

FILE



TRADEMARK
MERCHANT ENERGY
an ITOCHU Group company

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2012 DEC 19 PM 1:53
PUCO

December 18, 2012

Public Utilities Commission of Ohio
Docketing Division, 13th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

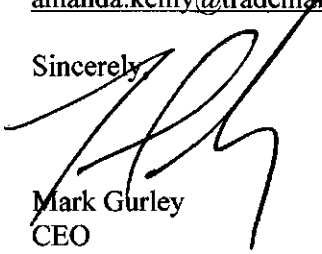
RE: RENEWAL CERTIFICATION APPLICATION
COMPETITIVE RETAIL NATURAL GAS SUPPLIERS

Dear Sir or Madam,

Enclosed please find the original and ten copies of Trademark Merchant Energy, LLC's renewal certification application as a Competitive Retail Natural Gas Supplier. Also enclosed is confidential financial information filed under seal for the Commission's review, in order to maintain confidentiality, along with a Motion for Confidential Treatment.

If you have any questions regarding the application or exhibits, please contact Amanda Kenly, Director, Credit, Contracts & Compliance at 913-754-5765 or by email at amanda.kenly@trademarkenergy.com.

Sincerely,


Mark Gurley
CEO

Trademark Merchant Energy, LLC

Enclosure(s)

This is to certify that the images appearing are an
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PUCO USE ONLY - Version 1.07		
Date Received	Renewal Certification Number	ORIGINAL CRS Case Number
		10 - 3115 - GA-CRS

RENEWAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS SUPPLIERS

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 renew its certificate as: (check all that apply)

☐ Retail Natural Gas Aggregator ☐ Retail Natural Gas Broker ☒ Retail Natural Gas Marketer

A-2 Applicant information:

Legal Name Trademark Merchant Energy, LLC
Address 7500 College Blvd., Ste. 405, Overland Park, KS 66210
Telephone No. 913-754-5775 Web site Address www.trademarkenergy.com
Current PUCO Certificate No. 11-207G(1) Effective Dates 1-22-2011 through 1-22-2013

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

Name Trademark Merchant Energy, LLC
Address 7500 College Blvd., Ste. 405, Overland Park, KS 66210
Web site Address www.trademarkenergy.com Telephone No. 800-309-1233

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

Trademark Merchant Energy, LLC

A-5 Contact person for regulatory or emergency matters:

Name Amanda Kenly Title Director, Credit, Contracts & Compliance
Business Address 7500 College Blvd., Ste. 405, Overland Park, KS 66210
Telephone No. 913-754-5765 Fax No. 913-754-5761 Email Address amanda.kenly@trademarkenergy.com

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

Name Mark Gurley Title CEO
Business address 7500 College Blvd., Ste. 405, Overland Park, KS 66210
Telephone No. 913-754-5751 Fax No. 913-754-5760 Email Address mark.gurley@trademarkenergy.com

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

Customer service address 7500 College Blvd., Ste. 405, Overland Park, KS 66210
Toll-Free Telephone No. 800-309-1233 Fax No. 913-754-5760 Email Address OHservice@trademarkenergy.com

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 Jay Jordan Title Senior Trader
Business address 7132 Brodie Blvd., Dublin, OH 43017
Telephone No. 614-202-3579 Fax No. 614-356-3817 Email Address jay.jordan@trademarkenergy.com

A-9 Applicant's federal employer identification number 20-5626527

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

☐ Sole Proprietorship ☐ Partnership
☐ Limited Liability Partnership (LLP) ☒ Limited Liability Company (LLC)
☐ Corporation ☐ 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 checked="" type="checkbox"/>	Residential	Beginning Date of Service	May 2011	End Date	
<input checked="" type="checkbox"/>	Small Commercial	Beginning Date of Service	May 2011	End Date	
<input checked="" type="checkbox"/>	Large Commercial	Beginning Date of Service	May 2011	End Date	
<input checked="" type="checkbox"/>	Industrial	Beginning Date of Service	May 2011	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	TBD
<input type="checkbox"/>	Dominion East Ohio	Intended Start Date	
<input checked="" type="checkbox"/>	Duke Energy Ohio	Intended Start Date	TBD
<input checked="" type="checkbox"/>	Vectren Energy Delivery of Ohio	Intended Start Date	TBD

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,"** provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto, *only if the contents of the originally filed documents changed since the initial application.*
- A-18 Exhibit A-18 "Secretary of State,"** provide evidence that the applicant is still 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 renewed certification (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 for which it is seeking renewed certification since applicant last filed for certification.

- 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 since applicant last filed for certification.

☒ 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 since applicant last filed for certification.

☒ 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. Please include whether the applicant's operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and the provision of retail ancillary services, as well as other services used to supply natural gas to the natural gas company city gate for retail customers.
- 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], CEO

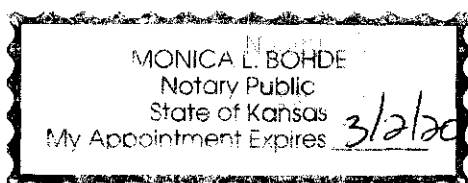
Sworn and subscribed before me this 18th day of December Month 2012 Year

[Handwritten Signature]

Monica L. Bohde

Signature of official administering oath

Print Name and Title



My commission expires on

3/2/2013



The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service Affidavit Form (Version 1.07)

In the Matter of the Application of)

Trademark Merchant Energy, LLC)

for a Certificate or Renewal Certificate to Provide)

Competitive Retail Natural Gas Service in Ohio.)

Case No. 10 - 3115 -GA-CRS

County of Johnson

State of Kansas

Mark Gurley

[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

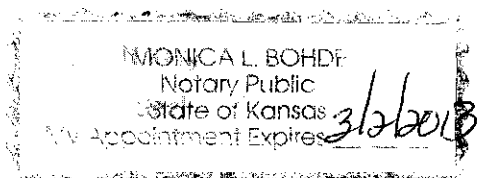
Sworn and subscribed before me this 18th day of December Month 2013 Year

Monica L. Bohde

Signature of Official Administering Oath

Monica L. Bohde

Print Name and Title



My commission expires on

3/2/2013

(CRNGS Supplier Renewal)

Page 7 of 7

**Exhibit A-14 – “Principal Officers, Directors & Partners”
Trademark Merchant Energy, LLC**

Name: Mark Gurley
Title: CEO
Address: 7500 College Blvd., Suite 405, Overland Park, KS 66210
Phone: 913-754-5751

Name: Joe Heller
Title: VP/GM
Address: 7500 College Blvd., Suite 405, Overland Park, KS 66210
Phone: 913-754-5753

Name: Derek McKenzie
Title: VP/GM
Address: 7500 College Blvd., Suite 405, Overland Park, KS 66210
Phone: 913-754-5752

Name: Katsunari Otani
Title: EVP/CRO/CCO
Address: 7500 College Blvd., Suite 405, Overland Park, KS 66210
Phone: 913-754-5755

Name: Fuminobu Oda
Title: Chairman of the Board
Address: 335 Madison Avenue, New York, NY 10017
Phone: 212-818-8000

Exhibit A-15 – “Corporate Structure”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC (formerly known as Kansas Energy LLC) is a limited liability company organized under the laws of Delaware.

