Company USA, LLC, Civil Division Arbitration Docket No. AR-23-000284. The Power Company intends to vigorously defend itself against this complaint which it considers to be unfounded and without merit. Mr. Abramson is a known serial litigator.

There are no further criminal or civil proceedings involving applicant or its affiliates in the last five years.

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.

Company Response:

On December 19, 2019, the Pennsylvania Public Utility Commission adopted a Final Order that found ResCom Energy to be out-of compliance with 52 Pa. Code §54.40(a) and (d). The Final Order required that all the Electric Distribution Companies (EDC) in which ResCom Energy was actively serving customers to transfer RESCOM ENERGY's customers to default service or another supplier of the customers' choosing. On January 3, 2020, and January 6, 2020, Duquesne Light Company and PECO Energy Company, respectively, provided notice to the Commission that the customer transfers were completed.

On October 7, 2021, Illinois Commerce Commission issued a charging document regarding failure to file certain compliance filings. ResCom Energy did not become aware of this matter until March of 2022. ResCom Energy worked with its external counsel, Feller Law Group, and the Illinois Commerce Commission to file all outstanding compliance reports and settle the matter. Due to management changes, ResCom Energy was not aware of the initial filing.

Exhibit 5

Although not within the specified five year window, Applicant also notes that its affiliate, ResCom Energy LLC was the subject of an investigation initiated by the Pennsylvania Public Utilities Commission, Bureau of Investigation and Enforcement in 2012 involving allegations of slamming and unauthorized marketing practices. This matter was resolved through a settlement agreement approved by the Commission. See, Opinion and Order entered on November 13, 2014 at Docket No. M-2013-2320112. Further information on the settlement terms and ResCom Energy's satisfaction of the settlement commitments is included herein.

SUMMARY: Provide a statement as to the resolution or present status of any proceedings or 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.

Company Response:

Further Information:

1. On December 19, 2019, the Pennsylvania Public Utility Commission issued an Order, at Docket No. M-2019-3006865, that cancelled ResCom Energy's ("ResCom") Pennsylvania EGS supplier license without prejudice, due to ResCom Energy's failure to provide a bond or other approved security in the amount required by the Commission. A copy of the order is attached.
2. On August 5, 2021, at Docket No. A-2021-3023855 the Pennsylvania Public Utility Commission denied an application filed by ResCom Energy seeking to again become a licensed EGS Supplier in Pennsylvania. The Commission's order cited insufficient sufficient financial documentation to demonstrate adequate financial fitness to be licensed as an EGS Supplier. A copy of the order is attached.
3. On February 22, 2024, at Docket No. A-2023-3043724 denied an application filed by ResCom Energy seeking to again become a licensed EGS Supplier in Pennsylvania. The Commission's order cited insufficient sufficient financial documentation to demonstrate adequate financial fitness to be licensed as an EGS Supplier. A copy of the order is attached.
4. ResCom Energy previously held a New Jersey third party supplier (ESL-0180) which expired on October 30, 2017 due to the company's failure to file a license renewal application. The company became aware of its license status in January 2022 after conducting an internal review of its licenses and regulatory compliance matters. At the time of this discovery in 2022, ResCom Energy did not serve customers and was not actively marketing in New Jersey. ResCom Energy took no action at that time because it did not have immediate plans to re-enter the New Jersey market. ResCom has recently filed a new application in order to re-establish its New Jersey license.

Recent Developments:

ResCom Energy has recently undergone a significant internal restructuring to position itself as a mature, well-resourced and responsible organization. ResCom Energy is fully committed to compliance with all applicable laws and regulations and believes that its recent company transformation efforts will prevent the types of compliance oversights noted above. The company would like to note the following significant changes that have recently occurred.

