

FILE

Eagle Energy, LLC
6566 Glenway Avenue
Cincinnati, Ohio 45211
(513) 251-7283 • eagleenergy@fuse.net

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March 30, 2018

The Honorable Barcy F. McNeal, Secretary
The Public Utilities Commission of Ohio
Docketing Division, 11th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

RE: Case No. 16-871-EL-AGG

Dear Secretary McNeal:

Please find enclosed the original and three conformed copies of the Application of Eagle Energy, LLC in the above referenced case. The Application seeks approval of Eagle Energy to renew its certificate to provide electric service as an aggregator and power broker pursuant to Section 4928.08 of the Ohio Revised Code. In addition due to the sensitive financial nature of some Exhibits, the Applicant respectfully requests confidential treatment of Exhibits C-3, C-5 and C-7.

If you have any questions concerning this matter please contact our office. Thank you in advance for your assistance.

Very truly yours,



Donald I. Marshall
President

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O-R-I-G-I-N-A-L

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

*In the Matter of the Application of)
Eagle Energy, LLC to Renew its)
Certificate for Authority to Continue)
to Provide Electric Service as an)
Aggregator and Power Broker Pursuant)
to the Commission's Rules and Section)
4928.08 of the Ohio Revised Code.)*

Case No. 16-871-EL-AGG

*Copy to
Eagle Energy, LLC
Certificate
to Provide
Aggregator
and Power
Broker Pursuant
to the Commission's
Rules and Section
4928.08 of the Ohio
Revised Code.*



Public Utilities Commission

Original AGG Case Number	Version
16-371 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 Eagle Energy, LLC

Address 6566 Glenway Avenue, Cincinnati, Ohio 45211

PUCO Certificate # and Date Certified 16-1079E(1) dated May 26, 2016

Telephone # (513)251-7283 Web site address (if any) www.EagleEnergyLLC.com

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

Legal Name Same as A-2 above.

Address _____

Telephone # _____ Web site address (if any) _____

A-4 List all names under which the applicant does business in North America Same as A-2 above.

A-5 Contact person for regulatory or emergency matters

Name Donald Marshall

Title President

Business address 6566 Glenway Avenue, Cincinnati, Ohio 45211

Telephone # (513)251-7283

Fax # (513)251-7283

E-mail address eagleenergy@FUSE.net

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

Name James Macenko
Title Vice President
Business address 6566 Glenway Avenue, Cincinnati, Ohio 45211
Telephone # (513)251-7283 Fax # (513)251-7283
E-mail address eagleenergy@FUSE.net

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

Customer Service address 6566 Glenway Avenue, Cincinnati, Ohio 45211
Toll-free Telephone # (513)251-7283 Fax # (513)251-7283
E-mail address eagleenergy@FUSE.net

A-8 Applicant's federal employer identification number # 31-1761356

A-9 Applicant's form of ownership (check one)

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

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

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

B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

B-1 Exhibit B-1 "Jurisdictions of Operation," provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric services including aggregation services.

B-2 Exhibit B-2 "Experience & Plans," provide a description of the applicant's experience and plan for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Section 4928.10 of the Revised Code.

B-3 **Exhibit B-3 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.

B-4 Disclose whether the applicant, a predecessor of the applicant, or any principal officer of the applicant have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-4 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

B-5 Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service including aggregation service denied, curtailed, suspended, revoked, or cancelled within the past two years.

☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-5 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation"** detailing such action(s) and providing all relevant documents.

C. FINANCIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

C-1 **Exhibit C-1 "Annual Reports,"** provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why. (This is generally only applicable to publicly traded companies who publish annual reports.)

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

C-3 Exhibit C-3 “Financial Statements,” provide copies of the applicant’s two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement). If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, it shall file audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns (with social security numbers and account numbers redacted).

C-4 Exhibit C-4 “Financial Arrangements,” provide copies of the applicant's financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.).

