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March 6, 2015

**VIA HAND DELIVERY**

Docketing Division, 13<sup>th</sup> Floor  
Public Utilities Commission of Ohio  
180 E. Broad Street  
Columbus, Ohio 43215-3783

13-599-EL-AG6

**Re: Renewal Application For Aggregators - Emuna Energy, LLC**

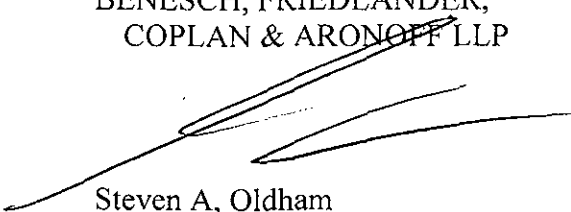
To Whom It May Concern:

Please find enclosed the original notarized Renewal Application For Aggregators filed by Emuna Energy, LLC, Applicant's Motion for Protective Order and Memorandum in Support and five (5) conformed copies. Please docket the originals and return one (1) file-stamped copy of each to me. Separately submitted are the original and three (3) copies of Applicant's submission of Exhibits C-3 and C-5 under seal.

If there are any questions concerning this filing, please contact me directly. Thank you for your cooperation.


Very truly yours,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP

  
Steven A. Oldham

Enclosure

cc: Steve Coven  
Orla E. Collier

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## Public Utilities Commission

| Original AGG<br>Case Number | Version     |
|-----------------------------|-------------|
| 13-599-EL-AGG               | August 2004 |

### RENEWAL APPLICATION FOR AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-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's legal name, address, telephone number, PUCO certificate number, and web site address

Legal Name Emuna Energy, LLC  
Address 1350 West 3rd Street, Cleveland, Ohio 44113  
PUCO Certificate # and Date Certified \_\_\_\_\_  
Telephone # (216) 464-2860 Web site address (if any) \_\_\_\_\_

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

Legal Name Emuna Energy, LLC  
Address 1350 West 3rd Street, Cleveland, Ohio 44113  
Telephone # (216) 464-2860 Web site address (if any) \_\_\_\_\_

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

Emuna Energy, LLC \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name Ezra Stark  
Title Manager  
Business address 1350 West 3rd Street, Cleveland, Ohio 44113  
Telephone # (216) 464-2860 Fax # (216) 464-1458  
E-mail address (if any) \_\_\_\_\_

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

Name Ezra Stark  
Title Manager  
Business address 1350 West 3rd Street, Cleveland, Ohio 44113  
Telephone # (216) 464-2860 Fax # (216) 464-1458  
E-mail address (if any) \_\_\_\_\_

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

Customer Service address 1350 West 3rd Street, Cleveland, Ohio 44113  
Toll-free Telephone # (216) 464-2860 Fax # (216) 464-1458  
E-mail address (if any) \_\_\_\_\_

**A-7 Applicant's federal employer identification number # 26454370**

**A-8 Applicant's form of ownership (check one)**

- |  |   |
|--|---|
| <input type="checkbox"/> Sole Proprietorship                 | <input type="checkbox"/> Partnership                                |
| <input type="checkbox"/> Limited Liability Partnership (LLP) | <input checked="" type="checkbox"/> Limited Liability Company (LLC) |
| <input type="checkbox"/> Corporation                         | <input type="checkbox"/> Other _____                                |

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

**A-9 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.**

**A-10 Exhibit A-10 "Corporate Structure," provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers and companies that aggregate customers in North America.**

**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.

**C-2** **Exhibit C-2 "SEC Filings,"** provide the most recent 10-K/8-K Filings with the SEC. If applicant does not have such filings, it may submit those of its parent company. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 that the applicant is not required to file with the SEC and why.

**C-3** **Exhibit C-3 "Financial Statements,"** provide copies of the applicant's two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement). If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, it shall file audited or officer certified financial statements covering the life of the business.

- C-4 **Exhibit C-4 "Financial Arrangements,"** provide copies of the applicant's financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.).
- C-5 **Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant's CRES operation, along with a list of assumptions, and the name, address, e-mail address, and telephone number of the preparer.
- C-6 **Exhibit C-6 "Credit Rating,"** provide a statement disclosing the applicant's credit rating as reported by two of the following organizations: Duff & Phelps, Dun and Bradstreet Information Services, Fitch IBCA, Moody's Investors Service, Standard & Poors, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant.
- C-7 **Exhibit C-7 "Credit Report,"** provide a copy of the applicant's credit report from Experian, Dun and Bradstreet or a similar organization.
- C-8 **Exhibit C-8 "Bankruptcy Information,"** provide a list and description of any reorganizations, protection from creditors or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.
- C-9 **Exhibit C-9 "Merger Information,"** provide a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.

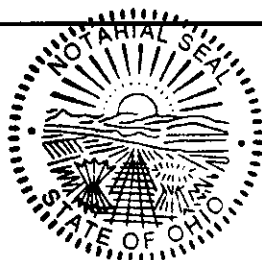
  
Signature of Applicant & Title

Sworn and subscribed before me this 4th day of MARCH, 2015  
Month Year

Andrea M. Moehlenkamp  
Signature of official administering oath

Andrea M. Moehlenkamp,  
Print Name and Title Notary Public

My commission expires on 5/8/18



ANDREA M. MOEHLKAMP  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Lake County  
My Comm. Exp. 5/8/18

# **AFFIDAVIT**

State of OHIO :

CLEVELAND ss.  
(Town)

County of CUYAHOGA :

Eva F. Strick, Affiant, being duly sworn/affirmed according to law, deposes and says that:

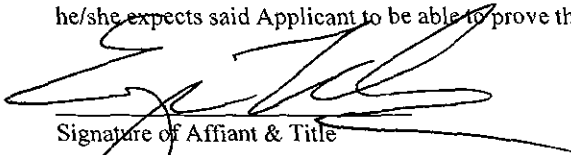
He/She is the Manager (Office of Affiant) of Emuna Energy, LLC (Name of Applicant);

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

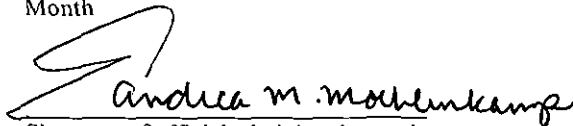
1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in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

Sworn and subscribed before me this 4th day of March, 2015  
Month Year

  
Signature of official administering oath

Andrea M. Moehlenkamp,  
Print Name and Title Notary Public

My commission expires on 5/8/18



ANDREA M. MOEHLKAMP  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Lake County  
My Comm. Exp. 5/8/18

EXHIBIT A-9 "Principal Officers, Directors & Partners"

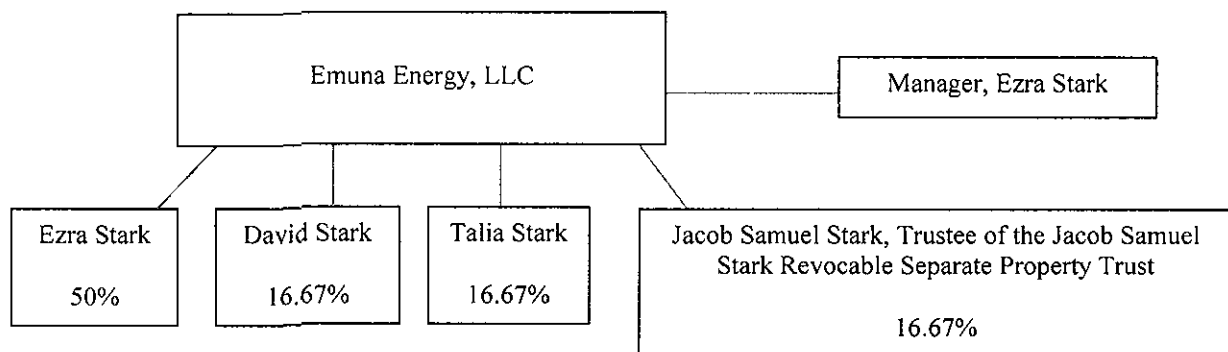
Names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials:

1. Ezra Stark, Manager and Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
2. David Stark, Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
3. Talia Stark, Member; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.
4. Jacob Samuel Stark, Trustee of the Jacob Samuel Stark Revocable Separate Property Trust; 1350 West Third Street, Cleveland, Ohio 44113. (216) 464-2860.

EXHIBIT A-10 "Corporate Structure"

Emuna Energy, LLC is managed by its Manager, currently, Ezra Stark. Subject to any limitations set forth in the Ohio Revised Code, the Manager has the has all power and authority to manage, and, direct the management of, the business and affairs of the company.

Corporate Structure:



Emuna Energy, LLC

EXHIBIT B-1 "Jurisdictions of Operation"

In addition to being licensed in Ohio, Emuna Energy, LLC is currently licensed as a Public Utility - Agents, Brokers and Consultants ("ABC") in the state of Illinois.

EXHIBIT B-2 "Experience & Plans"

Emuna Energy, LLC is a recognized channel partner of Energy Market Exchange and Duke Energy and will act as the non-exclusive agent of business customers to price out the customer's electricity usage. Emuna Energy also seeks to become channel partners with other certified electric generators so that the customer has numerous pricing proposals to consider. All billing is done by the certified electric generator, as with all collection. In some limited circumstances, Emuna Energy will be the exclusive agent of the business customer for purposes of pricing their electricity usage. Contracts with other customers will delineate whether Emuna Energy is their exclusive agent or whether it is acting on a non-exclusive basis. Emuna Energy will respond to any customer inquiries or complaints in accordance with the Commission's rules.

EXHIBIT B-3 "Disclosure of Liabilities and Investigations"

There are no known 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 seeks to be certified to provide.

Emuna Energy, LLC

EXHIBIT C-1 "Annual Reports"

Applicant does not prepare any annual reports for its members.

Emuna Energy, LLC

EXHIBIT C-2 "SEC Filings"

Applicant is a closely and privately owned family company and does not prepare filings for the SEC.

Emuna Energy, LLC

EXHIBIT C-3 "Financial Statements"

Filed under seal.

EXHIBIT C-4 "Financial Arrangements"

Emuna Energy, LLC does not currently have any financial arrangements. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from Energy Market Exchange (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.

Emuna Energy, LLC

EXHIBIT C-5 "Forecasted Financial Statements"

Filed under seal.

EXHIBIT C-6 "Credit Rating"

Given that Emuna Energy, LLC does not have any financial obligations at this time, it does not currently have any reported credit ratings. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from Energy Market Exchange (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.

EXHIBIT C-7 "Credit Report"

Given that Emuna Energy, LLC does not have any financial obligations at this time, it does not currently have a meaningful credit report. However, in this regard, Emuna Energy's intention is not to purchase electricity, but rather to act on behalf of the business customer to obtain pricing proposals from Energy Market Exchange (and eventually, additional certified electric generators). If a pricing proposal is accepted by the business customer, they will be contracting directly with the electric generator for the service, not with Emuna Energy.

Emuna Energy, LLC

EXHIBIT C-8 "Bankruptcy Information"

No bankruptcies or other type of reorganization has taken place to Emuna Energy, LLC or any affiliated organization.

Emuna Energy, LLC

EXHIBIT C-9 “Merger Information”

No dissolution, merger, or acquisition has taken place involving Emuna Energy, LLC.