

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Electric Generation Services d/b/a U.S. Power Supply, LLC, for approval to offer, render, furnish, or supply electricity or electric generation 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 fictitious name or d/b/a), primary address, web address, and telephone number of Applicant:

U.S. Power Supply, LLC  
918 E Divide Ave. Bismarck, ND 58501  
www.uspowersupply.com  
913-236-6600

- 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.

Northwest Registered Agent, LLC  
502 W 7th St STE 100  
Erie, PA 16502 USA  
ph: 509-768-2249

- 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.

KJ Coghlan  
VP of Operations  
918 E Divide Ave  
Bismarck, ND 58501  
701-222-2290  
kcoghland@uspowersupply.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.

Sander Kopseng  
918 E Divide Ave  
Bismarck, ND 58501  
skopseng@unitedenergy.com  
701-255-7970

- 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.

Jonathan Gaspie  
Customer Service Rep  
Customerservice@uspowersupply.com  
774-832-8899  
39348 US Hwy 19 N  
Tarpon Spring, FL  
34689

Owen Orksiz  
Compliance Coordinator  
compliance@uspowersupply.com  
774-687-9619  
39348 US Hwy 19 N  
Tarpon Springs, FL  
34689

## 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.
- Provide the state in which the business is incorporated/organized/formed and provide a copy of the Applicant's charter documentation.
- Give name and address of officers.

James Bouldin CEO 39348 US Hwy 19 N Tarpon Springs, FL 34689	Mark Mortensen President 6405 Metcalf Ave Overland Park, KS 66206	Jared Dech COO 39348 US Hwy 19 N Tarpon Springs, FL 34689	KJ Coghlan VP of Operations 918 E Divide Ave Bismarck, ND 58501	John Cunningham Chief Data Officer 39348 US Hwy 19 N Tarpon Springs, FL 34689
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### 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.

None

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.

None

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.

None

## 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.      Retail electric supply

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

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

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

- Residential Customers
- Small Commercial Customers - (25 kW and Under)
- Large Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):
- Residential and Small Commercial Customers in a Mixed Meter Capacity -  
This customer class reflects situations in which a large commercial, industrial, and/or governmental customer account also contains features of residential and/or small commercial customers. In this instance, the residential and/or small commercial portion must be an incidental portion of the larger account. **This customer class alone does not allow marketing targeted directly to residential and/or small commercial customers.** Further information may be found in the Requirements Applicable to Mixed Meter Scenarios Secretarial Letter served March 25, 2011, at Docket No. M-2009-2082042.

f. **START DATE:** Provide the approximate date the Applicant proposes to actively market within the Commonwealth.      12/01/2025

## 5. COMPLIANCE

- a. **CRIMINAL/CIVIL PROCEEDINGS:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.

Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.

None

- b. **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.

None

- 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.

None

## 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><b>Citizens' Electric Company:</b>  Citizens' Electric Company  Attn: EGS Coordination  1775 Industrial Boulevard  Lewisburg, PA 17837</p>	<p><b>Duquesne Light Company:</b>  Duquesne Light Company  Regulatory Affairs  411 Seventh Street, MD 16-4  Pittsburgh, PA 15219</p>
<p><b>FirstEnergy Pennsylvania Electric Company:</b>  FirstEnergy Pennsylvania Electric Company  Legal Department  341 White Pond Drive  Akron, OH 44320</p>	<p><b>PECO:</b>  PECO Energy Company  Manager Energy Acquisition  2301 Market Street  Philadelphia, PA 19101-8699</p>
<p><b>Pike County Light &amp; Power Company:</b>  Corning Natural Gas Holding Corporation  Vice President – Energy Supply  330 West William Street  Corning, NY 14830</p>	<p><b>PPL:</b>  PPL  Office of General Counsel  Attn: Kimberly A. Klock  Two North Ninth Street (GENTW3)  Allentown, PA 18101-1179</p>
<p><b>UGI:</b>  UGI Utilities, Inc.  Attn: Rates Dept. – Choice Coordinator  1 UGI Drive  Denver, PA 17517</p>	<p><b>Wellsboro Electric Company:</b>  Wellsboro Electric Company  Attn: EGS Coordination  33 Austin Street  P. O. Box 138  Wellsboro, PA 16901</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.

