

11-5806-GA-CRS

FILE



EARLYBIRD POWER

Dear Sir/Madam:

ATTN: Paula Vogel

RE: 11-5806-GA-CRS

We are pleased to submit our application for Natural Gas Broker for your review.

We have also previously been licensed for Electricity and Natural Gas and due to administrative oversight, it lapsed.

Thanks,

Shaun

Shaun Pandit


888-763-2759

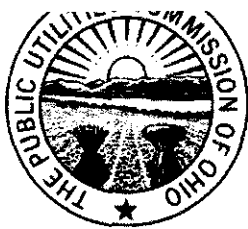
Shaunpandit@earlybirdpower.com

PUCO

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Technician  Date Processed 11-25-11



RE: 11-5806-GA-CRS

PUCO USE ONLY – Version 1.07		
Date Received	Case Number	Certification Number
	11-5806-GA-AGG	

CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS BROKERS /AGGREGATORS

Please **type or print** all required information. Identify all attachments with an exhibit label and title (*Example: Exhibit A-16 - Company History*). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

This PDF form is designed so that you may directly input information onto the form. You may also download the form by saving it to your local disk.

SECTION A - APPLICANT INFORMATION AND SERVICES

A-1 Applicant intends to be certified as: (check all that apply)

☒ Retail Natural Gas Aggregator ☒ Retail Natural Gas Broker

A-2 Applicant information:

Legal Name Early Bird Power LLC
Address 1 ADAMS ST MILTON MA 02186
Telephone No. 617 872 2384 Web site Address WWW.EARLYBIRDPower.COM

A-3 Applicant information under which applicant will do business in Ohio:

Name EARLY BIRD POWER LLC
Address 1 ADAMS ST MILTON MA 02186
Web site Address WWW.EARLYBIRDPower.COM Telephone No. 888 763 2759

A-4 List all names under which the applicant does business in North America:

EARLY BIRD POWER LLC

A-5 Contact person for regulatory or emergency matters:

Name SHAUN PANDIT Title CEO
Business Address 1 ADAMS ST MILTON MA 02186
Telephone No. 888 763 2759 Fax No. 617 322 9283 Email Address SHAUNPANDIT@EARLYBIRDPower.COM

A-6 Contact person for Commission Staff use in investigating customer complaints:

Name SHAUN PANDIT Title CEO
Business address 1 ADAMS ST MILTON MA 02186
Telephone No. 888 763 2759 Fax No. 617 322 9283 Email Address SHAUNPANDIT@EARLYBIRD

A-7 Applicant's address and toll-free number for customer service and complaints

Customer service address 1 ADAMS ST MILTON MA
Toll-Free Telephone No. 888 763 2759 Fax No. 617 322 9283 Email Address SHAUNPANDIT@EARLYBIF

A-8 Provide "Proof of an Ohio Office and Employee," in accordance with Section 4929.22 of the Ohio Revised Code, by listing name, Ohio office address, telephone number, and Web site address of the designated Ohio Employee

Name INCORP SEVICES, IN. Title
Business address 2360 CORPORATE CIRCLE UITE 400 HENDERSON, NV 89074
Telephone No. Fax No. Email Address

A-9 Applicant's federal employer identification number 27-0186126

A-10 Applicant's form of ownership: (Check one)

- | | |
|--|---|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Limited Liability Partnership (LLP) | <input checked="" type="checkbox"/> Limited Liability Company (LLC) |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Other |

A-11 (Check all that apply) Identify each natural gas company service area in which the applicant is currently providing service or intends to provide service, including identification of each customer class that the applicant is currently serving or intends to serve, for example: *residential, small commercial, and/or large commercial/industrial (mercantile) customers*. (A mercantile customer, as defined in Section 4929.01(L)(1) of the Ohio Revised Code, means a customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within the state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. In accordance with Section 4929.01(L)(2) of the Ohio Revised Code, "Mercantile customer" excludes a not-for-profit customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state that has filed the necessary declaration with the Public Utilities Commission.)

<input checked="" type="checkbox"/> Columbia Gas of Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Dominion East Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Duke Energy Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Vectren Energy Delivery of Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial

A-12 If applicant or an affiliated interest previously participated in any of Ohio's Natural Gas Choice Programs, for each service area and customer class, provide approximate start date(s) and/or end date(s) that the applicant began delivering and/or ended services.

