

Orla E. Collier  
Writer's Direct Dial: (614) 223-9340  
Writer's Email: ocollier@beneschlaw.com

41 South High Street  
Suite 2600  
Columbus, Ohio 43215-6150  
Phone: (614) 223-9300  
Fax: (614) 223-9330

March 7, 2013

**VIA HAND DELIVERY**

Docketing Division, 13<sup>th</sup> Floor  
Public Utilities Commission of Ohio  
180 E. Broad Street  
Columbus, Ohio 43215-3783

PUCO

RECEIVED-DOCKETING DIV  
2013 MAR -7 AM 11:54

**Re: Certification Application For Aggregators - Emuna Energy, LLC**


To Whom It May Concern:

Please find enclosed the original notarized Certification Application For Aggregators filed by Emuna Energy, LLC, Applicant's Motion for Protective Order and Memorandum in Support and eleven (11) conformed copies. Please docket the originals and return one (1) file-stamped copy of each to me. Separately submitted are the original and three (3) copies of Applicant's submission of Exhibits C-3 and C-5 under seal.

If there are any questions concerning this filing, please contact me directly. Thank you for your cooperation.

Very truly yours,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP



Orla E. Collier

Enclosure

cc: Steve Coven

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                      Date Processed MAR 07 2013

FILE



The Public Utilities Commission of Ohio

PUCO-USE ONLY		
Date Received	Case Number	Version
	13-599-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 Emuna Energy, LLC  
 Address 1350 W. 3rd Street, Cleveland, Ohio 44113  
 Telephone # (216) 464-2860 Web site address (if any) \_\_\_\_\_

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

Legal Name Emuna Energy, LLC  
 Address 1350 W. 3rd Street, Cleveland, Ohio 44113  
 Telephone # (216) 464-2860 Web site address (if any) \_\_\_\_\_

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

Emuna Energy, LLC \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### A-4 Contact person for regulatory or emergency matters

Name Ezra Stark  
 Title Manager

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 [Signature] Date Processed MAR 07 2008

RECEIVED: DOCKETING DIV  
 2013 MAR -7 AM 11:54  
 PUCO

Business address 1350 W. 3rd Street, Cleveland, Ohio 44113

Telephone # (216) 464-2860

Fax # (216) 464-1458

E-mail address (if any)

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

Name Ezra Stark

Title Manager

Business address 1350 W. 3rd Street, Cleveland, Ohio 44113

Telephone # (216) 464-2860

Fax # (216) 464-1458

E-mail address (if any)

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

Customer Service address 1350 W. 3rd Street, Cleveland, Ohio 44113

Toll-free Telephone # (216) 464-2860

Fax # (216) 464-1458

E-mail address (if any)

**A-7 Applicant's federal employer identification number # 264545370**

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

☐ Sole Proprietorship

☐ Partnership

☐ Limited Liability Partnership (LLP)

☒ Limited Liability Company (LLC)

☐ Corporation

☐ 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).**

**☒ First Energy**

☒ Ohio Edison

☒ Toledo Edison

☒ Cleveland Electric Illuminating

☐ Cincinnati Gas & Electric

☐ Monongahela Power

☒ American Electric Power

☒ Ohio Power

☒ Columbus Southern Power

☒ Dayton Power and Light

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Commercial

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Mercantile

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

☐ Industrial

- A-10 Provide the approximate start date that the applicant proposes to begin delivering services  
Upon approval of application

**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
- 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.

- 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 Experion, 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.

  
Signature of Applicant & Title

Sworn and subscribed before me this 4<sup>th</sup> day of March, 2013  
Month Year

  
Signature of official administering oath

Ezra Stark, Manager  
Print Name and Title

My commission expires on \_\_\_\_\_  
Notary Public, State of Ohio  
My commission expires on \_\_\_\_\_  
Notary Public, State of Ohio

# **AFFIDAVIT**

State of Ohio :

Cleveland ss.  
(Town)

County of Cuyahoga :

Ezra F. Stark, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the Manager (Office of Affiant) of Emma Energy, LLC (Name of Applicant);

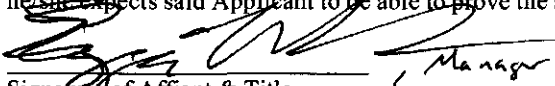
That he/she is authorized to and does make this affidavit for said Applicant,

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.