### **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](mailto: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:

See attachments 1, 2, 3

- 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.  
DUNS 119002755
- 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.  
U.S. Power Supply, LLC has a \$2,500,000 loan from Rainbow Energy along with revenue from operations
- 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.

U.S. Power Supply, LLC will be funding through current operations. Along with operating capital it also has a line of credit from Rainbow Energy Marketing Corporation for \$2,500,000. U.S. Power Supply, LLC is currently utilizing \$1,430,000 of that facility

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

**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.

Sarah Fremming  
Accounting Manager  
918 E Divide Ave,  
Bismarck, ND 58501  
p: 701-805-2741  
f: 701-255-7952  
powercheckouts@uspowersupply.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.  
U.S. Power Supply, LLC employees have a combined 56 years of experience in energy markets including PJM, MISO, SPP, NYSIO CASIO, ERCOT and SERC.
- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions.  
U.S. Power Supply, LLC is currently a licensed supplier in OH and NY see attachment 5,6
- Type of customers and number of customers Applicant currently serves in other jurisdictions.  
U.S. Power Supply, LLC has both commercial and residential customers. We currently have 1658 meters on flow in OH. Due to pending rule changes in NY we are waiting to be adding meters there.
- Staffing structure and numbers as well as employee training commitments.  
We currently have 3 members in back office support, 3 members in charge of customer acquisition team, 2 members for market facing activities including compliance. Employees maintain all training requirements to stay market compliant.
- Business plans for operations within the Commonwealth.  
We utilize inhouse call center for customer acquisition
- 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. See attachments 4,5,6
- Any other information appropriate to ensure the technical capabilities of the Applicant.

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

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

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

- Yes
- No

If yes, will the Applicant be using verification procedures?

- Yes
- No

If yes, describe the Applicant's verification procedures.

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

Document attached

- 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.
- |                             |                                  |
|-----------------------------|----------------------------------|
| Mark Mortensen<br>President | KJ Coghlan<br>V.P. of Operations |
|-----------------------------|----------------------------------|

See attachment 7

- 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.***

See Appendix J

## **Oversight of Marketing – US Power Electric (Telephonic Enrollments Only)**

US Power Electric will ensure that all telephonic marketing and sales activities are performed in a fair, honest, and ethical manner, in full compliance with 52 Pa. Code Chapter 111 (Marketing and Sales Practices) and Chapter 54 (Disclosure Statements). Oversight applies to both in-house employees and any subcontracted call center partners.

### **1. Written Policies and Procedures**

- All telephonic sales are governed by written Telemarketing Compliance Policies that prohibit deceptive or misleading claims.
- Marketing scripts are reviewed and approved by Compliance before use, and all required disclosures (pricing, terms, rescission, PUC resources, etc.) are built into those scripts.
- Policies strictly prohibit agents from misrepresenting themselves as the utility or from guaranteeing savings.

### **2. Training of Sales Agents**

- Every sales agent must complete mandatory training before making any outbound or inbound sales calls. Training covers:
  - • Proper identification of US Power Electric and the customer's EDC.
  - • Disclosure requirements under 52 Pa. Code § 54.5.
  - • Customer rights, including the three-day rescission period.
  - • Prohibited practices (false savings claims, utility impersonation, abusive tactics).
- Agents must pass a compliance exam before being allowed to enroll customers.
- Annual refresher training and targeted retraining are conducted whenever regulations or products change.

### **3. Quality Control Monitoring**

- 100% of telephonic enrollments are recorded.
- A dedicated Quality Control (QC) team reviews a statistically significant sample of calls daily to ensure compliance.
- Compliance staff monitor live calls at random intervals.
- Enrollments are only finalized after an independent Third-Party Verification (TPV) confirms customer consent and key contract terms.

### **4. Vendor/Subcontractor Oversight**

- All subcontracted call centers must sign a compliance addendum requiring adherence to PUC telemarketing rules.
- Vendors are required to provide US Power Electric access to all call recordings, agent rosters, and training records.
- US Power Electric reserves the right to audit vendor operations and terminate any vendor relationship immediately for non-compliance.

### **5. Complaint Resolution and Enforcement**

- A toll-free customer service line is maintained to receive and resolve complaints promptly.
- All complaints are logged and investigated within 30 days.
- Corrective actions may include retraining, disciplinary measures, or termination of agents/vendors for violations.

