

FILE

12



**Public Utilities  
Commission**

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|---------------|----------------|----------|
| Date Received | Case Number    | Version  |
|               | 16 2319-EL-AGG | May 2016 |

16-2319-EL-AGG

## INITIAL CERTIFICATION APPLICATION FOR ELECTRIC AGGREGATORS/ POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-12 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; 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 intends to be certified as: (check all that apply)

☐ Power Broker ☐ Aggregator

#### A-2 Applicant's legal name, address, telephone number and web site address

Legal Name Rosenthal Energy Advisors, Inc.

Address 6244 Preston Creek Dr., Dallas, TX 75240

Telephone # (214) 749-0009

Web site address (if any) www.rosenthalenergy.com

#### A-3 List name, address, telephone number and web site address under which Applicant will do business in Ohio

Legal Name Rosenthal Energy Advisors, Inc.

Address 6244 Preston Creek Dr., Dallas, TX 75240

Telephone # (214) 749-0009

Web site address (if any) www.rosenthalenergy.com

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

Rosenthal Energy Advisors

#### A-5 Contact person for regulatory or emergency matters

Name Jim Rosenthal

Title President

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician fe Date Processed DEC 06 2016

Business address 6244 Preston Creek Dr., Dallas, TX 75240

Telephone # (214) 749-0009

Fax #

E-mail address

jim@rosenthalenergy.com

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

Name Jim Rosenthal

Title President

Business address 6244 Preston Creek Dr., Dallas, TX 75240

Telephone # (214) 749-0009

Fax # (888) 607-6011

E-mail address

jim@rosenthalenergy.com

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

Customer Service address 6244 Preston Creek Dr., Dallas, TX 75240

Toll-free Telephone # (800) 218-6564

Fax # (888) 607-6011

E-mail address

info@rosenthalenergy.com

**A-8 Applicant's federal employer identification number # 273090248**

**A-9 Applicant's form of ownership (check one)**

☐ Sole Proprietorship

☐ Partnership

☐ Limited Liability Partnership (LLP)

☐ Limited Liability Company (LLC)

☒ Corporation

☐ Other

**A-10 (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

☐ **Duke Energy**

☐ **Monongahela Power**

☐ **American Electric Power**

☐ Ohio Power

☐ Columbus Southern Power

☐ **Dayton Power and Light**

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☐ Residential

☒ Commercial

☒ Commercial

☒ Commercial

☒ Commercial

☒ Commercial

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☒ Commercial

☒ Commercial

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Mercantile

☒ Industrial

☒ Industrial

☒ Industrial

☒ Industrial

☒ Industrial

☒ Industrial

☒ Industrial

☒ Industrial

- A-11** Provide the approximate start date that the applicant proposes to begin delivering services  
January 1, 2017

**PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:**

- A-12** **Exhibit A-12 "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-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.

## **Rosenthal Energy Advisors, Inc.**

### **Exhibits A-12 Through C-10**

#### **A-12 Exhibit A-11 "Principal Officers, Directors & Partners"**

James J. Rosenthal, President, 6244 Preston Creek Dr., Dallas, TX 75240, 214-749-0009

Nancy Pink, Vice President, 6244 Preston Creek Dr., Dallas, TX 75240, 214-749-0009

Julie Halleen, Director of Procurement, 6244 Preston Creek Dr., Dallas, TX 75240, 214-749-0009

#### **A-13 Exhibit A-13 "Company History,"**

Rosenthal Energy Advisors began operations in June of 2010 and is an independent organization *that provides objective information and assistance to clients in the procurement of electricity and natural gas in deregulated markets.* REA's stated goal is to deliver the lowest possible pricing and most favourable contract terms for clients.

REA advises on market timing, the attributes of each Retail Energy Provider and normalization of pricing. By analysing load and risk tolerance, REA makes recommendations on the type of energy product a client may select, term length, contract language and hedging strategies. These contracts are written for the benefit of the Retail Energy Providers, not their customers.

Rosenthal Energy Advisors helps clients level the playing field.

