



DIS Case Number: 12-2963-EL-AGG

Section A: Application Information

A-1. Provider type:

☒ Power Broker

☒ Aggregator

☐ Retail Generation
Provider

☐ Power
Marketer

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

Legal Name: L5E, LLC

Phone: 9724459584

**Extension (if
applicable):**

Website (if any): www.energyby5.com

Country: United States

Street: 4545 FULLER DR. STE 412

City: IRVING

Province/State: TX

Postal Code: 75038

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	Type	Address	Active?	Proof
L5E, LLC	Official Name	4545 FULLER DR. STE 412 IRVING, TX 75038	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	Type	Address	Active?	Proof
L5E, LLC	Official Name	4545 FULLER DR. STE 412 IRVING, TX 75038	Yes	File
5	DBA	4545 FULLER DR. STE 412 IRVING, TX 75038	Yes	File



A-5. Contact person for regulatory matters

Caitlin Connolly
4545 Fuller Drive, Suite 412
Irving, TX 75038
US
caitlin.connolly@luthin.com
9724459584

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

Jon Moore
4545 Fuller Dr., Ste 412
Irving, TX 75038
US
jon.moore@energyby5.com
9724459584

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

Phone: 19724459584	Extension (if applicable):	Country: United States
Fax: 855-329-3483	Extension (if applicable):	Street: 4545 FULLER DR. STE 412
Email: caitlin.connolly@luthin.com	City: IRVING	Province/State: TX
	Postal Code: 75038	

A-8. Applicant's federal employer identification number

45-4036119

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 - Ohio Edison

Class of customer selection

Commercial
Industrial

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 12-17-2012

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
Josh Coleman	josh.coleman@energyby5.com	Chief Operating Officer/Member	4545 Fuller Dr Suite 412 Irving, TX 75038 US
Jon Moore	jon.moore@energyby5.com	Chief Strategy Officer/Member	4545 Fuller Dr., Ste 412 Irving, TX 75038 US
Brian Hayduk	brian.hayduk@energyby5.com	CEO/Member	4545 Fuller dr. STE412 IRVING, TX 75038 US
Jeff Schiefelbein	jeff.schiefelbein@energyby5.com	Chief Culture Officer/Member	4545 FULLER DR. STE 412 IRVING, TX 75038 US
Eric Plateis	eric.plateis@energyby5.com	Chief Risk Officer/Member	4545 FULLER DR. STE 412 IRVING, TX 75038 US
The John Stuart Ryan and Sarah Wright Ryan Family Trust c/o Rydout LLC		Member	80 E Sir Francis Drake Blvd Suite 4C Larkspur, CA 94939 US



A-13. Company history

Founded in 2011, 5 comprises a team of energy innovators, commodity traders, analysts, engineers, and former energy supplier executives. Together, they serve a broad array of private and public sector clients throughout the United States and Mexico, providing strategic advice on energy-related matters including procurement, demand-side management, rate optimization, regulatory intervention, benchmarking, bill auditing, RFP management, sustainability planning services, renewable power, and distributed generation. With an eye on growth, 5 has initiated several strategic partnerships and acquisitions, including the 2019 acquisition of Luthin Associates.

A-14. Secretary of State

Secretary of State Link: <https://businesssearch.ohiosos.gov?=businessDetails/2146621>

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



Public Utilities Commission

informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction..

Liability and Investigations Disclosures: None.

B-4. Disclosure of consumer protection violations

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted or held 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

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 two most recent years 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 solely 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?



Merger Information: Effective April 1, 2019, Luthin Associates, Inc. a New Jersey corporation became a fully-owned subsidiary of L5E, LLC.

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

Power brokers/aggregators: 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, e-mail addresses, and background of key personnel involved in the operations of the applicant's business.

File(s) attached



Public Utilities
Commission

Application Attachments



Exhibit B-1. Jurisdictions of Operations

L5E, LLC

Applicant is authorized to provide energy brokerage and advisory services in the following jurisdictions:

- Connecticut
- Delaware
- District of Columbia
- Illinois
- Maine
- Maryland
- Massachusetts
- Michigan
- New Hampshire
- New Jersey
- New York
- Ohio
- Pennsylvania
- Rhode Island
- Texas
- Virginia



Exhibit D-1. Operations LSE, LLC

We formed 5 (the "Company") to provide energy advisory services to commercial and industrial customers. Energy users realize they are exposed to increasingly volatile energy prices. There is a need to manage this exposure in the same way they manage other market based financial exposures. The challenge for consumers is the overabundance of suppliers and products combined with ever-changing commodity prices.