**ResCom Energy PA PUC Enforcement Proceeding
Summary of Settlement Terms (Docket M-2013-2320112)**

| Settlement Term | Reference | Current Status |
|--|------------------------------------|--|
| 1. Payment of \$59,000 civil settlement amount. | Settlement Paragraph 33 a. (p. 11) | Fully satisfied. Payment made by check on 11/18/2014. |
| 2. Better ResCom identification and telemarketing script improvements | Settlement Paragraph 33 b. (p.11) | <p>ResCom Energy implemented the required changes to its marketing materials in August 2012. As of August 2024, ResCom Energy, now doing business as NextVolt Energy has adopted entirely new marketing materials. These materials conform to the terms of the 2014 settlement. Specifically, the scripts:</p> <ul style="list-style-type: none"> (i) Clearly confirm that the customer is the authorized party on the account (ii) Clearly identify the company as ResCom Energy, doing business as NextVolt Energy (iii) Confirm that the customer understands that ResCom Energy, dba NextVolt Energy is not affiliated with the local EDC |
| <p>3. Call IDs and Extended Customer Service Hours</p> <ul style="list-style-type: none"> • Use a unique set of 100 caller ID numbers issued to call centers • Direct incoming calls to any of these numbers to ResCom Energy’s inbound customer service center • Implement customer service operating hours until 9 p.m. on weekdays | Settlement Paragraph 33 b. (p.12) | <p>ResCom Energy implemented the required changes in 2014. Current practices are as follows:</p> <ul style="list-style-type: none"> • All customer care numbers are currently unique and display caller ID as NextVolt Energy (previously ResCom Energy). If a customer were to dial any of those numbers, they would reach out customer care center during our standard operating hours, or if after-hours, weekends, or holidays, they would reach our answering service. • Our customer service operating hours are currently 9 am to 7 pm CST, Monday through Friday. After-hours calls and those that come in on weekends or holidays are directed to an answering service who will take a message from the customer. These calls will be returned by our customer care |

Exhibit 5

| | | |
|--|------------------------------------|--|
| | | agents during regular business hours. |
| <p>4. Do not call lists</p> <ul style="list-style-type: none"> • ResCom Energy to distribute to all of its call centers federal, Pennsylvania and internal Do Not Call lists on a weekly basis and require that all call centers scrub their calling lists accordingly | Settlement Paragraph 33 b. (p.12) | ResCom Energy fully complied with this requirement in 2014. ResCom Energy’s current practice is to maintain frequent updates to federal (every 28 days), Pennsylvania (every 28 days), and internal (weekly) do not call lists. Calling data is scrubbed and transmitted to call centers for use. Call centers are only permitted to contact numbers on these lists which have been fully scrubbed of any numbers appearing on do not call lists. |
| <p>5. Additional training resources</p> <ul style="list-style-type: none"> • Hire full time field trainer/inspector to train agents and personally certify each field agent that sells face to face for ResCom Energy. • Increase shadowing requirement for new field agents from 7 days to 14 days. | Settlement Paragraph 33 b. (p. 12) | These settlement provisions were fully implemented in August 2014. Currently, as of August 2024 these terms are no longer applicable because ResCom Energy, dba NextVolt Energy will not engage in door to door marketing. |
| <p>6. Phone Line Upgrade</p> <ul style="list-style-type: none"> • Upgrade to new phone line carrier for internal customer service center to prevent outages and reduce customer wait time. | Settlement paragraph 33 b. (p. 13) | ResCom Energy fully implemented the phone line upgrade in June 2024. Currently, all calls are accepted into a queue based on language preference and are allowed to hold in that queue for up to 10 minutes, at which time, they are transferred to our answering service in order to leave a message with an agent and will be called back when the next customer care agent is available. These new processes were put in place in an effort to enhance the customer experience and allow for a customer to reach a live person, regardless of call volume, to properly disposition and escalate calls as necessary. |
| <p>7. ResCom Energy shall comply with all applicable Commission regulations and will provide Commission BCS staff with all marketing materials for</p> | Settlement paragraph 33 b. (p. 13) | ResCom Energy fully complied with this term of the settlement. ResCom Energy, dba NextVolt Energy agrees to continue to provide any marketing materials to BCS staff upon request. |

