

FILE



The Public Utilities Commission of Ohio

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|---------------|-------------|-------------|
| Date Received | Case Number | Version |
| 12-13-11 | - EL-AGG | August 2004 |

CERTIFICATION APPLICATION FOR AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-5 Experience). 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; 180 East Broad Street, Columbus, Ohio 43215-3793.

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

A. APPLICANT INFORMATION

A-1 Applicant's legal name, address, telephone number and web site address

Legal Name Black Hawk Resources Limited
 Address 2000 Auburn Drive Suite 200, Beachwood, OH 44122
 Telephone # (216) 452-9185 Web site address (if any) www.blackhawkrisk.com

A-2 List name, address, telephone number and web site address under which Applicant will do business in Ohio

Legal Name Black Hawk Resources Limited
 Address 2000 Auburn Drive Suite 200, Beachwood, OH 44122
 Telephone # (216) 452-9185 Web site address (if any) www.blackhawkrisk.com

A-3 List all names under which the applicant does business in North America

Black Hawk Resources Limited

A-4 Contact person for regulatory or emergency matters

Name Kathryn Wells
 Title President

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
 Technician SM Date Processed APR 23 2012

RECEIVED-DOCKETING DIV

2012 APR 23 PM 1:05

PUCO

Business address 2000 Auburn Drive Suite 200, Beachwood, OH 44122
Telephone # (216) 452-9165 Fax # _____
E-mail address (if any) inquiry@blackhawkrisk.com

A-5 Contact person for Commission Staff use in investigating customer complaints

Name Kathryn Wells
Title President
Business address 2000 Auburn Drive Suite 200, Beachwood, OH 44122
Telephone # (216) 452-9165 Fax # _____
E-mail address (if any) inquiry@blackhawkrisk.com

A-6 Applicant's address and toll-free number for customer service and complaints

Customer Service address 2000 Auburn Drive Suite 200, Beachwood, OH 44122
Toll-free Telephone # _____ Fax # _____
E-mail address (if any) inquiry@blackhawkrisk.com

A-7 Applicant's federal employer identification number # 271091950

A-8 Applicant's form of ownership (check one)

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

A-9 (Check all that apply) Identify each electric distribution utility certified territory in which the applicant intends to provide service, including identification of each customer class that the applicant intends to serve, for example, residential, small commercial, mercantile commercial, and industrial. (A mercantile customer, as defined in (A) (19) of Section 4928.01 of the Revised Code, is a commercial customer who consumes more than 700,000 kWh/year or is part of a national account in one or more states).

- | | | | | |
|--|--------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> First Energy | | | | |
| <input type="checkbox"/> Ohio Edison | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Toledo Edison | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Cleveland Electric Illuminating | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Cincinnati Gas & Electric | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Monongahela Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> American Electric Power | | | | |
| <input type="checkbox"/> Ohio Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Columbus Southern Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Dayton Power and Light | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |

A-10 Provide the approximate start date that the applicant proposes to begin delivering services

May 1, 2012

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

A-11 Exhibit A-11 "Principal Officers, Directors & Partners" provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

- Scott Stewart, President
2000 Auburn Drive, Suite 200
Beachwood OH, 44122
216-452-9165 X3
- Kathryn Wells, President
2000 Auburn Drive, Suite 200
Beachwood OH, 44122
216-452-9165 X5

A-12 Exhibit A-12 "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 electricity or natural gas to customers and companies that aggregate customers in North America.

- Black Hawk Resources Limited an Ohio limited liability company
- Subsidiary companies do not exist

A-13 Exhibit A-13 "Company History," provide a concise description of the applicant's company history and principal business interests.

- Black Hawk Resources Limited was founded in 2009 with principal interest in commodity price risk management. The principal owners have a combined experience of 18 years in risk management, sales, purchasing, cost estimating/scheduling, project management and other energy commodity services.

A-14 Exhibit A-14 "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.

