

FILE

# The Public Utilities Commission of Ohio

RETAIL NATURAL GAS SUPPLIER/GOVERNMENTAL AGGREGATOR

## FILING COVER FORM POST INITIAL CERTIFICATION

2017 JUL-8 PM 10:04  
PUCO 50

In the Matter of the Application of )  
American Power & Gas of Ohio, LLC )  
for a Certificate or Renewal Certificate to Provide )  
to: Competitive Retail Natural Gas Service in Ohio. )

Case No. 15 - 0592 -GA- CRS

Name of Applicant: American Power & Gas of Ohio, LLC

Applicant's Address: 10601 Belcher Rd S, Seminole, FL 33777

Contact Person or Counsel: Lisa Barry

Telephone Number: 727-479-0731

Mark the reason for filing this form, application, and supporting information. Check only one of the six main categories. Use separate copies of this form for each type of application.

1. ☒ Certification Renewal Application (to be filed 30 to 120 days prior to expiration of current certificate) per Rules 4901:1-27-09 and 4901:1-27-04 of the Ohio Administrative Code.

2. Notification of Material Change in Business (to be filed in the initial or most recent certification docket and within 30 days of the material change occurring) per Rule 4901:1-27-10 of the Ohio Administrative Code. Please check the following material change(s) that is(are) involved with this filing:

- ☐ Change in ownership of five percent or more
- ☐ Affiliation with public utility or change in affiliation with a public utility in this state
- ☐ Retirement or other long-term changes to supply sources
- ☐ Revocation, restriction, or termination of interconnection or service agreement with pipeline company or natural gas company
- ☐ Fall of bond rating below BBB-
- ☐ Fall of bond rating below Baa3
- ☐ Filed or intend to file for some form of bankruptcy
- ☐ Receipt of judgment, finding, or ruling that could affect fitness or ability to provide service
- ☐ Other (please describe):

3. Certificate Transfer Application per Rule 4901:1-27-11 of the Ohio Administrative Code.

4. Abandonment Application (to be filed at least 90 days prior the effective date of the abandonment) per Rule 4901:1-27-11 of the Ohio Administrative Code. Please indicate which of the following two situations applies to the proposed abandonment:

- ☐ Seek to abandon operations with no existing customers
- ☐ Seek to abandon operations with existing customers

5. Name/Address/Telephone Change      Regulatory Contact Change (See Item 3 above if ownership has changed.)

6. Other application (please describe):

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 *Am* Date Processed 6/8/17



PUCO USE ONLY – Version 1.08		May 2016
Date Received	Renewal Certification Number	ORIGINAL CRS Case Number
		15 - 0592 - GA-CRS

## RENEWAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS SUPPLIERS

Please **type or print** all required information. Identify all attachments with an exhibit label and title (***Example: Exhibit A-15 - 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 directly input information onto the form. You may also download the form by saving it to your local disk.**

## SECTION A - APPLICANT INFORMATION AND SERVICES

**A-1 Applicant intends to renew its certificate as: (check all that apply)**

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

**A-2 Applicant information:**

Legal Name	American Power & Gas of Ohio, LLC
Address	10601 Belcher Rd S, Seminole, FL 33777

Telephone No. 800-205-7491

Web site Address [www.AmericanPowerAndGas.com](http://www.AmericanPowerAndGas.com)

Current PUCO Certificate No. 15-451G

Effective Dates	July 22, 2015 through July 22, 2017
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**A-3 Applicant information under which applicant will do business in Ohio:**

Name	American Power & Gas of Ohio, LLC
Address	10601 Belcher Rd S, Seminole, FL 33777

Web site Address [www.AmericanPowerAndGas.com](http://www.AmericanPowerAndGas.com)