☐ Columbia Gas of Ohio

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

☐ Dominion East Ohio

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

☐ Duke Energy Ohio

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

☐ Vectren Energy Delivery of Ohio

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

A-13 If not currently participating in any of Ohio's four Natural Gas Choice Programs, provide the approximate start date that the applicant proposes to begin delivering services:

<input checked="" type="checkbox"/>	Columbia Gas of Ohio	Intended Start Date	WHEN LICENSED
<input checked="" type="checkbox"/>	Dominion East Ohio	Intended Start Date	WHEN LICENSED
<input checked="" type="checkbox"/>	Duke Energy Ohio	Intended Start Date	WHEN LICENSED
<input checked="" type="checkbox"/>	Vectren Energy Delivery of Ohio	Intended Start Date	WHEN LICENSED

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- A-14 Exhibit A-14 "Principal Officers, Directors & Partners,"** provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.
- A-15 Exhibit A-15 "Corporate Structure,"** provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale natural gas or electricity to customers in North America.
- A-16 Exhibit A-16 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- A-17 Exhibit A-17 "Articles of Incorporation and Bylaws,"** if applicable, provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto.
- A-18 Exhibit A-18 "Secretary of State,"** provide evidence that the applicant is currently registered with the Ohio Secretary of the State.

SECTION B - APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- B-1 Exhibit B-1 "Jurisdictions of Operation,"** provide a current list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail natural gas service, or retail/wholesale electric services.
- B-2 Exhibit B-2 "Experience & Plans,"** provide a current description of the applicant's experience and plan for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Section 4929.22 of the Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code.
- B-3 Exhibit B-3 "Summary of Experience,"** provide a concise and current summary of the applicant's experience in providing the service(s) for which it is seeking to be certified to provide (e.g., number and types of customers served, utility service areas, volume of gas supplied, etc.).
- B-4 Exhibit B-4 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational

status or ability to provide the services it is seeking to be certified to provide.

- B-5 Exhibit B-5 "Disclosure of Consumer Protection Violations,"** disclose whether the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant has been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

☒ No ☐ Yes

If Yes, provide a separate attachment labeled as Exhibit B-5 "Disclosure of Consumer Protection Violations," detailing such violation(s) and providing all relevant documents.

- B-6 Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation,"** disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, or revoked, or whether the applicant or predecessor has been terminated from any of Ohio's Natural Gas Choice programs, or been in default for failure to deliver natural gas.

☒ No ☐ Yes

If Yes, provide a separate attachment, labeled as Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation," detailing such action(s) and providing all relevant documents.

SECTION C - APPLICANT FINANCIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- C-1 Exhibit C-1 "Annual Reports,"** provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information, labeled as Exhibit C-1, or indicate that Exhibit C-1 is not applicable and why.
- C-2 Exhibit C-2 "SEC Filings,"** provide the most recent 10-K/8-K Filings with the SEC. If applicant does not have such filings, it may submit those of its parent company. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 whether the applicant is not required to file with the SEC and why.
- C-3 Exhibit C-3 "Financial Statements,"** provide copies of the applicant's two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement). If audited financial statements are not available, provide officer-certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, it shall file audited or officer-certified financial statements covering the life of the business.
- C-4 Exhibit C-4 "Financial Arrangements,"** provide copies of the applicant's current financial arrangements to conduct competitive retail natural gas service (CRNGS) as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.)
- C-5 Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant's CRNGS operation, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer.

- C-6 Exhibit C-6 "Credit Rating,"** provide a statement disclosing the applicant's current credit rating as reported by two of the following organizations: Duff & Phelps, Dun and Bradstreet Information Services, Fitch IBCA, Moody's Investors Service, Standard & Poors, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant.
- C-7 Exhibit C-7 "Credit Report,"** provide a copy of the applicant's current credit report from Experian, Dun and Bradstreet, or a similar organization.
- C-8 Exhibit C-8 "Bankruptcy Information,"** provide a list and description of any reorganizations, protection from creditors, or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or since applicant last filed for certification.
- C-9 Exhibit C-9 "Merger Information,"** provide a statement describing any dissolution or merger or acquisition of the applicant since applicant last filed for certification.

SECTION D – APPLICANT TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- D-1 Exhibit D-1 "Operations,"** provide a current written description of the operational nature of the applicant's business functions.
- D-2 Exhibit D-2 "Operations Expertise,"** given the operational nature of the applicant's business, provide evidence of the applicant's current experience and technical expertise in performing such operations.
- D-3 Exhibit D-3 "Key Technical Personnel,"** provide the names, titles, email addresses, telephone numbers, and background of key personnel involved in the operational aspects of the applicant's current business.