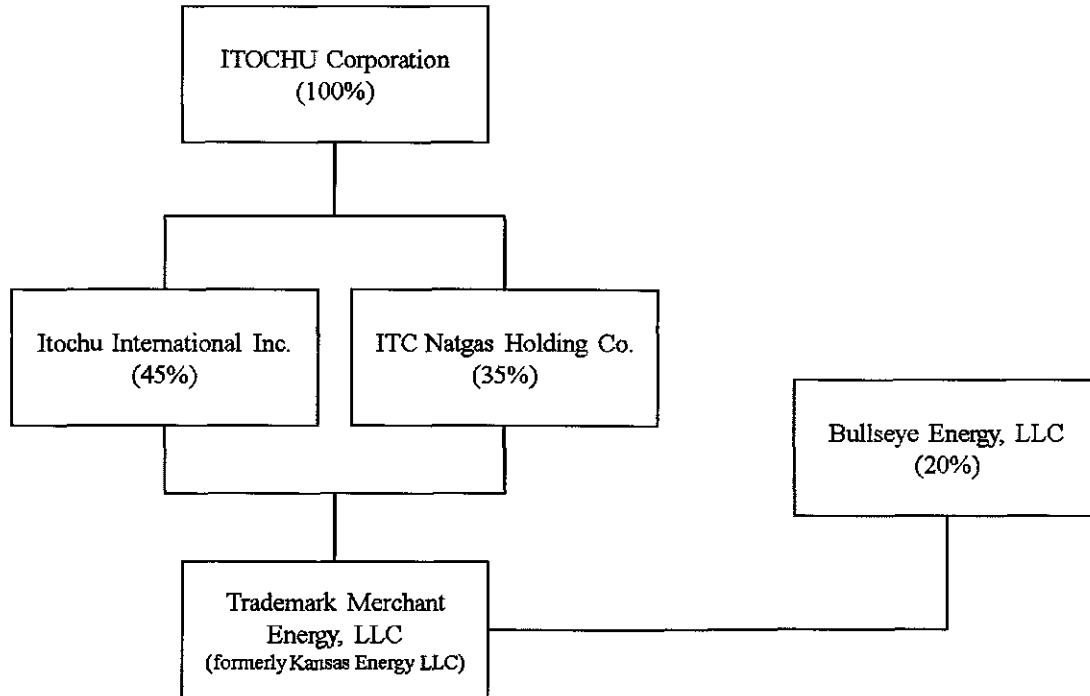


Exhibit A-16 – “Company History”
Trademark Merchant Energy, LLC

In 2002 three of Trademark Merchant Energy, LLC’s current officers (CEO, VP/GMs) started the company Kansas Energy Partners, LLC. These three individuals had significant gas marketing experience and grew the business from 2002 – 2006. In 2006 Kansas Energy LLC was formed as a Delaware limited liability company and purchased substantially all of the assets of Kansas Energy Partners, LLC. Kansas Energy LLC was renamed to Trademark Merchant Energy, LLC in 2011 and is engaged in gas and power marketing and energy management. To perform these services, the Company engages in the physical marketing of natural gas and power and executes related financial derivatives for the overall management of its contractual portfolio and physical positions. The Company currently has 22 employees and the financial support of a multi-billion dollar entity.

**Exhibit A-17 – “Articles of Incorporation and Bylaws”
Trademark Merchant Energy, LLC**

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 "KANSAS ENERGY LLC",
FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF SEPTEMBER, A.D.
2006, AT 11:27 O'CLOCK A.M.



4227025 8100

060894495

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5077418

DATE: 09-28-06

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF AMENDMENT OF "KANSAS ENERGY LLC",
CHANGING ITS NAME FROM "KANSAS ENERGY LLC" TO "TRADEMARK
MERCHANT ENERGY, LLC", FILED IN THIS OFFICE ON THE SIXTH DAY OF
SEPTEMBER, A.D. 2011, AT 11:30 O'CLOCK A.M.

4227025 8100

110985225

You may verify this certification online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 9059618

DATE: 09-28-11

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:30 AM 09/06/2011
FILED 11:30 AM 09/06/2011
SRV 110985225 - 4227025 FILE

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: Kansas Energy LLC
2. The Certificate of Formation of the limited liability company is hereby amended as follows:

Kansas Energy LLC has changed its name to Trademark
Merchant Energy, LLC

IN WITNESS WHEREOF, the undersigned have executed this Certificate on
the 30th day of August, A.D. 2011.

By: 

Authorized Person(s)

Name: Roger Obrist

Print or Type

**Exhibit A-18 – “Secretary of State”
Trademark Merchant Energy, LLC**



DATE 10/25/2011	DOCUMENT ID 201129701388	DESCRIPTION CORRECT REG./FOREIGN LLC (LFC)	FLING 50.00	EXPED .00	PENALTY .00	CERT .00	COPY .00
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Receipt

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

KANSAS ENERGY LLC
17795 W. 106TH ST.
STE. 204
OLATHE, KS 66061

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jon Husted

1935404

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

TRADEMARK MERCHANT ENERGY, LLC

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

Document(s):
CORRECT REG./FOREIGN LLC

Document No(s):
201129701388



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 17th day of October, A.D. 2011.

Jon Husted

Ohio Secretary of State

Exhibit B-1 – “Jurisdictions of Operation”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC is currently registered to do business in the following states:

Alabama	Louisiana	Ohio
Arkansas	Maryland	Oklahoma
California	Michigan	Pennsylvania
Colorado	Minnesota	South Carolina
Delaware	Mississippi	South Dakota
Florida	Missouri	Tennessee
Georgia	Nebraska	Texas
Illinois	New Jersey	Utah
Indiana	New Mexico	Virginia
Iowa	New York	West Virginia
Kansas	North Carolina	Wyoming
Kentucky	North Dakota	

Trademark Merchant Energy, LLC is certified as a retail electric supplier in Ohio, Texas, New York, and Illinois. Trademark Merchant Energy, LLC is licensed as an electricity broker in Delaware, Maryland, Ohio, Pennsylvania and Massachusetts.