Telephone No. 800-205-7491

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

AP&G Holdings, LLC

American Power & Gas, LLC

American Power & Gas of NJ, LLC

American Power & Gas of Ohio, LLC

American Power & Gas of Pennsylvania, LLC

**A-5 Contact person for regulatory or emergency matters:**

Name Lisa Barry

Title Regulatory Officer

**Business Address** 10601 Belcher Rd S, Seminole, FL 33777

Telephone No. 727-479-0731

Fax No. 727-733-6618

Email Address LisaB@goapg.com

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

Name Christina Hrvatin Title Director of Quality Control  
Business address 10601 Belcher Rd S, Seminole, FL 33777  
Telephone No. 727-479-0602 Fax No. 727-733-6618 Email Address christinah@goapg.com

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

Customer service address 10601 Belcher Rd S, Seminole, FL 33777  
Toll-Free Telephone No. 800-205-7491 Fax No. 727-733-6618 Email Address help@goapg.com

**A-8 Provide "Proof of an Ohio Office and Employee," in accordance with Section 4929.22 of the Ohio Revised Code, by listing name, Ohio office address, telephone number, and Web site address of the designated Ohio Employee**

Name Northwest Registered Agent Service, Inc. Title Registered Agent  
Business address 2012 W. 25th #501, Cleveland, OH 44113  
Telephone No. 509-768-2249 Fax No. Email Address www.northwestregisteredagent.com

**A-9 Applicant's federal employer identification number 383918152**

**A-10 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-11 (Check all that apply) Identify each natural gas company service area in which the applicant is currently providing service or intends to provide service, including identification of each customer class that the applicant is currently serving or intends to serve, for example: *residential, small commercial, and/or large commercial/industrial (mercantile) customers*. (A mercantile customer, as defined in Section 4929.01(L)(1) of the Ohio Revised Code, means a customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within the state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. In accordance with Section 4929.01(L)(2) of the Ohio Revised Code, "Mercantile customer" excludes a not-for-profit customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state that has filed the necessary declaration with the Public Utilities Commission.)**

<input checked="" type="checkbox"/> Columbia Gas of Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Dominion East Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Duke Energy Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Vectren Energy Delivery of Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial

**A-12 If applicant or an affiliated interest previously participated in any of Ohio's Natural Gas Choice Programs, for each service area and customer class, provide approximate start date(s) and/or end date(s) that the applicant began delivering and/or ended services.**

☒ **Columbia Gas of Ohio**

<input checked="" type="checkbox"/> Residential	Beginning Date of Service	1/22/2016	End Date	N/A
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	1/22/2016	End Date	N/A
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	1/22/2016	End Date	N/A
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	1/22/2016	End Date	N/A

☒ **Dominion East Ohio**

<input checked="" type="checkbox"/> Residential	Beginning Date of Service	4/20/2017	End Date	N/A
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	4/20/2017	End Date	N/A
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	4/20/2017	End Date	N/A
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	4/20/2017	End Date	N/A

☐ **Duke Energy Ohio**

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

☐ **Vectren Energy Delivery of Ohio**

<input type="checkbox"/> Residential	Beginning Date of Service	End Date
<input type="checkbox"/> Small Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

**A-13 If not currently participating in any of Ohio's four Natural Gas Choice Programs, provide the approximate start date that the applicant proposes to begin delivering services:**

<input type="checkbox"/>	Columbia Gas of Ohio	Intended Start Date	
<input type="checkbox"/>	Dominion East Ohio	Intended Start Date	
<input checked="" type="checkbox"/>	Duke Energy Ohio	Intended Start Date	7/01/2017
<input checked="" type="checkbox"/>	Vectren Energy Delivery of Ohio	Intended Start Date	1/01/2018

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- A-14 Exhibit A-14 "Principal Officers, Directors & Partners,"** provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.
- A-15 Exhibit A-15 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- A-16 Exhibit A-16 "Articles of Incorporation and Bylaws,"** provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto, *only if the contents of the originally filed documents changed since the initial application.*
- A-17 Exhibit A-17 "Secretary of State,"** provide evidence that the applicant is still currently registered with the Ohio Secretary of the State.