The Company introduces unique and innovative products that allow our sales team to effectively advise and broker electricity service between end-users and licensed power and natural gas suppliers. We developed a transformative proprietary web-based portal that provides for seamless and transparent integration of customers, suppliers, and market information.

As an independent energy advisor whose only business is serving customers, 5 uses the portal and other tools to reach across the spectrum of suppliers and products to better serve customers. 5 does not take title to any commodities and suppliers provide all billing and required customer service. 5's market expertise, training, platform, and culture allow our people to provide customers with superior service and improved management of energy price risk.

As of the date of this filing, the Company is serving more than 1,000 commercial customers across deregulated markets in the United States.

The Company's back office is in Irving, Texas. The 15-member back-office team is responsible for all operational aspects of the business.



Exhibit B-2. Experience and Plans L5E, LLC

The founders and staff of L5E, LLC, dba "5" have significant experience in all aspects of providing retail electricity service in competitive markets. 5 acts as a broker in the State of Ohio and in such capacity contracts directly with retail suppliers.

Consulting or other energy advisory services in Ohio are managed by our back office in Irving, Texas. This group is run by our Chief Operating Officer, Josh Coleman. Josh has worked in the energy business for his entire 27-year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail electric providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections, and contracting in the deregulated energy market. Josh and our full team of operations personnel in Irving, TX are responsible for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints in accordance with Commission rules adopted under Section 4928.10 of the Revised Code.

Competitive Retail Electric Service Affidavit

County of Dallas :

State of Texas :

JOSH D. COLEMAN, 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.

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.

13. Affiant further sayeth naught.

John D Coleman, COO
Signature of Affiant & Title

Sworn and subscribed before me this 30th day of OCT. 2020
Month Year

Elean P Hummel
Signature of official administering oath

Eleanor P. Hummel
Print Name and Title



My commission expires on 1/31/2023



Exhibit C-8. Corporate Structure

L5E, LLC

The applicant is a Texas Limited Liability Company. The ownership of the applicant is summarized below. The applicant has three subsidiaries, L5E Mexico, LLC, Luthin Associates, Inc., a New Jersey corporation, and Energyby5.