There is constant fluctuation in the energy market that needs to be monitored. Weather, the price of commodities and geo-political movement can drastically affect the cost of electricity and natural gas. There are changes in legislation continuously at both the federal and state level that will alter the ability to purchase energy.

Rosenthal Energy Advisors is vigilant in remaining current with issues that will influence purchasing decisions. REA issues a formal Request for Pricing (RFP) from a number of vendors and creates a transparent process by which clients can audit the competitive bidding process.

Jim Rosenthal, President of Rosenthal Energy Advisors, has negotiated hundreds of contracts for his clients, helping them achieve the lowest possible pricing while receiving the most favourable contract terms. Rosenthal's clients have ranged from small independent organizations to public companies with hundreds of millions of dollars spent on electricity annually. Jim has been in the energy business for over 11 years, eight of which were spent as Executive Vice President of one of three largest energy consultancies in the US. Jim's experience in the energy arena is substantial, having dealt with industrial, government and commercial clients of all types. From

hospitals to grocery stores, auto parts manufacturing to water bottlers, and state governments to water districts, clients have been very satisfied with Rosenthal's command of the energy business.

**A-14 Exhibit A-14 "Articles of Incorporation and Bylaws,"**

Not applicable in the state of Texas.

**A-15 Exhibit A-15 "Secretary of State,"**

See attached.

**Exhibit B-1 "Jurisdictions of Operation,"**

**Electric**

**Illinois ICC#13-0514**

**Maryland PSC# IR-3152**

**Massachusetts DPU# EB-263**

**New Jersey PUC# EA-0235, EA-0067**

**Pennsylvania PUC# A-2010-2211708**

**Texas PUC# 80321**

Applicant is registered as a Foreign Corporation in the State of Ohio, Sec. State Document 201226801160.

**Exhibit B-2 and B-3 "Experience & Plans,"**

(Repeated from A-13) Jim Rosenthal, President of Rosenthal Energy Advisors, has negotiated hundreds of contracts for his clients, helping them achieve the lowest possible pricing while receiving the most favourable contract terms. Rosenthal's clients have ranged from small independent organizations to public companies with hundreds of millions of dollars spent on electricity annually. Jim has been in the energy business for over 10 years, eight of which were spent as Executive Vice President of one of three largest energy consultancies in the US. Jim's experience in the energy arena is substantial, having dealt with industrial, government and commercial clients of all types. From hospitals to grocery stores, auto parts manufacturing to water bottlers, and state governments to water districts, clients have been very satisfied with Rosenthal's command of the energy business.

Additionally, REA has 10 independent representatives in Texas, Colorado and Pennsylvania. The company has contracted with a consultant based in Youngstown, OH. Please see attached “REA Service Agreement”.

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

None

**Exhibit 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

**Exhibit B-6 – Disclosure of Certification Denial, Curtailment, Suspension, or Revocation**

Yes. Our certificate expired with the PUC of Ohio as of 3/17/15. We also have not renewed our license in Rhode Island as we have not done any business there.

**Exhibit C-1 Annual Reports**

REA is not traded publicly and does not publish Annual Reports. James J. Rosenthal is the only shareholder and board member.

**Exhibit C-2 SEC Filings**

Not required to file with the SEC, we are a privately held company.

**Exhibit C-3 Financial Statements**

See attached.

**Exhibit C-4 Financial Arrangements**

N/A

**Exhibit C-5 Forecasted Financial Statements**

We do not forecast financial statements. We do them yearly in January.

**Exhibit C-6 Credit Rating**

See attached.