- Not applicable

A-15 Exhibit A-15 "Secretary of State," provide evidence that the applicant has registered with the Ohio Secretary of the State.

10/1/09



| DATE: | DOCUMENT ID | DESCRIPTION | FILING | EXPED | PENALTY | CERT | COPY |
|-----------|--------------|--|--------|-------|---------|------|------|
| 10/1/2009 | 200927400384 | ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO. (LCP) | 125.00 | .00 | .00 | .00 | .00 |

Receipt

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

BROUSE MCDOWELL
388 SOUTH MAIN STREET
SUITE 50C
AKRON, OH 44311

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

1886484

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

BLACK HAWK RESOURCES LIMITED

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

Document(s)

ARTICLES OF ORGNZTN/DOM. PROFIT LIM.LIAB. CO.

Document No(s):

200927400384



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 30th day of September, A.D.
2009.

Ohio Secretary of State



Prescribed by:
Ohio Secretary of State
Central Ohio: (614) 466-3910
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us
e-mail: busserv@sos.state.oh.us

| | |
|---|-----------------------------------|
| Expedite this Form: (Select One) | |
| Mail Form to one of the Following: | |
| <input type="radio"/> Expedite | PO Box 1390 Columbus, OH 43216 |
| *** Requires an additional fee of \$100*** | |
| <input checked="" type="radio"/> Non Expedite | PO Box 670 Columbus, OH 43216 |

**ARTICLES OF ORGANIZATION FOR A DOMESTIC
LIMITED LIABILITY COMPANY**
Filing Fee \$125.00

THE UNDERSIGNED DESIRING TO FILE:

(CHECK ONLY ONE (1) BOX)

| | |
|--|--|
| (1) <input checked="" type="checkbox"/> Articles of Organization for Domestic For-Profit Limited Liability Company (116-LCA) ORC 1705 | (2) <input type="checkbox"/> Articles of Organization for Domestic Nonprofit Limited Liability Company (115-LCA) ORC 1705 |
|--|--|

Name of limited liability company:

Black Hawk Resources Limited

Name must include one of the following words or abbreviations: "limited liability company," "limited," "LLC," "L.L.C.," "Ltd.," or "Ltd"

Effective Date
(Optional)

mm/dd/yyyy

(The legal existence of the limited liability company begins upon the filing
of the articles or on a later date specified that is not more than ninety days
after filing)

This limited liability company shall exist for
(Optional)

perpetuity

Period of Existence

Purpose
(Optional)

To engage in any lawful business, contract or undertaking in which limited liability

companies formed under O.R.C. Chapter 1705 may engage and, in connection therewith,

to exercise all express and incidental powers normally permitted such organizations.

☐ Check here if additional provisions are attached

B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

B-1 Exhibit B-1 "Jurisdictions of Operation," provide a 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 or wholesale electric services including aggregation services.

- Currently not certified, licensed, registered or authorized for this service.

B-2 Exhibit B-2 "Experience & Plans," provide a 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 4928.10 of the Revised Code.

- Current contracted services with customers relate to consulting services. Under the consulting services Black Hawk Resources provides energy services and reviews commodity invoices and responds on behalf of our customers with inquiries and complaints creating familiarity with this process. Based on our request here for Brokerage/Aggregation, we expect seem-less integration into our current systems.

B-3 Exhibit B-3 "Summary of Experience," provide a concise summary of the applicant's experience in providing aggregation service(s) including contracting with customers to combine electric load and representing customers in the purchase of retail electric services. (e.g. number and types of customers served, utility service areas, amount of load, etc.).

- Seeking to provide this service. Currently assist customers with electric loads and advise customers on procuring electricity without aggregating customers. Current customers are requesting our ability to work as a Broker and encouraging our application hereforth.

B-4 Exhibit B-4 "Disclosure of Liabilities and Investigations," provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation 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.