Exhibit B-2 – “Experience and Plans”

Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC has over 200 years of combined industry experience. Our team has professional experience in multiple disciplines including trading and marketing, transportation, storage, gathering and processing, and local distribution. This includes the following pipelines transmission companies and local distribution companies in the Ohio and surrounding region: ANR, Texas Eastern, Columbia Gas, Columbia Gulf, Texas Gas, Tennessee, Panhandle, Trunkline, Rockies Express, Columbia Gas of Ohio, and East Ohio.

Currently, Trademark buys and sells physical gas in all producing regions of the United States, moving on average 240,000 – 300,000 MCF per day. Trademark is actively involved in the optimization of company owned transportation and storage contracts as well assisting third parties in the optimization of their assets.

Trademark has participated in the Dominion East Ohio Choice program for the last two annual cycles and currently serves approximately 10,800 customers in the Dominion East Ohio service territory representing about 1 Bcf of natural gas per day.

Currently, Dominion East Ohio enrolls our customers through the Standard Choice Offer program where they are randomly assigned. All of our billing is done by Dominion East Ohio. Trademark Merchant Energy, LLC plans to participate in the Dominion East Ohio auction that will occur in February of 2013 for the upcoming year, and has a 1-800 number listed on their bill for customers to call with inquiries.

Exhibit B-3 – “Summary of Experience”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC buys and sells physical gas in all producing regions of the United States, moving on average 240,000 – 300,000 MCF per day. Trademark is actively involved in the optimization of company owned transportation and storage contracts as well assisting third parties in the optimization of their assets. Trademark has participated in the Dominion East Ohio Choice program for the last two annual cycles and currently serves approximately 10,800 customers in the Dominion East Ohio service territory representing about 1 Bcf of natural gas per day.

Exhibit B-4 – “Disclosure of Liabilities and Investigations”
Trademark Merchant Energy, LLC

There is not currently and has not been any pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact Trademark Merchant Energy, LLC’s financial or operational status or ability to provide the services for which it is seeking renewed certification.

Exhibit C-1 – “Annual Reports”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC is a private company and does not prepare a traditional Annual Report that is prepared for public companies. Please refer to C-3 for the Company’s financial statements.

Exhibit C-2 – “SEC Filings”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC is a private company and thus does not prepare SEC filings. In addition, the owners of Trademark Merchant Energy, LLC are not SEC registrants and thus do not file SEC filings. Please refer to C-3 for financial statements.

Exhibit C-3 – “Financial Statements”
Trademark Merchant Energy, LLC

Financial statements from the two most recent years for the applicant will be sent under separate cover to preserve confidentiality. These financial statements are confidential and proprietary. Therefore, we request that the Commission maintain the confidentiality of this information in accordance with the Motion for Protective Order submitted herewith pursuant to rule 4901:1-1-24 of the Ohio Administrative Code.

Exhibit C-4 – “Financial Arrangements”
Trademark Merchant Energy, LLC

Financial arrangements including working capital, letters of credit, and guarantees for the applicant will be sent under separate cover to preserve confidentiality. These arrangements are confidential and proprietary. Therefore, we request that the Commission maintain the confidentiality of this information in accordance with the Motion for Protective Order submitted herewith pursuant to rule 4901:1-1-24 of the Ohio Administrative Code.

Exhibit C-5 – “Forecasted Financial Statements”
Trademark Merchant Energy, LLC

Forecasted financial statements for the Applicant will be sent under separate cover to preserve confidentiality. These financial forecasts are confidential and proprietary. Therefore, we request that the Commission maintain the confidentiality of this information in accordance with the Motion for Protective Order submitted herewith pursuant to rule 4901:1-1-24 of the Ohio Administrative Code.

Exhibit C-6 – “Credit Rating”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC is not rated. Please see Dun and Bradstreet report in **Exhibit C-7 – “Credit Report”**.



Printed By:Amanda Kenly

Date Printed:December 18, 2012

Live Report : TRADEMARK MERCHANT ENERGY, LLC

D-U-N-S® Number: 78-791-6183

Endorsement/Billing Reference: amanda.kenly@trademarkenergy.com

D&B Address

Address 7500 College Blvd Ste 405
Moved From: 17795 W
106th St Ste 204, Olathe,
Ks
Overland Park,KS - 66210

Phone 913 754-5775

Fax

Location Type Single Location
Web

Added to Portfolio:10/20/2011

Last View Date:08/30/2012

Endorsement amanda.kenly@trademarkenergy.com
:

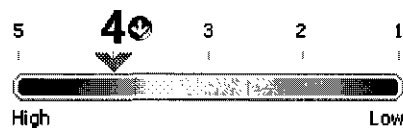
Company Summary

Currency: Shown in USD unless otherwise indicated

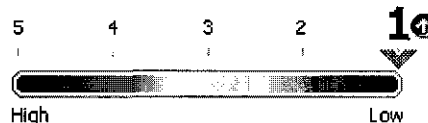
Score Bar

PAYDEX®	80
Commercial Credit Score Class	1
Financial Stress Class	4
Credit Limit - D&B Conservative	100,000.00
D&B Rating	1R3

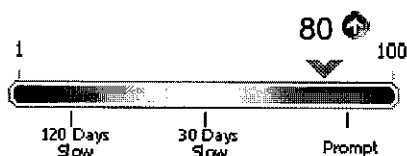
Financial Stress Score Class



Commercial Credit Score Class



D&B 3-month PAYDEX®



When weighted by amount, Payments to suppliers average Within terms

D&B Company Overview

This is a single location

Manager	MARK GURLEY, MNG MBR
Year Started	2002
Management Control	2006
Employees	26
SIC	5172
Line of business	Whol petroleum products
NAICS	424720
History Status	CLEAR

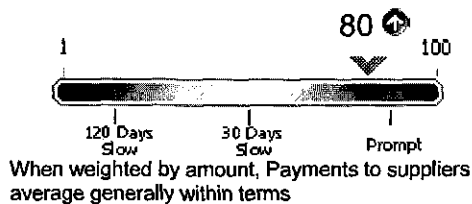
Company News

Today: Tuesday, December 18, 2012

This company is not currently tracked for Company News.

Powered by FirstRain

D&B PAYDEX®



Financials

Currency: Shown in USD unless otherwise indicated

Company Financials: D&B

Additional Financial Data

On FEB 24 2012 Amanda Kenly, Dir/Credit/Contract, declined financial information.

As of February 24 2012 a search of Dun & Bradstreets Public Record database found no open suits, liens, judgements or UCCs to which Trademark Merchant Energy, LLC at 7500 College Blvd Ste 405, Overland Park KS was named defendant or debtor. Public records received hereafter will be entered into the database and will be included in reports which contain a Public Filings section.