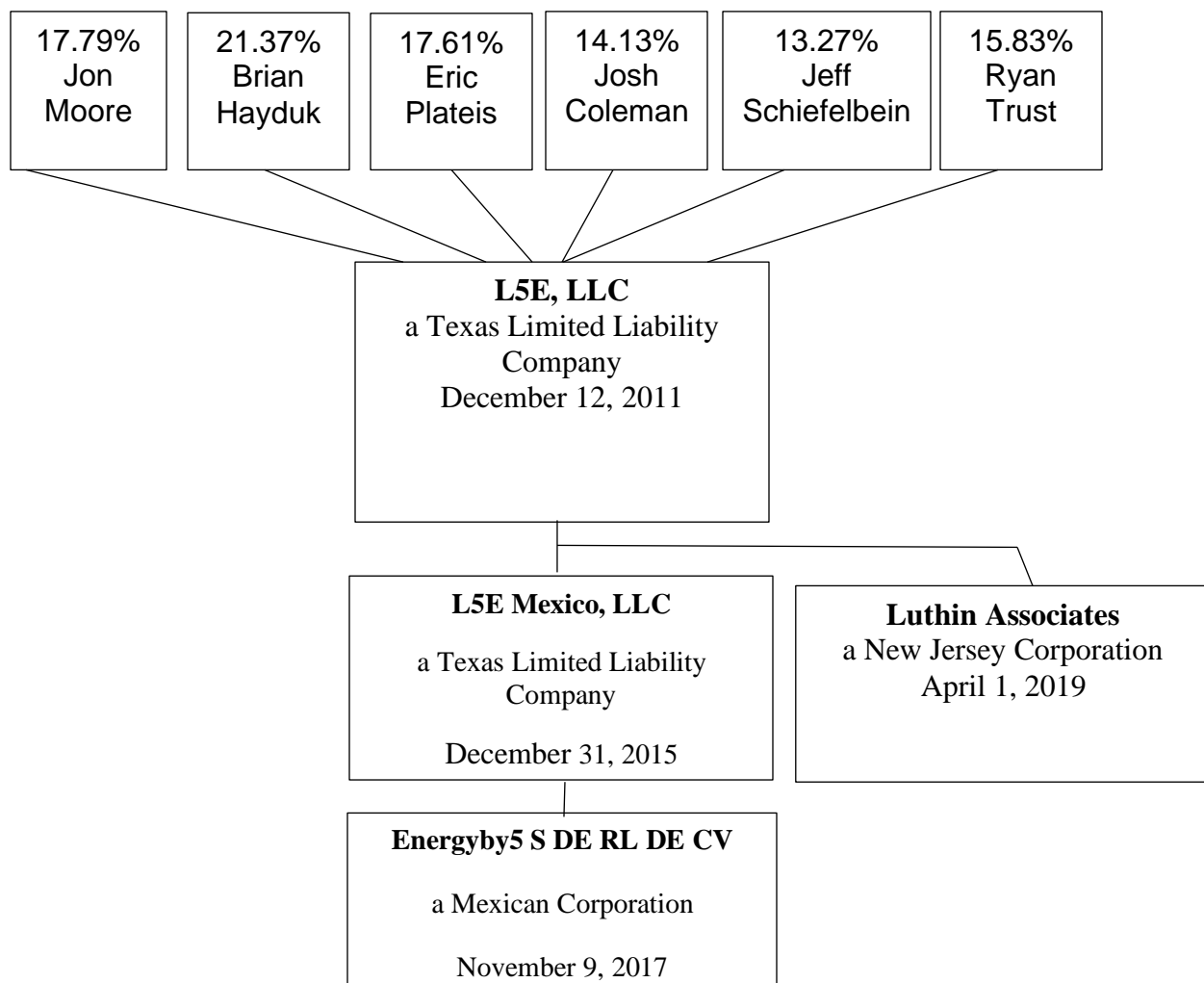


Exhibit D-2. Operations Expertise and Key Technical Personnel L5E, LLC



BRIAN HAYDUK

Chief Executive Officer

972-445-9584

Brian.Hayduk@energyby5.com

Growth and innovation are defining hallmarks of Brian Hayduk's career in the energy industry. He has extensive experience in corporate strategy, business development, marketing, mergers and acquisitions, portfolio management, and the development of deregulated energy businesses throughout North America.

Having worked on the supply side of the deregulated electricity market since the late 1990s, Brian has unmatched industry knowledge. In 2011, he co-founded 5 and assembled a team of energy market innovators, engineers, commodity traders, technologists, and business development professionals joined by a common purpose - to deliver unparalleled procurement services and advice that result in cutting-edge energy solutions for clients.

As Chief Executive Officer at 5, Brian focuses on prioritizing resources, forecasting, financing, acquisitions, partnerships, and most importantly, on delivering exceptional value to clients. He guides the company's strategic vision in collaboration with the team and, together, they are committed to setting a new standard in the deregulated energy industry.

Prior to launching 5, Brian served as President of First Choice Power, which he led to record growth and profits during his tenure. Before that, he served as co-founder and President of Juice Energy, a retail electric provider in the Northeastern United States and Texas. Brian also previously served as Senior Vice President at Constellation NewEnergy, helping the multi-billion-dollar company achieve record growth while providing best-in-class service to Fortune 100 companies.

Brian has a master's degree in Environmental Science from SUNY College of Environmental Science and Forestry and a bachelor's degree in Economics from Lehigh University. He is deeply involved as a volunteer with the Children's Advocacy Center in Denton, which provides justice and healing to sexually abused children. Brian has also been a member of YPO (Young Presidents Organization) for many years.

Exhibit D-2. Operations Expertise and Key Technical Personnel L5E, LLC



Eric Plateis
Chief Risk Officer
972-445-9584
Eric.Plateis@energyby5.com

Eric Plateis has over 30 years of experience in commodity trading and risk management. Before launching 5, Eric served as Vice President of Portfolio Risk Management at First Choice Power, overseeing all trading and risk management activities, as well as retail pricing and load forecasting. Eric previously served as the Chief Risk Officer for Juice Energy, and the Vice President for both the Bank of Montreal and Constellation Energy, where he managed structured portfolios for the West and ERCOT. Eric started his career in the “pits” on the floor of the New York commodities exchanges.

In his role as Chief Risk Officer at 5, Eric focuses on educating clients and team members on how to manage potential market risks through various purchasing strategies, taking into account what to buy, when to buy and how to buy. Eric also provides insight on technical market analysis and financial modeling and serves as 5’s consummate, complex problem solver both internally and with clients.