- None

B-5 Disclose whether the applicant, a predecessor of the applicant, or any principal officer of the applicant have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

☒ No ☐ Yes

B-6 Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service including aggregation service denied, curtailed, suspended, revoked, or cancelled within the past two years.

☒ 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.

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 in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why.

- None available, privately held company please see exhibit C-3

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 that the applicant is not required to file with the SEC and why.

- Do not file, privately held company

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.

Black Hawk Resources Limited

Balance Sheet

As of December 31, 2010

| | <u>Total</u> |
|-------------------------------------|----------------------------|
| ASSETS | |
| Current Assets | |
| Bank Accounts | |
| Cash-Key | 39.86 |
| Total Bank Accounts | <u>\$ 39.86</u> |
| Accounts Receivable | |
| Accounts Receivable | 0.00 |
| Total Accounts Receivable | <u>\$ 0.00</u> |
| Other Current Assets | |
| Clearing - Reimb Travel | 0.00 |
| Total Other Current Assets | <u>\$ 0.00</u> |
| Total Current Assets | <u>\$ 39.86</u> |
| TOTAL ASSETS | <u>\$ 39.86</u> |
| LIABILITIES AND EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Accounts Payable | |
| Accounts Payable | 4,207.50 |
| Total Accounts Payable | <u>\$ 4,207.50</u> |
| Other Current Liabilities | |
| Reimbursements | 3,053.40 |
| Revolving Line of Credit | 1,351.41 |
| Total Other Current Liabilities | <u>\$ 4,404.81</u> |
| Total Current Liabilities | <u>\$ 8,612.31</u> |
| Total Liabilities | <u>\$ 8,612.31</u> |
| Equity | |
| Owner's Equity - Stewart, Scott | 2,800.00 |
| Owners Equity - Wells, Kathryn | 2,800.00 |
| Retained Earnings | |
| Net Income | -14172.45 |
| Total Equity | <u>-\$ 8,572.45</u> |
| TOTAL LIABILITIES AND EQUITY | <u>\$ 39.86</u> |

Wednesday, Aug 31, 2011 10:08:03 AM PDT GMT-7 - Accrual Basis

Black Hawk Resources Limited

Profit & Loss

January - December 2010

| | <u>Total</u> |
|---------------------------------|----------------------|
| Income | |
| Interest Income | 225.00 |
| Sales | |
| Risk Management - Metal Hedging | 11,000.00 |
| Risk Management - Natural Gas | 1,500.00 |
| Total Sales | <u>\$ 12,500.00</u> |
| Total Income | <u>\$ 12,725.00</u> |
| Gross Profit | <u>\$ 12,725.00</u> |
| Expenses | |
| Accounting | 139.80 |
| Bank Charges | 119.68 |
| Capital Draw | 4,125.00 |
| Interest | 1.41 |
| IT | 2,864.19 |
| Legal & Professional Fees | 8,580.85 |
| Reimbursement | 3,053.40 |
| Rent or Lease | 3,229.21 |
| Stationery & Printing | 1,044.67 |
| Telecom | 152.83 |
| Travel | 3,586.41 |
| Total Expenses | <u>\$ 26,897.45</u> |
| Net Operating Income | -\$ 14,172.45 |
| Other Expenses | |
| Miscellaneous | 0.00 |
| Total Other Expenses | <u>\$ 0.00</u> |
| Net Other Income | <u>\$ 0.00</u> |
| Net Income | -\$ 14,172.45 |