Exhibit 5

| | | |
|--|---|---|
| <p>review upon request of Staff</p> | | |
| <p>8. ResCom Energy will provide Commission BCS staff with written notice of any change to company practices and procedures related to marketing to Pennsylvania customers for a period of 1 year.</p> | <p>Settlement paragraph 33 b. (p. 13)</p> | <p>ResCom Energy fully complied with this term of the settlement.</p> |
| <p>9. ResCom Energy will file with the Commission a quarterly report on customer complaints for 1 year.</p> | <p>Settlement paragraph 33 b. (p. 13)</p> | <p>ResCom Energy complied with this term of the settlement. No further reports were filed as ResCom Energy assigned all of its customers to another EGS in October, 2014 and had no further marketing activity or customer complaint information to report.</p> |
| <p>10. ResCom Energy shall include it is fourth and final quarterly report information describing compliance with the Public Utility Code, Commission Orders and Regulations and the conditions set forth in this Settlement Agreement.</p> | <p>Settlement paragraph 33 b. (p. 13)</p> | <p>The final report was filed in January 2015.</p> |
| <p>11. ResCom Energy will confirm its single point of contact for Commission BCS staff for resolution of customer complaints and will respond to all Pennsylvania consumer inquiries and complaints in accordance with BCS requirements, including providing to BCS staff a copy of the customer contract and any audio recordings of the sales call and verification call. This requirement will remain in effect for 1 year.</p> | | <p>ResCom Energy complied with this term of the settlement. Going forward, ResCom Energy, dba NextVolt Energy agrees to keep its single point of contact information updated and will provide the same information to BCS staff in response to any customer complaints.</p> |

Confidential
Exhibit 7a

Confidential
Exhibit 7b

Exhibit 8a

Exhibit 8a

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

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

Company Response:

The Power Company USA, LLC ("The Power Company) is an energy broker facilitating energy supply agreements between customers and suppliers. The Power Company was formed in 2010 as an Illinois limited liability company. The Power Company holds registrations or licenses to conduct business as an energy broker in the following states:

- Illinois (Docket P2011-0665)
- Ohio (14-1820-EL-AGG; 23-0177-GA-AGG)
- Texas (Broker Registration# BR190423)
- New York (pending application)
- Pennsylvania (pending application)

Further information is available at: <https://thepowercompany.com/about/>

Confidential

Exhibit 8d

Exhibit 8e

WILLIAM D. CANNON JR.

PEAK PERFORMING, SELF-MOTIVATED SALES MENTOR
ACCOMPLISHING MILESTONES BY CREATING AN ENVIRONMENT OF
AWARENESS RESULTING IN COHESIVE TEAMS AND PROFITS.

2023 - 2024 APPI Energy, A Division of Environ

Senior Energy Consultant

- Expanded Electricity and Natural Gas Footprint into the Northeast
- Developed a Revenue Stream of New Business Sales
- Contributed \$500,000 in annual New Business Revenue in 3 Months
- Won Coveted Year End Sales Contest

2021 – 2022 Indra Energy Brooklyn, NY

Director of Commercial Sales

- Developed Commercial Sales Division for procurement and renewable energy.
- Utilized several software platforms to build sales momentum and revenue growth.
- Over \$1,000,000 in annual direct and indirect sales revenue in just 12 months.
- Stimulated similar revenue results across established sales team.

2020 – 2021 Approved Energy, LLC Stamford, CT

Director of Sales and Strategy

- Develop market representation and ALL broker relationships.
- Introduce and perform all direct sales and deal flow process.
- Secured \$800,000 in annual electricity revenue in first 8 months.
- Grew existing natural gas business by \$200,000 annual revenue in 12 months.

2018 - 2020 Choice! Energy Management New York, NY

Consultant

- Rebuild and regain prominent footprint in the Northeast. Rapidly rebuild revenue streams and enforce Regional and National Account growth.

2015 – 2017 Legend Energy Advisors New York, NY – Established 100% Energy Procurement Footprint.

2010 – 2014 Choice! Energy Services New York, NY

Senior Vice President, Power, and Natural Gas Markets

- Brought on to expand sales efforts outside of Houston, TX including continental US and Europe.
- Immediately incorporated Choice Environmental into value proposition resulting in sustainability milestones for several premier properties in and outside of NYC.
- Established CES as one of the top 3 energy advisory firms in the northeast in only 7 months.

- Have served on the board of TEPA, several BOMA sustainability committees and have consulted with 600,000,000 square feet of properties referred to me by Cushman & Wakefield securing them 100% green energy, Energy Star Certification and LEEDS Certification

2007 – 2010 Tradition Energy Stamford CT

Director Commercial & Industrial Sales

- Established a unique value proposition, marketing plan and sales presence for a one-of-a-kind energy brokerage firm.
- Built a desk managing over 20 energy supply companies and 10 salespeople in New York, New Jersey, and CT
- Exceeded all sales objectives making Tradition Energy one of the top brokerage firms in the northeast in only 5 months.
- In my third year, after doubling revenues year after year, Tradition is firmly established as the largest energy **advisory** firm in the world with offices in 7 of The United States and an office now located in London, England.
- Responsible for moving firm away from Small/Medium C&I and into National and Global sales resulting in first sales in Scotland, England, Germany, and a Fortune 500 footprint across the USA.

