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FILE

April 17, 2019

Ohio Public Service Commission

Reference: Cases 15-0875-EL-AGG and 15-0876-GA-AGG

Enclosed, please find 1 original power broker renewal and 3 copies as well as 1 original natural gas broker renewal application and 3 copies for Energy Solutions USA, Inc's electric & gas broker renewal licenses in the State of Ohio.

Thank You

Dan Cooke
CIO
Energy Solutions USA, Inc

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PUCO

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Technician AN Date Processed APR 22 2019

April 3, 2019

ENERGY SOLUTIONS USA INC
99 W MCCANNS BLVD
ELMIRA HEIGHTS, NY 14903

Notice of Pending Expiration of PUCO Certification

Company Name: ENERGY SOLUTIONS USA INC
Certification Case No.: 15-0875-EL-AGG
Certificate Expiration Date: 6/4/2019

To Whom It May Concern:

This letter serves to provide notice that the above-listed certificate issued by the Public Utilities Commission of Ohio pursuant to the Ohio Revised Code, is due to expire on **6/4/2019**. If you have already filed your renewal application, or if you do not want to renew your certificate, **please disregard this letter.**

Rule 4901:1-24-09 O.A.C. requires renewal applications to be filed no less than 30 and no more than 60 days prior to the certificate expiration date. If the listed company wishes to continue to operate under the above certificate, a renewal application must be filed **at least 30 days prior to the expiration date.**

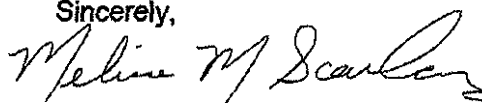
If the listed company has missed the 30-day deadline but the certificate has yet to expire, a motion to extend must be filed in the existing case by an attorney licensed to practice law in Ohio. A renewal application should be filed at the same time.

If the certificate has expired and the company wishes to continue operations in Ohio, a new certificate application must be filed. A motion requesting an extension of the original certificate and requesting to operate during pendency of the new certification application must be filed by an attorney licensed to practice law in Ohio. If you have additional questions you may call the Commission representative listed below.

Any company or company officer that continues to provide Ohio jurisdictional service under an expired certificate without Commission authorization may be assessed a civil forfeiture pursuant to Section 4905.54 of the Ohio Revised Code.

Questions regarding this notice should be directed to Melissa Scarberry of the Commission's Reliability and Service Analysis Division, Service Monitoring and Enforcement Department, at melissa.scarberry@puco.ohio.gov or at 614-644-7960.

Sincerely,



Melissa Scarberry
Utility Specialist II

Renewal Instructions for Electric Aggregator/Power Brokers

I. Where to File: Applications should be sent to: Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus Ohio 43215-3793.

II. What to File: Applicant must submit one original notarized application signed by a principal officer and three copies including all exhibits, affidavits, and other attachments. All attachments, affidavits, and exhibits should be clearly identified. For example, Exhibit C-10 should be marked "Exhibit C -10 'Corporate Structure.'" All pages should be numbered and attached in a sequential order.

VERY IMPORTANT: The renewal application must be docketed in the applicant's original EL-AGG case number.

III. Renewal Application Form: The renewal application is available on the Commission's web site, www.puco.ohio.gov or directly from the Commission at: Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus Ohio 43215- 3793.

IV. Confidentiality: An applicant may file financial statements, financial arrangements, and forecasted financial statements under seal. If these exhibits are filed under seal, they will be afforded protective treatment for a period of six years from the date of the certificate for which the information is being provided.

An applicant may file a motion for a protective order for other information not filed under seal per the previous paragraph. If the motion is filed in conformance with rule 4901:1-24-07 of the Administrative Code, it shall be automatically approved on the thirty-first day after the date of filing and the information shall be afforded protective treatment for a period of six years from the date of the certificate for which the information is being provided, unless the commission or an attorney examiner appointed by the commission rules otherwise.

At the expiration of the six-year period provided for in the previous paragraphs, the information will be automatically released into the open record. An applicant wishing to extend a protective order beyond the six-year time period must comply with paragraph (F) of rule 4901-1-24 of the Administrative Code.

V. Commission Process for Approval: An application for renewal shall be made on forms approved and supplied by the Commission. The applicant shall complete the appropriate application renewal form in its entirety and supply all required attachments, affidavits, and evidence of capability specified by the form at the time an application is filed. The Commission renewal process begins when the Commission's Docketing Division receives and time/date stamps the application. An incomplete application may be suspended or rejected. An application that has been suspended as incomplete may cause delay in certification.

The Commission may approve, suspend, or deny a renewal application within 30 days. If the Commission does not act within 30 days, the renewal application is deemed automatically approved on the 31st day after the official filing date. If the Commission suspends the application, the Commission shall notify the applicant of the reasons for such suspension and may direct the applicant to furnish additional information. The Commission shall act to approve or deny a suspended application within 90 days of the date that the application was suspended. Upon Commission approval, the applicant shall receive notification of approval and a numbered certificate that specifies the service(s) for which the applicant is certified and the dates for which the certificate is valid.

Unless otherwise specified by the Commission, a competitive retail electric service provider's certificate is valid for a period of two years, beginning and ending on the dates specified on the certificate. The applicant may renew its certificate in accordance with Rule 4901:1-24-09 of the Ohio Administrative Code.

CRES (competitive retail electric service) providers shall inform the Commission of any material change to the information supplied in a certification application within thirty days of such material change in accordance with Rule 4901:1-24-10 of the Ohio Administrative Code.

