



DIS Case Number: 17-0232-EL-CRS

## 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:** Median Energy Corp.    **Country:** United States  
**Phone:** 888-316-    **Extension (if applicable):**    **Street:** 1 Lethbridge Plaza, Ste 2  
5443    **City:** Mahwah    **Province/State:** NJ  
**Website (if any):** www.medianenergy.com    **Postal Code:** 07430

### 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
Median Energy Corp.	Official Name	1 Lethbridge Plaza, Ste 2 Mahwah, NJ 07430	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
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### A-5. Contact person for regulatory matters

Henry Bennett  
1 Lethbridge Plaza



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Mahwah, NJ 7430

US

hbennett@medianenergy.com

2013541537

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

Henry Bennett

1 Lethbridge Plaza

Mahwah, NJ 7430

US

hbennett@medianenergy.com

2013541537

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

**Phone:** 888-316-

5443

**Extension (if  
applicable):**

**Fax:** 888-295-

0195

**Extension (if applicable):**

**Email:** customerservice@medianenergy.com

**Country:** United States

**Street:** 1 Lethbridge Plaza, Ste 2

**City:** Mahwah

**Province/State:** NJ

**Postal Code:** 07430

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

81-1157772

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

**Form of ownership:** Corporation

### 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

Residential

### **A-11. Start date**

Indicate the approximate start date the applicant began/will begin offering services: 02-25-2019

### **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
Henry Bennett	hbennett@medianenergy.com		1 Lethbridge Plaza Mahwah, NJ 7430 US

### **A-13. Company history**

Median Energy Corp. is a competitive electricity and natural gas supplier. Median Energy Corp. received licensure as a supplier of Electricity and Gas in New York on June 27, 2016. Median received approval from the New Jersey Board of Public Utilities as a Third Party Suppliers on March 24, 2017. (License No.'s GSL – 0126 and ESL- 0199) and in Ohio on February 27, 2017 (Certificate No.'s 17-1188E (1) and 17-587G (1).

Median Energy PA LLC obtained licensure from the Pennsylvania Public Utility Commission as an Electricity Generation Supplier on December 21, 2017 in Docket No. A-2017-2631320. And as a Natural Gas Supplier on January 18, 2018 in Docket No. A-2017-2628762.

Median Energy IL LLC was approved as an Alternative Retail Electricity Supplier and Alternative Gas Supply by orders of the Illinois Commerce Commission issued on November 22, 2017 in Docket No.'s 17-0674 and 17-0673.

### **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..

Jurisdiction of Operation: Median Energy Corp. received licensure as a supplier of Electricity and Gas in New York on June 27, 2016. Median received approval from the New Jersey Board of Public Utilities as a Third Party Supplier on March 24, 2017 (License No.'s GSL-0126 and ESL-0199) and in Ohio on February 27, 2017 (Certificate No.'s 17-1188E (1) and 17-587G (1). The Maryland Public Service Commission granted Median Energy License to supply gas and electric services in Maryland on January 17, 2018. (License Reference Number IR- 3997 and IR- 3998)

Median Energy PA LLC obtained licensure from the Pennsylvania Public Utility Commission as and Electricity Generation Supplier on December 21, 2017 in Docket No. A-2017-2631320. And as a Natural Gas Supplier on January 18, 2018 in Docket No. A-2017-2628762.

Median Energy IL LLC was approved as an Alternative Retail Electricity Supplier and Alternative Gas Supply by orders of the Illinois Commerce Commission issued on November 22, 2017 in Docket No.'s 17-0674 and 17-0673.

### **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.

Application Experience and Plan Description: As mentioned in Exhibit B-1, Median has experience as a licensed or certified competitive electricity and natural gas supplier in multiple states.

Median Energy Corp. continues to meet the appropriate technical qualifications necessary to successfully and properly do business in Ohio as a competitive supplier of electricity and natural gas. Median Energy Corp. has been a member of PJM since 2016.