Request Financial Statements

Requested financials are provided by TRADEMARK MERCHANT ENERGY, LLC and are not DUNSRight certified.

Key Business Ratios

D & B has been unable to obtain sufficient financial information from this company to calculate business ratios. Our check of additional outside sources also found no information available on its financial performance.

To help you in this instance, ratios for other firms in the same industry are provided below to support your analysis of this business.

Based on this Number of Establishments

11

Industry Norms Based On 11 Establishments

	This Business	Industry Median	Industry Quartile
Profitability			
Return on Sales %	UN	0.6	UN
Return on Net Worth %	UN	10.5	UN
Short-Term Solvency			
Current Ratio	UN	1.7	UN
Quick Ratio	UN	1.3	UN
Efficiency			
Assets to Sales %	UN	9.1	UN
Sales / Net Working Capital	UN	35.3	UN
Utilization			
Total Liabilities / Net Worth (%)	UN	131.4	UN

UN = Unavailable

History & Operations

Currency: Shown in USD unless otherwise indicated

Company Overview

Company Name: TRADEMARK MERCHANT ENERGY, LLC
Street Address: 7500 College Blvd Ste 405
Moved From: 17795 W 106th St Ste 204, Olathe, Ks
Overland Park , KS 66210
Phone: 913 754-5775
History Is clear
Present management control 6 years

History

The following information was reported: 02/24/2012

Officer(s): MARK GURLEY, MNG MBR
DERRICK MCKENZIE, MBR
JOSEPH HELLER, MBR

This is a limited liability company formed in Delaware on November 7, 2006.

Business started 2002. Present control succeeded Nov 2006.

This business was originally started in 2002 as Kansas Energy Partners LLC. In November 2006, Itochu International Inc, New York, NY acquired 80% of the company. The company, which now operates as a subsidiary of Itochu, subsequently changed its name to Kansas Energy LLC.

MARK GURLEY born 1963. 2002-present active here, and managing member since 2006. 1989-2002 active with Aquila Energy, Kansas City, MO.

DERRICK MCKENZIE born 1967. 2002-present active here, and member since 2006. 1990-2002 active with Aquila Energy, Kansas City, MO.

JOSEPH HELLER born 1969. 2002-present active here, and member since 2006. 1996-2002 active with Aquila Energy, Kansas City, MO.

Business address has changed from 17795 W 106th St Ste 204, Olathe, KS, 66061 to 7500 College Blvd Ste 405, Overland Park, KS, 66210.

Operations

02/24/2012

Wholesales petroleum products, specializing in natural oils and electric power (100%).

Description: Has 200 account(s). Terms are cash and net 30 days. Sells to wholesalers. Territory : United States.
Nonseasonal.

Employees: 26 which includes 1 part-time.

Facilities: Leases premises on 4th floor of a multi story steel building.

Location: Central business section on main street.

SIC & NAICS

SIC:

Based on information in our file, D&B has assigned this company an extended 8-digit SIC. D&B's use of 8-digit SICs enables us to be more specific about a company's operations than if we use the standard 4-digit code.

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site. Links open in a new browser window.

5172 0200 Engine fuels and oils

NAICS:

424720 Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)

Predictive Scores

Currency: Shown in USD unless otherwise indicated

Credit Capacity Summary

This credit rating was assigned because of D&B's assessment of the company's creditworthiness. For more information, see the D&B Rating Key

D&B Rating: **1R3**

Number of employees: **1R** indicates **10 or more** employees
Composite credit appraisal: **3** is fair

The 1R and 2R ratings categories reflect company size based on the total number of employees for the business. They are assigned to business files that do not contain a current financial statement. In 1R and 2R Ratings, the 2, 3, or 4 creditworthiness indicator is based on analysis by D&B of public filings, trade payments, business age and other important factors. 2 is the highest Composite Credit Appraisal a company not supplying D&B with current financial information can receive.

Below is an overview of the company's rating history since 11-07-2006

Number of Employees
Total: 26

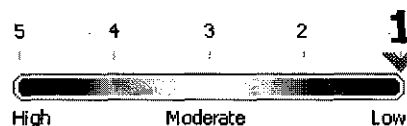
D&B Rating	Date Applied
1R3	09-13-2010
1R4	08-04-2010
1R3	03-12-2009
—	11-07-2006

Payment Activity:	(based on 20 experiences)
Average High Credit:	2,356
Highest Credit:	10,000
Total Highest Credit:	19,400

D&B Credit Limit Recommendation

Conservative credit Limit	100,000
Aggressive credit Limit:	250,000

Risk category for this business : **LOW**



The Credit Limit Recommendation (CLR) is intended to serve as a directional benchmark for all businesses within the same line of business or industry, and is not calculated based on any individual business. Thus, the CLR is intended to help guide the credit limit decision, and must be balanced in combination with other elements which reflect the individual company's size, financial strength, payment history, and credit worthiness, all of which can be derived from D&B reports.

Risk is assessed using D&B's scoring methodology and is one factor used to create the recommended limits. See Help for details.

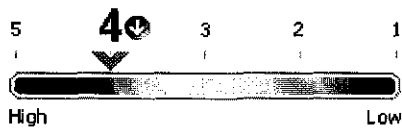
Financial Stress Class Summary

The Financial Stress Score predicts the likelihood of a firm ceasing business without paying all creditors in full, or reorganization or obtaining

relief from creditors under state/federal law over the next 12 months. Scores were calculated using a statistically valid model derived from D&Bs extensive data files.

The Financial Stress Class of 4 for this company shows that firms with this class had a failure rate of 0.84% (84 per 10,000), which is 1.75 times higher than the average of businesses in D & B's database.

Financial Stress Class :



Moderate to high risk of severe financial stress, such as a bankruptcy, over the next 12 months.