VI. Questions: Questions regarding filing procedures should be directed to:

CRES@puc.state.oh.us

VII. Governing Law: The certification/renewal of competitive retail electric suppliers is governed by Chapter 4901:1-24 of the Ohio Administrative Code, Chapter 4901:1-21 of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

Original AGG Case Number	Version
15-075-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 Energy Solutions USA, Inc
 Address 99 W McCanns Blvd, Elmira Heights, NY 14903
 PUCO Certificate # and Date Certified 15-980E (I) June 8, 2015
 Telephone # (888) 322-8755 Web site address (if any) www.esui.us

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

Legal Name Energy Solutions USA, Inc attn: CT Corp
 Address 4400 Easton Commons Way Suite 125, Columbus, OH, 43219
 Telephone # (614) 280-3544 Web site address (if any) www.esui.us

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

Energy Solutions USA, Inc _____

A-5 Contact person for regulatory or emergency matters

Name Henry Fuksman
 Title President
 Business address 99 W McCanns Blvd, Elmira Heights, NY 14903
 Telephone # (888) 322-8755 Fax # (866) 829-9700
 E-mail address info@esui.us

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

Name Henry Fuksman
Title President
Business address 99 W McCanns Blvd, Elmira Heights, NY 14903
Telephone # (888) 322-8755 Fax # (866) 829-9700
E-mail address info@esui.us

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

Customer Service address 99 W McCanns Blvd, Elmira Heights, NY 14903
Toll-free Telephone # (888) 322-8755 Fax # (866) 829-9700
E-mail address info@esui.us

A-8 Applicant's federal employer identification number # 050547411

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 type="checkbox"/> Corporation | <input checked="" type="checkbox"/> Other <u>Foreign Corporation</u> |

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.

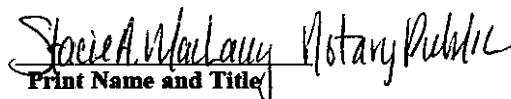
If the applicant is not taking title to the electricity or natural gas, enter "N/A" in Exhibit C-4. An N/A response is only applicable for applicants seeking to be certified as an aggregator or broker.

- 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.

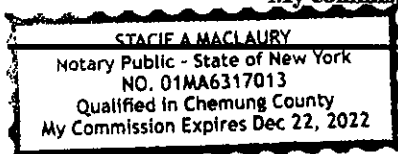

Signature of Applicant & Title

Sworn and subscribed before me this 16th day of April, 2019
Month Year


Signature of official administering oath


Print Name and Title

My commission expires on 12/22/2022



AFFIDAVIT

State of New York :

Elmira Heightsss.
(Town)

County of Chemung :

Henry Fuksman, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President (Office of Affiant) of Energy Solutions USA, 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.

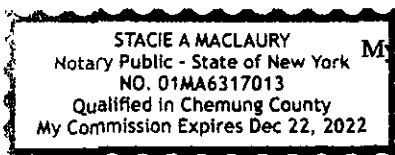
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Ally York, President
Signature of Affiant & Title

Sworn and subscribed before me this 16th day of April, 2019
Month Year

Stacie A. MacLaury
Signature of official administering oath

Stacie A. MacLaury Notary Public
Print Name and Title



My commission expires on 12/22/2022

Exhibit A-10 “Principle Officers, Directors & Partners”

President/CEO

Name: Henry Fuksman

Business Address: 99 W McCanns Blvd
Elmira Heights, NY 14903

Phone: (888) 322-8755 x111

Exhibit B-1 “Jurisdictions of Operations”

States in which the Applicant is now or has been engaged in the retail sale (including Brokering) of electricity or natural gas:

State:	NY	Type of License:	N/A	License No:	N/A
State:	PA	Type of License:	Electric	License No:	A-2012-2281591
State:	PA	Type of License:	Natural Gas	License No:	A-2014-2400844
State:	MA	Type of License:	Electric	License No:	EB-384
State:	MA	Type of License:	Natural Gas	License No:	RA-169
State:	MD	Type of License:	Electric	License No:	IR-3352
State:	MD	Type of License:	Natural Gas	License No:	IR-3353

Exhibit B-2 “Experience & Plans”

Energy Solutions USA Inc intends to provide energy consulting and electric and natural gas brokering services to commercial, industrial, residential and government customers.

Energy Solutions USA Inc intend to act as Broker/Marketer, acting as an intermediary in the sale and purchase of electric energy but does not take title to electric energy. Therefore, Energy Solutions USA, Inc acting as a broker for energy suppliers, will not be providing billing statements. Any response to customer inquiries, Energy Solutions USA, Inc will act as an intermediary with the energy supplier in regards to billing inquiries and complaints from customers.

Exhibit B-3 "Disclosure of Liabilities and Investigations"

Energy Solutions USA Inc has not been nor is it currently the defendant of a criminal or civil proceeding within the last five (5) years.

Exhibit C-1 “Annual Reports”

Energy Solutions USA, Inc does not have any shareholders and therefore does not issue annual reports and is not applicable.

Exhibit C-2 “SEC Filings”

Energy Solutions USA, Inc is not a publically traded company and is not required to file with the SEC so this section is not applicable.

Exhibit C-6 “Credit Rating”

Not applicable. Energy Solutions USA, Inc is not rated by a rating agency.

Exhibit C-7 “Credit Report”

Not applicable. Energy Solutions USA, Inc does not have a credit rating.

Exhibit C-8 “Bankruptcy Information”

Energy Solutions USA Inc has not within the past two (2) years nor is it currently filing for Bankruptcy. This section is not applicable.

Exhibit C-9 “Merger Information”

Energy Solutions USA Inc has not within the past five (5) years nor is it currently filing for a Merger. This section is not applicable.

Exhibit C-10 “Corporate Structure”

Energy Solutions USA, Inc is owned by Henry Fuksman who is both the President and CEO. In addition there are five employees in sales and one IT administrator.

Energy Solutions USA, Inc has no affiliates nor any predecessors.