Median has a contractual relationship with Enhanced Energy Services to provide procurement support and to assist Median in supervising and managing short and long term wholesale procurement and supply obligations. Enhanced Energy Services is an energy management and consulting company that assists Electricity Suppliers with load forecasting, scheduling and portfolio management in PJM ISO and NYISO.

Enhanced Energy Services consults with Median Energy on Energy Procurement, Load Forecasting, Scheduling, Hedging, Balancing and Settlements, and Supply Financing.

Median Energy has successfully completed the EDI certification processes and met the applicable utility creditworthiness requirements, and began serving load in the following utility service territories: Con Ed, NYSEG, Orange and Rockland, Atlantic City Electric, JCP & L, New Jersey Natural Gas, PSE&G, South Jersey Gas, Keyspan Long Island, Keyspan NY, National Fuel Gas, AEP Ohio, Dominion Gas of Ohio, Columbia Gas of Ohio and Vectren Energy.

Median Energy has a dedicated customer service team which responds to all customer inquiries and disputes in a timely manner. Any customer contact that is classified as a dispute is assigned for investigation, during which all relevant information is gathered and review by the customer service team. If the dispute is related to enrollment, the applicable enrollment materials are reviewed, including contracts, TPVs and other relevant materials. Median will then contact the customer gather additional information about the dispute, if needed, and work with the customer to resolve the dispute to the customer's satisfaction. Billing inquiries are addressed by gathering and providing the customer with the relevant rate, usage, and bill cycle information. If appropriate, Median will provide explanations, adjustments, or corrections to satisfy a customer's inquiry. Median attempts to satisfactorily resolve all customer disputes prior to escalation, but if a customer inquiry cannot be satisfactory resolved, customers are provided with contact information for the PUCO to pursue an unresolved dispute. If the dispute escalates into a complaint with the PUCO or another agency, Median's customer service team will gather the materials related to the customer's account and draft a written response to the complaint in the timelines required.

Median Energy Corp. markets its services primarily to residential and small commercial customers although it expects to eventually serve all customer classes including large commercial and industrial. Median Energy's customer service representatives may be reached by telephone, mail or email, Monday through Friday from 9 AM to 5 PM (Eastern Time). Median Energy includes methods of customer contact on its customer marketing materials and contracts.

### **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



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

Liability and Investigations Disclosures: Median Energy Corp. has no existing, pending or past rulings, judgements, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that will adversely impact their financial or operational status, or ability to provide retail electric services.

### **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**

### **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 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-



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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.

Preferred to file this information confidentially

### C-6. Bankruptcy information





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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

### **C-9. Financial arrangements**

Provide copies of the applicant's financial arrangements to satisfy collateral requirements to conduct retail electric/natural gas business activities (e.g., parental guarantees, letters of credit, contractual arrangements, etc., as described below).

Renewal applicants may provide a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements. The statement or letter must be on the utility's letterhead and dated within a 30-day period of the date the applicant files its renewal application.

First-time applicants or applicants whose certificate has expired must meet the requirements of C-9 in one of the following ways:



1. The applicant itself states that it is investment grade rated by Moody's Investors Service, Standard & Poor's Financial Services, or Fitch Ratings and provides evidence of rating from the rating agencies. If you provided a credit rating in C-4, reference the credit rating in the statement.
2. The applicant's parent company is investment grade rated (by Moody's, Standard & Poor's, or Fitch) and guarantees the financial obligations of the applicant to the LDU(s). Provide a copy of the most recent credit opinion from Moody's, Standard & Poor's or Fitch.
3. The applicant's parent company 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 parent company's financials and a copy of the parental guarantee must be included in the application if the applicant is relying on this option.
4. The applicant can provide evidence of posting a letter of credit with the LDU(s) listed as the beneficiary, in an amount sufficient to satisfy the collateral requirements of the LDU(s).

File(s) attached

## Section D: Applicant Technical Capacity

### D-1. Operations

Power Marketers/Generators: Describe the operational nature of the applicant's business, specifying whether operations will include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services, as well as other services used to arrange for the purchase and delivery of electricity to retail customers.

