

DIS Case Number: 18-1274-EL-AGG

#### Section A: Application Information

A-1. Provider type:			
Nower Broker	□ Aggregator	Retail Generation Provider	Power Marketer

#### A-2. Applicant's legal name and contact information.

**Legal Name:** Utiliz LLC **Country:** United States

**Phone:** 844-707- **Extension (if Street:** 4031 Colonel Glenn Highway

5757 applicable):

Website (if any): myutiliz.com City: Beavercreek Province/State: OH

Postal Code: 45431

#### A-3. Names and contact information under which the applicant will do business in Ohio

Provide the names and contact information the business entity will use for business in Ohio. This does not have to be an Ohio address and may be the same contact information given in A-2.

Name	Туре	Address	Active?	Proof
Utiliz LLC	l Otticial Name	4031 Colonel Glenn Highway Beavercreek, OH 45431	Yes	File

#### A-4. Names under which the applicant does business in North America

Provide all business names the applicant uses in North America, including the names provided in A-2 and A-3.

Name	Туре	Address	Active?	Proof

#### A-5. Contact person for regulatory matters

Kim Silvera 40 Richards Ave, 3rd Fl



Norwalk, CT 06854 US kim@myutiliz.com 8446069185

#### A-6. Contact person for PUCO Staff use in investigating consumer complaints

Kim Silvera 40 Richards Ave, 3rd Fl Norwalk, CT 06854 US kim@myutiliz.com 8446069185

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

Phone: 844-707- Extension (if Country: United States

5757 applicable):

Fax: 888-270- Extension (if applicable): Street: 4031 Colonel Glenn Highway

7566

Email: kim@myutiliz.com City: Beavercreek Province/State: OH

Postal Code: 45431

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

81-2430756

#### A-9. Applicant's form of ownership

Form of ownership: Limited Liability Company (LLC)

#### A-10. Identify current or proposed service areas

Identify each service area in which the applicant is currently providing service or intends to provide service and identify each customer class that the applicant is currently serving or intends to serve.

#### Service area selection

AEP Ohio DP&L Duke Energy Ohio



FirstEnergy - Cleveland Electric Illuminating

FirstEnergy - Ohio Edison FirstEnergy - Toledo Edison

#### Class of customer selection

Commercial Industrial Mercantile Residential

#### A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 09-13-2018

#### A-12. Principal officers, directors, and partners

Please provide all contacts that should be listed as an officer, director or partner.

Name	Email	Title	Address
Kevin Manley	kevin@myutiliz.com	Chief Technology Officer	20 Clayton Place Ridgefield, CT 06877 US
Cami Boehme	cami@pathonegroup.com	Chief Executive Officer	23 Cardinal Rd Weston, CT 06883 US

#### A-13. Company history

- Utiliz LLC has been in business since April 27th 2016.
- Utiliz LLC has been in the electric and / or natural gas business since inception on April 27th 2016.
- We have executed thousands of enrollments on behalf of our clients
- We have saved our customers over \$339,486 compared to standard service since September 2016. See statistics updated daily on our home page: https://www.myutiliz.com/
- View over 50 5-star testimonials at https://trustspot.io/store/Utiliz

#### A-14. Secretary of State



Secretary of State Link:

#### Section B: Applicant Managerial Capability and Experience

#### **B-1.** Jurisdiction of operations

List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of filing the application..

File Attached

#### **B-2.** Experience and plans

Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the 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 Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

File(s) attached

#### B-3. Disclosure of liabilities and investigations

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction..

Liability and Investigations Disclosures: The applicant does not have any 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.** Disclosure of consumer protection violations

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted orheld liable for fraud or for violation of any consumer protection or antitrust laws within the past five years?

No



#### B-5. Disclosure of certification, denial, curtailment, suspension or revocation

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years?

No

#### **B-6.** Environmental disclosures

Provide a detailed description of how the applicant intends to determine its generation resource mix and environmental characteristics, including air emissions and radioactive waste. Include the annual projection methodology and the proposed approach to compiling the quarterly actual environmental disclosure data. See 4901:1-21-09 of the Ohio Administrative Code for additional details of this requirement.

#### PJM disclosure option chosen

#### Section C: Applicant Financial Capability and Experience

#### C-1. Financial reporting

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.