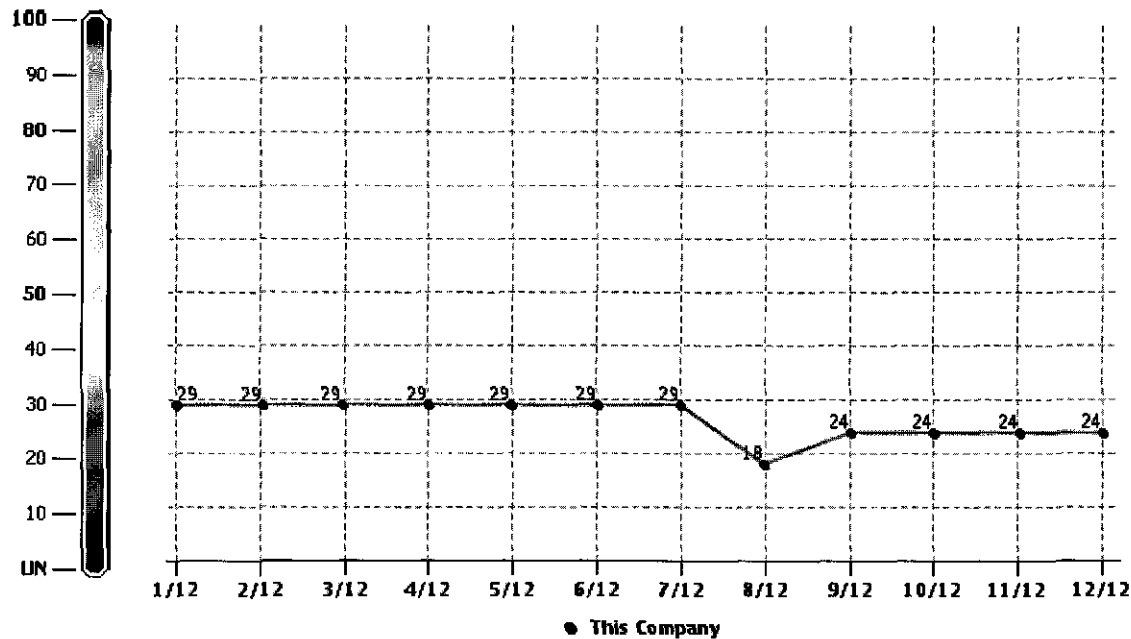
Probability of Failure:

- Among Businesses with this Class: **0.84 %** (84 per 10,000)
- Financial Stress National Percentile : **24** (Highest Risk: 1; Lowest Risk: 100)
- Financial Stress Score : **1423** (Highest Risk: 1,001; Lowest Risk: 1,875)
- Average of Businesses in D&Bs database: **0.48 %** (48 per 10,000)

The Financial Stress Class of this business is based on the following factors:

- Low proportion of satisfactory payment experiences to total payment experiences.
- High number of inquiries to D & B over last 12 months.
- Limited time under present management control.

Financial Stress Percentile Trend:



Notes:

- The Financial Stress Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience financial stress.
- The Probability of Failure shows the percentage of firms in a given Class that discontinued operations over the past year with loss to creditors. The Probability of Failure - National Average represents the national failure rate and is provided for comparative purposes.
- The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&Bs file.
- The Financial Stress Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.



Norms	National %
This Business	24
Region: WEST NORTH CENTRAL	76
Industry: WHOLESALE	54
Employee range: 20-99	66
Years in Business: 6-10	43

This Business has a Financial Stress Percentile that shows:

- Higher risk than other companies in the same region.
- Higher risk than other companies in the same industry.
- Higher risk than other companies in the same employee size range.
- Higher risk than other companies with a comparable number of years in business.

Credit Score Summary

The Commercial Credit Score predicts the likelihood that a company will pay its bills in a severely delinquent manner (90 days or more past terms), obtain legal relief from creditors or cease operations without paying all creditors in full over the next 12 months. Scores are calculated using a statistically valid model derived from D&B's extensive data files. The Credit Score class of 1 for this company shows that 6.0% of firms with this class paid one or more bills severely delinquent, which is lower than the average of businesses in D & B's database.

Credit Score Class :



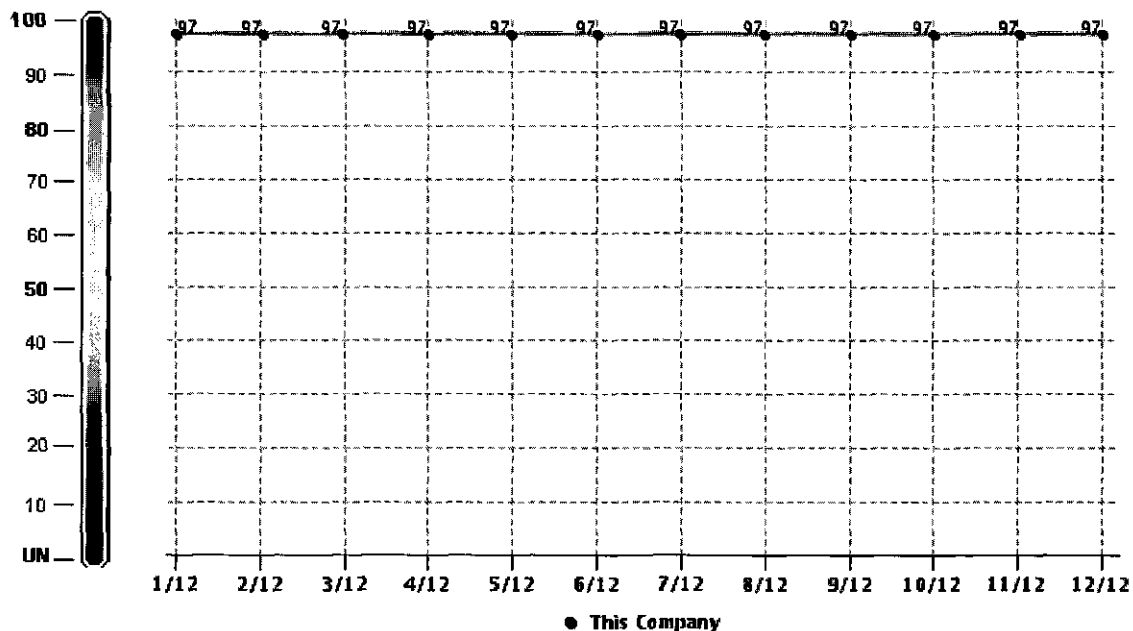
Incidence of Delinquent Payment

- Among Companies with this Classification: **6.00 %**
- Average compared to businesses in D&Bs database: **23.50 %**
- Credit Score Percentile : **97** (Highest Risk: 1; Lowest Risk: 100)
- Credit Score : **504** (Highest Risk: 101; Lowest Risk: 670)

The Credit Score Class of this business is based on the following factors:

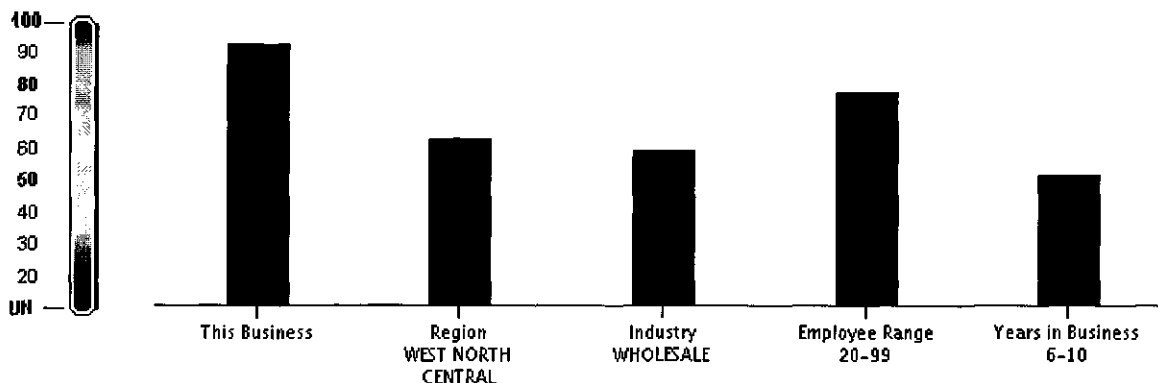
- Low number of satisfactory payments.
- Low proportion of satisfactory payment experiences to total payment experiences.
- Business is privately held.
- Composite credit appraisal is rated fair.
- Business is not a subsidiary.

Credit Score Class Percentile Trend:



Notes:

- The Commercial Credit Score Risk Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience severe delinquency.
- The incidence of delinquency shows the percentage of firms in a given percentile that are likely to pay creditors in a severely delinquent manner. The average incidence of delinquency is based on businesses in D&B's database and is provided for comparative purposes.
- The Commercial Credit Score percentile reflects the relative ranking of a firm among all scorable companies in D&B's file.
- The Commercial Credit Score offers a more precise measure of the level of risk than the Risk Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.



Norms	National %
This Business	97
Region: WEST NORTH CENTRAL	62
Industry: WHOLESALE	57
Employee range: 20-99	79
Years in Business: 6-10	48

This business has a Credit Score Percentile that shows:

- Lower risk than other companies in the same region.
- Lower risk than other companies in the same industry.
- Lower risk than other companies in the same employee size range.
- Lower risk than other companies with a comparable number of years in business.

Public Filings

Currency: Shown in USD unless otherwise indicated

Summary

The following data includes both open and closed filings found in D&B's database on this company.

Record Type	# of Records	Most Recent Filing Date
Bankruptcy Proceedings	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	2	06/05/12

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

UCC Filings

Collateral	RIGHTS
Type	Original
Sec. Party	ORANGE & ROCKLAND UTILITIES, INC., SPRING VALLEY, NY
Debtor	TRADE MARK MERCHANT ENERGY, LLC
Filing No.	2012 2140889
Filed With	SECRETARY OF STATE/UCC DIVISION, DOVER, DE
Date Filed	2012-06-05
Latest Info Received	06/28/12

Collateral	RIGHTS
Type	Original
Sec. Party	ORANGE & ROCKLAND UTILITIES, INC., SPRING VALLEY, NY
Debtor	TRADE MARK MERCHANT ENERGY, LLC
Filing No.	1206055643549
Filed With	SECRETARY OF STATE/UCC DIVISION, ALBANY, NY
Date Filed	2012-06-05
Latest Info Received	06/14/12

Government Activity

Activity summary

Borrower (Dir/Guar)	NO
Administrative Debt	NO
Contractor	NO
Grantee	NO
Party excluded from federal program(s)	NO

Possible candidate for socio-economic program consideration

Labour Surplus Area	N/A
---------------------	-----

Small Business

YES (2012)

8(A) firm

N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

Special Events

Currency: Shown in USD unless otherwise indicated

Special Events

02/24/2012

Business address has changed from 17795 W 106th St Ste 204, Olathe, KS, 66061 to 7500 College Blvd Ste 405, Overland Park, KS, 66210.

Trade Payments

Currency: Shown in USD unless otherwise indicated

D&B PAYDEX®

The D&B PAYDEX is a unique, weighted indicator of payment performance based on payment experiences as reported to D&B by trader references. Learn more about the D&B PAYDEX

Timeliness of historical payments for this company.

Current PAYDEX is 80 Equal to generally within terms (Pays same as the average for its industry of generally within terms)
 Industry Median is 80 Equal to generally within terms
 Payment Trend currently is ↔ Unchanged, compared to payments three months ago

Indications of slowness can be the result of dispute over merchandise, skipped invoices etc. Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Total payment Experiences in D&Bs File (HQ)	20
Payments Within Terms (not weighted)	100 %
Trade Experiences with Slow or Negative Payments(%)	0.00%
Total Placed For Collection	0
High Credit Average	2,356
Largest High Credit	10,000
Highest Now Owing	500
Highest Past Due	0

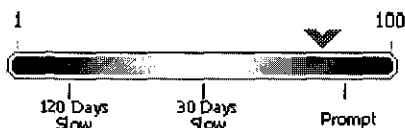
D&B PAYDEX



- High risk of late payment (Average 30 to 120 days beyond terms)
 - Medium risk of late payment (Average 30 days or less beyond terms)
 - Low risk of late payment (Average prompt to 30+ days sooner)
- When weighted by amount, payments to suppliers average generally within terms

3-Month D&B PAYDEX

80



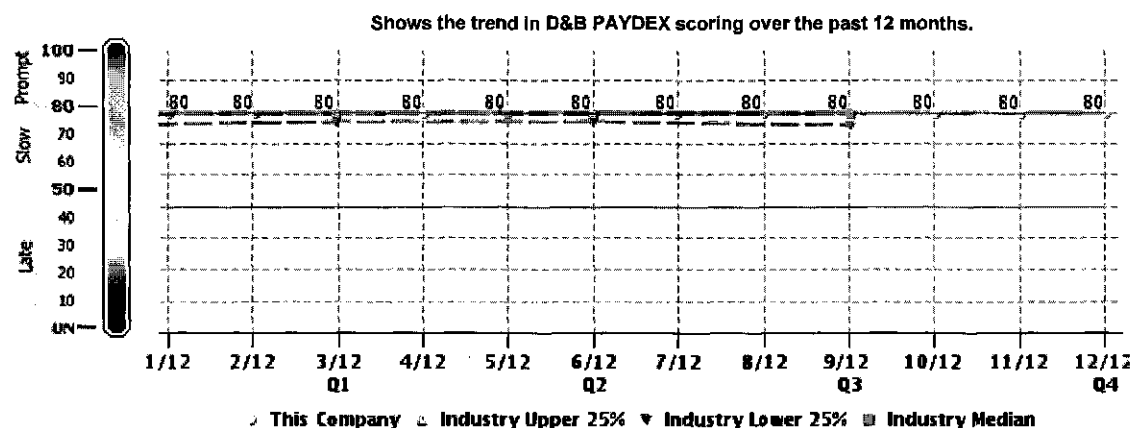
- High risk of late payment (Average 30 to 120 days beyond terms)
 - Medium risk of late payment (Average 30 days or less beyond terms)
 - Low risk of late payment (Average prompt to 30+ days sooner)
- Based on payments collected over last 3 months.

