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December 04, 2018

Melissa Scarberry  
Service Monitoring Commission of Ohio  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

**Re: Open Market Energy LLC Case Number 18-1723-EL-AGG**

Dear Ms. Scarberry:

Per the email dated November 29, 2018, I have enclosed Open Market Energy's revisions for the aggregator/broker application referenced above:

1. An updated version of Exhibit A-3.
2. An updated version of Exhibit b-6.

Thank you again for the opportunity to correct the application and welcome addressing any additional concerns, clarifications, or questions with our application.

Sincerely,

John Gardiner

President

Open Market Energy, LLC  
202-379-8202

[john@openmarketenergy.net](mailto:john@openmarketenergy.net)

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Technician Chen Date Processed 12/6/18



John Gardiner <john@openmarketenergy.net>

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## REVISIONS NEEDED, Open Market Energy 18-1723-EL-AGG

1 message

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melissa.scarberry@puco.ohio.gov <melissa.scarberry@puco.ohio.gov>  
To: "licensing@openmarketenergy.net" <licensing@openmarketenergy.net>

Thu, Nov 29, 2018 at 3:33 PM

John Gardiner – I have been assigned to review the A and B exhibits of this application here at the Public Utilities Commission of Ohio. Someone else may contact you with questions or comments about your C exhibits. During review I have noted some issues that need to be addressed in order to bring this application into compliance with Ohio laws.

1. Exhibit A-3 has the name of Corporate Service Company. Please note that this exhibit is for the name that Open Market Energy will be using to market to customers in Ohio. This may need to be revised if the company will be using "Open Market Energy LLC" in Ohio.
2. Exhibit B-6 needs to disclose the expiration and cancellation of the previous certificate in Ohio along with a brief explanation.

Please correct these items and file the updated information along with a cover letter stating that you are making a revision in **Case No. 18-1723-EL-AGG** by **Wednesday, December 12, 2018**. You do not need to submit the entire application again, only those sections that are being revised. Again, keep in mind that you may receive a separate request for information from the staff member reviewing your financial exhibits and that person may give you a different deadline for those requirements. If you have any questions, please feel free to contact me.

Melissa Scarberry

Public Utilities Commission of Ohio

Service Monitoring & Enforcement Department

Utility Specialist 2

(614) 644-7960

PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

PUC USE ONLY		
Date Received	Case Number	Version
	- EL-AGG	May 2016

## INITIAL CERTIFICATION APPLICATION FOR ELECTRIC AGGREGATORS/ POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-12 Company History). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division; 180 East Broad Street, Columbus, Ohio 43215-3793.

**This PDF form is designed so that you may input information directly onto the form.  
You may also download the form, by saving it to your local disk, for later use.**

### A. APPLICANT 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 and web site address

Legal Name Open Market Energy, LLC  
Address 7625 Wisconsin Ave Suite 200 Bethesda, MD 20814  
Telephone # (240) 482-4729 Web site address (if any) www.openmarketenergy.net

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

Legal Name Open Market Energy, LLC  
Address 7625 Wisconsin Ave Suite 200 Bethesda, MD 20814  
Telephone # (240) 482-4729 Web site address (if any) www.openmarketenergy.net

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

Open Market Energy, LLC  
\_\_\_\_\_  
\_\_\_\_\_

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

Name John Gardiner  
Title President - Managing Partner

**B-3** **Exhibit B-3 "Summary of Experience,"** provide a concise summary of the applicant's experience in providing aggregation service(s) including contracting with customers to combine electric load and representing customers in the purchase of retail electric services. (e.g. number and types of customers served, utility service areas, amount of load, etc.).

**B-4** **Exhibit B-4 "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-5** 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-5 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

**B-6** 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-6 "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. (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.

Ohio Public Utilities Commission.  
Open Market Energy Application  
Application for Aggregators/Power Brokers

Exhibit B-6 - Disclosure of Certification Denial, Curtailment, Suspension, or Revocation

Open Market Energy apologizes for the lapse in renewing The Ohio Public Service Commission Electric and Gas applications as I was notified via email by Tina Holbert on July 2, 2018. I was out on vacation for the 4<sup>th</sup> of July and mistakenly missed the renewal email. Open Market Energy was aware of the renewal requirement and had logged into the PUCO reporting website over the summer of 2018 but could not find any notification or reporting deadline. In the past we submitted and communicated all reports through the secure PUCO portal and were not aware that this site does not maintain each broker licensing and renewal requirements.

Moving forward, Open Market Energy has assigned an email alias [licensing@openmarketenergy.net](mailto:licensing@openmarketenergy.net) that will notify the upper management and the designated employee responsible for all State licensing renewals, reporting, and regulation responses. We have submitted this as our core contact email address on the new application.

Open Market Energy kindly request the Commission consider our application to broker energy in the State of Ohio. We understand this is unacceptable as it is our responsibility to know and stay current on our State reporting and licensing requirements so I am confident this will not happen again.

Thank you for your consideration.