Does not apply

#### C-2. Financial statements

Provide copies of the applicant's <u>two most recent years</u> of audited financial statements, including a 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, provide 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 bank account numbers redacted.** 

If the applicant is unable to meet the requirement for two years of financial statements, the Staff reviewer may request additional financial information.

Preferred to file this information confidentially

#### C-3. Forecasted financial statements

Provide two years of forecasted income statements based <u>solely</u> on the applicant's anticipated business activities in the state of Ohio.

Include the following information with the forecast: a list of assumptions used to generate the forecast; a statement indicating that the forecast is based solely on Ohio business activities only; and the name, address, email address, and telephone number of the preparer of the forecast.

The forecast may be in one of two acceptable formats: 1) an annual format that includes the current year and the two years succeeding the current year; or 2) a monthly format showing 24 consecutive months following the month of filing this application broken down into two 12-month periods with totals for revenues, expenses, and projected net incomes for both periods. Please show revenues, expenses, and net income (revenues minus total expenses) that is expected to be earned and incurred in **business activities only in the state of Ohio** for those periods.

If the applicant is filing for both an electric certificate and a natural gas certificate, please provide a separate and distinct forecast for revenues and expenses representing Ohio electric business activities in the application for the electric certificate and another forecast representing Ohio natural gas business activities in the application for the natural gas certificate.

Preferred to file confidentially

#### C-4. Credit rating

Provide a credit opinion disclosing the applicant's credit rating as reported by at least one of the following ratings agencies: Moody's Investors Service, Standard & Poor's Financial Services,



Fitch Ratings or the National Association of Insurance Commissioners. If the applicant does not have its own credit ratings, substitute the credit ratings of a parent or an affiliate organization and submit 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 'Not Rated'.

This does not apply

#### C-5. Credit report

Provide a copy of the applicant's credit report from Experian, Equifax, TransUnion, Dun and Bradstreet or a similar credit reporting organization. If the applicant is a newly formed entity with no credit report, then provide a personal credit report for the principal owner of the entity seeking certification. At a minimum, the credit report must show summary information and an overall credit score. Bank/credit account numbers and highly sensitive identification information must be redacted. If the applicant provides an acceptable credit rating(s) in response to C-4, then the applicant may select 'This does not apply' and provide a response in the box below stating that a credit rating(s) was provided in response to C-4.

This does not apply.

#### C-6. Bankruptcy information

Within the previous 24 months, have any of the following filed for reorganization, protection from creditors or any other form of bankruptcy?

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant
- Any owner or officer of the applicant

No

#### C-7. Merger information

Is the applicant currently involved in any dissolution, merger or acquisition activity, or otherwise participated in such activities within the previous 24 months?

No

#### C-8. Corporate structure



Provide a graphical depiction of the applicant's corporate structure. Do not provide an internal organizational chart. The graphical depiction should include all parent holding companies, subsidiaries and affiliates as well as 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 the applicant may respond by stating that it is a stand-alone entity with no affiliate or subsidiary companies.

File(s) attached

Section D: Applicant Technical Capacity

**D-1. Operations** 

<u>Power brokers/aggregators:</u> Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of electricity to retail customers.

File(s) attached

#### D-2. Operations Expertise & Key Technical Personnel

Given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations. Include the names, titles, email addresses, and background of key personnel involved in the operations of the applicant's business.

File(s) attached



# Application Attachments



DATE 01/08/2018 DOCUMENT ID 201800301438

DESCRIPTION
REGISTRATION OF FOREIGN FOR PROFIT LLC
(LFP)

FILING 99.00 EXPED 0.00 CERT

COPY 0.00

#### Receipt

This is not a bill. Please do not remit payment.

UTILIZ LLC 4031 COLONEL GLENN HIGHWAY BEAVERCREEK, OH 45431

## STATE OF OHIO CERTIFICATE

## Ohio Secretary of State, Jon Husted 4118766

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

#### **UTILIZ LLC**

and, that said business records show the filing and recording of:

Document(s) Document No(s):

REGISTRATION OF FOREIGN FOR PROFIT LLC

Effective Date: 01/03/2018

201800301438



United States of America State of Ohio Office of the Secretary of State Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 8th day of January, A.D. 2018.

