

NC

FILE

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12-2733-EL-AGG



National Power Source LLC

National Power Source
90 Arielle Ct. Suite B
Buffalo, NY 14221

October 5, 2012

Dear PUCO officials,


Please find enclosed my application for a power brokers license for the state of Ohio.

Thank you,

Michael Riester
President, National Power Source

RECEIVED-DOCKETING DIV
2012 OCT 15 PM 2:51
PUCO

90 Arielle Ct. Suite B, Buffalo, NY 14221 (P) (888)-480-5492 (F) (888)-358-2466

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The Public Utilities Commission of Ohio

12-2733-EL-AGG

PUCO USE ONLY		
Date Received	Case Number	Version
007 1 5 2012	- 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 National Power Source LLC
Address 90 Arielle Ct, Suite B
Telephone # (716) 725-9194 Web site address (if any) Nationalpowersource.com

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

Legal Name National Power Source LLC
Address 90 Arielle Ct, Suite B
Telephone # (716) 725-9194 Web site address (if any) Nationalpowersource.com

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

National Power Source

A-4 Contact person for regulatory or emergency matters

Name Michael Riester
Title President

Business address 90 Arielle Ct. Suite B
Telephone # (716) 725-9194 Fax # (888) 358-2466
E-mail address (if any) _____

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

Name Michael Riester
Title President
Business address 90 Arielle Ct. Suite B
Telephone # (716) 725-9194 Fax # (888) 358-2466
E-mail address (if any) mriester@nationalpowersource.com

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

Customer Service address 90 Arielle Ct. Suite B
Toll-free Telephone # (888) 480-5492 Fax # (888) 358-2466
E-mail address (if any) mriester@nationalpowersource.com

A-7 Applicant's federal employer identification number # 205073371

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 checked="" type="checkbox"/> First Energy | | | | |
| <input checked="" type="checkbox"/> Ohio Edison | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Toledo Edison | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Cleveland Electric Illuminating | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Cincinnati Gas & Electric | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Monongahela Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> American Electric Power | | | | |
| <input checked="" type="checkbox"/> Ohio Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Columbus Southern Power | <input type="checkbox"/> Residential | <input type="checkbox"/> Commercial | <input type="checkbox"/> Mercantile | <input type="checkbox"/> Industrial |
| <input checked="" 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
November 3, 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.
- 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.
- A-13** **Exhibit A-13 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- 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.
- A-15** **Exhibit A-15 "Secretary of State,"** provide evidence that the applicant has registered with the Ohio Secretary of the State.

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 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.
- 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.

- 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.).
- 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.
- 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
- 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** 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 - *Expired*
- 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.
- 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.



**Public Utilities
Commission**

John Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Paul A. Centolella
Cheryl Roberto
Steven D. Lesser
Andre T. Porter

PUBLIC UTILITIES COMMISSION OF OHIO

Certified as a Competitive Retail Electric Service Provider

CANCELLED

Certificate Number:

09-160E (1)

Issued Pursuant to Case Number(s):

09-0486-EL-AGG

A certificate as a Competitive Retail Electric Service Provider is hereby granted to **National Power Source, LLC** whose office or principal place of business is located at **90 Arielle Ct., Suite B, Buffalo, NY 14221** to provide **aggregation and power broker** services within the State of Ohio **effective July 08, 2009**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) 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.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

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

Dated: **September 15, 2011**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Betty McCauley, Secretary

Tanowa M. Troupe, Acting Secretary

M. Beth Trombold, Acting Secretary

Certificate Expires: April 1, 2011

- 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 financial arrangements to conduct CRES 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 CRES operation, along with a list of assumptions, and the name, address, e-mail address, and telephone number of the preparer.
- 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.
- 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.
- 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.

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.

Michael Rinter
Signature of Applicant & Title
President

Sworn and subscribed before me this 5 day of Oct, 2012
Month Year

Barbara J. Maley
Signature of official administering oath

Barbara J. Maley - Senior teller
Print Name and Title

My commission expires on 7/23/13

BARBARA JEAN MALEY
No. 01MA6061786
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 23, 13

AFFIDAVIT

State of New York:

Amherst ss.
(Town)

County of ERIE :

Michael Riester, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President (Office of Affiant) of National Power source (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant,

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
5. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the Applicant.
6. The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The Applicant herein, attests that it will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer complaints.

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 any hearing hereof.

Michael J. Carter
Signature of Affiant & Title
President

Sworn and subscribed before me this 5 day of Oct., 2012
Month Year

Barbara J. Maley
Signature of official administering oath

Barbara J. Maley - Senior teller
Print Name and Title

My commission expires on 7/23/13

BARBARA JEAN MALEY
No. 01MA6061786
Notary Public, State of New York
Qualified in Erie County
My Commission Expires July 23, 13

National Power Source

Exhibit A-11 "Principal Officers, Directors and Partners

Michael Riester
President
90 Arielle Ct., Suite B
Buffalo, NY 14221
(888) 480-5492

National Power Source

Exhibit A-12 “Corporate Structure”

National Power Source LLC

This is the only entity that provides energy consulting or brokering services.

National Power Source

Exhibit A-13 Company History

National Power Source was formed on June 13, 2006 to provide energy consulting services to clients that wished to purchase natural gas and electricity from third party suppliers. Since then we have been providing this service on a national basis primarily to commercial, industrial and government clients. We wish to be able to provide these same services to clients in the state of Ohio.

National Power Source

Exhibit A-14 "Articles of Incorporation and Bylaws"

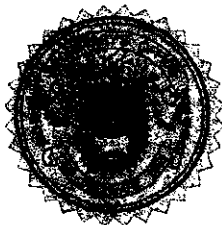
See attached documentation.