2004 – 2007 Constellation New Energy NYC

Director of Business Development

- Established and executed direct/indirect sales channels to achieve 2005 sales goals in New York /New Jersey; initiating goals and benchmarks for 2006 success.
- Team target achieved first time ever for January /February 2006 goals.
- Increased sales revenues by \$10,000,000 year after year in new business sales alone.

Lehigh University Bethlehem, Pennsylvania

Bachelor of Arts

- Major in International Business
- Minor in Marketing and Architecture

35 Cedar Gate Road

Darien, CT 06820

203-858-8392

williamdcannon@yahoo.com

David L. Draper
3424 Wickersham Lane, Houston, Texas 77401
(713) 667-5292

Onpoint Energy Holdings LLC – Houston, TX 2022- Present

Vice President – Finance

- Responsible for all aspects of finance, accounting and energy operations for the creation and ongoing operations of a ERCOT based retail energy provider from initial private equity sourced funding to launch and current ongoing management.

Diamond Energy Retail (Mitsubishi / Diamond Generating Corp) – Houston, TX 2021- 2022

Vice President – Operations

- Responsible for planning the energy operations for the launch of an ERCOT based retail energy company.

Direct Energy – Houston, TX 2006-2021

Senior Director –Operations – Home Protection, 2019-2021

- Responsible for the operations of North American Home Protection business unit including a \$20M+ budget, supervision of various teams of 100+ people, and contact centers for Home Warranty of America, Direct Energy Protection Plans and American Water Heater Rentals

Senior Director –Direct Sales and Sales Operations – Direct Energy Residential, 2015-2019

- Responsible for the support of North American sales activities including supervision of a team of over 60 people including the teams related to door-to-door sales, retail sales, sales quality, sales technology, and sales support for 600k+ residential sales annually in ERCOT/PJM/NEPOOL

Commercial Director –Texas –Direct Energy Residential, 2014-2015

- Lead the profit/loss and commercial management of the Texas residential portfolio including products, pricing, and customer retention initiatives.

Commercial Director / Controller –Direct Energy Business, 2007 – 2014

- Responsible for the commercial management of the small business segment within DEB which included cost to acquire and cost to serve analytics, pricing, and portfolio management. Initiated and designed the initial segregation and segmentation of the small business segment within the Direct Energy financial and risk management systems. Managed the overall operations and sales of the Small Business segment working with commercial sales channels including brokers and inbound/outbound sales channels.
- Responsible for the financial reporting and accounting for the commercial and industrial retail gas and power commodities business. Assisted in the acquisition/integration of Strategic Energy into Direct Energy Business LLC including the migration of Strategic Energy to SAP. Evaluated, valued, and supported the mergers and acquisitions of various energy companies including Hess, Gateway Energy Services and First Choice Power.

Enron Energy Services, 1998 - 2006

Commercial Director – Settlements/Litigation, EES Commercial

- Negotiated settlements for multi-million-dollar commodity and service-related agreements for the resolution of the bankruptcy. Presented proposed settlements to management and bankruptcy approval committees for approval.

Risk Analysis Director; Operational Accounting Manager

- Supervised teams to provide primary risk support for the gas trading desk, and the Gas and Power Options desks. Supervised the distribution of the gas daily position report which communicates daily profit and loss, open volumetric position, and VAR.

Tripetrol Oil Trading Inc.

Controller

- Managed the financing and monthly purchase and sale of approximately 3,000,000 to 6,000,000 wet barrels of South American crude oil and their related hedges using documentary letters of credit. Produced management and financial reports including profit/loss analysis of the physical vs. hedge positions and the financial statements of the corporate group.

Deloitte and Touche

Senior Accountant/Staff Accountant - Audit

- Supervised staffs of accounting professionals to complete annual audits of various companies and produce final audited financial statements.

Education / Certifications:

Master of Business Administration - Finance, University of Houston

Bachelor of Business Administration in Accounting, Texas A&M University

Certified Public Accountant – Texas, Chartered Financial Analyst

Richard D. Rathvon

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CAREER SUMMARY

Results oriented leader with expertise in developing and operating businesses for start-up and established companies. Demonstrated track record of building high performance teams that drive profitable revenue growth by generating new business lines and customer relationships. Collaborative, passionate leader who operates with a sense of urgency and motivates teams with a shared vision.

