

FILE



The Public Utilities Commission of Ohio

12

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## 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 Buerger Energy Consulting, LLC  
 Address 499 Carson Lane, Palm Harbor, FL 34684  
 Telephone # 9376714017 Web site address (if any) Buergerenergy.com

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

Legal Name Buerger Energy Consulting, LLC  
 Address 499 Carson Lane, Palm Harbor, FL 34684  
 Telephone # 9376714017 Web site address (if any) BuergerEnergy.com

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

Buerger Energy Consulting, LLC  
Buerger Energy

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

Name William A. Buerger  
 Title Owner

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 Technician AM Date Processed OCT 15 2014

Business address 499 Carson Lane, Palm Harbor, FL 34684  
Telephone # 9376714017 Fax # 7277716834  
E-mail address (if any) b-buerger@tampabay.rr.com

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

Name William Buerger  
Title Owner  
Business address 499 Carson Lane, Palm Harbor, FL 34684  
Telephone # 9376714017 Fax # 7277716834  
E-mail address (if any) b-buerger@tampabay.rr.com

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

Customer Service address 499 Carson Lane Palm Harbor, FL 34684  
Toll-free Telephone # 9376714017 Fax # 7277716834  
E-mail address (if any) b-buerger@tampabay.rr.com

**A-7 Applicant's federal employer identification number # 27-2316691**

**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 checked="" 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"/> <b>First Energy</b>             |   |  |  |  |
| <input checked="" type="checkbox"/> Ohio Edison                     | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Toledo Edison                   | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Cleveland Electric Illuminating | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> <b>Duke Energy</b>              | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> <b>Monongahela Power</b>        | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> <b>American Electric Power</b>  |   |  |  |  |
| <input checked="" type="checkbox"/> Ohio Power                      | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> Columbus Southern Power         | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input checked="" type="checkbox"/> <b>Dayton Power and Light</b>   | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |

- A-10 Provide the approximate start date that the applicant proposes to begin delivering services  
1/1/14

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 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.

William A. Buescher, owner  
Signature of Applicant & Title

Sworn and subscribed before me this 10 day of Oct, 2014  
Month Year

[Signature]  
Signature of official administering oath

Michael OGrady  
Print Name and Title



MICHAEL OGRADY  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE828480  
Expires 8/20/2016

My commission expires on 8/20/16

# **AFFIDAVIT**

State of Florida :

Palm Harborss.  
(Town)

County of Pinellas :

William A Buerger, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the Owner (Office of Affiant) of Buerger Energy Consulting 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.

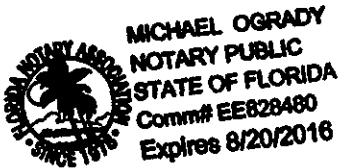
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

William A. Burger, owner  
Signature of Affiant & Title

Sworn and subscribed before me this 10 day of Oct, 2014  
Month Year

[Signature]  
Signature of official administering oath

Michael OGrady  
Print Name and Title



My commission expires on 8/20/16



# *State of Florida*

## *Department of State*

I certify from the records of this office that BUEGER ENERGY CONSULTING LLC, is a limited liability company organized under the laws of the State of Florida, filed on December 13, 2010, effective December 12, 2010.

The document number of this company is L10000127147.

I further certify that said company has paid all fees due this office through December 31, 2014, that its most recent annual report was filed on April 6, 2014, and its status is active.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Sixth day of April, 2014*



*Ken DeFuria*  
**Secretary of State**

Authentication ID: CC2770195912

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.

<https://efile.sunbiz.org/certauthver.html>

**Exhibit A-11 Principal Officers, Directors & Partners**

Buerger Energy Consulting, LLC

William A Buerger, Owner, 499 Carson Lane, Palm Harbor, FL 34684 (937) 671-4017

**Exhibit A-12 Corporate Structure**

Buerger Energy has two employees, both owners, William A Buerger and Rita C Kirchner. No affiliate or subsidiary companies.

**Exhibit A13 Company History**

Buerger Energy Consulting, LLC was licensed as a business in December 2010. Buerger Energy provides energy consulting services to residential, commercial and industrial customers including procurement advice and Energy Efficiency evaluations.

**Exhibit A-14 Articles of Incorporation**

Buerger Energy Consulting is a Limited Liability Corporation and as such does not have articles of incorporation or Bylaws.

**Exhibit A-15 Secretary of State**

Attached is Buerger Energy's Florida Business License. A review of the Secretary of States web site indicates that an Ohio Business License is not required for Consultants.

**Exhibit B-1 Jurisdictions of Operation**

Buerger Energy holds Business License in Florida and Missouri. No other license is held.

**Exhibit B-2 Experience and Plans**

Buerger Energy is applying for certification as a "Power Broker". Buerger Energy provides consulting services to Industrial and Commercial customer on a consulting basis and does not contract for retail electric service. Buerger Energy has been in business since 2001.

**Exhibit B-3 Summary of Experience**

Buerger energy provides consulting services to 37 clients who own and operate over 1,000 commercial and industrial facilities in 23 states including all areas of Ohio. Buerger Energy does not offer Aggregation Services.

**Exhibit B-4 Disclosure of Liabilities and Investigations**

No Liabilities, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could effect Buerger Energy's financial or operational status.

**Exhibit C-1 Annual Reports**

Buerger Energy does not prepare formal Annual reports. As an LLC, Buerger Energy submits annual statements to the state of FL to keep the Business License current. The statement is simply the Owner (s), business address, Tax ID and other information contained in this application.

**Exhibit C-2 SEC Filings**

Buerger Energy is a co-owned LLC is not required to file with the SEC.

**Exhibit C-3 Financial Statements**

Buerger Energy is a co-owned consulting business and as such does not have audited financial statements.

**Exhibit C-4 Financial Arrangements**

Buerger Energy is a consulting company and not a CRES.

**Exhibit C-5 Forecasted Financial Statements**

See answers to C-1 through C-4.

**Exhibit C-6 Credit Rating**

Buerger Energy Consulting, LLC does not use credit

**Exhibit C-7 Credit Report**

Does not apply, see answer to C-6

**Exhibit C-8 Bankruptcy Information**

No reorganizations, protections or any form of bankruptcy.

**Exhibit C-9 Merger Information**

No Merger activity