

FILE

11-2348 EL AGG

Ohio**Public Utilities
Commission**

Original AGG Case Number	Version
EL-AGG	May 2016

RENEWAL APPLICATION FOR ELECTRIC AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit C-10 Corporate Structure). 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. RENEWAL 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, PUCO certificate number, and web site address

Legal Name Optimum Group, LLC
 Address 34 Ellis Ct, Morganville, NJ 07751
 PUCO Certificate # and Date Certified 11-356E (1) - May 10, 2011
 Telephone # (347) 219-8834 Web site address (if any) openenergy.net

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

Legal Name Optimum Energy Solutions, L.L.C
 Address 34 Ellis Ct, Morganville, NJ 07751
 Telephone # (347) 219-8834 Web site address (if any) openenergy.net

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

Optimum Group, LLC
Optimum Energy Solutions

A-5 Contact person for regulatory or emergency matters

Name Darren Reed
 Title EVP
 Business address 34 Ellis Ct, Morganville, NJ 07751
 Telephone # (347) 219-8834 Fax # (732) 970-3810
 E-mail address dreed@openenergy.net

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 MA Date Processed MAR 20 2017

PUCO
2017 MAR 20 PM 2:34

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

Name Darren Reed
Title EVP
Business address 34 Ellis Ct, Morganville NJ 07751
Telephone # (347) 219-8834 Fax # (732) 970-3810
E-mail address dreed@openenergy.net

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

Customer Service address 34 Ellis Ct, Morganville, NJ 07751
Toll-free Telephone # (866) 841-9139 Fax # (732) 970-3810
E-mail address dreed@openenergy.net

A-8 Applicant's federal employer identification number # 03-0540861

A-9 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 _____ |

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

A-10 Exhibit A -10 "Principal Officers, Directors & Partners" provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

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 "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-4 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-4 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

B-5 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-5 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation"** detailing such action(s) and providing all relevant documents.

C. 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. (This is generally only applicable to publicly traded companies who publish annual reports.)

C-2 **Exhibit C-2 "SEC Filings,"** provide the most recent 10-K/8-K Filings with the SEC. If the applicant does not have such filings, it may submit those of its parent company. An applicant may submit a current link to the filings or provide them in paper form. 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. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns (with social security numbers and account numbers redacted).

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.).

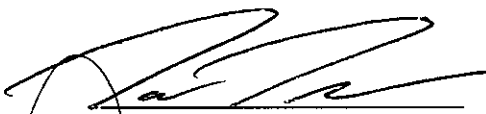
Renewal applicants can fulfill the requirements of Exhibit C-4 by providing a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU’s collateral requirements.

First time applicants or applicants whose certificate has expired as well as renewal applicants can meet the requirement by one of the following methods:

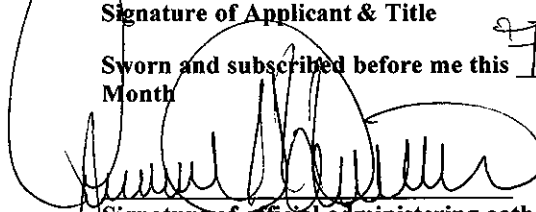
1. The applicant itself stating that it is investment grade rated by Moody’s, Standard & Poor’s or Fitch and provide evidence of rating from the rating agencies.
2. Have a parent company or third party that is investment grade rated by Moody’s, Standard & Poor’s or Fitch guarantee the financial obligations of the applicant to the LDU(s).
3. Have a parent company or third party that is not investment grade rated by Moody’s, Standard & Poor’s or Fitch but has substantial financial wherewithal in the opinion of the Staff reviewer to guarantee the financial obligations of the applicant to the LDU(s). The guarantor company’s financials must be included in the application if the applicant is relying on this option.
4. Posting a Letter of Credit with the LDU(s) as the beneficiary.

If the applicant is not taking title to the electricity or natural gas, enter "N/A" in Exhibit C-4. An N/A response is only applicable for applicants seeking to be certified as an aggregator or broker.

- C-5 **Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted income statements for the applicant's **ELECTRIC related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer. The forecasts should be in an annualized format for the two years succeeding the Application year.
- 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, Fitch IBCA, Moody's Investors Service, Standard & Poor's, 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 an 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. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.
- 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. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter "N/A" for Exhibit C-7.
- 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 two most recent years preceding the application.
- C-10 **Exhibit C - 10 "Corporate Structure,"** provide a description of the applicant's corporate structure, not an internal organizational chart, 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 in North America. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate or subsidiary companies.