When weighted by amount, payments to suppliers average within terms

D&B PAYDEX® Comparison

Current Year

PAYDEX® of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Whol petroleum products , based on SIC code 5172 .

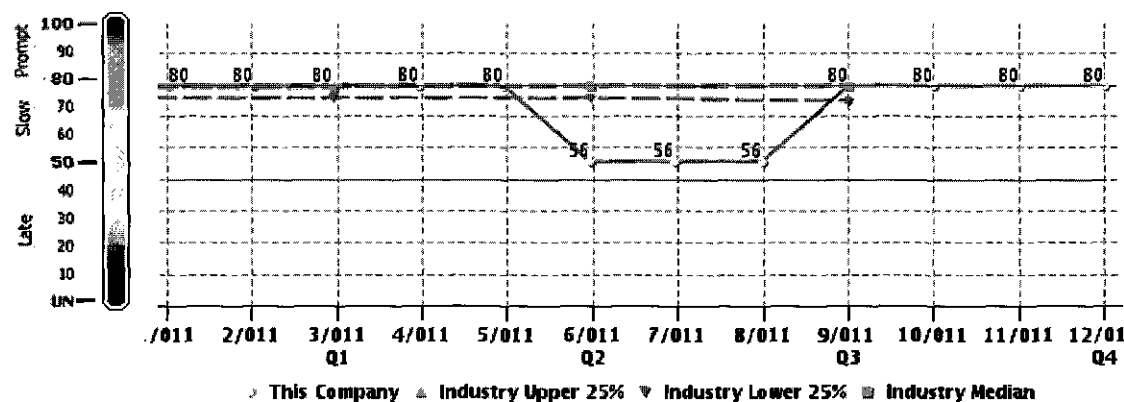


	1/12	2/12	3/12	4/12	5/12	6/12	7/12	8/12	9/12	10/12	11/12	12/12
This Business	80	80	80	80	80	80	80	80	80	80	80	80
Industry Quartiles												
Upper	.	.	80	.	.	80	.	.	80	.	.	.
Median	.	.	80	.	.	80	.	.	80	.	.	.
Lower	.	.	77	.	.	77	.	.	76	.	.	.

- Current PAYDEX for this Business is 80 , or equal to generally within terms
- The 12-month high is 80 , or equal to GENERALLY WITHIN terms
- The 12-month low is 80 , or equal to GENERALLY WITHIN terms

Previous Year

Shows PAYDEX of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Whol petroleum products , based on SIC code 5172 .



Previous Year	12/10 Q4'10	03/11 Q1'11	06/11 Q2'11	09/11 Q3'11
This Business	UN	80	56	80
Industry Quartiles				
Upper	80	80	80	80
Median	79	79	80	80
Lower	76	76	76	75

Based on payments collected over the last 4 quarters.

- Current PAYDEX for this Business is 80 , or equal to generally within terms
- The present industry median Score is 80 , or equal to generally within terms
- Industry upper quartile represents the performance of the payers in the 75th percentile
- Industry lower quartile represents the performance of the payers in the 25th percentile

Payment Habits

For all payment experiences within a given amount of credit extended, shows the percent that this Business paid within terms. Provides number of experiences to calculate the percentage, and the total credit value of the credit extended.

\$ Credit Extended	# Payment Experiences	Total Amount	% of Payments Within Terms
Over 100,000	0	0	0%
50,000-100,000			
15,000-49,999	0	0	0%
5,000-14,999			
1,000-4,999	0	0	0%
Under 1,000			
	2	15,000	100%
	3	3,000	100%
	3	850	100%

0% 50% 100%

Based on payments collected over last 24 months.

All Payment experiences reflect how bills are paid in relation to the terms granted. In some instances, payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

Payment Summary

There are 20 payment experience(s) in D&Bs file for the most recent 24 months, with 11 experience(s) reported during the last three month period.

The highest **Now Owes** on file is 500 . The highest **Past Due** on file is 0

Below is an overview of the company's currency-weighted payments, segmented by its suppliers primary industries:

	Total Rev'd (#)	Total Amts	Largest High Credit	Within Terms (%)	Days Slow <31 31-60 61-90 (%) (%) (%)
Top Industries					
Telephone communictns	2	1,000	1,000	100	0 0 0 0
Help supply service	1	10,000	10,000	100	0 0 0 0
Admin public health	1	5,000	5,000	100	0 0 0 0
Nonclassified	1	1,000	1,000	100	0 0 0 0
Management services	1	1,000	1,000	100	0 0 0 0
Whol durable goods	1	500	500	100	0 0 0 0
Whol office equipment	1	250	250	100	0 0 0 0

Admin social programs	1	100	100	100	0	0	0	0
Other payment categories								
Cash experiences	11	550	100					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collections	0	N/A	0					
Total in D&B's file	20	19,400	10,000					

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Indications of slowness can be result of dispute over merchandise, skipped invoices etc.

Detailed payment history for this company

Date Reported (mm/yy)	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last Sale Within (month)
11/12	Ppt	10,000	0	0		6-12 mos
	Ppt	1,000	0	0		6-12 mos
	Ppt	250	250	0	Lease Agreement	1 mo
	(004)	100			Cash account	1 mo
	(005)	100			Cash account	2-3 mos
	(006)	50			Cash account	1 mo
	(007)	50			Cash account	1 mo
10/12	(008)	50			Cash account	1 mo
	(009)	50			Cash account	6-12 mos
09/12	Ppt	1,000	500	0		1 mo
	Ppt	0	0	0		1 mo
06/12	Ppt	1,000	0	0		6-12 mos
05/12	(013)	50			Cash account	4-5 mos
	(014)	50			Cash account	1 mo
04/12	Ppt	5,000				1 mo
12/11	Ppt	100				1 mo
12/10	Ppt	500	0	0		6-12 mos
11/10	(018) Cash own option .	50			Cash account	6-12 mos
	(019)	0	0	0	Cash account	6-12 mos
	(020)	0	0	0	Cash account	6-12 mos

Payments Detail Key: ■ 30 or more days beyond terms

Payment experiences reflect how bills are paid in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc. Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

View Snapshots

View Snapshots

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Exhibit C-8 – “Bankruptcy Information”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC attests that there are no 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 other officer of the applicant in the current year or since applicant last filed for certification.

Exhibit C-9 – “Merger Information”
Trademark Merchant Energy, LLC

Trademark Merchant Energy, LLC attests that there has been no dissolution or merger or acquisition of the applicant since the applicant last filed for certification.

