



## Redacted Version of Application

Avion Energy, Inc. submits the following redacted version of its application to be filed under seal as confidential material.



## Public Utilities Commission

Original AGG Case Number	Version
11 - 5838 -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 Avion Energy, Inc.  
Address 1475 Buford Drive, Suite 403-186, Lawrenceville, GA 30043  
PUCO Certificate # and Date Certified 12-422E (3) on January 24, 2016  
Telephone # (678) 697-7717 Web site address (if any) www.avionenergy.com

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

Legal Name Avion Energy, Inc.  
Address 1475 Buford Drive, Suite 403-186, Lawrenceville, GA 30043  
Telephone # (678) 697-7717 Web site address (if any) www.avionenergy.com

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

<u>Avion Energy</u>	<u>ectoPro, Inc.</u>
<u>Avion Energy, Inc.</u>	<u>Avion Business Services Corporation</u>
<u>Avion Energy Group, LLC</u>	

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

Name Rachel Westmoreland  
Title Regulatory Compliance Specialist  
Business address 2654 Lake Park Bend, Acworth, GA 30101  
Telephone # (678) 607-6846 Fax # (770) 825-9012  
E-mail address compliance@avionenergy.com

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

Name Jacqueline (Jackie) Burdette  
Title Director of Operations  
Business address 1475 Buford Drive, Suite 403-186, Lawrenceville, GA 30043  
Telephone # (678) 607-6840 Fax # (770) 825-9012  
E-mail address jackie@avionenergy.com

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

Customer Service address 1475 Buford Dr, Ste 403-186, Lawrenceville, GA 30043  
Toll-free Telephone # (877) 712-8466 Fax # (770) 825-9012  
E-mail address info@avionenergy.com

**A-8 Applicant's federal employer identification number # 47-5378465**

**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 type="checkbox"/> Limited Liability Company (LLC) |
| <input checked="" 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.

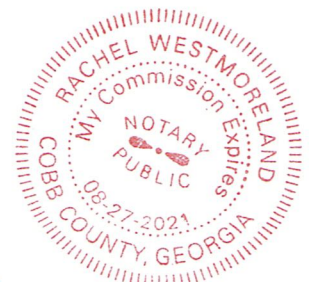
- C-5 Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted income statements for the applicant's **ELECTRIC related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer.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

Sworn and subscribed before me this 21<sup>st</sup> day of December, 2017  
Month Year

  
Signature of official administering oath

Rachel Westmoreland - Notary  
Print Name and Title



My commission expires on 08-27-2021



# AFFIDAVIT

State of Georgia :

Lawrenceville ss.  
(Town)

County of Gwinnett :

Joseph Mittiga, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President (Office of Affiant) of Avion Energy, Inc. (Name of Applicant);

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

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification 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.

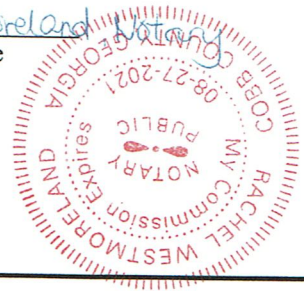
 President  
Signature of Affiant & Title

Sworn and subscribed before me this 21<sup>st</sup> day of December, 2017  
Month Year

  
Signature of official administering oath

Rachel Westmoreland Notary  
Print Name and Title

My commission expires on 08-27-2021





Each of the Avion Energy family of companies is listed below with the corresponding principal officers, directors, and partners.

**1. Avion Energy, Inc.**

*Principal Officers:*

James (Jim) R. Charron  
Chief Executive Officer  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

*Directors:*

Joseph (Joe) M. Mittiga  
Chairman of the Board of Directors  
4191 Oxcliffe Grove, Suwanee, GA 30024  
(678) 607-6835

James (Jim) R. Charron  
Member of the Board of Directors  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

**2. Avion Energy Group, LLC**

*Principal Officers:*

Joseph (Joe) M. Mittiga  
President  
4191 Oxcliffe Grove, Suwanee, GA 30024  
(678) 607-6835

James (Jim) R. Charron  
Vice President  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