Signature of Applicant & Title *MANAGJA MEMBAH + EUP*

Sworn and subscribed before me this *9th* day of *March*, 20*17*
Month Year


Signature of official administering oath

Geneille Hamilton
Print Name and Title

My commission expires on

GENEILLE HAMILTON
Notary Public, State of New Jersey
My Commission Expires
February 04, 2020

AFFIDAVIT

State of NEW JERSEY :

Monmouth ss.
(Town)

County of MONMOUTH :

DANIEL R. DANFORD, Affiant, being duly sworn/affirmed according to law, deposes and says that:

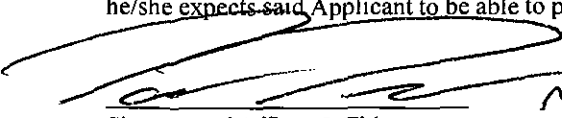
He/She is the MANAGING MEMBER (Office of Affiant) of OPTIMUM GROUP, LLC (Name of Applicant);

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 renewal 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 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.
8. 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.
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 renewal 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.

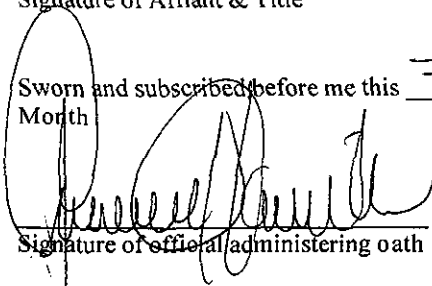

Signature of Affiant & Title

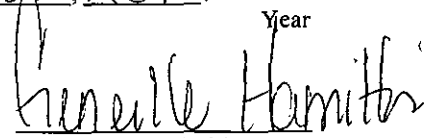
MANAGE MEMBER

Sworn and subscribed before me this
Month

7th day of March, 2017

Year


Signature of official administering oath


Print Name and Title

My commission expires on

GENEVIEVE HAMILTON
Notary Public, State of New Jersey
My Commission Expires
February 04, 2020

Exhibit A-10 “Principal Officers, Directors & Partners”

- 1) Darren Reed , Executive Vice President, 34 Ellis Ct, Morganville, NJ 07751, 347-219-8834
- 2) Richard W Eby, Managing Partner, 42 Capica Ct, Laurence Harbor, NJ 08879 , 973-271-8400

Exhibit B-1 "Jurisdictions of Operation"

- 1) California
- 2) Connecticut
- 3) Illinois
- 4) New Jersey
- 5) New York
- 6) Texas
- 7) Pennsylvania
- 8) Maryland
- 9) DC

Exhibit B-2 “Experience and Plans”

With over 15 years of experience in the energy markets, we have provided consulting services to over 100 companies in deregulated markets. We have successfully procured over \$100 million in energy supply contracts with about 17 different suppliers in several states. Our dedicated staff of energy professionals and our extensive network of energy partners have a proven track record in supply and demand side management to many of the leading companies in retail, healthcare, hospitality, manufacturing, education and real estate. We are dedicated to providing world-class customer service and are committed to developing long lasting customer relationships.

We plan on providing consulting services to our clients that have operations in the State of Ohio. We will assist our clients with purchasing electricity and natural gas and we will facilitate the purchase of electricity and natural gas with the energy supplier. We do not take title to the energy and we do not provide billing services. We are always available to our clients to assist them in resolving any issues and complaints in accordance with rules adopted pursuant to Section 4928.10 of the Revised code

Exhibit B-3 "Disclosure of Liabilities and Investigations"

None to disclose.

Exhibit C-1 “Annual Reports”

Not Applicable – We are not required to file an annual report. Optimum Group is a New Jersey, L.L.C. We file a 1065 Partnership return.

Exhibit C-2 “SEC Filings”

We are not required to file with the SEC. We are a consulting company and we do not take title or get involved in any commodity transactions.

