



Original AGG Case Number	Version
13-1511-EL-AGG	May 2016

## RENEWAL APPLICATION FOR AGGREGATORS/POWER BROKERS

Please type or print all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-13 - 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, 13<sup>th</sup> Floor, 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.**

### 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 Foster Energy Services, LLC  
Address 6034 King Road, Marine City, MI 48039  
PUCO Certificate # and Date Certified # 13-722E (2) July 29, 2015  
Telephone No. 888-505-9104 Web site Address <http://www.fostermchoice.com>

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

Legal Name My Choice Energy  
Address 470 Olde Worthington Road, Suite 200, Columbus, OH 43082  
Telephone No. (614) 410-6630 Web site address (if any) <http://www.fostermchoice.com>

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

Foster Energy Services, LLC \_\_\_\_\_  
My Choice Energy \_\_\_\_\_  
\_\_\_\_\_

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

Name Robert W. Archibald  
Title General Manager, Natural Gas  
Business Address 470 Olde Worthington Road, Suite 200, Columbus, OH 43082  
Telephone # (614) 410-6630 Fax # (614) 610-6889  
Email Address (if any) rarchibald@fosteroil.com

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

Name	Robert W. Archibald		
Title	General Manager, Natural Gas		
Business Address	470 Olde Worthington Road, Suite 200, Columbus, OH 43082		
Telephone #	(614) 410-6630	Fax #	(614) 610-6889
Email Address (if any)	rarchibald@fosteroil.com		

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

Customer service address	6034 King Road, Marine City, MI 48039		
<b>Toll-Free</b> Telephone #	888-505-5904	Fax #	810-765-5600
Email Address (if any)	rarchibald@fosteroil.com		

**A-8 Applicant's federal employer identification number # 10-20-2084262**

**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 _____

**A-10 Exhibit A-9 "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, 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 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-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 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. 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.).

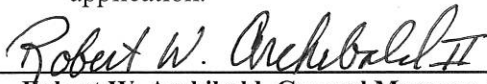
Renewal applicants can fulfill the requirements of Exhibit C-4 by providing a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements.

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.

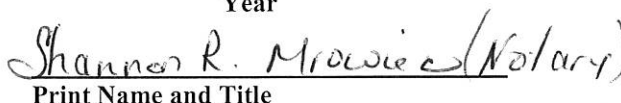
- C-5 **Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted income statements for the applicant's **ELECTRIC related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, e-mail address, and telephone number of the preparer. 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 five most recent years preceding the application.



Robert W. Archibald, General Manager, Natural Gas

Sworn and subscribed before me this 27 day of June, 2017  
Year

  
Signature of official administering oath

  
Print Name and Title

My commission expires on 6/21/2022

# **AFFIDAVIT**

State of Michigan :

Marine City ss.  
(Town)

County of St. Clair :

Robert W. Archibald, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He is the General Manager, Natural Gas (Office of Affiant) of Foster Energy Services, LLC d/b/a My Choice Energy  
(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.

Robert W. Archibald, III

Robert W. Archibald, General Manager, Natural Gas

Sworn and subscribed before me this 27 day of June, 2017  
Year

Shannon R. Mrowiec

Signature of official administering oath

Shannon R. Mrowiec (Notary)

Print Name and Title

My commission expires on 6/21/2022

## **EXHIBIT A-10**

### **Foster Energy Services, LLC d/b/a My Choice Energy Principal Officers, Directors, & Partners**

Foster Energy Services, LLC d/b/a My Choice Energy ("FES") has no principal officers, directors, or partners because it is a limited liability company. FES has five members with John W. Foster, Thomas W. Foster, and Steven J. Schweihofer act as managing members.

The members are:

John W. Foster  
Owner/Manager  
36065 Water Street  
Richmond, MI 48062  
Telephone: (586) 727-3996  
E-mail: [jfoster@fosteroil.com](mailto:jfoster@fosteroil.com)

Thomas W. Foster  
Member  
36065 Water Street  
Richmond, MI 48062  
Telephone: (586) 727-3996  
E-Mail: [tfoster@fosteroil.com](mailto:tfoster@fosteroil.com)

Robert W. Archibald  
Owner/General Manager, Natural Gas  
Foster Energy Services, LLC  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7180  
E-Mail: [rarchibald@fosteroil.com](mailto:rarchibald@fosteroil.com)

Steven J. Schweihofer  
Owner/Manager/Chief Financial  
Officer  
36065 Water Street  
Richmond, MI 48062  
Telephone: (586) 727-3996  
E-mail: [sschweihofer@fosteroil.com](mailto:sschweihofer@fosteroil.com)

Terry Junga  
Owner/General Sales Manager  
Foster Energy Services, LLC  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7180  
E-Mail: [tjunga@fosteroil.com](mailto:tjunga@fosteroil.com)



## **B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE**

### **Foster Energy Services, LLC d/b/a My Choice Energy**

#### **Exhibit B-1 “Jurisdictions of Operation”**

FES, d/b/a My Choice Energy is certified to provide competitive retail electric aggregator/broker services in Michigan and Ohio.