**Ohio Secretary of State** 

Jon Hustel

#### Exhibit B-1

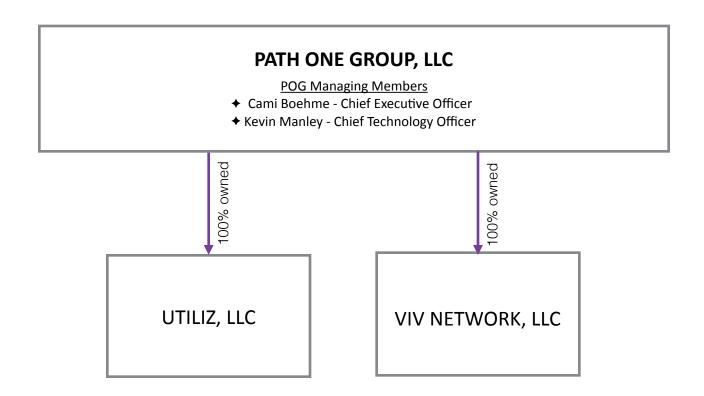
Utiliz LLC. currently offers services in all utility areas of these states which are served by retail electricity & gas suppliers:

- Connecticut (licensed by PURA, docket #16-10-04)
- New York (no license required)
- Massachusetts (license EB-399)
- Rhode Island (no license required)
- New Hampshire (docket DM 17-092)
- New Jersey (registrations EA-0426 and EC-0137)
- Pennsylvania (A-2018-3004915)
- Maryland (IR-4067)

## Exhibit B-2 Experience & Plans

- Utiliz LLC is a licensed electricity aggregator in the State of Connecticut (PURA docket 16-10-04), a licensed energy broker in the State of Massachusetts (license EB-399), a registered Energy Agent and Energy Consultant (registration numbers EA-0426 and EC-0137) in the State of New Jersey, licensed electricity supplier in Maryland (License IR-4067), licensed broker/marketer in the State of Pennsylvania (license A-2018-3004915) and licensed energy broker in the State of New Hampshire (docket DM 17-092). Utiliz LLC does business in New York and Rhode Island where there is no energy broker licensing requirement. We currently have over 10 million kWh/yr under management (over 1,000 Residential Customer Equivalents).
  - Utiliz LLC has the necessary experience to fulfill the technical competency required to operate as an energy broker / aggregator in the state of Ohio. The founder brings over 18 years' experience building technology solutions and working with highly efficient trading markets and high customer volume. The executive team brings over 18 years experience in the deregulated energy market.
  - Utiliz LLC employs an existing team of front and back office team members who are
    responsible for processing online customer enrollments, responding to customer
    inquiries via chat, e-mail and phone, facilitating customer renewals and liaising with
    retail suppliers. These team members bring 21 years of utility and retail energy supplier
    customer service experience.
  - The Utiliz LLC service offering is solely management of retail suppliers on behalf of our customers. Including:
    - O Identification of retail supplier and plan to best fit our customer
    - O Automatic enrollment of customers onto plans
    - O Querying customer usage history periodically
    - O Monitoring of market prices and plan availability to ensure clients remain on competitive plans.
    - O Negotiating plan rates on behalf of our clients
    - O Re-enrolling a customer automatically when their current enrollment is about to end.
    - O Moving customers to standard service temporarily if we cannot find them a better deal in the retail market.
    - O Handling first line support for our customers
    - O Working closely with state regulators to help improve the deregulated energy markets in their states