## **SECTION B - APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE**

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- B-1 Exhibit B-1 "Jurisdictions of Operation,"** provide a current list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail natural gas service, or retail/wholesale electric services.
- B-2 Exhibit B-2 "Experience & Plans,"** provide a current description of the applicant's experience and plan for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Section 4929.22 of the Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code.
- B-3 Exhibit B-3 "Summary of Experience,"** provide a concise and current summary of the applicant's experience in providing the service(s) for which it is seeking renewed certification (e.g., number and types of customers served, utility service areas, volume of gas supplied, etc.).
- B-4 Exhibit B-4 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational

status or ability to provide the services for which it is seeking renewed certification since applicant last filed for certification.

- B-5 Exhibit B-5 "Disclosure of Consumer Protection Violations,"** disclose whether the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant has been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws since applicant last filed for certification.

☒ No      ☐ Yes

If Yes, provide a separate attachment labeled as Exhibit B-5 "Disclosure of Consumer Protection Violations," detailing such violation(s) and providing all relevant documents.

- B-6 Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation,"** disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, or revoked, or whether the applicant or predecessor has been terminated from any of Ohio's Natural Gas Choice programs, or been in default for failure to deliver natural gas since applicant last filed for certification.

☒ No      ☐ Yes

If Yes, provide a separate attachment, labeled as Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation," detailing such action(s) and providing all relevant documents.

## **SECTION C - APPLICANT FINANCIAL CAPABILITY AND EXPERIENCE**

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- C-1 Exhibit C-1 "Annual Reports,"** provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information, labeled as Exhibit C-1, or indicate that Exhibit C-1 is not applicable and why.  
(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 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 current financial arrangements to conduct competitive retail natural gas service (CRNGS) as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.)

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 **NATURAL GAS 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 current 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 current 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 within the two most recent years preceding the application.

## **SECTION D – APPLICANT TECHNICAL CAPABILITY**

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

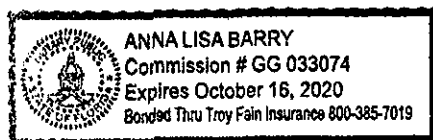
- D-1 Exhibit D-1 "Operations,"** provide a current written description of the operational nature of the applicant's business. Please include whether the applicant's operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and the provision of retail ancillary services, as well as other services used to supply natural gas to the natural gas company city gate for retail customers.
- D-2 Exhibit D-2 "Operations Expertise,"** given the operational nature of the applicant's business, provide evidence of the applicant's current experience and technical expertise in performing such operations.
- D-3 Exhibit D-3 "Key Technical Personnel,"** provide the names, titles, email addresses, telephone numbers, and background of key personnel involved in the operational aspects of the applicant's current business.

  
Applicant Signature and Title

Sworn and subscribed before me this 2 day of JUNE Month 2017 Year

  
Signature of official administering oath

ANNA LISA BARRY, NOTARY  
Print Name and Title



My commission expires on 16 OCT 20





# The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service  
Affidavit Form  
(Version 1.07)

In the Matter of the Application of )

American Power & Gas of Ohio, LLC )

for a Certificate or Renewal Certificate to Provide )  
Competitive Retail Natural Gas Service in Ohio. )

Case No. 15 - 0592 -GA-CRS

County of Pinellas

State of Florida

Tom Cummins, CEO of American Power & Gas of Ohio, LLC

[Affiant], being duly sworn/affirmed, hereby states that:

- (1) The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant.
- (2) The applicant will timely file an annual report of its intrastate gross receipts and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
- (3) The applicant will timely pay any assessment made pursuant to Section 4905.10 or Section 4911.18(A), Ohio Revised Code.
- (4) Applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
- (5) Applicant will cooperate with the Public Utilities Commission of Ohio and its staff in the investigation of any consumer complaint regarding any service offered or provided by the applicant.
- (6) Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
- (7) Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the certification or certification renewal application within 30 days of such material change, including any change in contact person for regulatory or emergency purposes or contact person for Staff use in investigating customer complaints.
- (8) Affiant further sayeth naught.