PROFESSIONAL EXPERIENCE

Power 1 Energy Company, May 1, 2024 to present

Retained corporate advisor and subsequently Chief Executive Officer

Recruited to lead and grow this competitive energy provider serving residential and commercial customers in the US through the supply of electricity and provision of energy broker / consulting services. Responsible for positioning and growing this company through geographic expansion, increased market segments, greater product diversity. Also engaged in establishing broad risk management processes and initiating scalable front-to-back operating systems.

RATHVON CONSULTING, LLC, Colts Neck, NJ, January 2019 – February 2021; May 2023 to present

Managing Director

Formed a consulting practice engaged in advising clients on a broad range of competitive energy issues involving: business formation; startup and positioning; competitive wholesale and retail markets; demand resource and energy management; renewable energy and storage; grid and micro-grid improvements; resiliency; and sustainability planning and initiatives.

DIAMOND ENERGY (subsidiary of Diamond Generating Corporation and Mitsubishi Corporation), January 2019 – February 2021; March 2021 – April 2023

Retained consultant and subsequently Chief Executive Officer

Developed the strategy, business scope and launch of this consumer-facing energy business for DGC focused on commercial and residential customers in the Mid-Atlantic states and Texas. Led all phases of business formation, start-up and segment positioning, including formation and licensing of various business entities, establishing front-to-back operating and billing systems, and hiring key leaders and staff. Also, proved out a sustainability solutions business for MC's North American subsidiaries that involved renewable energy projects, energy procurement services, resiliency and energy reduction services/projects.

SOURCE POWER & GAS LLC (subsidiary of ERM Power LLC), Sugar Land, TX, June 2018 – December 2018

Executive Vice President, Sales and Operations

Recruited to join the senior management team and lead sales and operations for this retail electricity business focused on commercial and industrial customers acquired primarily through channel relationships.

CONSTELLATION (subsidiary of Exelon Corporation), Valhalla, NY, September 2016 – December 2017

Vice President and General Manager

After Constellation's acquisition of ConEdison Solution's retail commodity business, was:

- Responsible for integrating ConEdison Solutions retail assets and personnel into Constellation, including retaining key staff and maintaining legacy business performance.
- Directly responsible for growing and managing the P&L for the retail energy business comprised of large and medium commercial businesses in the New York ISO annually generating over \$1.4B in revenues.

CONEDISON SOLUTIONS, INC. (subsidiary of ConEdison, Inc), Valhalla, NY, August 2012 – August 2016

Member, Senior Management Group

Member of management team of ConEdison Solutions, a company with three lines of business providing retail electric and gas commodity, energy efficiency, behind-the-meter renewables, demand response, and demand management services. Assisted in developing strategic direction, advising on execution, and reviewing management results for all lines of business.

Vice President

Recruited to join the senior management team and lead ConEdison Solutions retail commodity line of business with a team of 75 persons. Directly responsible for managing and growing this retail electric and gas commodity business serving large, medium and small commercial businesses as well as the mass market segment. Responsible for the P&L of this retail commodity business generating annually \$1.2B in revenues and gross profit of over \$100M.

LIBERTY POWER CORP., Fort Lauderdale, FL, February 2010 – July 2012

Senior Vice President

Recruited to join the senior management team and lead the sales and business development efforts for this retail electric business in all de-regulated markets across the U.S. Managed all direct and indirect C&I sales and sales support activities (excluding mass markets) involving 40 employees. Hired, developed and led a sales team that increased gross margin by over 95%.

UNITED SOLAR OVONIC (subsidiary of Energy Conversion Devices), Detroit, MI, March 2009 – February 2010

Vice President

Recruited by this manufacturer and distributor of thin-film solar products to lead commercial activities focused on utility and utility-scale solar opportunities in the US and Canada. Led all aspects of developing and shaping utility solar programs involving targeted end use customers, and solar projects with customers under utility and/or regulatory incentive mechanisms. Developed over 150 MWs of solar opportunities creating over \$450M in project value.