# PATH ONE GROUP OF COMPANIES ORG CHART



#### Statement of Technical and Managerial Competency

- Utiliz LLC has been in business since April 27th 2016.
- Utiliz LLC has been in the electric and / or natural gas business since inception on April 27th 2016.
- The Utiliz LLC service offering is solely management of retail suppliers on behalf of our customers. Including:
  - O Identification of retail supplier and plan to best fit our customer
  - O Automatic enrollment of customers onto plans
  - O Querying customer usage history periodically
  - O Monitoring of market prices and plan availability to ensure clients remain on competitive plans.
  - O Negotiating plan rates on behalf of our clients
  - O Re-enrolling a customer automatically when their current enrollment is about to end.
  - O Moving customers to standard service temporarily if we can't find them a better deal in the retail market.
  - O Handling first line support for our customers
  - O Working closely with state regulators to help improve the deregulated energy markets in their states
- Utiliz LLC is a licensed electricity aggregator in the State of Connecticut (PURA docket 16-10-04), a licensed energy broker in the State of Massachusetts (license EB-399), a registered Energy Agent and Energy Consultant (registration numbers EA-0426 and EC-0137) in the State of New Jersey, licensed electricity supplier in Maryland (License IR-4067), licensed broker/marketer in the State of Pennsylvania (license A-2018-3004915) and licensed energy broker in the State of New Hampshire (docket DM 17-092).
   Utiliz LLC does business in New York and Rhode Island where there is no energy broker licensing requirement. We currently have over 10 million kWh/yr under management (over 1,000 Residential Customer Equivalents).
- Utiliz has the necessary experience to fulfil the technical competency required to operate as an energy broker / aggregator in the state of Ohio. The founder brings over 15 years' experience building technology solutions on Wall Street working with highly efficient trading markets and high customer volume. The board of directors bring over 10 years' experience in the deregulated energy market.
- Utiliz employs an existing team of front and back office team members who are
  responsible for processing online customer enrollments, responding to customer
  inquiries via chat, e-mail and phone, facilitating customer renewals and liaising with
  retail suppliers. These team members bring 21 years of utility and retail supplier
  customer service experience.
  - We have executed thousands of enrollments on behalf of our clients
  - We have saved our customers over \$340,514 compared to standard service since September 2016. See statistics updated daily on our home page: https://www.myutiliz.com/
  - View over 50 5-star testimonials at https://trustspot.io/store/Utiliz
  - We look forward to bringing the Utiliz service to Ohio!

#### Utiliz LLC Exhibit B-3(2)

#### Kevin T. Manley

CONTACT Information 20 Clayton Place Ridgefield, CT 06877 cell: (203) 501-5006 kevin.manley@gmail.com linkedin.com/in/kevinmanley github.com/kmanley

Profile

Full stack developer. Hands-on software architect. Excellent communicator. Effective as individual contributor or team leader.

Professional Experience Utiliz (myutiliz.com), Ridgefield, CT

Founder & CTO

Apr 2016 – Present

Built all company technology: consumer site, admin site, simulation & workflow engine, web scrapers, supplier & payment integration. Go/RethinkDB/HTML/jQuery/AWS (S3, SES)/Stripe.

Bank of America Merrill Lynch, New York, NY

Director

Jun 2012 - Dec 2015

Built trading & marking applications for multi-billion dollar mortgage trading desk. Managed a global team. Python/NoSQL/grid/async/GUI.

Bridgewater Associates, Westport, CT

Software Architect

Aug 2010 - Jun 2012

Built backoffice app framework for world's largest hedge fund. Brought modern ideas to an aging software stack, improving performance & reliability. Trained and mentored team. Python/C#/SQL Server/HTML/jQuery/REST.

#### Independent Consultant, London, UK

Jul 2006 - Aug 2010

Specialized in scaling hedge fund and bank EOD batch processing using grid computing. Python/C/C++/SWIG/SQL Server/HTML/Javascript/Sungard Front Arena/grid/async.

- · Standard Bank Built next generation credit risk engine, result was 50% less code and 5x faster.
- · Capula Global Leveraged unused capacity on 70 desktop machines to speed up EOD batch 4x.
- · Conduit Capital Built a fast, distributed Monte Carlo pricing framework for exotic derivatives.
- · Peloton Partners Sped up daily P&L reporting 14x from 7h to 30m.
- · Citi Implemented cost-based distributed FX option pricing on Platform Symphony grid.
- · Barclays Capital Key developer on Core Risk Engine. Embedded Python for easier testing.

#### Arts Alliance Media Ltd., London, UK

Architect & Lead Software Developer

Oct 2002 – Jun 2006

Built Newman Online, an advanced SaaS cinema management system currently running hundreds of screens across Europe. Python/SQL Server/XML/HTML/electronic payments/hardware integration.

Software Developer, Tucson, AZ & Seattle, WA

Sep 1992 – Oct 2002

Multiple C/C++ roles from mobile games to Internet ad servers. Details on request.

US Air Force, Davis-Monthan Air Force Base, Tucson, AZ

Officer

Sep 1988 – Sep 1992

Transformed the bio-engineering field with novel software. Led a team in Operation Desert Storm.