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "NATIONAL POWER SOURCE, LLC", FILED IN THIS OFFICE ON THE THIRTEENTH DAY OF JUNE, A.D. 2006, AT 3:14 O'CLOCK P.M.



4174164 8100

060570085

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4825594

DATE: 06-14-06

CERTIFICATE OF FORMATION

OF

NATIONAL POWER SOURCE, LLC
A LIMITED LIABILITY COMPANY

FIRST: The name of the limited liability company is:

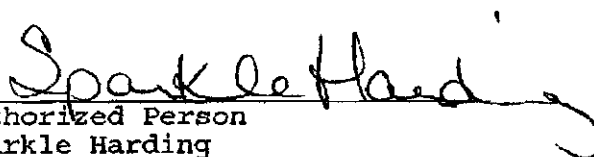
NATIONAL POWER SOURCE, LLC

SECOND: Its registered office in the State of Delaware is to be located at 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle, 19808, and its registered agent at such address is THE COMPANY CORPORATION.

THIRD: The company will be managed by members, the names and street addresses of those who are to serve until the first meeting of members or until their successors are elected are:

Michael E Riester 270 Piermont Ave. South Nyack NY 10960

IN WITNESS WHEREOF, the undersigned, being the individual forming the Company, has executed, signed and acknowledged this Certificate of Formation this thirteenth day of June, A.D. 2006.


Authorized Person
Sparkle Harding



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
06/23/2009	200917301520	REG. OF FOR. PROFIT LIM. LIAB. CO. (LFP)	125.00	.00	.00	.00	.00

Receipt

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

NATIONAL POWER SOURCE LLC
90 ARIELLE CT.
SUITE E
BUFFALO, NY 15221

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jennifer Brunner

1865415

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

NATIONAL POWER SOURCE LLC

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

Document(s)

REG. OF FOR. PROFIT LIM. LIAB. CO.

Document No(s):

200917301520



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 22nd day of June, A.D. 2009.

Ohio Secretary of State

National Power Source

Exhibit B-1 “Jurisdiction of Operation”

National Power Source is licensed in the state of Maryland.

National Power Source

Exhibit B-2 "Experience & Plans"

National Power Source has experience consulting with natural gas and electricity end users for the purpose of contracting with third party suppliers. We have done work in New York, Illinois, California, Michigan, Oklahoma, Kansas and other states. We do not contract with these clients or bill them directly for our services. A fee is attached to the price that is contracted for from a third party supplier and the fee is then collected and remitted to National Power Source by the third party supplier. National Power Source power source never receives title to the commodity or any of the transportation contracts associated with the delivery of the commodity. National Power Source represents many of the natural gas and electricity retail providers and the client contracts directly with the selected suppliers for all services and commodities.

National Power Source maintains a toll free number for our clients to call if there are any complaints. We also provide on site meetings to respond to any complaints and update the clients on the status of their contracts with third party suppliers.

National Power Source

Exhibit B-3 "Summary of Experience"

Placed Natural Gas accounts

Type	State	Utility	Annual Vol. DTH
Government	Oklahoma	ONEOK	12,000
Industry	New York	National Grid	150,000
Government	California	SDG&E	7,000
Government	Rhode Island	National Grid	6,000
Commercial	New Jersey	PSE&G, NJN	7,000
Government	Michigan	Consumers& DTE	45,000
Government	Illinois	Peoples	38,000
Government	Connecticut	SCG	18,000
Commercial	New Jersey	PSE&G, NJN, SJG	12,000

Placed Electric Accounts

Type	State	Utility	Annual Usage MWH
Government	Michigan	Consumers	5.0
Government	Illinois	Com Ed	4.3
Industry	New York	LIPA	11.0
Government	New York	National Grid	6.0
Commercial	Maryland	BGE	6.0
Government	New Jersey	PSE&G	6.0
Government	Connecticut	UL	.4
Commercial	Massachusetts	National Grid	.1

National Power Source

Exhibit B-4 "Disclosure of Liabilities and Investigations"

There are none.

National Power Source
Income Statement YTD
January 1, 2010 to December 31, 2010

Revenues

Net Sales	\$189,258
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Expenses

Sales Expense	\$19,576
Marketing	\$2,460
Utilities	\$6,275
Supplies	\$978
Services	\$18,995
Regulatory	\$1,969

Total Operating Expenses	\$50,253
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Net Income	\$139,005
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National Power Source
Income Statement YTD
January 1, 2011 to Dec 31 2011

Revenues

Net Sales	\$190,682
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Expenses

Sales Expense	\$63,218
Marketing	\$0
Utilities	\$5,415
Supplies	\$979
Services	\$1,757
Regulatory	\$2,028

Total Operating Expenses	\$73,397
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Net Income	\$117,285
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National Power Source

Exhibit C-1 “Annual Reports”

National Power Source is not a public company and does not have shareholders. Annual reports are not required.

National Power Source

Exhibit C-2 “SEC Filings”

National Power Source is not a public company. SEC filings are not required.

National Power Source

Exhibit C-4 “Financial Arrangements”

National Power Source will not be a competitive retail electric supplier and will not have any contractual or financial obligation to take ownership or deliver any commodity.

National Power Source

Exhibit C-5 “Forecasted Financial Statements”

National Power Source will not have a CRES operation.

National Power Source

Exhibit C-6"Credit Rating"

None available

National Power Source

Exhibit C-7 "Credit Report"

None available

National Power Source

Exhibit C-8"Bankruptcy Information"

The have never been any bankruptcy filings.

National Power Source

Exhibit C-9"Merger Information"

There are none