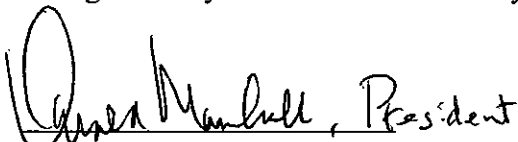
Renewal applicants can fulfill the requirements of Exhibit C-4 by providing a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU’s collateral requirements.

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

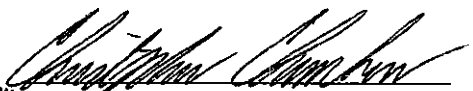
1. The applicant itself stating that it is investment grade rated by Moody’s, Standard & Poor’s or Fitch and provide evidence of rating from the rating agencies.
2. Have a parent company or third party that is investment grade rated by Moody’s, Standard & Poor’s or Fitch guarantee the financial obligations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

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

- C-5 Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted income statements for the applicant's **ELECTRIC related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer. The forecasts should be in an annualized format for the two years succeeding the Application year.
- C-6 Exhibit C-6 "Credit Rating,"** provide a statement disclosing the applicant's credit rating as reported by two of the following organizations: Duff & Phelps, Fitch IBCA, Moody's Investors Service, Standard & Poor's, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or an affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.
- C-7 Exhibit C-7 "Credit Report,"** provide a copy of the applicant's credit report from Experian, Dun and Bradstreet or a similar organization. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter "N/A" for Exhibit C-7.
- C-8 Exhibit C-8 "Bankruptcy Information,"** provide a list and description of any reorganizations, protection from creditors or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.
- C-9 Exhibit C-9 "Merger Information,"** provide a statement describing any dissolution or merger or acquisition of the applicant within the two most recent years preceding the application.
- C-10 Exhibit C - 10 "Corporate Structure,"** provide a description of the applicant's corporate structure, not an internal organizational chart, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate or subsidiary companies.


 Signature of Applicant & Title

Sworn and subscribed before me this 30th day of March, 2018
 Month Year


 Signature of official administering oath

Christopher Chambers - Notary Public
 Print Name and Title



CHRISTOPHER CHAMBERS Commission expires on 9/20/22
 Notary Public, State of Ohio
 My Commission Expires 09-20-2022

AFFIDAVIT

State of Ohio :

Cincinnati ss.
(Town)

County of Hamilton :

Donald Marshall, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/~~She~~ is the President (Office of Affiant) of Eagle 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 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.

Donald Marshall President
Signature of Affiant & Title

Sworn and subscribed before me this 30th day of March, 2018
Month Year

Christopher Chambers
Signature of official administering oath

Christopher Chambers - Notary Public
Print Name and Title

My commission expires on 9/20/22



CHRISTOPHER CHAMBERS
Notary Public, State of Ohio
My Commission Expires 09-20-2022

EXHIBIT A-10

PRINCIPAL OFFICERS, DIRECTORS AND PARTNERS

Principal Officers, Directors and Partners.

Name: Donald I. Marshall, Principal and Owner

Address: 3041 Southfork Drive
Cincinnati, Ohio 45248

Telephone: (513) 451-1803

Name: Richard A. Lonneman, Principal
Principal

Address: 2744 Trumbull Court
Cincinnati, Ohio 45233

Telephone: (513) 941-7832

Name: James R. Macenko, Principal

Address: 3780 Sunburstridge Lane
Cincinnati, Ohio 45248

Telephone: (513) 574-1428

Name:

Address:

Telephone:

SECTION B
APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

EXHIBIT B-1

JURISDICTIONS OF OPERATIONS

Jurisdictions of Operations.

The Applicant is currently operating solely within the State of Ohio under the jurisdiction of this Commission.

EXHIBIT B-2

EXPERIENCE AND PLANS

Experience and Plans.