*Directors:*

James (Jim) R. Charron  
Managing Member  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

Joseph (Joe) M. Mittiga  
Member  
4191 Oxcliffe Grove, Suwanee, GA 30024  
(678) 607-6835



**Avion Energy Group, LLC**

*Directors: (Continued)*

William (Bill) McNarland  
Member

1500 Fourteenth Street SW, Suite 402, Calgary, AB T3C 1C9  
(403) 926-7998

**3. ectoPro, Inc.**

*Principal Officers:*

James (Jim) R. Charron  
Chief Executive Officer  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

*Directors:*

Joseph (Joe) M. Mittiga  
Chairman of the Board of Directors  
4191 Oxcliffe Grove, Suwanee, GA 30024  
(678) 607-6835

James (Jim) R. Charron  
Member of the Board of Directors  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

**4. Avion Business Services Corporation**

*Principal Officers:*

James (Jim) R. Charron  
Chief Executive Officer  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838

*Directors:*

Joseph (Joe) M. Mittiga  
Chairman of the Board of Directors  
4191 Oxcliffe Grove, Suwanee, GA 30024  
(678) 607-6835

James (Jim) R. Charron  
Member of the Board of Directors  
1264 Riverloch Way, Lawrenceville, GA 30043  
(678) 607-6838





Due to restructuring, Avion Energy, Inc. is currently updating information with each Public Utility Commission (or similarly named regulatory body) in order for the existing licenses held by Avion Energy Group, LLC to be applied to the Avion family of companies. Avion Energy, Inc. and its subsidiary companies are authorized as follows:

Ohio

Competitive Retail Natural Gas Aggregator/Broker under certificate number 13-328G(3)

New Jersey

Energy Agent (electricity and natural gas) under registration number EA-0239

Private Aggregator (electricity and natural gas) under registration number PA-0137

Avion Energy Group, LLC is authorized as follows:

Ohio

Competitive Retail Electricity Aggregator/Broker under certificate number 12-422E(3)

Delaware

Electric Supply Services under Docket #13-338, Order #8451

No requirements for licensure or registration to broker natural gas in this state

Illinois

Electricity Agent, Broker, or Consultant (ABC) under Docket # 13-0513

No requirements for licensure or registration to broker natural gas in this state

Maine

Broker of natural gas under registration (listing available at [http://www.maine.gov/mpuc/natural\\_gas/gas\\_licensees.shtml](http://www.maine.gov/mpuc/natural_gas/gas_licensees.shtml))

Maryland

Supply Electricity or Electric Generation Services under license number IR-3185

Supply Natural Gas or Natural Gas Supply Services under license number IR-3184

Massachusetts

Electricity Broker under license number EB-269

Gas Retail Agent under license number RA-107

Pennsylvania

Electric Generation Supplier under docket number A-2013-2396660

Natural Gas Supplier under docket number A-2013-2397383



In addition, Avion Energy does business in the following states that do not require licensure or registration to operate as an energy broker:

Arizona	Michigan
California	Nevada
Colorado	New York
Connecticut	Rhode Island
Florida	Texas
Georgia	

The Avion Energy family of companies have had no complaints.





Avion Energy provides energy brokerage service and has been a broker of electricity and natural gas in deregulated markets during its entire operation. Its customer base is diverse, mostly comprised of small to medium business (SMB) consumers covering a broad base of industries.

Avion Energy is licensed or registered in jurisdictions where it is required, and has brokerage contracts with numerous energy providers in every deregulated state. It has developed patent-pending technology for its internal processes to streamline business functions and comply with reporting requirements. Avion Energy will expand its customer base through the addition of sales divisions created to better serve the various types of energy consumers.

Many consumers of electricity and natural gas are approached by a broker representing one energy provider. Avion Energy's approach is more consumer-focused as it represents its clients by doing an extensive search of the supply rates available from all its energy providers. Findings are presented in an apple-to-apples comparison, and the differences in contract details are noted. Clients' needs and concerns are addressed and should a new contract be needed, Avion assists in obtaining an executed contract and the selected licensed energy provider procures the energy. This process repeats as the goal of Avion Energy is to find and keep its clients in best pricing.