C-3

Optimum Group, LLC

Exhibit C-3 "Financial Statements"

2015 and 2016- Partnership Returns – Federal Tax Form 1065

(14)

C-4

Optimum Group, LLC

Exhibit C-4 “Financial Arrangements”

“N/A”

C-6

Optimum Group, LLC

Exhibit C-6 “Credit Rating”

“N/A”

C-7

EXHIBIT C-7 "CREDIT RATING"

OPTIMUM GROUP, LLC

Dun & Bradstreet
CREDIBILITY CORP[VIEW MY PRODUCTS / SERVICES](#)[Product List](#) | [D&B Data Quality](#) | [Glossary](#) | [FAQs](#) | [Refund Policy](#)**OPTIMUM GROUP, LLC**
34 ELLIS CT
MORGANVILLE, NJ 077512652

D-U-N-S Number: 96-545-2548

Company Details - Last Updated on:

3/28/2011

3/28/2011

80

Lower
RiskHigher
Risk

PAYDEX Score

Risk of Late
Payment

These scores are based on your original report purchase.
Please refer to the Alerts Summary section for changes to
scores.

Purchased Reports**Available Until**

Available until 09/26/2011

Report Type

Credit eValuator Plus Report

Purchase D&B's most up-to-date Credit eValuator Plus
Report on OPTIMUM GROUP, LLC.**Alerts Summary****Alerts Detail**

You have no alerts issued on this company in the last 60 days.

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C-7
EXIT 211 C-7 "CREDIT REPORT"
Credit Limit: \$2,500Aggressive
Credit Limit: \$10,000

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

Company Profile

Chief Executive:	Darren Dingfelder, Mng	Line of business:
Type of business:	Mbr	Management Consulting
Years in business:	Partnership	Services
Employees total:	7	Business Services, Nec
	1	

Legal Filings and Other Important Information

Bankruptcies:	None
Judgments:	None
Liens:	None
Suits:	None
Negative Payment Experiences:	None
Payments Placed for Collection:	None

**Included with this Payment Trend Report are continuous tracking of key business changes and free Alert messages in the View My Reports/Alerts page. You can also choose to receive e-mail notifications of the important changes. IMPORTANT NOTE: You will not receive e-mail alerts if you have opted out of receiving communications from D&B.

Summary

OPTIMUM GROUP, LLC
34 Ellis Ct
Morganville, NJ 07751

This is a **single** location.

D-U-N-S Number: 96-545-2548

Primary Industry SIC: 8742

Description: Management consulting services

PAYMENT ACTIVITY:

Total Payment Experiences in D&B's File:	5
Payments Within Terms: (not dollar weighted)	100%
Total Placed For Collection:	0
Average Highest Credit:	\$270
Largest High Credit:	\$500

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C-7

EXHIBIT C-7 "CREDIT REPORT"

Credit eValuator Plus Report**Optimum Group, LLC**

34 Ellis Ct
Morganville, NJ 7751
Phone: 347 219-8834
D-U-N-S Number: 96-545-2548

Report as of : March 28, 2011 **



Want the most **up-to-date** information? Upgrade to Auto-Refresh and keep this report current for a year.



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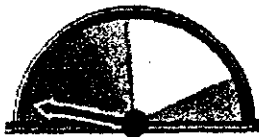
Upgrade to the Comprehensive Insight Plus Report and receive the credit for the amount of your evaluator purchase

[>Learn more](#)

Credit Information

Payment Trend

**Included with this Credit eValuator Report are continuous tracking of key business changes and free Alert messages in the View My Reports/Alerts page. You can also choose to receive e-mail notifications of the important changes. IMPORTANT NOTE: You will not receive e-mail alerts if you have opted out of receiving communications from D&B.

Risk Summary

Lower Risk

Higher Risk

Risk of Late Payment

Risk of late payment is based on the following prioritized factors in addition to other information in D&B's files:

- No factors available

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

- Unavailable -

Payment Performance Trend

The payment performance trend for this company is Unavailable. The most recent payment information in D&B's files is:

- Payments currently: on terms.
- Payments 3 months ago: Unavailable.
- Industry average: on terms.

*Note: Payments to suppliers are averaged weighted by dollar amounts.

Credit Limit Recommendation

Recommendation **MAR 28**
Date: **2011**

D&B's Recommendations:

Conservative

Risk category for this business: **LOW**

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Exhibit C-8 “Bankruptcy Information”

We have not had any bankruptcy filings within the two most recent years preceding this application.

Exhibit C-9 "Merger Information"

We have not had any dissolutions or merger within the two most recent years preceding the application.

Exhibit C-10 "Corporate Structure"

Optimum Group is a New Jersey, LLC that was formed in 2004. We have two managing partners, one executive assistant and one sales representative. We do not have any affiliate or subsidiary companies.