#### **Exhibit B-2 “Experience & Plans”**

FES d/b/a My Choice Energy has been acting as an Alternative Gas Supplier in the State of Michigan since 2002 and as an Alternative Electric supplier since 2013. FES d/b/a My Choice Energy has been acting as a Competitive Retail Natural Gas Supplier in the State of Ohio since 2011 and as an Alternative Electric supplier since 2013. During that time, they have always complied with the state public utilities commissions in the creation and execution of their contracts. They have obtained customers via telephone enrollment, wet signature, and online enrollments. Their plan is to continue as they have previously done.

FES, d/b/a My Choice Energy, is currently marketing to commercial and industrial accounts. It will produce brochures, flyers and a website that will offer residential customers its services. If at some time in the future, telesales or door-to-door marketing to residential customers are to be undertaken, FES would employ the Third Party Verification agents it uses in Michigan for its Ohio operations.

Customer inquiries and complaints are handled by the FES customer service department and all inquiries and complaints are handled in a professional and expeditious manner.

As a broker of electric services, FES d/b/a My Choice Energy provides contracted services through various third party suppliers, all billing statements are provided by these suppliers or the customer's utility provider.

As relevant to aggregation services, John Foster is the President and CEO. Rob Archibald is the General Manager of Natural Gas Operations. Steven Schwehofer is the chief financial officer and has an accounting manager and a credit manager reporting to him on the natural gas operations.

The general sales manager reports to Mr. Archibald. The operations manager and two customer service representatives report to the general sales manager.

#### **Exhibit B-3 “Disclosure of Liabilities and Investigations”**

There are no existing or pending rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely affect Foster Energy Service, LLC's financial or operational status or its ability to provide the services for which it is seeking certification.

**C. APPLICANT FINANCIAL CAPABILITY AND EXPERIENCE**  
**Foster Energy Services, LLC d/b/a My Choice Energy**

**Exhibit C-1 “Annual Reports”**

This is not applicable because Foster Energy Services, LLC is a limited liability company and therefore does not issue annual reports.

**Exhibit C-2 “SEC Filings”**

This is not applicable because Foster Energy Services, LLC is a limited liability company and therefore is not required to file 10-K/8-Ks.

**Exhibit C-3 “Financial Statements”**

Foster Energy Services’ financial statements have been filed under seal.

**Exhibit C-4 “Financial Arrangements”**

N/A

**Exhibit C-5 “Forecasted Financial Statements”**

Foster Energy Services’ forecasted financial statements have been filed under seal.

**Exhibit C-6 “Credit Rating”**

N/A

**Exhibit C-7 “Credit Report”**

A copy of a current credit report is attached is attached as Exhibit 1.

**Exhibit C-8 “Bankruptcy Information”**

Foster Energy, LLC has never filed for reorganization, protection from creditors, or any other form of bankruptcy in their history.

**Exhibit C-9 “Merger Information”**

Foster Energy Services, LLC has not been in involved with any merger, dissolutions, or acquisitions of third party companies.