### **6. Recordkeeping and Reporting**

- All telephonic enrollment recordings and TPVs are stored for a minimum of two years, as required by PUC rules.
- Compliance reports summarizing call audits, complaints, and corrective actions are provided quarterly to senior management.

## 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). **See attachment 4**
- AGREED** - Applicant will provide compliance with this requirement within 120 days of receiving its license
- ACKNOWLEDGED** - Applicant is not proposing to provide retail electric supply service at this time, and therefore is not presently obligated to provide such information

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

- AGREED**

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

- Retail Electricity Choice Activity Reports: The regulations at 52 Pa. Code §§ 54.201--54.204 require that all active EGSs report sales activity information. An EGS will file an annual report reporting for customer groups defined by annual usage. Reports must be filed using the appropriate report form that may be obtained from the PUC's Secretary's Bureau or the forms officer, or may be down-loaded from the PUC's internet web site.
- Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
- The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
- Net Metering Reports: Applicant shall be responsible to report any Net Metering per the Standards on [http://www.puc.pa.gov/consumer\\_info/electricity/alternative\\_energy.aspx](http://www.puc.pa.gov/consumer_info/electricity/alternative_energy.aspx). Scroll down to the Net Metering Standards Section.

- Applicant shall report to the Commission the percentages of total electricity supplied by each fuel source on an annual basis per 52 Pa. Code § 54.39(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 FirstEnergy PA - 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			
FirstEnergy PA - Met Ed		X	X		X		
FirstEnergy PA - Penelec	X	X			X	X	X
FirstEnergy PA - Penn Power	X			X			
FirstEnergy PA -West Penn		X		X		X	X
PECO			X				
Pike					X		
PPL		X	X		X	X	
UGI					X		
Wellsboro						X	
Entire Commonwealth	X	X	X	X	X	X	X

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

### 13. SIGNATURE

Applicant: U.S. Power Supply, LLC

By: Mark Mortensen

Title: President

**14. CHECKLIST**

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

**Applicant:** U.S. Power Supply, LLC

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

PUC Secretary's Bureau Use

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of North Dakota :

ss.

County of Burleigh :

K.S. Coghlan, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the Vice President of Operations (Office of Affiant) of U.S. Power Supply, LLC (Name of Applicant);]

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

That the Applicant herein U.S. Power Supply, 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 U.S. Power Supply, LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein U.S. Power Supply, 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 U.S. Power Supply, 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.

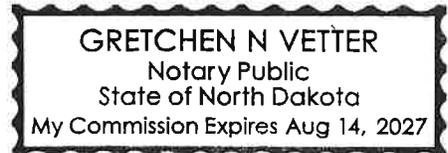
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

[Signature]  
Signature of Affiant

Sworn and subscribed before me this 3 day of September, 2025.

[Signature]  
Signature of official administering oath

My commission expires 8-14-2027



Appendix B

OPERATIONS AFFIDAVIT

[Commonwealth/State] of North Dakota :

ss.

County of Burleigh :

R.S. Coghlan, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the Vice President of Operations (Office of Affiant) of U.S. Power Supply, LLC (Name of Applicant);]

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

That U.S. Power Supply, 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 U.S. Power Supply, 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 U.S. Power Supply, 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 U.S. Power Supply, 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.



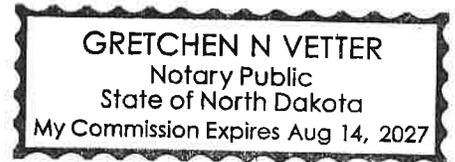
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 3 day of September, 2025.



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

My commission expires 8-14-2027



## Appendix C

On this the 6<sup>th</sup> day of October 2025. I certify that a true and correct copy of the foregoing application form for licensing with the Commonwealth of Pennsylvania as an Electric Generation Supplier and all non-confidential attachments have been served as a hardcopy 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

### **FirstEnergy Pennsylvania Electric**

#### **Company:**

FirstEnergy Pennsylvania Electric Company  
Legal Department  
341 White Pond Drive  
Akron, OH 44320

**X** *Mark Mortensen*

---

Mark Mortensen  
President U.S. Power Supply, LLC

## Appendix D

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

### Electric Generation Supplier License Financial Instruments

Bonds or other financial instruments submitted in order to satisfy the licensing process must comply with the following:

The financial instrument, in the amount of \$250,000 for suppliers/aggregators or \$10,000 for brokers/marketers, should name the Pennsylvania Public Utility Commission as the obligee or beneficiary, and should contain the following unmodified language:

...“ in accordance with Section 2809(c)(1)(i) of the Public Utility Code, 66 Pa. C.S. 2809(c)(1)(i), to assure compliance with applicable provisions of the Public Utility Code, 66 Pa. C.S. 101, et seq. and the rules and regulation of the Pennsylvania Public Utility Commission by the Principal as a licensed electric generation supplier; to ensure the payment of Gross Receipts Tax as required by Section 2810 of the Public Utility Code, 66 Pa. C.S. 2810; to ensure the payment of annual fees as authorized by Act 155 of 2014; to adhere to the requirements of the Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.1 et seq. and 52 Pa.Code 75.1 et seq.; and to ensure the supply of electricity at retail in accordance with contracts, agreements or arrangement. Payment of claims shall have the following priority: (I) The Commonwealth of Pennsylvania; (II) Electric Distribution Companies for the reimbursement of Gross Receipts Tax; and (III) Private Individuals. Proceeds of the bond may not be used to pay any penalties or fines levied against the Principal for violations of the law, or for the payment of any other tax obligations owed to the Commonwealth of Pennsylvania.”

The **ORIGINAL** financial instrument must be submitted, preferably by overnight delivery, to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Keystone Building, Harrisburg, PA 17120. If the application is approved, the entry date of the Commission's Order will be the effective date of the license.

**Applicants should CHOOSE ONE financial instrument template from Appendices E through H.**

[Continuous Bond US010169 hard copy was sent via FedEx tracking 8848 0043 0916](#)

## Appendix J

### Sample Disclosure Statement Format for Electric Generation Suppliers

- Please review the EGS residential/small business disclosure regulations at 52 Pa. Code Chapter 54 (Electric Generation Customer Choice Customer Information):  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter54/s54.4.html&d=reduce>
- Ch. 54 disclosure rules apply to residential and small business customers (disclosures for large commercial/industrial customers do not need to be reviewed and should not be submitted).
- Please review the 52 Pa. Code Chapter 69.251 (Plain Language – Statement of Policy):  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter69/s69.251.html&d=reduce>
- We suggest that you follow the Sample Disclosure Statement Format and Contract Summary that follows on the next page.
- Submit the disclosure statement and the Contract Summary Sheet for review (welcome letters/enrollment forms are not required).

## Pennsylvania Electric Generation Supplier Disclosure Statement

### 1. Supplier Information

Supplier Name: U.S. Power Supply LLC  
Address: 918 E Divide Avenue, Bismarck, ND 58501  
Telephone Number: 1-800-494-3480  
Website: [www.uspowersupply.com](http://www.uspowersupply.com)  
PUC License Number: [Insert License #]

### 2. Generation Prices and Charges

Introductory Price (if applicable): \$0.0619 per kWh for the first billing month.

**THIS IS A VARIABLE RATE PRODUCT. YOUR PRICE MAY CHANGE EACH MONTH. THERE IS NO LIMIT ON PRICE INCREASES.**

Fixed Price Option: If selected, price per kWh remains constant for the contract term.

Taxes: Prices exclude applicable state and local taxes.

Utility Delivery Charges: Billed separately by your Electric Distribution Company (EDC).

### 3. Contract Summary

Type of Product: Variable Rate (with introductory month option)

Contract Term: Month-to-month unless otherwise agreed.

Cancellation / Early Termination Fees: None.

Renewal Terms: Contract automatically continues on a variable month-to-month basis unless cancelled.

### 4. Right of Rescission

You have 3 business days from receipt of this disclosure statement to rescind your enrollment. To rescind, contact your EDC or U.S. Power Supply at 1-800-494-3480.

### 5. Cancellation

Customer may cancel service at any time without penalty by contacting Supplier or their EDC.

Supplier may cancel service for non-payment or breach of contract with at least 30 days' written notice.

### 6. Electric Distribution Company (EDC) Information

[Insert applicable PA EDC name – e.g., PPL, PECO, Met-Ed, etc.]