Affiant Signature & Title

Sworn and subscribed before me this

2

day of

JUNE

Month

2017

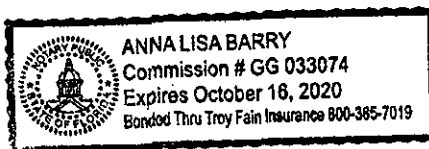
Year

*Anna Lisa Barry*

Signature of Official Administering Oath

ANNA LISA BARRY

Print Name and Title



My commission expires on

16 OCT 20

(CRNGS Supplier Renewal) - Version 1.08

Page 8 of 8

# **Exhibit A-14**

## **“Principal Officers, Directors & Partners”**



## **Principal Officers, Directors & Partners**

Tom Cummins  
Chairman of the Board & CEO  
537 Douglas Avenue  
Dunedin, FL 34698  
(727) 733-8700

James Bridgeforth  
President  
537 Douglas Avenue  
Dunedin, FL 34698  
(727) 733-8700

# **Exhibit A-15**

## **“Company History”**

## **Company History**

American Power & Gas, LLC established on 3/06/2010; licensed to service customers in NY on 04/22/2010

AP&G Holdings, LLC established: 3/01/2012 as holding company for all AP&G affiliated companies.

American Power & Gas of Pennsylvania, LLC established on 1/01/2013; licensed to service customers on 07/16/2013

American Power & Gas of NJ, LLC established on 11/01/2013; licensed to service customers on 03/18/2015

American Power & Gas of OH, LLC established on 11/01/2013; licensed to service customers on 07/23/2015

American Power & Gas' interests lie in providing energy to customers throughout the country and maintaining excellent customer service and quality control.

# **Exhibit A-16**

## **“Articles of Incorporation”**

**2017 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L13000150818

**Entity Name:** AMERICAN POWER & GAS OF OHIO, LLC

**Current Principal Place of Business:**

10601 BELCHER ROAD SOUTH  
SEMINOLE, FL 33777

**Current Mailing Address:**

10601 BELCHER ROAD SOUTH  
SEMINOLE, FL 33777 US

**FEI Number:** 38-3918152

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

CUMMINS, TOM  
10601 BELCHER ROAD SOUTH  
SEMINOLE, FL 33777 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:** \_\_\_\_\_

Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**Authorized Person(s) Detail :**

Title MGRM  
Name CUMMINS, TOM  
Address 10601 BELCHER ROAD SOUTH  
City-State-Zip: SEMINOLE FL 33777

Title MGRM  
Name BRIDGEFORTH, JAMES  
Address 10601 BELCHER ROAD SOUTH  
City-State-Zip: SEMINOLE FL 33777

Title SECRETARY  
Name LOEHWING, CLAIRE  
Address 10601 BELCHER ROAD SOUTH  
City-State-Zip: SEMINOLE FL 33777

Title CFO  
Name LANTZ, DAVID  
Address 10601 BELCHER ROAD SOUTH  
City-State-Zip: SEMINOLE FL 33777

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

**SIGNATURE:** TOM CUMMINS

CEO

02/09/2017

\_\_\_\_\_  
Electronic Signature of Signing Authorized Person(s) Detail

\_\_\_\_\_  
Date

**Electronic Articles of Organization  
For  
Florida Limited Liability Company**

L13000150818  
FILED 8:00 AM  
October 25, 2013  
Sec. Of State  
ncausseaux

**Article I**

The name of the Limited Liability Company is:  
AMERICAN POWER & GAS OF OHIO, LLC

**Article II**

The street address of the principal office of the Limited Liability Company is:  
537 DOUGLAS AVE  
DUNEDIN, . 34698

The mailing address of the Limited Liability Company is:  
537 DOUGLAS AVE  
DUNEDIN, . 34698

**Article III**

The purpose for which this Limited Liability Company is organized is:  
ANY AND ALL LAWFUL BUSINESS.