Exhibit D-1 – “Operations”
Trademark Merchant Energy, LLC

Since 2002, Trademark has been a successful wholesale marketing & trading company serving natural gas producers, independent power producers, utilities, industrial users and other energy wholesalers. We specialize in supply aggregation, sales, and logistical delivery for customers in all the major regions throughout North America. Trademark Merchant Energy currently manages production volumes for producers as well as consumption requirements for end users. At Trademark Merchant Energy, we actively optimize company owned transportation and storage assets. We have a team of schedulers and actively schedule and market volumes that average 240,000 to 300,000 MCF per day. Trademark Merchant Energy, LLC has a sales representative located in Ohio with extensive experience in the Ohio retail natural gas market.

Exhibit D-2 – “Operational Expertise”
Trademark Merchant Energy, LLC

Our commitment to providing the highest level of customer service is unparalleled. With over 200 years of combined experience in transportation, storage, nominations, scheduling and forecasting current and future customer load, Trademark Merchant Energy, LLC is uniquely qualified to provide world class service in all aspects of supplying natural gas to Ohio residents, commercial and industrial entities.

See Attached Biographies at D-3 for additional information.

Exhibit D-3 – “Key Technical Personnel”
Trademark Merchant Energy, LLC

Rusty Smith is a Vice President at Trademark Merchant Energy, LLC. In addition to trading and marketing energy products, Rusty leads the growth and development of Trademark’s power trading & marketing group. Prior to joining Trademark, Rusty was the Director of wholesale energy operations at Kansas City Power & Light. Rusty has also held senior trading and management positions at Valero Energy, and Aquila. Rusty holds an M.B.A. from the University of Chicago, and a B.S. from Texas A&M University.

Jay Jordan is the Senior Trader at Trademark Merchant Energy, LLC located in Ohio. Jay has over 17 years of experience in the natural gas industry. His primary focus has been on transportation, trading, and storage. Prior to employment at Trademark, Jay worked for Integrys Energy Services where he assisted in the management of Integrys’s Energy Choice program. Jay is a graduate of The Ohio State University with a degree in finance.

Name: Rusty Smith
Title: VP/Portfolio Manager
Email: rusty.smith@trademarkenergy.com
Phone: 913-754-5777

Name: Jay Jordan
Title: Senior Trader
Email: jay.jordan@trademarkenergy.com
Phone: 614-202-3579

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RE: TRADEMARK MERCHANT ENERGY, LLC

Docket No. 10-3115-GA-CRS

Application for Renewal of Certification as a
Competitive Retail Natural Gas Supplier

MOTION FOR PROTECTIVE ORDER

Trademark Merchant Energy, LLC (hereafter, "Applicant") respectfully moves the Commission for a protective order granting confidential treatment to certain materials submitted in the above-captioned proceeding, pursuant to Rule 4901:1-1-24 of the Ohio Administrative Code. In support of said motion, Applicant states as follows:

1. As part of its Application for certification as a Competitive Retail Natural Gas Supplier (CRNGS), Applicant has submitted to the Commission, its consolidated 2009, 2010 and 2011-2012 financial statements, its financial arrangements including working capital, letters of credit, and forecasted financial statements for two years of natural gas operations regarding CRNGS.

2. The consolidated 2009, 2010 and 2011-2012 financial statements, its financial arrangements including working capital, letters of credit, and forecasted financial statements for two years of natural gas operations regarding CRNGS should all be protected as confidential commercial information. Applicant is a privately held corporation, and does not disclose this information to anyone outside of its corporate affiliates and representatives (with the exception being that financial statements are disclosed on a limited basis to potential customers subject to an appropriate confidentiality agreement for the purpose of obtaining credit).

3. By this Motion, Applicant is seeking confidential treatment of this information, which is called for in the Application as Exhibits C-3, C-4, and C-5 respectively.

4. Release of the information that Applicant seeks to protect is likely to result in a competitive disadvantage for Applicant. Competitors possessing the confidential information described above would be aware of the intimate details of Applicant's finances and its strategic allocation of resources for the Ohio natural gas market.

5. The Commission has the authority to treat the information described above as confidential, pursuant to Rule 4901:1-1-24 of the Ohio Administrative Code.

6. Applicant requests that the Commission issue an Order protecting from public disclosure in any form should be prohibited and the protected materials should be returned at the conclusion of the proceeding or destroyed on terms acceptable to Applicant.

7. The Commission granted a protective order with respect to the previous filing and motion for confidentiality submitted by Trademark Merchant Energy, LLC under Docket 10-3115-GA-CRS. Applicant requests an extension of the protective order previously granted on April 4, 2011 for an additional period of 24 months.

WHEREFORE, Trademark Merchant Energy, LLC respectfully request that the Commission:

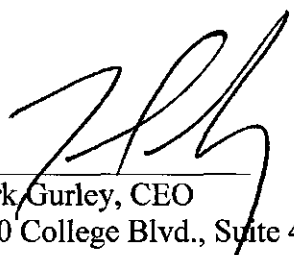
A. Issue an order treating as confidential the consolidated 2009, 2010 and 2011-2012 financial statements, financial arrangements including working capital, letters of credit, guarantees, forecasted financial statements for two years of natural gas operations in Ohio;

B. Issue an order to extend the protective order issued on April 4, 2011 for an additional period of 24 months treating as confidential the 2007, 2008 and 2009 combined financial statements, financial arrangements including working capital, letters of credit, guarantees, forecasted financial statements for two years of natural gas operations in Ohio; and

C. Grant such other and further relief as may be just and equitable.

Date: December 18, 2012

Respectfully submitted.
Trademark Merchant Energy, LLC

By: 
Mark Gurley, CEO
7500 College Blvd., Suite 405
Overland Park, KS 66210
913-754-5765
mark.gurley@trademarkeberg.com

VERIFICATION

STATE OF KANSAS

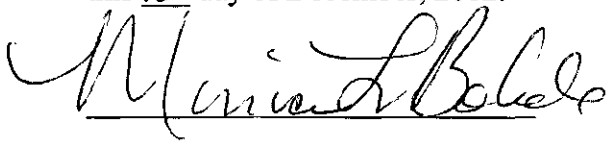
COUNTY OF JOHNSON

Mark Gurley, being first duly sworn, deposes and says that he is the CEO of Trademark Merchant Energy, LLC; hat he has read the foregoing Motion for Protective Order ("Motion"); and that the statements contained in the Motion are true, correct, and complete to the best of his knowledge, information and belief.



Mark Gurley, CEO
Trademark Merchant Energy, LLC

Subscribed and sworn to before me
this 18th day of December, 2012.



Notary Public