Emergency Contact: Call your EDC (not the Supplier) in the event of an outage or emergency.

### 7. Dispute Procedures

Contact U.S. Power Supply at 1-800-494-3480.

If unresolved, contact the Pennsylvania Public Utility Commission (PUC) at 1-800-692-7380 or the Office of Consumer Advocate (OCA) at 1-800-684-6560.

# Attachment 1



Type text here



0006263022



**BUSINESS LIMITED LIABILITY COMPANY  
ARTICLES OF ORGANIZATION**  
SECRETARY OF STATE  
(See SFN 58701)

*For Office Use Only*  
**-FILED-**  
SOS Control ID#: 0006263022  
Date Filed: 4/25/2023

**FILING FEE: \$135**

B0572-2389 04/20/2023 Received by ND Secretary of State

Article 1. Limited Liability Company Name  
U.S. Power Supply, LLC

Article 2. Principal Executive Office Address  
SANDER KOPSENG  
918 E. DIVIDE AVE  
BISMARCK, ND 58501

Article 3. Mailing Address  
Sander Kopseng  
918 E DIVIDE AVE  
BISMARCK, ND 58501-1947

Article 4. Registered Agent in North Dakota  
SANDER KOPSENG  
Registered Agent  
Physical Address  
919 S 7TH ST STE 405  
BISMARCK, ND 58504-5835  
Mailing Address  
919 S 7TH ST STE 405  
BISMARCK, ND 58504-5835

Article 5. Formation Date  
The limited liability company shall be effective when filed with the Secretary of State.

Article 6. Existence  
The existence of the limited liability company shall be perpetual (indefinite).

Article 7. Business Purpose  
Energy Management

Article 8. Organizers	
Name of Organizer	Complete Mailing Address
Sander Kopseng	Sander Kopseng 919 S. 7th St. 405 Bismarck, ND 58504

Signature

I, the undersigned, am an organizer, have read these Articles of Organization, know the contents, and believe the statements contained within to be true. I understand that if I make a false statement, I may be subject to criminal penalties.

*Sander Kopseng* 04/20/2023  
Sign Here Date

## Attachment 2

# Attachment 3

# *State of North Dakota*

## SECRETARY OF STATE



### Certificate of Good Standing of U.S. Power Supply, LLC

SOS Control ID#: 0006263022

Certificate #: 027617727-1

The undersigned, as Secretary of State of the state of North Dakota, hereby certifies that, according to the records of this office,

U.S. Power Supply, LLC

a Limited Liability Company - Business - Domestic was formed under the laws of NORTH DAKOTA and filed with this office effective April 25, 2023. This entity has, as of the date set forth below, complied with all applicable North Dakota laws.

**ACCORDINGLY**, the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Good Standing.

**DATE:** August 27, 2025

Handwritten signature of Michael Howe in black ink.

Michael Howe  
Secretary of State

# Attachment 4

Application for Membership  
Between

PJM Interconnection, L.L.C.  
and  
U.S. Power Supply, LLC

This Application for Membership Agreement ('Agreement') is entered into between PJM Interconnection, L.L.C. ('PJM') and ('Applicant'). The purpose of this Agreement is to apply to become a member of the PJM and to participate under the PJM Amended and Restated Operating Agreement, Third Revised Rates Schedule FERC No. 24 ('Operating Agreement'). The Applicant has read and understands the terms and conditions of the Operating Agreement. The Applicant agrees to accept the concepts and obligations set forth in this Agreement and the Operating Agreement posted on the PJM website at: <http://www.pjm.com/documents/agreements/pjm-agreements.aspx>.

The Applicant also commits to supply data required for coordination of planning and operating, including data for capacity accounting, and agrees to pay all costs and expenses in accordance with the Operating Agreement and all other applicable costs under the PJM Open Access Transmission Tariff ("Tariff"). Such costs include but are not limited to: (i) payment obligations under Schedule 3 of the Operating Agreement; (ii) costs under Schedule 9 of the PJM Tariff; and (iii) potential default allocation payment obligations pursuant to Section 15.2 of the Operating Agreement (PJM may, under the Operating Agreement, declare members in default for not paying their invoices. If that occurs, PJM may pursue collection of the overdue invoices that exceed the collateral PJM holds from the defaulting member as well as take steps to terminate the defaulting members' membership. According to the Operating Agreement, all members are required to pay a portion of the payment default that exceeds the defaulting member's collateral held by PJM.)