C-3

6:40 PM

**Rosenthal Energy Advisors, Inc.**

12/30/15

**Profit & Loss**

Accrual Basis

January through December 2015

|                                | Jan - Dec 15 |
|--------------------------------|--------------|
| Ordinary Income/Expense        |              |
| Income                         |              |
| 4000 · Income                  | 388,162.02   |
| Total Income                   | 388,162.02   |
| Expense                        |              |
| 5110 · Computer Supplies       | 977.89       |
| 5020 · Accounting              | 15,250.14    |
| 5030 · Advertising             | 3,064.09     |
| 5050 · Auto Expense            | 1,414.22     |
| 5080 · Bank Fees               | 281.00       |
| 5100 · Client Adjustments      | 618.66       |
| 5105 · Commissions             | 97,133.00    |
| 5140 · Dues                    | 300.00       |
| 5190 · Education               | 456.99       |
| 5260 · Interest Exp            | 1,162.24     |
| 5310 · Legal Costs             | 5,452.00     |
| 5320 · Licenses                |              |
| 5320-1 Registered Agent        | 1,854.00     |
| 5320-2 Bonds                   | 942.40       |
| 5320 · Licenses - Other        | 3,043.95     |
| Total 5320 · Licenses          | 5,840.35     |
| 5400 · Meals & Entertainment   | 624.40       |
| 5450 · Office Expense          | 1,281.16     |
| 5500 · Parking & Tolls         | 808.00       |
| 5503 · Payroll Processing Fees | 937.43       |
| 5506 · Penalties               | 1,171.28     |
| 5510 · Postage and Shipping    | 21.09        |
| 5520 · Printing                | 851.69       |
| 5600 · Salary & Wages          | 169,833.37   |
| 5660 · Simple IRA Match        | 0.00         |
| 5700 · Software 1 Yr Life      | 815.98       |
| 5770 · Supplies                | 203.50       |
| 5810 · Taxes                   |              |
| 5810-3 · State Income Taxes    | 6,833.00     |
| Total 5810 · Taxes             | 6,833.00     |
| 5840 · Telephone               | 2,621.71     |
| 5920 · Website                 | 889.98       |
| 6530 · Payroll Tax Expense     | 13,160.86    |
| Total Expense                  | 332,004.03   |
| Net Ordinary Income            | 56,157.99    |
| Net Income                     | 56,157.99    |

## Exhibits C-6 and C-7; Credit Rating and Credit Report

### Experian CreditScore® Report

as of: 11/30/16 15:03 ET

#### Rosenthal Energy Advisors, Inc

**Address:** 211 E 7th St Ste 620  
Austin, TX 78701-3218  
United States

**Website:** rosenthalretirement.com

**Experian BIN:** 978039208

**Agent:** Corporation Service Company D/B/A  
Csc-La

**Agent Address:** 211 E 7TH Street  
Austin, TX

#### Also is (or has been) operating as:

Rosenthal Energy Advisors Inc

#### Family Linkage:

**Ultimate Parent:** Rosenthal Energy Advisors, Inc  
211 E 7th St Ste 620  
Austin, TX

**Branches / Alternative Locations:** Rosenthal Energy Advisors, Inc  
1412 Main St Ste 2100  
Dallas, TX United States

**Key Personnel:** President: James J Rosenthal

**SIC Code:** 1711-Plumbing, Heating & A/C Contractors  
1382-Oil & Gas Exploration Services

**NAICS Code:** 238220-Plumbing, Heating, And Air-Conditioning Contractors  
213112-Support Activities For Oil And Gas Operations

**Business Type:** Corporation

**Experian File Established:** June 2010

**Experian Years on File:** 6 Years

**Years in Business:** 68 Years

**Total Employees:** 8

**Sales:** \$1,191,000

**Filing Data Provided by:** Texas

**Date of Incorporation:** 06/02/2010

**Payment Tradelines (see charts):** 1

**UCC Filings:** 0

**Businesses Scoring Worse:** 64%

✓ **Bankruptcies:** 0

✓ **Liens:** 0

✓ **Judgments Filed:** 0

✓ **Collections:** 0

This location does not yet have an estimated Days Beyond Terms (DBT), or a Payment Trend Indicator. This is often the result of too few Payment Tradelines.

Please use the **'BusinessCreditFacts.com'** link at the bottom of the report for more information on establishing Payment Tradelines.