RELIANT RESOURCES, INC., various subsidiaries, Houston, TX and Edison, NJ, March 2002 – February 2009

Vice President and General Manager, Energy Marketing

Hired to lead Reliant's business unit focused on sales and marketing of complex energy-related transactions involving large commercial and industrial customers nationally. Promoted to lead a new growth strategy for the retail electric business by creating a new business focusing on the Mid-Atlantic, Mid-West and Northeast regions. Developed relationships with a broad range of nationally recognized commercial and industrial customers adding \$700M annually of profitable revenue growth with a new team of 29 employees.

Provided commercial direction in regulatory affairs related to promoting competitive markets, and represented the company and/or other retail supply companies in multiple state legislative, regulatory and policy-making proceedings.

ENRON CORPORATION, various subsidiaries, Houston, TX, 1998 – 2001

Senior Director, Business Origination and Energy Transactions

Recruited to build the transaction structuring and deal management team of 35 employees focused on developing, structuring and negotiating complex customized solutions to reduce energy costs for a broad range of commercial and manufacturing businesses. Promoted to lead the origination of complex energy-related, multi-year outsourcing transactions in industrial markets. Negotiated complex multi-year outsourcing transactions resulting in an expected \$4+B in term revenue, and developed relationships with a broad range of nationally known industrial customers, adding an additional \$2B of profitable revenue growth.

PUBLIC SERVICE ENTERPRISE GROUP and various affiliates, Newark, NJ, 1993 – 1998

General Counsel & Associate General Counsel of PSEG subsidiary, 1996 – 1998

Led transaction-oriented legal affairs of this non-regulated utility affiliate offering energy related services including gas and electricity supply, energy efficiency engineering/design, construction, consulting and financing services.

Vice President, Business Development and Operation of PSEG subsidiary, 1994 – 1996

Organized and led the operations, and successfully implemented project management, financing and accounting practices resulting in improved project control and timing. Subsequently asked to lead business development, generating \$700+M of term revenue involving multi-year energy outsourcing solutions for Fortune 500 and other customers.

General Counsel of PSEG subsidiary, 1993 – 1994

Managed the legal affairs of this utility affiliate, which involved structuring and negotiating legal, financial and commercial terms for project development and finance agreements, PPAs, engineering and construction activities, and trade channel relationships.

OTHER PROFESSIONAL ACTIVITIES

POWER 1 ENERGY COMPANY, 2023 - present

Board Member

Board member and member of the senior management team of this competitive energy retailer providing a broad range of energy services to residential, commercial and industrial customers..

BOSS CONTROLS, INC., 2020 - present

Corporate Business Advisor

Member of the senior management team of this technology and software driven sustainable solutions and grid services company. Responsible for leading the positioning and go-to-market strategy in the evolving energy industry, with a focus on enabling customers to manage power usage and connect with the grid and wholesale markets via a cyber-secure interface.

MELITE, LLC, formerly Enlighten Luminaires, dba LumaNEXT, 2018 – present

Managing Director

One of three managing directors for this technology and services company providing low/high voltage direct current systems involving energy efficient equipment, solar and battery technologies for larger commercial and industrial buildings.

EMIL FRIES ENDOWMENT FUND, COMMUNITY FOUNDATION OF SOUTHWEST WASHINGTON (formerly, School of Piano Technology for the Blind), 2017 – present

Board Member

One of three board members for this not-for-profit fund promoting the visually impaired in Washington State.

THE ENERGY PROFESSIONALS ASSOCIATION (TEPA), 2024 – present

Committee Member - Sustainability

One of the six members selected from the TEPA membership to participate in this committee devoted to this topically critical component of the energy transition.

RETAIL ENERGY SUPPLY ASSOCIATION, 2003 – 2008

President and Board Member

Led the restructuring and significant expansion of this leading industry trade association representing retail energy suppliers in state regulatory and legislative proceedings.

ENRON EMPLOYEE ISSUES RELATED COMMITTEE (appointed by the United States Bankruptcy Court), 2002 – 2011

Co-Chair

Initiator, organizer and co-chair of this official committee in the Enron bankruptcy proceedings representing all of the claims and interests of all employees, former employees and retirees. In addition to pursuing customary employee related claims, successfully: (i) negotiated up-front payments early in the bankruptcy process for constituents; and (ii) pursued and recovered preference and fraudulent conveyance claims amounting to nearly \$100M.

PROFESSIONAL AFFILIATIONS

American Bar Association and District of Columbia Bar Association

EDUCATION

University of Washington: Juris Doctor, Master of Public Policy studies and Bachelor of Science in Psychology