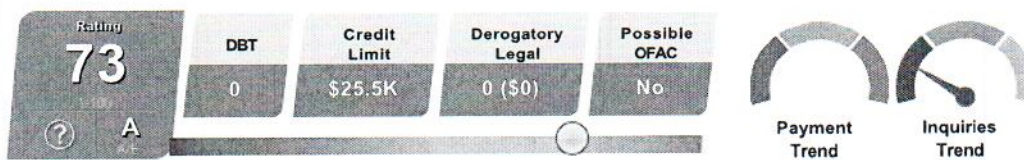


Company Name

FOSTER ENERGY SERVICES

Safe Number

US21705065



Company Name

FOSTER ENERGY SERVICES

Address

6034 KING RD, MARINE CITY, MI 48039 1422

Location Type

Headquarters

File Reported Date

3/1/2004

Website

fostermchoice.com

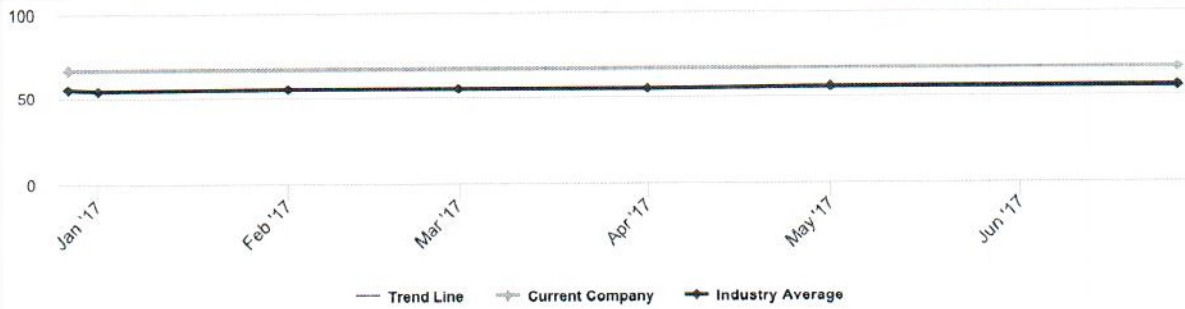
Phone Number

(810) 765-8903

SIC Description

PETROLEUM PRODUCTION

## Risk Rating History



## Commentary

The company has been in business for 13 years.

The company is not part of a group.

The risk rating for this company has increased from 67 to 73.

The credit limit for this company has increased from \$5,000 to \$25,500.

## Inquiries Trend

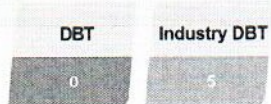
The last inquiry date was 6/9/2017

There have been 2 inquiries in the last 12 months.

There are an average of 0 reports taken each month.



	3 Months	6 Months	9 Months
Inquiries	1	2	2
Last Inquiry Date	6/9/2017		
3 Months			
6 Months			
9 Months			



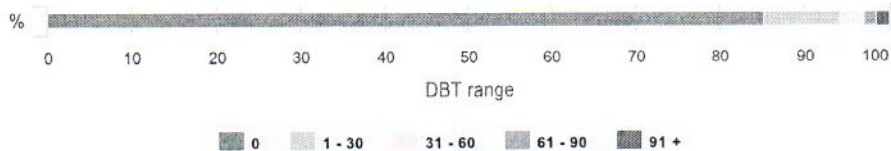
Number of Tradelines 1

Recent High Credit \$100

Last Updated 6/10/2017

Industry comparison is made against SIC 4925 – PETROLEUM PRODUCTION. There are 3868 companies in this industry.

#### DBT Range Comparison - All Companies



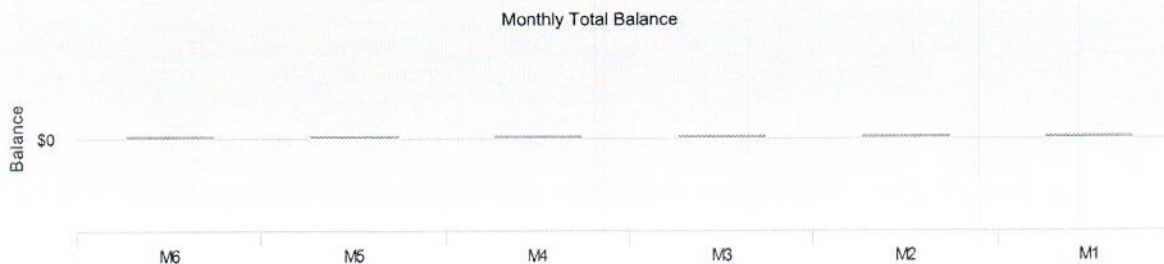
85.21% of all companies have the same DBT

#### Trade Payment Information

##### Company Trade Payment Information

Trade Lines	Current	1-30	31-60	61-90	91+	Total
1	\$100	\$0	\$0	\$0	\$0	\$100

#### Historic Trade Information



#### Industry Breakdown

	Trade Lines	Current	1-30	31-60	61-90	91+	Total
Information & Communication	1	\$100	\$0	\$0	\$0	\$0	\$100

#### Company Information

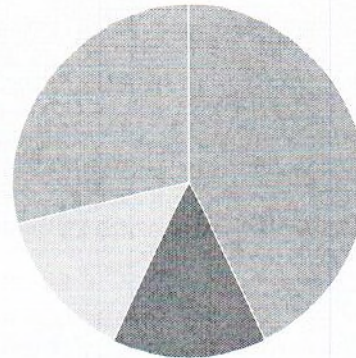
Years in Business	Over 10 years		
Address Type	Street Address	Estimated Annual Sales Amount	\$1,700,000
Estimated Number of Employees	2	Location Type	Headquarters
Primary SIC Code Industry Classification	Electric, Gas, & Sanitary Services		
Primary SIC Code	4925 PETROLEUM PRODUCTION		
Primary NAICS	221210 Natural Gas Distribution		
SIC Code	8742 MANAGEMENT CONSULTING SERVICES		
NAICS	541611 Administrative Management and General Management Consulting Services		



### Additional Contacts

Contact Name	Contact Title	Address	City	State	Zip Code
TIM CIMMER	MANAGER	6034 KING RD	MARINE CITY	MI	48039
TIM CIMMER	OWNER	6034 KING RD	MARINE CITY	MI	48039