The Applicant, Eagle Energy, LLC, was founded in the year 2001 as the deregulatory market for electricity became effective under rules established by this Commission. The founder and owner of Eagle Energy is Donald Marshall. Marshall had a successful career at a major Ohio utility and left as Vice President of Regulatory Affairs with responsibility of all regulatory matters within three states as well as Federal regulatory matters. Marshall presented expert testimony before this Commission, the Kentucky Public Service Commission, the Indiana Utility Regulatory Commission and the Federal Energy Regulatory Commission. Subject matter expertise included rate design, cost of service, working capital, revenue requirements, fuel adjustment clauses and management practices and policies. The two Principals retired as managers from a major Ohio utility with marketing. Legislative and other rate matters. Combined, the three Principals of Eagle Energy have more than one hundred years of regulatory experience.

The Applicant intends to continue to be focused on providing services to small to mid-sized commercial and industrial customers and governmental aggregation plans. The business plan of Eagle Energy calls for direct interaction with the customer focused on potential savings directly or to eligible participants of an aggregation program. The Applicant has developed working relationships with several Certified Retail Energy Suppliers but retains its financial independence. The Applicant did purchase power directly from the PJM RTO from about January 2012 through May 2014 under its certificate at that time. However, due to the financial risk associated with the “polar vortex” event of January 2014, Eagle Energy ceased its purchased power service and does not intend to return to that activity at the present time.

In addition to several commercial and industrial customers, the Applicant represents eleven municipalities and administers their governmental aggregation plans. It is the Applicant’s vision to expand the aggregation aspect of its business model.

EXHIBIT B-3

DISCLOSURE OF LIABILITIES AND INVESTIGATIONS

Disclosure of Liabilities and Investigations.

The Applicant, to its knowledge, is currently not subject to any financial investigations, judgment, contingent liability or any other matter that would have an adverse impact on its financial capability or operational status or the ability to render services it is requesting in the instant Application.

SECTION C
FINANCIAL CAPABILITY AND EXPERIENCE

EXHIBIT C-1

ANNUAL REPORTS

Annual Reports.

The Applicant as a limited liability corporation has no shareholders and is not a publically held company and has no obligation to file Annual Reports.

EXHIBIT C-2

SEC FILINGS

SEC Filings.

As a limited liability corporation that is not publically traded, the Applicant has no obligation to make any filings with the SEC.

FINANCIAL ARRANGEMENTS

Financial Arrangements.

The Applicant does not take title to any power so the response to this Exhibit could be N/A. However, the Applicant does have a line of credit established with Fifth Third Bank in the amount of \$70,000. At this time the full amount is available to the Applicant. Included in this Exhibit is a letter from Fifth Third verifying the line of credit.



Andrew R. Huhn
Vice President
Business Specialist
Business Banking Group
MD#1MOCBF
5050 Kingsley Drive
Cincinnati, Ohio 45227
Phone: 513-358-2884
Fax: 513-358-1716
Email andrew.huhn@53.com

March 27, 2018

Eagle Energy LLC
6566 Glenway Ave
Cincinnati Oh. 45211

To Whom It May Concern:

This letter is to verify that Eagle Energy LLC has a \$70,000 line of credit with Fifth Third Bank. This letter of credit was established in 2012 and has been paid as agreed. If you have any questions, please don't hesitate to call me at (513) 358-2884.

Sincerely,

Andrew R. Huhn
Vice President
Business Specialist
Business Banking Group
Fifth Third Bank
Ph: (513) 358-2884
andrew.huhn@53.com

EXHIBIT C-6

CREDIT RATING

Credit Rating.

The Applicant does not have an established credit rating.

EXHIBIT C-8

BANKRUPTCY INFORMATION

Bankruptcy Information.

The Applicant and its Principals have not been involved in any reorganization, protection from creditors or any other form of bankruptcy.

MERGER INFORMATION

Merger Information.

The Applicant has explored some type of merger but is currently not engaged in any merger discussions.

CORPORATE STRUCTURE

Corporate Structure.

The Applicant is a limited liability corporation (LLC) organized under the rules and regulations of the State of Ohio. The Applicant is a stand-alone entity with no affiliate or subsidiary companies.

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