Operations Description: Median Energy will be providing services as a power marketer as defined in Ohio Administrative Code 4901:1-24-01.

### 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.

Operations Expertise & Personnel Description: As summarized in Exhibit B-1, Median Energy has considerable experience as a licensed or certified competitive electricity and natural gas supplier in multiple states.

Median Energy Corp. continues to meet the appropriate technical qualifications necessary to successfully and properly do business in Ohio as a competitive supplier of electricity and natural gas. Median became a member of PJM Interconnection on August 23, 2016, Median is led by a team of experienced management professionals, and has retained the services of a leading EDI transaction firm to support the company's operations and expected growth.

Henry Bennett serves as V.P. of Operations of Median Energy Corp., and is primarily responsible for overseeing all of the company's operations, business development, and sales and marketing functions.

Chani Kurtzer is Median Energy's Director of Customer Service. In that role she ensures regulatory compliance, responds to and resolves customer inquiries, trains and manages a team of seven customer service representatives, oversees training of sales agents, and monitors sales and customer service representatives for regulatory compliance.

Median Energy has successfully completed the EDI certification processes and met the applicable utility creditworthiness requirements, and began serving load in the following utility service territories: Con Edison, NYSEG, Orange & Rockland, Atlantic City Electric, JCP& L, New Jersey Natural Gas, PSE & G, South Jersey Gas, Keyspan Long Island, Keyspan NY, National Fuel Gas, AEP Ohio, Duke Energy, Dayton Power and Light, Illuminating Company Ohio, Ohio Edison, Vectren Gas, AEP, Dominion Gas OH and Columbia Gas of OH.

Median Energy Corp. has a contractual relationship with Enhanced Energy Services to provide procurement support and to assist Median in supervising and managing short and long term wholesale procurement and supply obligations. Enhanced Energy Services is an energy management and consulting company that assists Electricity Supplier with load forecasting, scheduling, and portfolio management in PJM ISO and NYISO.

Median Energy consults with Enhanced Energy Services on Energy Procurement, Load Forecasting, Scheduling, Hedging, Balancing, and Settlements and Supply Financing.

Median Energy uses Enersoft to handle its EDI Transaction Management, to coordinate billing and accounts receivable functions with various utilities that deliver Median's electricity and natural gas.

### **D-3. FERC Power Marketer and License Number**



Provide a statement disclosing the applicants FERC Power Marketer License Number (Power Marketers Only).

Median Energy Corp's Market Based Rate Authorization was approved by FERC in Docket NO. C005385.



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Commission

# Application Attachments

**Entity#:** 3970269  
**Filing Type:** FOREIGN CORPORATION  
**Original Filing Date:** 12/19/2016  
**Location:** --  
**Business Name:** MEDIAN ENERGY CORP  
  
**Status:** Active  
**Exp. Date:** -

## Agent/Registrant Information

TEHILLA BENNETT  
2548 LAFAYETTE DRIVE  
UNIVERSITY HEIGHTS OH 44118  
12/19/2016  
Active

## Filings

Filing Type	Date of Filing	Document ID
FOREIGN LICENSE/FOR-PROFIT	12/19/2016	201635503586