  
Signature of Affiant & Title Manager

Sworn and subscribed before me this 4<sup>th</sup> day of March, 2013  
Month Year

  
Signature of official administering oath

Ezra Stark, Manager  
Print Name and Title

My commission expires on Steven H. Coven  
Notary Public - State of Ohio  
My commission has no expiration date  
Section 147.03 R.C.

# EXHIBIT A-11

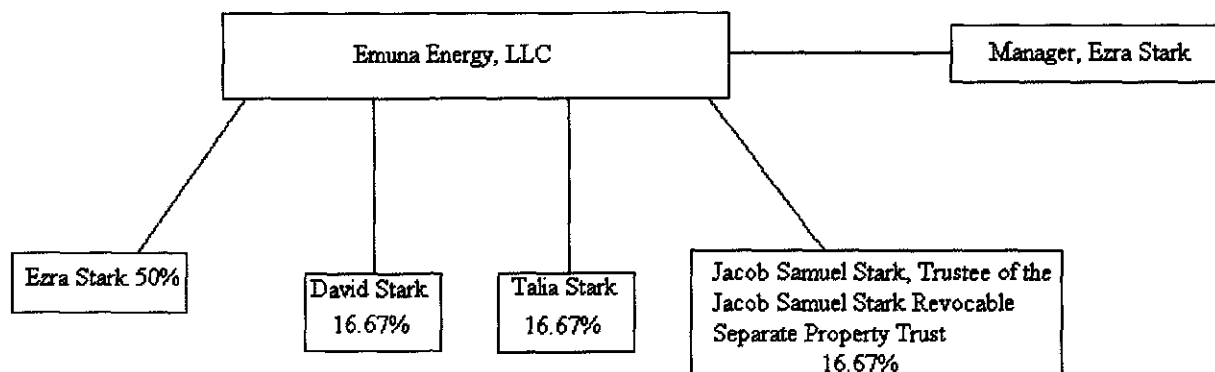
Names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials:

1. Ezra Stark, Manager and Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
2. David Stark, Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
3. Talia Stark, Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
4. Jacob Samuel Stark, Trustee of the Jacob Samuel Stark Revocable Separate Property Trust; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.

## EXHIBIT A-12

Emuna Energy, LLC is managed by its Manager, currently, Ezra Stark. Subject to any limitations set forth in the Ohio Revised Code, the Manager has the has all power and authority to manage, and, direct the management of, the business and affairs of the company.

### Corporate Structure:



## EXHIBIT A-13

The company began delivering services to third parties in January 2011 and its intention and interest is to continue to offer electricity consulting services, green energy, induction lighting and electric aggregation services.

EXHIBIT A-14



Form 533A Prescribed by the:  
Ohio Secretary of State

Central Ohio: (614) 466-3910  
Toll Free: (877) SOS-FILE (767-3453)

www.sos.state.oh.us  
Bussserv@sos.state.oh.us

Expedite this form: (select one)  
Mail form to one of the following:

☐ Expedite PO Box 1390  
Columbus, OH 43216

\*\*\* Requires an additional fee of \$100 \*\*\*

☒ Non Expedite PO Box 670  
Columbus, OH 43266

**ARTICLES OF ORGANIZATION FOR A DOMESTIC  
LIMITED LIABILITY COMPANY**

Filing Fee: \$125.00

(CHECK ONLY ONE (1) BOX)

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

Name of limited liability company

**Emuna Energy, LLC**

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

Effective Date \_\_\_\_\_ (The legal existence of the limited liability company begins upon the filing  
(Optional) mm/dd/yyyy 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) Period of Existence

Purpose  
(Optional)

---



---



---



---



---



---

☐ Check here if additional provisions are attached

## ORIGINAL APPOINTMENT OF AGENT

The undersigned authorized member(s), manager(s) or representative(s) of

Ernst Energy, LLC

Name of Limited Liability Company

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the limited liability company may be served. The name and address of the agent is

Thomas A. FitzSimons, Esq.