**Lowest 6 Month Balance:** \$35

**Highest 6 Month Balance:** \$35

**Current Total Account Balance:** \$35

**Highest Credit Amount Extended:** \$35

**Credit Ranking Score: 65**



**Exhibit C-7 Credit Report**

See attached.

**Exhibit C-8 Bankruptcy Information**

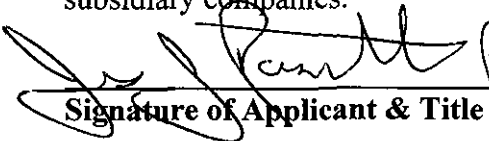
None.

**Exhibit C-9 Merger Information**

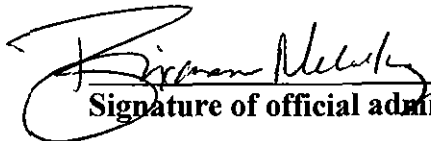
None.

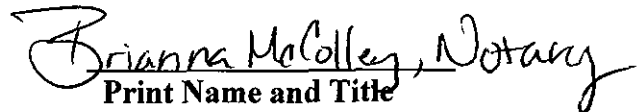
**Exhibit C-10 "Corporate Structure,"**

Applicant is a stand-alone "C" Corp registered in the State of Texas with no affiliate or subsidiary companies.

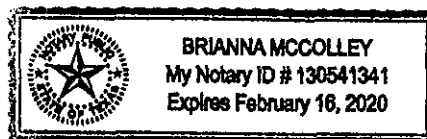
 President  
Signature of Applicant & Title

Sworn and subscribed before me this 1<sup>st</sup> day of December, 2016  
Month Year

  
Signature of official administering oath

 Notary  
Print Name and Title

My commission expires on 02/16/2020





## Office of the Secretary of State

### Certificate of Fact

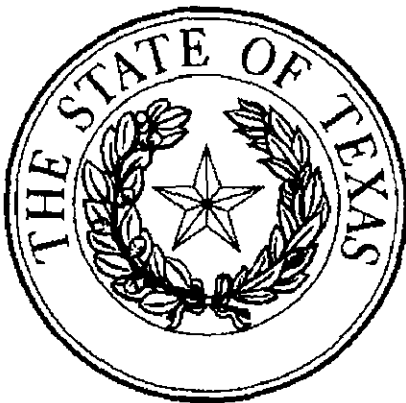
The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Rosenthal Energy Advisors, Inc. (file number 801276563), a Domestic For-Profit Corporation, was filed in this office on June 02, 2010.

It is further certified that the entity status in Texas is in existence.

It is further certified that our records indicate CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCORPORATING SERVICE COMPANY as the designated registered agent for the above named entity and the designated registered office for said entity is as follows:

211 E. 7TH STREET  
SUITE 620  
AUSTIN, TX - 78701 3218 USA

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on November 30, 2016.



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos  
Secretary of State

# ***AFFIDAVIT***

State of Texas :

Dallas ss.  
(Town)

County of Dallas :

James J Rosenthal, Affiant, being duly sworn/affirmed according to law, deposes and says that:  
He is the President (Office of Affiant) of Rosenthal Energy Advisors, Inc. (Name of Applicant);

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

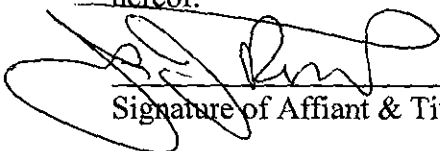
1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
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.

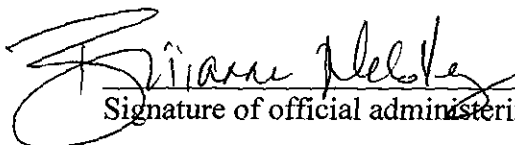
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of 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.

 President  
Signature of Affiant & Title

Sworn and subscribed before me this 1<sup>st</sup> day of December, 2016  
Month Year

 Signature of official administering oath

Brianna McColley, Notary  
Print Name and Title

My commission expires on 02/16/2020