**Article IV**

The name and Florida street address of the registered agent is:  
TOM CUMMINS  
537 DOUGLAS AVE  
DUNEDIN, FL. 34698

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Registered Agent Signature: TOM CUMMINS



### **Article V**

The name and address of managing members/managers are:

Title: MGRM  
TOM CUMMINS  
537 DOUGLAS AVE  
DUNEDIN, FL. 34698

Title: MGRM  
ROBERT MACCHIONE  
537 DOUGLAS AVE  
DUNEDIN, FL. 34698

Title: MGRM  
JAMES BRIDGEFORTH  
537 DOUGLAS AVE  
DUNEDIN, FL. 34698

L13000150818  
FILED 8:00 AM  
October 25, 2013  
Sec. Of State  
ncausseaux

### **Article VI**

The effective date for this Limited Liability Company shall be:

11/01/2013

Signature of member or an authorized representative of a member

Electronic Signature: TOM CUMMINS

I am the member or authorized representative submitting these Articles of Organization and affirm that the facts stated herein are true. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S. I understand the requirement to file an annual report between January 1st and May 1st in the calendar year following formation of the LLC and every year thereafter to maintain "active" status.

# **Exhibit A-17**

## **“Secretary of State”**

**Jon Husted**  
Ohio Secretary of State

[Jon Husted & the Office](#) | [Elections & Voting](#) | [Campaign Finance](#) | [Legislation & Ballot Issues](#) | [Businesses](#) | [Records](#) | [Media Center](#) | [Publications](#)

## Business Filing Portal

**Your BUSINESS begins here**

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Business Name  
Business Number  
Business Status  
Business Type  
Business Address  
Business Phone  
Business Email  
Business Website  
Business Description  
Business Contact Name  
Business Contact Title  
Business Contact Phone  
Business Contact Email  
Business Contact Website

### Corporation Details

Corporation Details		
Entity Number	2262817	
Business Name	AMERICAN POWER & GAS OF OHIO, LLC	
Filing Type	FOREIGN LIMITED LIABILITY COMPANY	
Status	Active	
Original Filing Date	01/22/2014	
Expiry Date		
Location:	County:	State: FLORIDA
Agent / Registrant Information		
NORTHWEST REGISTERED AGENT SERVICE, INC. 6545 MARKET AVENUE N, SUITE 100 NORTH CANTON, OH 44721 Effective Date: 04/09/2015 Contact Status: Active		
Filings		
Filing Type	Date of Filing	Document Number/Image
REG. OF FOR. PROFIT LIM. LIAB. CO.	01/22/2014	201402401902
AGENT ADDRESS CHANGE/LIMITED/LIABILITY/PARTNERS	04/09/2015	201510000396
FOREIGN/AMENDMENT	05/20/2015	201516117726

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DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/27/2014	201402401902	REG. OF FOR. PROFIT LIM. LIAB. CO. (LFP)	125.00	.00	.00	.00	.00

**Receipt**

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

AMERICAN POWER & GAS OF OHIO, LLC  
LISA BARRY  
537 DOUGLAS AVE  
DUNEDIN, FL 34698

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted  
2262817

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

**AMERICAN POWER & GAS OF OHIO, LLC**

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

Document(s)  
**REG. OF FOR. PROFIT LIM. LIAB. CO.**

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Effective Date: 01/22/2014



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 27th day of January, A.D.  
2014.

Ohio Secretary of State

# **Exhibit B-1**

## **“Jurisdictions of Operation”**

## **Jurisdictions of Operation**

**American Power & Gas, LLC** is currently operating in New York as both an electric and natural gas supplier.

**American Power & Gas of Pennsylvania, LLC** is currently operating in Pennsylvania as both an electric and natural gas supplier.