Same Company Name and Address	0
Same Address	3
Same Company Name and City	0
Same Company Name and Zip Code	0
Same Company Telephone	1
Same Company Web Address	1
Same Company Name and State	0
Same Company Name	0
Same Companies with same Name Internationally	2



Address  
 Company Telephone  
 Company Web Address  
 International

Total Possible Matches 5

### Domestic Possible Links

Company Name	Address	Safe Number	Rating	DBT	Limit	Legal Count
MY CHOICE ENERGY LLC	6034 KING RD MARINE CITY MI 48039	US55709446	50	N/A	\$4K	0 (\$0)
AMOCO OIL CO	6034 KING RD MARINE CITY MI 48039	US88258983	50	N/A	\$40K	0 (\$0)
BLUE WATER OIL CO	6034 KING RD MARINE CITY MI 48039	US06852584	61	0	\$380K	0 (\$0)

### Creditsafe International Database Search Results - 2 results

Company Name	Local Number	Safe Number	Address	Date of Accounts	Status
FOSTER BUILDING & ENERGY SERVICES LTD	08635988	UK08950695	48 INGLEWOOD CLOSE	3/30/2017	Active
FOSTER WHEELER ENERGY SERVICES, INC.	2075866	CA90774578		-	Active

Indicates an instantly available online company report from the Creditsafe international database.  
 Indicates an offline company report from the Creditsafe international database.

### Risk Rating & Limit

Today's Rating [0-100]	73	since 10/24/2016	Today's Limit (\$)	\$25.5K	since 10/24/2016
Previous rating [0-100]	67		Previous Limit (\$)	\$5K	

### Rating Definitions

The Creditsafe Rating works on a scale of 1-100 and predicts the likelihood that a business's payment performance will become seriously delinquent, defined as 90-plus days beyond terms within the next 12 months or that the business will go bankrupt.

#### Limit Definitions

The Creditsafe recommended credit limit is calculated using information from a company's payment record and from the payment records of similar companies. The company credit limit is our recommendation of the total amount of credit that should be outstanding at any one time.

### International Score

#### Creditsafe International Score

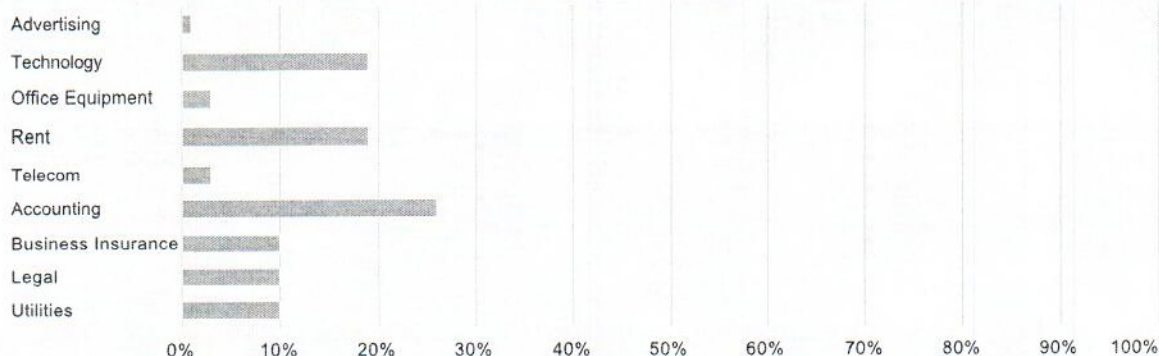
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#### International Score Description

Very Low Risk

The Creditsafe International Score is a standardized score derived from the Creditsafe rating. It enables credit risk comparison between companies that are registered in different countries.

### Company Expense Industry Breakdown



Expense Type	Expenditure Percentage	Expenditure Range
Advertising	1%	Up to \$999
Technology	19%	\$5,000 to \$9,999
Office Equipment	3%	Up to \$1,999
Rent	19%	\$5,000 to \$9,999
Telecom	3%	Up to \$1,999
Accounting	26%	\$5,000 to \$14,999
Business Insurance	10%	\$2,500 to \$4,999
Legal	10%	\$2,500 to \$4,999
Utilities	10%	\$2,500 to \$4,999

\*\*This section is created from modeled data and is designed to provide directional information on this company's expenses by category.



**Postal Address**  
Creditsafe USA Inc.  
4635 Crackersport Rd  
Allentown  
Pennsylvania 18104  
USA

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/28/2017 2:39:21 PM**

**in**

**Case No(s). 13-1511-EL-AGG**

Summary: Text Renewal Application of Foster Energy Services, LLC d/b/a My Choice Energy, LLC electronically filed by Teresa Orahod on behalf of Devin D. Parram