The Applicant will pay the annual fee of \$5,000 for the remainder of the year of application upon notification of PJM application approval per Schedule 3.

The Applicant recognizes that it shall become a member of PJM effective as of the date that the Applicant receives the supplement to the Operating Agreement in the form prescribed in Schedule 4 of the Operating Agreement signed by the Applicant and countersigned by the President of PJM pursuant to section 11.6 of the Operating Agreement.

This Agreement will remain in effect until notice of termination is given in writing by the authorized representative of either the Applicant or PJM. Any financial obligations must be satisfied prior to termination of the Applicant's obligations and responsibilities under the PJM Agreement.

Applicant:

Signature: Mark Mortensen

Name: Mark Mortensen Title: President Date: May 14, 2024

PJM Interconnection, L.L.C.

Signature: Monica Burkett

Name: Monica Burkett Title: Manager, Membership Process & Services Date: June 25, 2024

# Attachment 5



## Competitive Retail Electric Service Provider Certificate

Certified Entity:

U.S. Power Supply

918 E. Divide Ave.  
Bismark, ND 58501

Certificate Number: **24-134611E**

**Effective Date: September 26, 2024**

**Expiration Date: September 26, 2026**

Issued Pursuant to Case Number(s):

**24-0800-EL-CRS**

The above referenced entity is hereby certified to provide competitive retail electric **Power Marketer; Retail Electric Generation Provider** services within the State of Ohio.

The certification of competitive retail electric service providers is governed by Chapters 4901:1-24 and 4901:1-21 of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code. This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met. The certified entity is subject to all rules and regulations of the Public Utilities Commission of Ohio now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **26 day of September, 2024.**



By Order of  
The Public Utilities Commission of Ohio

Tanowa M. Troupe, Secretary  
Michelle Green, Acting Secretary  
Brian James, Acting Secretary  
Susan Patterson, Acting Secretary

# Attachment 6



Public Service Commission

Rory M. Christian

Chair and

Chief Executive Officer

James S. Alesi

David J. Valesky

John B. Maggiore

Uchenna S. Bright

Denise M. Sheehan

Commissioners

Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov

May 2, 2024

John Cunningham  
U.S. Power Supply  
918 E. Divide Ave  
Bismark, ND 58501

Re: U.S. Power Supply (ESCO Code: USPS)

Dear Mr. Cunningham:

This letter is to inform you that the Department of Public Service Staff has reviewed and approved your eligibility to be an Energy Services Company (ESCO) in New York State. Your Retail Access Application meets the requirements of the Uniform Business Practices (UBP), the Home Energy Fair Practices Act (HEFPA) and applicable Commission Orders.

**LISTED BELOW IS AN OVERVIEW OF YOUR CURRENT ELIGIBILITY:**

Service Class	Commodity	Products (Mass Market Only)
Commercial	Electric	N/A
Mass Market	Electric	Renewable Fixed and Variable

I am also pleased to notify you that your company has successfully met the Commission’s electronic data interchange (EDI) phase I certification requirements for all core and bill ready transactions effective 8/16/2023. All requirements for this initial state of your eligibility determination have been satisfied.

Please be advised that you may now continue with the utility approval state of the eligibility process by contacting those companies in whose service territories you intend to participate. The utility stage normally consists of a creditworthiness determination, completion of EDI Phase III Testing and the execution of any operating or billing service agreements. Each utility’s eligibility requirements pertain to only their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. Please notify Staff of the actual production date in the utility service territories you intend to enroll customers. At that point Staff will confirm your final eligibility requirements have been satisfied.

Before you begin marketing to, and enrolling residential customers, you must post rates to the New York Power to Choose website: <https://documents.dps.ny.gov/PTC/home>. The UBP Section 2.D.4.d. requires that all ESCOs actively marketing to residential customers post offers with the Department on a monthly basis. Please visit the following link to register for an ESCO rates filer account: <https://dps.ny.gov/dmm-help-electronic-filing-registration-instructions>. We will only post your company's contact information on our website once you have completed the eligibility process and are ready to begin enrolling customers.