**American Power & Gas of NJ, LLC** is currently operating in New Jersey as both an electric and natural gas supplier.

**American Power & Gas of IL, LLC** is currently operating in Illinois as both an electric and natural gas supplier.

**American Power & Gas of OH, LLC** is currently operating in Ohio as both an electric and natural gas supplier.

# **Exhibit B-2**

## **“Experience & Plans”**

## Company Owner Experience

### Owners

Tom Cummins, Chairman of the Board & CEO  
Jim Bridgeforth, President

#### **Tom Cummins**

Chairman of the Board and Chief Executive Officer

Tom Cummins is the founder and CEO of American Power & Gas LLC (AP&G). Mr. Cummins has been in the Energy Choice industry for 18 years. He founded the first out-source company in North America to exclusively represent energy marketers and exclusively sell energy in the deregulated marketplace. His company enrollments have now exceeded 2 million combined residential and commercial customers using both gas and electricity. Mr. Cummins' company has worked in every state in the union where deregulation of energy has occurred. For the past thirty years Mr. Cummins has owned and operated mass marketing companies. Prior to founding CSS, Mr. Cummins ran a sales force of over 2000 agents in telecommunications during its deregulation. Mr. Cummins and his staff have been leaders of mass-market retail energy sales via telesales. On behalf of over 100 different ESCOs, his company has spoken to more than 20 million energy consumers on the subject of energy deregulation, literally making him the expert in deregulated retail energy sales. He founded AP&G in 2011 and launched the enrollment of customers in New York State. He has since added supplier licenses in Pennsylvania, New Jersey, Ohio and Illinois.

#### **Jim Bridgeforth**

President

Jim Bridgeforth has 13 years of hands-on experience in the retail energy markets. He worked directly for Mr. Cummins as his Director of New Accounts at their out-source company, CSS, for 6 years. In this position, he learned all of the nuances of what it takes to make a successful retail campaign. In 2007, Mr. Cummins trained Jim in the remaining aspects of running CSS and then turned over the duties of President, which Jim continues to successfully handle to this day. Mr. Bridgeforth's dedication and successful running of CSS earned him an ownership role in the company and again the President role and an ownership of AP&G.



## Plans

American Power & Gas (AP&G) now serves customers in New York, Pennsylvania, New Jersey, Ohio and Illinois. They intend to add several more states in the upcoming years.

American Power & Gas contacts customers using an out-source company to telesales our services. The company uses exact and monitored guidelines and disclosures when bringing on new customers.

A third-party verification company (TPV) will verify the validity of the sale with the customer. Upon receipt of the verified sale, we will send out a welcome letter. Contract disclosure and environmental disclosure.

AP&G uses the consolidated billing options and therefore would not be providing billing statements to customers.

AP&G has a strict customer service policy whereby anytime a customer files a complaint, we contact them immediately and in most cases, resolve the conflict within three business days. Complaints are resolved in several different ways; communication, credits, refunds or sometimes reduced rates.

Handling complaints and ensuring our customers are properly taken care of is one of the most important aspects of our management. Our Quality Control team consists of 19 employees and is run by a competent and caring manager.

# **Exhibit B-3**

## **“Summary of Experience”**



## Summary of Experience

American Power & Gas has been servicing gas customers since opening in New York in 2012.

We have compiled the total gas customers we currently service to give a concise example of our experience in providing service to energy customers. The information is broken out by state.

# accounts	commodity	State
14,508	Gas	NY
11,051	Gas	PA
4,329	Gas	NJ
991	Gas	IL
4,427	Gas	OH

# **Exhibit B-4**

## **“Disclosure of Liabilities and Investigations”**

## **Disclosure of Liabilities and Investigations**

American Power & Gas does not have now or in the past any liabilities or investigations that would adversely impact our financial or operational status or ability to provide customers its energy services.

# **Exhibit C-1**

## **“Annual Reports”**

## **Annual Reports**

AP&G Holdings, LLC and its affiliated AP&G companies are privately held therefore they do not submit Annual Reports.

# **Exhibit C-2**

## **“SEC Filings”**



## SEC Filings

AP&G Holdings, LLC and its affiliated AP&G companies are privately held therefore they do not submit SEC filings.

# **Exhibit C-6**

## **“Credit Rating”**



## **Credit Rating**

As of yet, American Power & Gas of Ohio, LLC does not have a credit rating.

# **Exhibit C-7**

## **“Credit Report”**

65

## **Credit Report**

As of yet, American Power & Gas of Ohio, LLC does not have a credit report and is submitting the credit report of their parent company, AP&G Holdings, LLC.

CreditScore<sup>SM</sup> Report

as of: 05/31/17 14:37 ET

Ap&G Holdings LLC

**Address:** 10601 Belcher Rd S  
Seminole, FL 33777-1407  
United States

**Experian BIN:** 956940470

**Agent:** Cummins Tom

**Agent Address:** 10601 Belcher Road South  
Seminole, FL

**Key Personnel:** Officer: Thomas Cummins

**Business Type:** Corporation

**Experian File Established:** March 2012

**Experian Years on File:** 5 Years

**Years in Business:** More than 5 Years

**Filing Data Provided by:** Florida

**Date of Incorporation:** 03/05/2012

**UCC Filings:** 3

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.