Applicant Signature and Title

[Handwritten Signature]

Sworn and subscribed before me this

23rd day of *November* Month *2011* Year

Signature of official administering oath

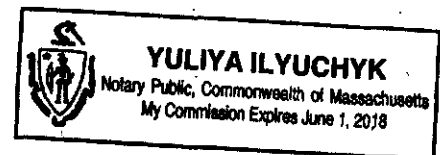
[Handwritten Signature]

Print Name and Title

Yuliya Ilyuchyk

Notary Public

My commission expires on





The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service Affidavit Form (Version 1.07)

In the Matter of the Application of

Early Bird Power LLC
for a Certificate or Renewal Certificate to Provide
Competitive Retail Natural Gas Service in Ohio.

Case No. *11-5806* -GA-AGG

County of *Norfolk*
State of *MA*

Shawn Park

[Affiant], being duly sworn/affirmed, hereby states that:

- (1) The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant.
- (2) The applicant will timely file an annual report of its intrastate gross receipts and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
- (3) The applicant will timely pay any assessment made pursuant to Section 4905.10 or Section 4911.18(A), Ohio Revised Code.
- (4) Applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
- (5) Applicant will cooperate with the Public Utilities Commission of Ohio and its staff in the investigation of any consumer complaint regarding any service offered or provided by the applicant.
- (6) Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
- (7) Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the certification or certification renewal application within 30 days of such material change, including any change in contact person for regulatory or emergency purposes or contact person for Staff use in investigating customer complaints.
- (8) Affiant further sayeth naught.

Affiant Signature & Title

Sworn and subscribed before me this

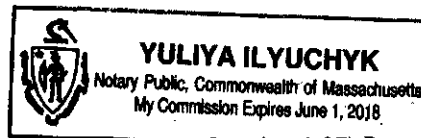
23rd day of *November* Month *2011* Year

Signature of Official Administering Oath

Print Name and Title

Yuliya Ilyuchyk Notary Public

My commission expires on



(CRNGS Broker/Aggregator -Version 1.07) Page 7 of 7



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
06/15/2011	201116501060	SUBSEQNT AGENT APPOINT/LIMITED/LIABILITY/PARTNER (LSA)	25.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

INCorp SERVICES, INC.
2360 CORPORATE CIRCLE
STE. 400
HENDERSON, NV 89074

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

1875140

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

EARLY BIRD POWER LLC

and, that said business records show the filing and recording of:

Document(s)
SUBSEQNT AGENT APPOINT/LIMITED/LIABILITY/PARTNER

Document No(s):
201116501060



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 14th day of June, A.D.
2011.

Jon Husted

Ohio Secretary of State

Exhibit D-1 Operations.

As a Natural Gas Broker, I will work with my clients to procure the lowest price supply from a competitive supplier, ensuring they understand all the risks and understanding of the process and follow up.

I will not be taking title to the gas or billing the customers.

Shenandoah Gas
Shenandoah

Exhibit D-2



EARLY BIRD POWER

Shaun Pandit has over 13 years of experience working with utilities and competitive suppliers, so he is very familiar with all the rules and regulations that apply to natural gas markets. I, Shaun, worked in this capacity for TransCanada Pipelines in Westborough, MA, a leading competitive supplier, as well as Constellation New Energy another leading competitive supplier, managing major customer accounts and natural gas supply and transport in MA.

Shaun was Vice President of Trading and Marketing for International Power in Marlborough MA, which owns three gas fired generating plants in MA. Shaun has an M.B.A. in Finance from Boston College and a B.A. in Economics from Boston College.

EARLY BIRD POWER has been in business for 2 ½ Years now as a power and gas broker and consultant with large commercial and industrial clients in MA, IL, PA, NY, MD and RI. Shaun Pandit has an Economics degree from Boston College and a Master's in Finance from Loyola Chicago Business School.

Shaun has a broad understanding of energy markets, and key relationships that provide the lowest priced strategic options for companies seeking to lower their monthly power bills.

EXPERIENCE:

EarlyBird Power, Milton MA

Present

Owner/CEO/Director

Consult Energy users on reduction in costs, use and the opportunity to go green.

- EarlyBird issues an agreed on RFP to all licensed suppliers on our clients' behalf, as we have relationships with all the major competitive suppliers for electricity and natural gas. EarlyBird

brings unique expertise in negotiating pricing, terms, and conditions, for our clients' contracts with suppliers.

- EarlyBird is also an Energy Star partner, and enroll our clients in Energy Star's portfolio manager program.
- We assist with review of any third party efficiency or renewable projects and apply for applicable rebates and incentives from your utility.
- EarlyBird has become a valued asset to our clients.