Name of Agent

1350 West Third Street

Mailing Address

Cleveland

City

Ohio

State

44113

Zip Code

☐ If the agent is an individual and using a P.O. Box, check this box to certify the agent is an Ohio resident.

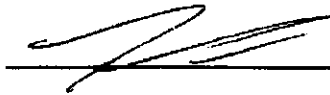
## ACCEPTANCE OF APPOINTMENT

The undersigned, named herein as the statutory agent for

Ernst Energy, LLC

Name of Limited Liability Company

hereby acknowledges and accepts the appointment of agent for said limited liability company



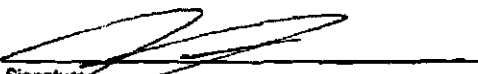
Agent's Signature

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document on behalf of the limited liability company identified above.

**REQUIRED**

Articles and original appointment of agent must be authenticated (signed) by a member, manager or other representative.

Signature



3/18/2009

Date

Thomas A. FitzSimmons, Esq., Authorized Representative  
Print Name

Signature

Date

Print Name

Signature

Date

Print Name

(See Instructions Below)

EXHIBIT A-15



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
03/26/2009	200908500714	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.

STARK ENTERPRISES  
1350 WEST 3RD STREET  
CLEVELAND, OH 44113

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Jennifer Brunner**

**1845969**

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

**EMUNA ENERGY, LLC**

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

Document(s)

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

Document No(s):

**200908500714**



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 25th day of March, A.D.  
2009.

Ohio Secretary of State



## **EXHIBIT B-1**

**Neither Emuna Energy, LLC, nor any affiliate, is currently licensed, registered or otherwise authorized to provide retail wholesale electric services in any other jurisdiction.**

## EXHIBIT B-2

Emuna Energy, LLC is a recognized channel partner of First Energy Solutions Corp. and Duke Energy and will act as the non-exclusive agent of business customers to price out the customer's electricity usage. Emuna Energy also seeks to become channel partners with other certified electric generators so that the customer has numerous pricing proposals to consider. All billing is done by the certified electric generator, as with all collection. In some limited circumstances, Emuna Energy will be the exclusive agent of the business customer for purposes of pricing their electricity usage. Contracts with our customers will delineate whether Emuna Energy is their exclusive agent or whether it is acting on a non-exclusive basis. Emuna Energy will respond to any customer inquiries or complaints in accordance with the Commission's rules.

### EXHIBIT B-3

Since the company began providing services to third parties, we have acted as a broker with respect to approximately 50,000,000 kilowatts of electricity. We currently represent about 20 nursing homes in Ohio, a chain of dry-cleaners, a chain of frozen yogurt stores, numerous office buildings, numerous apartment buildings and approximately 6 million square feet of retail shopping centers. The majority of our services are provided to locations that are north of Columbus, Ohio.

#### EXHIBIT B-4

There are no know 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 seeks to be certified to provide.

## EXHIBIT C-1

Applicant does not prepare any annual reports for its members.

## EXHIBIT C-2

Applicant is a closely and privately owned family company and does not prepare filings for the SEC.

Filed under seal.

EXHIBIT C-3

#### EXHIBIT C-4

Emuna Energy, LLC does not currently have any financial arrangements. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from First Energy (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.



Filed under seal.

EXHIBIT C-5

## EXHIBIT C-6

Given that Emuna Energy, LLC does not have any financial obligations at this time, it does not currently have any reported credit ratings. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from First Energy (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.

## EXHIBIT C-7

Given that Emuna Energy, LLC does not have any financial obligations at this time, it does not currently have a meaningful credit report. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from First Energy (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.

## EXHIBIT C-8

No bankruptcies or other type of reorganization has taken place to Emuna Energy, LLC or any affiliated organization.

**EXHIBIT C-9**

No dissolution, merger or acquisition has taken place involving Emuna Energy, LLC.