**\* Businesses Scoring Worse:** 27%

✓ **Bankruptcies:** 0

✓ **Liens:** 0

✓ **Judgments Filed:** 0

✓ **Collections:** 0

Credit Summary

Experian Business Credit Score: 28

High  
Risk



Low  
Risk

The objective of the Experian Business Credit Score is to predict payment behavior. High Risk means that there is a significant probability of delinquent payment. Low Risk means that there is a good probability of on-time payment.

Key Score Factors:

- Nbr of active commercial accts within the last 12 mos.
- Number of commercial accounts with net 1-30 days term.
- Number of recently active commercial accounts.
- Number of commercial accounts including commercial leases.

Recommended Action: Medium Risk

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67

# **Exhibit C-8**

## **“Bankruptcy Information”**



## **Bankruptcy Information**

AP&G Holdings, LLC and its AP&G affiliates, American Power & Gas of Ohio, LLC, its parents, and obligation guarantor affiliates have not reorganized or declared bankruptcy in the current or last two years.

69



# **Exhibit C-9**

## **“Merger Information”**



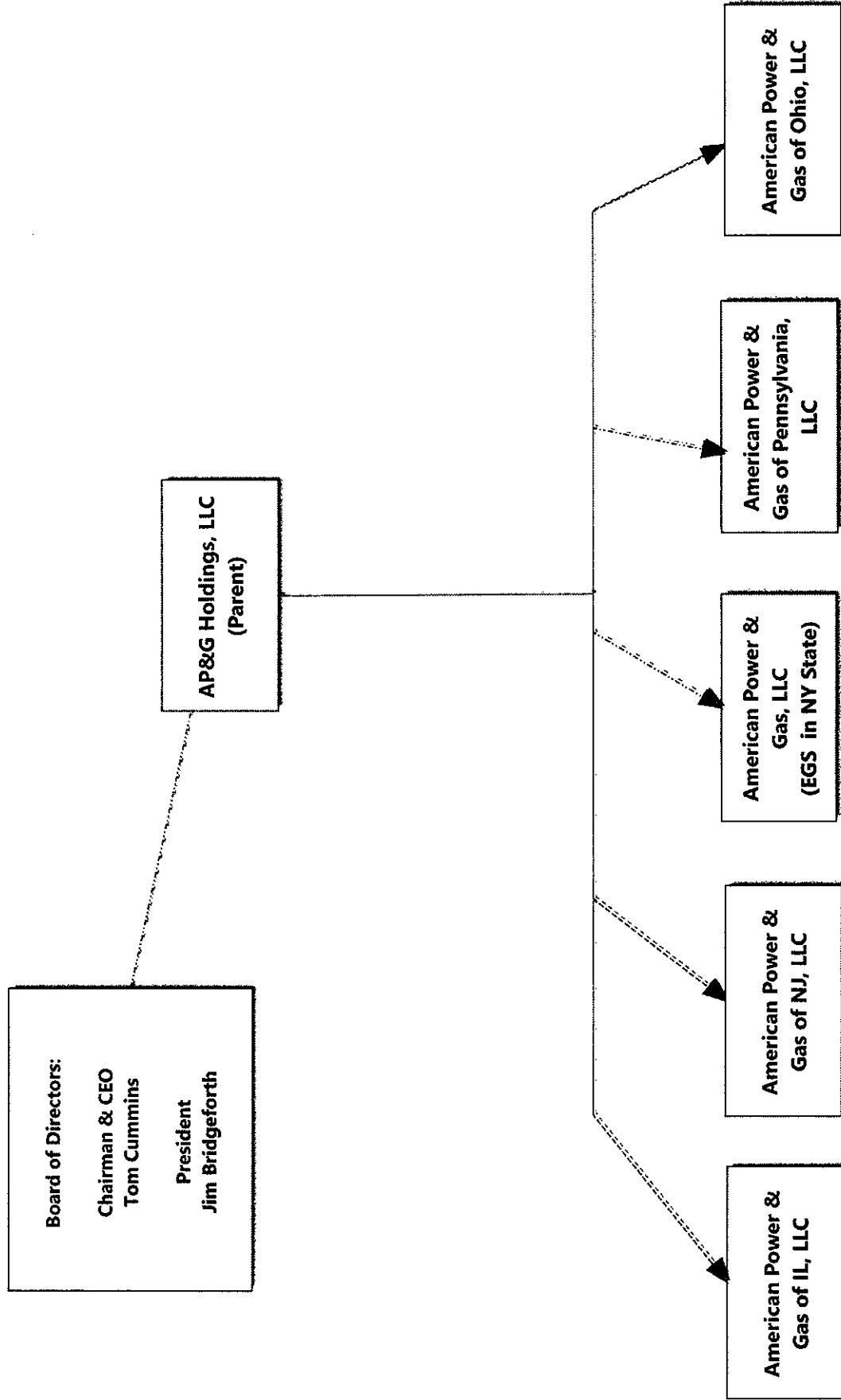
## **Merger Information**

American Power & Gas of Ohio, LLC, its parents or affiliates have not experienced any dissolutions or acquisitions within the two most recent years preceding this application.

# **Exhibit C-10**

## **“Corporation Structure”**

Corporate Structure



# **Exhibit D-1**

## **“Operations”**



## Operations

AP&G markets natural gas to residential and small commercial customers. AP&G owns no natural gas resources or facilities. AP&G purchases and stores natural gas and nominates daily gas to meet expected customer demand following utility and pipeline rules for gas operations and storage.

# **Exhibit D-2**

## **“Operations Expertise”**



## **Operations Expertise**

American Power & Gas is currently operating successfully in New York, Pennsylvania, Ohio, New Jersey and Illinois.

Our Operations department is expertly led by VP Operations, Paul Chalupsky and Director of Operations, Anfas Hamza. Their experience is listed below.