Avion Energy does not take possession of the energy but connects the energy consumer to a licensed energy provider. Consequently, the responsibilities addressed in Section 4929.22 of the Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code, and Section 4928.10 for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints are met by the licensed energy provider.

Avion Energy does not charge a separate fee to the consumer for its services. As in real estate, the broker fee or commission is included in the price quoted and paid by the seller – the energy provider – after the transaction is complete.

In order to establish long term relationships with clients, staff of the management company and subsidiary sales divisions are trained in basic energy industry knowledge and are able to provide information, educate the consumer, and follow up regularly to ensure clients' needs are fully met.





**Exhibit B-3:**  
**Disclosure of Liabilities and Investigations**  
Page 1 of 1

There are no existing, pending, or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact Avion Energy's or its subsidiaries' financial or operational status or ability to provide the services it is seeking to be certified to provide.



**CONFIDENTIAL**

**Exhibit C-1:  
Annual Reports**

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**CONFIDENTIAL**



**Exhibit C-2:  
SEC Filings**  
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**CONFIDENTIAL**

**Exhibit C-3:  
Financial Statements**

Page 1 of 1

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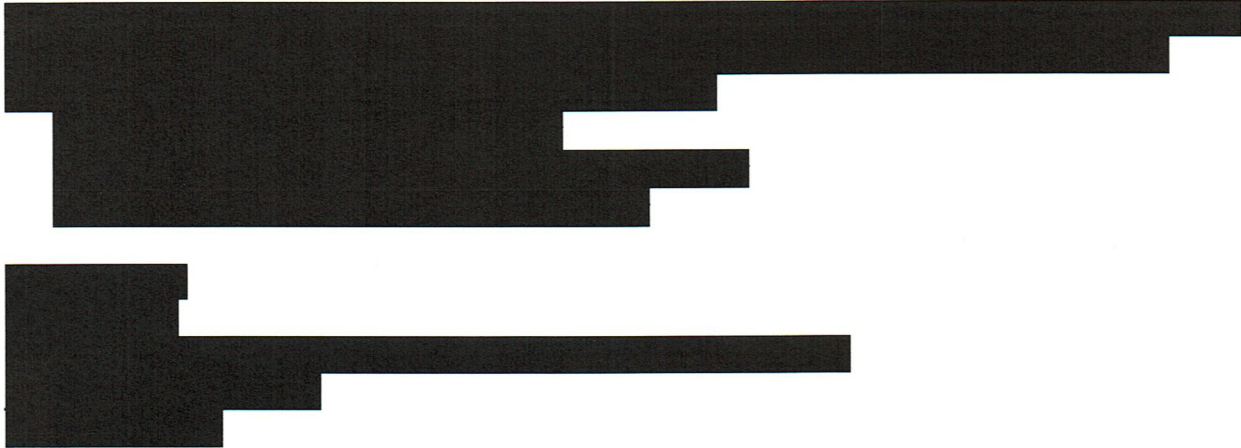




**CONFIDENTIAL**

**Exhibit C-5:  
Forecasted Financial Statements**

Page 1 of 1



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**CONFIDENTIAL**

**Exhibit C-6:  
Credit Rating**

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Avion Energy, Inc  
1475 Buford Drive, Suite 403-186, Lawrenceville, GA 30043  
(678) 697-7717 office | (844) 607-8490 toll-free | (770) 825-9012 fax | info@avionenergy.com

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1475 Buford Drive, Suite 403-186, Lawrenceville, GA 30043  
(678) 697-7717 office | (844) 607-8490 toll-free | (770) 825-9012 fax | info@avionenergy.com

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

**Commission of Ohio Docketing Information System on**

**12/22/2017 10:53:19 AM**

**in**

**Case No(s). 11-5838-EL-AGG**

Summary: Application Renewal application of Avion Energy, Inc. for certification as a Electric Aggregator and Broker electronically filed by Mrs. Rachel E Westmoreland on behalf of Avion Energy, Inc. and Mittiga, Joseph M Mr.