INTERNATIONAL POWER AMERICA, Marlborough MA

2007-2009

Vice President, Trading and Marketing

- Optimized International Power's 6000 MW's of generation assets directed 20 member team.
- Executed gas, power, emissions, and coal trades in forwards, options and basis markets in Texas-(ERCOT), New England-(NEPOOL), and Midwest-(PJM, MISO) regions.
- Built relationships and executed agreements with financial counterparties, LSE's, and municipals
- Structured and initiated long term hedges to finance new acquisitions
- Member of management team responsible for growth strategy, forecasts, and personnel development

TRANSCANADA POWER MARKETING, Westborough MA

2003-2007

Manager, Risk Management

- Enabled opportunities within TransCanada's extensive asset positions while managing credit and market exposure, instrumental in growing TransCanada's retail business.

- Developed and implemented appropriate risk management policies and practices in coordination with Counterparty Risk, Accounting, Finance, and Trading and Origination for the Boston and Ontario offices for wholesale and retail transactions.
- Developed weekly exposure reporting to provide transparency of the portfolio. Performed due diligence on new acquisitions, including the successful acquisition of GTN California natural gas pipeline, and commercial and industrial origination activities.
- Member of Marketing Strategy Board for Bruce Nuclear Power responsible for marketing and fuel procurement strategies and long term hedging.

AES NEW ENERGY, Boston, MA

2001-2003

Director of Origination and Structuring

- Analyze portfolio of assets and retail obligations and structure and implement trades that decrease risk and create profitable trading opportunities.
- Originated agreements with paper mills; Pope and Talbot, Rosewood and Weyerhaeuser in Oregon and Washington.
- Optimize AES Corp's 40,000 MWs of generation assets by originating and structuring non-standard energy products and options with industrial, retail and wholesale entities.
- Selected to four member due diligence team, successfully acquiring Wolf Hollow natural gas plant in Texas.

CITIZENS LEHMAN POWER, Boston, MA

2000-2001

Asset Optimizer, Structured Products Trader

- Marketed and initiated profitable multi-year energy, capacity and option contracts with utilities, industrials, municipals, IPP's and marketers.
- Priced evaluated and analyzed profitability of development opportunities and long term structured deals and implemented trading and hedging strategies.
- Increased value of 23,500 MWS of assets extracting option value and creating arbitrage opportunities by acquiring strategic transmission, FTR'S and TCC'S and initiating short and long term trades.

PACIFICORP POWER MARKETING, Portland, OR

1996-2000

Trading Manager 1996-2000

- Grew PacifiCorp's unregulated division through strategic transmission and storage acquisitions, and counterparties and profits grew ten-fold.
- Managed six traders and collaborated with business development, generating significant profits.
- Built a trading platform for WSCC market, and a marketing infrastructure to market and finance PPM's wind projects.
- Member of development team for Enterprise Wind and executed the sale of Enterprise Wind Development project to BPA.
- Developed and executed a forward marketing plan for Klamath Falls Hydro.

CHASE MANHATTAN, New York, NY

1993-1996

Capital Markets Officer

- Interbank foreign exchange market maker through direct dealing and brokered markets in major currencies.
- Became a dominant market maker of exotic currencies by generating hedge ratios to price illiquid minor currencies with major currencies

TIMBER HILL, Chicago Mercantile Exchange

1988-1993

Trader

- Market-maker in currency and financial futures and options trading pits to take advantage of arbitrage opportunities
- Supervised and trained assistants
- Relayed market information and order activity from futures and options trading pits to clients

EDUCATION:

LOYOLA UNIVERSITY CHICAGO , Chicago, IL

1993

Master of Business Administration-Finance

BOSTON COLLEGE, Chestnut Hill, MA

1988

Bachelor of Arts-Economics

Exhibit D-3 Key Technical Personnel

Shaun Pandit

CEO/ Director

shaunpandit@earlybirdpower.com

888 763 2759 toll-free

617 872 2384 cell

Shaun Pandit owns and operates Early Bird Power and has an Economics degree from Boston College and a Master's in Finance from Loyola Chicago Business School. After ten years trading commodities and foreign exchange, Shaun focused on electricity at the advent of deregulated markets in 1997. Shaun is an energy expert with senior level experience in the energy business and in depth knowledge of electricity and natural gas markets.

As Director of Origination and Structuring for Citizens Lehman Power and Constellation New Energy, he was responsible for optimizing generation assets and servicing Industrial and Commercial clients. He was a member of the team responsible for initiating the strategy that combined AES and New Energy, which was sold to Constellation.

He also was Risk Manager for TransCanada Power Marketing, managing power, gas, and credit exposures. Shaun was most recently V.P. of Trading and Marketing for International Power, responsible for all purchases and sales of power, emissions, and fuel for the North American generation assets. He is a Selectman on his town's Wind Energy Committee and a partner with Protect Our Winters, (POW), a non-profit organization helping schools install on-site solar generation.

Shaun has a broad understanding of energy markets, and key relationships that provide the lowest priced strategic options for companies seeking to lower their monthly power bills.