### **VP of Operations**

Paul Chalupsky

[PaulC@GoAPG.com](mailto:PaulC@GoAPG.com)

727-733-8700

Background: 3.5 years of experience working with contracted entities who buy and sell power, energy and natural gas for our company and 2 years of experience working with PJM, 28 years of experience working with databases, 16 years of experience as a Chief Financial Officer.

### **Director of Operations**

Anfas Hamza

[AnfasH@GoAPG.com](mailto:AnfasH@GoAPG.com)

727-733-8700

Background: 6 years of experience in the energy industry of which 4 years included working with contracted entities who buy and sell power and energy for our company and 1.5 years of experience working with PJM, 2 years' experience working with contracted entities who buy and sell power, energy and natural gas for our company, 12 years of experience working with statistical analysis and databases.



# **Exhibit D-3**

## **“Key Technical Personnel”**

## Key Technical Personnel

### VP Operations

Paul Chalupsky

[PaulC@GoAPG.com](mailto:PaulC@GoAPG.com) 727-733-8700

Background: 3.5 years of experience working with contracted entities who buy and sell power, energy and natural gas for our company and 2 years of experience working with PJM, 28 years of experience working with databases, 16 years of experience as a Chief Financial Officer.

### Finance Manager

Duane Rice

[DuaneR@GoAPG.com](mailto:DuaneR@GoAPG.com)

727-733-8700

Background: 20 years' experience in Finance Management with BS's in Finance, Real Estate and Business Law from California State University Northridge and an MBA from the W.P. Carey School of Business from Arizona State University.

### Chief Information Officer

Rob DeMotts

[RobM@GoAPG.com](mailto:RobM@GoAPG.com)

727-733-8700

Background: Working in many facets of IT for more than 30 years, 10 of those years in IT consulting helping large corporations like Best Buy, Thompson West Group and Lifetime Fitness to improve their IT department's application development. VP of IT for 6 years at Silpada Designs a subsidiary of Avon, a 10 billion dollar company.