Wednesday, Aug 31, 2011 10:31:34 AM PDT GMT-7 - Accrual Basis

Black Hawk Resources Limited
Balance Sheet
As of December 31, 2011

| | <u>Total</u> |
|-------------------------------------|---------------------------|
| ASSETS | |
| Current Assets | |
| Bank Accounts | |
| Cash-Key | 11,352.78 |
| Total Bank Accounts | <u>\$11,352.78</u> |
| Accounts Receivable | |
| Accounts Receivable | 7,800.00 |
| Total Accounts Receivable | <u>\$7,800.00</u> |
| Other Current Assets | |
| Clearing - Reimb Travel | 0.00 |
| MISC A/R - STEWART, SCOTT | 53.08 |
| Total Other Current Assets | <u>\$53.08</u> |
| Total Current Assets | <u>\$19,205.86</u> |
| TOTAL ASSETS | <u><u>\$19,205.86</u></u> |
| LIABILITIES AND EQUITY | |
| Liabilities | |
| Current Liabilities | |
| Accounts Payable | |
| Accounts Payable | 11,887.48 |
| Total Accounts Payable | <u>\$11,887.48</u> |
| Other Current Liabilities | |
| Reimbursements | 0.00 |
| Revolving Line of Credit | 0.00 |
| Total Other Current Liabilities | <u>\$0.00</u> |
| Total Current Liabilities | <u>\$11,887.48</u> |
| Total Liabilities | <u>\$11,887.48</u> |
| Equity | |
| Owner's Equity - Stewart, Scott | 3,800.00 |
| Owners Equity - Wells, Kathryn | 3,800.00 |
| Retained Earnings | -14,172.45 |
| Net Income | 13,890.83 |
| Total Equity | <u>\$7,318.38</u> |
| TOTAL LIABILITIES AND EQUITY | <u><u>\$19,205.86</u></u> |

Saturday, Mar 31, 2012 01:53:20 PM GMT-4 - Accrual Basis

This report was created using QuickBooks Online Plus.

Black Hawk Resources Limited
Profit & Loss
January - December 2011

| | <u>Total</u> |
|-------------------------------|---------------------------|
| Income | |
| Sales | 24,505.51 |
| Risk Management - Natural Gas | 41,318.16 |
| Total Sales | <u>65,823.67</u> |
| Total Income | <u>\$65,823.67</u> |
| Gross Profit | <u>\$65,823.67</u> |
| Expenses | |
| Accounting | 376.60 |
| Advertising/Promotional | 2,024.00 |
| Bank Charges | 52.50 |
| Capital Draw | 500.00 |
| Charitable Contributions | 100.00 |
| Conferences | 4,285.00 |
| Dues & Subscriptions | 284.23 |
| Health Insurance | 5,380.22 |
| Interest | 123.11 |
| IT | 1,503.34 |
| Legal & Professional Fees | 2,011.00 |
| Meals and Entertainment | 3,761.39 |
| Office Expenses | 1,269.00 |
| Public Relations | 6,197.07 |
| Reimbursement | 0.00 |
| Rent or Lease | 2,850.63 |
| Stationery & Printing | 777.83 |
| Telecom | 267.06 |
| Telecom - Wireless | 2,643.27 |
| Travel | 17,510.11 |
| Total Expenses | <u>\$51,916.36</u> |
| Net Operating Income | <u>\$13,907.31</u> |
| Other Expenses | |
| Miscellaneous | 16.10 |
| Reconciliation Discrepancies | 0.38 |
| Scott Personal Expenses | 0.00 |
| Total Other Expenses | <u>\$16.48</u> |
| Net Other Income | <u>\$ -16.48</u> |
| Net Income | <u><u>\$13,890.83</u></u> |

Saturday, Mar 31, 2012 01:52:46 PM GMT-4 - Accrual Basis

This report was created using QuickBooks Online Plus.

C-4 Exhibit C-4 “Financial Arrangements,” provide copies of the applicant's financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.,).

- None available

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 CRES operation, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer.

- None available

C-6 Exhibit C-6 “Credit Rating,” provide a statement disclosing the applicant’s 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.

- None available

C-7 Exhibit C-7 “Credit Report,” provide a copy of the applicant’s credit report from Experian, Dun and Bradstreet or a similar organization.

- None available

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 within the two most recent years preceding the application.

- None

C-9 Exhibit C-9 “Merger Information,” provide a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.

- None