Programming Skills Python, Go (golang), HTML, CSS, JS/jQuery, C/C++, SQL, NoSQL, concurrent/async/event-driven programming, grid computing, SOA, microservices, OOP, XML, JSON, HTTP, REST, TCP/IP, requirements gathering, large scale software design, TDD, Agile, version control (git, svn)

EDUCATION University of Washington, Seattle, WA

2001 - 2002

MS Computer Science (Honors)

Worcester Polytechnic Institute, Worcester, MA

1984-1988

BS Electrical Engineering (High Distinction). 4 Year US Air Force Scholarship.

References Available on request

#### Cami Boehme

23 Cardinal Road | Weston, CT 06883 | 203-349-5103 | cami@boehmemanagement.com

#### PROFILE:

Strategic executive and entrepreneur with ability to lead cross-functional teams to implement business initiatives. A blend of strategic and tactical, expertise includes an ability to guide teams with a balance of creative management and operational process improvement to efficiently execute across a variety of disciplines.

#### PROFESSIONAL EXPERIENCE:

#### Path One Group, LLC (Utiliz, LLC), Norwalk, CT

Jan 2018 – Present

Founder & Chief Executive Officer

Created a company and business model to transform the deregulated retail energy market by offering products that significantly simplify and add value to the energy switching and renewal process.

#### Viridian International Management, LLC, Norwalk, CT

Jul 2016 – Dec 2017

Chief Operating Officer

Responsible for all aspects of the company operations including sales force management, marketing, operations, product development & expansion, project delivery, partner and relationship management, strategic planning, communications and leadership development.

#### Crius Energy, LLC, Norwalk, CT

Sep 2010 – Jul 2016

Chief Strategy Officer

Responsible for P&L for one of the company's largest brands/channels, coordination of all general management for each business unit including forecasting, planning, staffing, sales management, marketing, process improvement, product implementation and overall execution of the business.

#### **Utah State University, Huntsman School of Business**

Mar 2010 – Sep 2010

Assoc. Director of Marketing

Led research initiative and strategic plan for development of a multi-disciplinary curriculum development focused on merging design thinking, business functional expertise and communication strategy into a unique training program.

#### **Advent Creative**

Sep 2009 – Sep 2010

PARTNER, BRAND DIRECTOR

Implemented new systems for job tracking, account services and internal operations, including profitability measures, new business development procedures and production standards.

#### **Digital Slant**

FOUNDER. PRESIDENT AND BRAND DIRECTOR

Aug 1998 - Sept 2009

Managed a staff of design and marketing professionals to fulfill branding, marketing, design, advertising, media placement and other services for a variety of clients.

#### **EDUCATION**

Bachelor of Science, May 2000

Journalism and Communications Utah State University, Logan, Utah

#### Master of Business Administration, May 2010

Huntsman School of Business Utah State University, Logan, Utah

### Competitive Retail Electric Service Affidavit

#### County of Westchester:

State of New York:

Kim Silvera, Affiant, being duly sworn/affirmed, hereby states that:

- 1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.
- 2. The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Sections 4905.10(A), 4911.18(A), and 4928.06(F), Ohio Revised Code.
- 3. The applicant will timely pay any assessment made pursuant to Sections 4905.10, 4911.18, and 4928.06(F), Ohio Revised Code.
- 4. The applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
- 5. The applicant 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 will fully comply with Section 4928.09, Ohio Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
- 7. The applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
- 8. The applicant 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.
- 9. The applicant 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, 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.
- 11. The Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the 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 consumer complaints.

13. Affiant further sayeth naught.	
Signature of Affiant & Title	Client support and Operations
Sworn and subscribed before me this	day of September 2020
Signature of official administering oath	Month Year  JOSIANE WITE  Print Name and Title
JOSIANE WHITE  Notary Public - State of New York  No. 01 WH6852603  Qualified in Westonester County	My commission expires on $\frac{12/12/23}{12}$

12. The facts set forth above are true and accurate 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.

JOSIANE WHITE
Notary Public - State of New York
No. 01WH6252603
Qualified in Westchester County
My Commission Expires Dec. 12, 2013

This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

9/24/2020 9:29:12 AM

in

Case No(s). 18-1274-EL-AGG

Summary: In the Matter of the Application of Utiliz LLC