As an ESCO your organization may have an obligation for the purchase of Zero-Emissions Credits (ZECs) and Renewable Energy Credits (RECs) during the 2017 and future compliance years covered by the Public Service Commission's August 1, 2016 Order Adopting a Clean Energy Standard (CES). NYSERDA is the administrator of the CES and information about the CES and LSE obligations can be found on the NYSERDA website: <https://www.nyserda.ny.gov/en/All-Programs/Clean-Energy-Standard/LSE-Obligations>. Email questions about the CES and LSE obligations to NYSERDA: [ces@nyserda.ny.gov](mailto:ces@nyserda.ny.gov).

Be advised, that to maintain your ESCO eligibility, you must notify Staff of any material changes to your company as they occur. If your business plan changes and you decide to expand your service offerings, you must immediately submit the appropriate documentation for Staff review and determination of eligibility (UBP Section 2.D.4). Also, if you decide to withdraw your eligibility, an official letter should be sent to the Department.

In addition, every eligible ESCO must comply with all rules and regulations with the UBP. The UBP can be viewed on our website at the following link: <https://dps.ny.gov/uniform-business-practices>. Based on your eligibility, you may be required to submit compliance reports. Please take note of the following compliance dates:

<b>Compliance</b>	<b>Due Date</b>	<b>Matter Number</b>
ESCO Annual Compliance	January 31 <sup>st</sup>	14-02554
ESCO Triennial Compliance	May 2, 2027	14-02554

ESCO Historic Pricing	April 30 <sup>th</sup> July 31 <sup>st</sup> , October 31 <sup>st</sup> , and January 31 <sup>st</sup>	14-02555
Annual GSP Reporting	November 30 <sup>th</sup>	TBD Annually
ESCO Annual Renewable Audit	June 15th	22-00900

<https://dps.ny.gov/energy-services-company-esc0-competitive-market-information>

Please do not hesitate to contact me at robin.taylor@dps.ny.gov if you have any further questions or concerns.

Sincerely,



Robin Taylor  
Utility Consumer Program Specialist III  
Office of Consumer Services

## Attachment 7

# MARK MORTENSEN

---

PRESIDENT OF U.S. POWER SUPPLY, LLC

---

## CONTACT

---

913-5352827  
mmortensen@uspowersupply.com  
www.uspowersupply.com

## PROFILE

---

Energy market specialist with over 25 years of industry experience across the United States.

## SKILLS

---

Energy analysis  
Risk management

## EDUCATION

---

Loras College  
**1996-2000**  
BA in Marketing

## EXPERIENCE

---

President of U.S. Power Supply, LLC

### **2023-Present**

Develop and implement a retail supply company that will combine ability and expertise in wholesale power markets to take power to end use customers

Director of ERCOT Trading, Rainbow Energy Marketing Corp

### **2008-2023**

In charge of all physical and financial trading in the ERCOT market. This included moving physical energy into and out of the ERCOT market between Southwest Power Pool and Mexico

Realtime Trader Rainbow Energy Marketing Corp

### **2000-2008**

Member of the Realtime trading desk that oversaw moving physical energy all through the country in the intra day markets. Responsibilities also included monitoring load and transmission positions for various utilities under contract with REMC.

# K.J. COGHLAN

---

VICE PRESIDENT OF U.S. POWER SUPPLY, LLC

---

## CONTACT

---

701-222-2290

kcoghlan@uspowersupply.com

www.uspowersupply.com

## PROFILE

---

Energy market specialist with over 29 years of industry experience across the United States, Canada, and Mexico

## SKILLS

---

Energy analysis

Risk management

Team management

## EDUCATION

---

University of North Dakota

**1991-1996**

BA in Financial Management

## EXPERIENCE

---

Vice President of U.S. Power Supply, LLC

**2023-Present**

Develop and implement a retail supply company that will combine ability and expertise in wholesale power markets to take power to end use customers

Director of Real-Time Trading, Rainbow Energy Marketing Corp

**2003-Present**

Manage the 24-hour power trading desk and serve on the Board of Directors for United Energy Corporation, Rainbow Energy Marketing Corporation and United Energy Trading.

Realtime/Day ahead Trader Rainbow Energy Marketing Corp

**1996-2003**

Traded physical, financial, and virtual products throughout the MISO, PJM, SPP, SERC and ERCOT power pools.