Eric has a bachelor’s degree in Accounting from Boston University. He has held board seats at the Commodity Exchange, Inc. as well as NYMEX and was Vice-Chair of the COMEX Governors Committee.

Exhibit D-2. Operations Expertise and Key Technical Personnel LSE, LLC



JEFF SCHIEFELBEIN

Chief Culture Officer

972-445-9584

Jeff.Schiefelbein@energyby5.com

Jeff Schiefelbein has worked in the deregulated energy space since 2004 and serves as the Chief Culture Officer for 5 where he oversees sales, marketing and recruiting. Jeff has a proven track record of innovation and leadership through his involvement in company start-ups, technology development, personal coaching, and strategic management. Before 5, Jeff served as the Vice President of Sales at First Choice Power.

Jeff has also been nationally recognized for the creation and implementation of CARPOOL at Texas A&M University, the nation's most successful college safe-ride program to reduce drunk driving. For his work on CARPOOL, Jeff was featured on ABC's *Volunteers Across America* and has won numerous awards, including the National Daily Point of Light Award and the Texas Governor's Volunteer Service Award.

Jeff has a bachelor's degree in Business Administration from Texas A&M University. He advises several nonprofits and serves as the President of the Board for The Highlands School in Irving, Texas. He is also a motivational speaker and the host of a monthly Catholic radio show on the Guadalupe Radio Network.

Exhibit D-2. Operations Expertise and Key Technical Personnel L5E, LLC



JON MOORE

Chief Strategy Officer & General Counsel

972-445-9584

Jon.Moore@energyby5.com

Jon has spent decades in the energy space with expertise that includes international power plant development, utility-scale solar, and retail electricity. Prior to launching 5 as one of the co-founders, Jon served as Executive Vice President at Beowulf Energy, a private power and infrastructure company with a focus on the development, acquisition, and long-term operation of power generation and infrastructure projects. He also held executive leadership positions with MX Holdings, Juice Energy, AES NewEnergy, Constellation NewEnergy, and the AES Corporation. Early in his career, Jon worked as a transactional attorney with O'Melveny & Myers in Washington, D.C.

As Chief Strategy Officer at 5, Jon guides the firm through strategic issues and opportunities, originates new business, and leads many of the company's acquisition efforts. Jon produces the 5's quarterly market reports providing a macro perspective of the various factors impacting the industry. Jon also applies his extensive legal expertise in managing corporate and regulatory matters for 5, as well as providing advice on supplier contracts to ensure that clients' interests are protected.

Jon received his Juris Doctor from Yale Law School and was awarded his undergraduate degree magna cum laude from Princeton University's Woodrow Wilson School.

Exhibit D-2. Operations Expertise and Key Technical Personnel L5E, LLC



JOSH COLEMAN

Chief Operating Officer

972-445-9584

Josh.Coleman@energyby5.com

Josh has worked in the energy business for his entire career covering many facets including roles as a commercial/industrial energy manager, as well as various leadership roles with retail electric providers. Josh's highly valued experience in building operations, automation, on-site energy generation, and energy reporting was developed while serving in leadership positions with Texas Instruments, Teccor Electronics, and Invensys. This depth of experience allows Josh, along with the team of engineers at 5, to understand a client's energy usage profile, often identifying cost reduction opportunities that have a profound impact on the bottom line.

As one of 5's co-founders, Josh knew from the onset that clients needed an energy advisor that could produce actionable data and analytics, including demand-side information and risk assessments, to make better decisions regarding procurement and operational strategies. In his role as Chief Operating Officer, Josh focuses on managing the company's operational functions and leverages his background to benefit clients in the areas of energy engineering, demand-side management, and risk assessment.

Prior to 5, Josh held various leadership roles with retail electric providers, including TXU Energy and First Choice Power, where he served as Vice President of Operations during a period of fast growth with record levels of customer satisfaction.

Josh has a bachelor's degree in Mechanical Engineering from Texas A&M University and has held a professional engineering license in Texas since 1991. He has been very involved with Camp Summit, a non-profit that promotes personal growth and independence through positive outdoor experiences for children and adults with disabilities.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

11/2/2020 2:16:16 PM

in

Case No(s). 12-2963-EL-AGG

Summary: In the Matter of the Application of L5E LLC