**UNITED STATES OF AMERICA  
STATE OF OHIO  
OFFICE OF SECRETARY OF STATE**

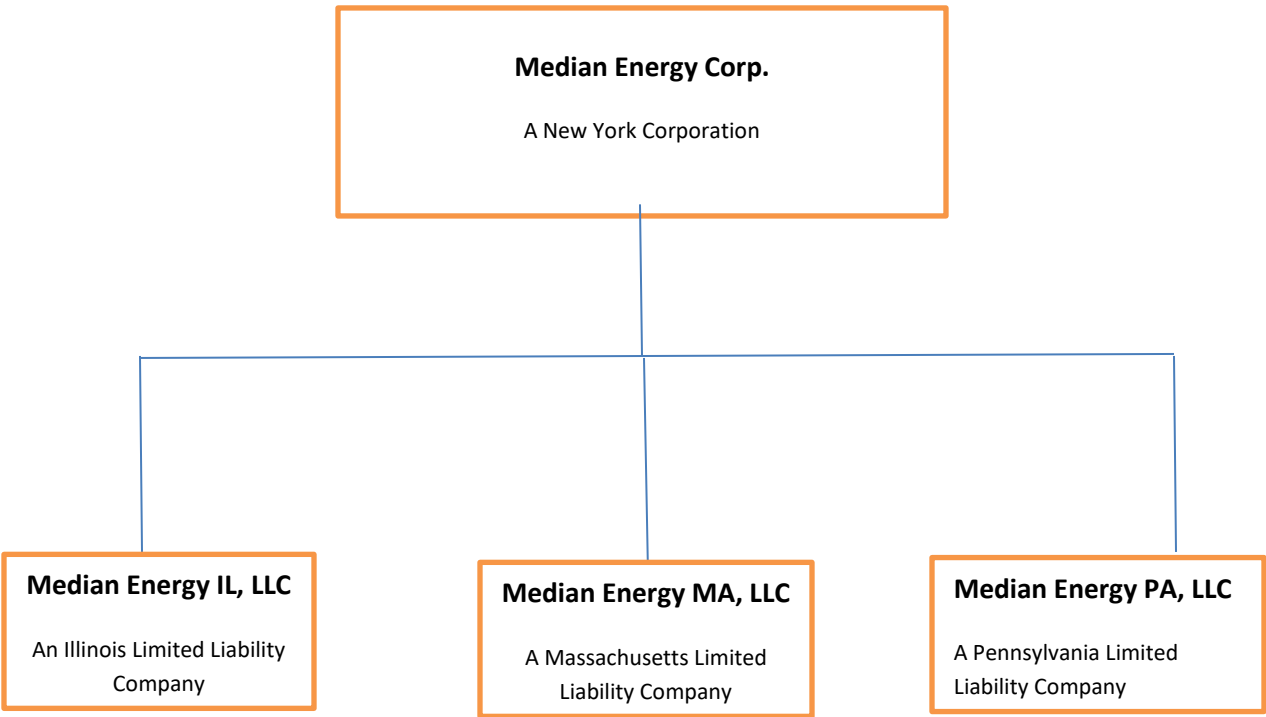
*I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.*



*Witness my hand and the seal of the  
Secretary of State at Columbus,  
Ohio this 31st of December, A.D. 2020*

**Ohio Secretary of State**

A handwritten signature in blue ink, reading "Frank LaRose".





139 East Fourth  
EX396  
Cincinnati, Ohio 45202

December 8, 2020

Median Energy Corp has met the Electric Collateral obligations for Duke Energy Corporation as of December 8, 2020.

***Tom Hunt***

Duke Energy Corp  
Certified Supplier Business Center  
[Tom.Hunt@Duke-Energy.com](mailto:Tom.Hunt@Duke-Energy.com)





## **Competitive Retail Electric Service Affidavit**

County of \_\_\_\_\_ :

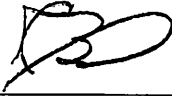
State of \_\_\_\_\_ :

\_\_\_\_\_, 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.



\_\_\_\_\_  
Signature of Affiant & Title

Sworn and subscribed before me this 8<sup>th</sup> day of Jan, 2021  
Month Year



\_\_\_\_\_  
Signature of official administering oath

\_\_\_\_\_  
Print Name and Title

**MOSHE M GOTTESMAN**

ID # 2423135

~~NOTARY PUBLIC~~

STATE OF NEW JERSEY

My Commission Expires July 25, 2022

My commission expires on \_\_\_\_\_

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**1/11/2021 7:49:12 AM**

**in**

**Case No(s). 17-0232-EL-CRS**

Summary: In the Matter of the Application of Median Energy Corp