

DIS Case Number: 17-1159-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: Energy Management Solutions, Inc. **Country:** United States
Phone: 9527677450 **Extension (if applicable):** **Street:** 684 Excelsior Blvd Ste 200
Website (if any): www.emsenergy.com **City:** Excelsior **Province/State:** MN
Postal Code: 55331

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
Energy Management Solutions, Inc.	Official Name	684 Excelsior Blvd Ste 200 Excelsior, MN 55331	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
Energy Management Solutions, Inc.	Official Name	684 Excelsior Blvd Ste 200 Excelsior, MN 55331	Yes	File



A-5. Contact person for regulatory matters

Gary Swanson
684 Excelsior Blvd, Ste. 200
Excelsior, MN 55331
US
gswanson@emsenergy.com
9527677450

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

Gary Swanson
684 Excelsior Blvd, Ste. 200
Excelsior, MN 55331
US
gswanson@emsenergy.com
9527677450

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

Phone: 19527677450	Extension (if applicable):	Country: United States
Fax:	Extension (if applicable):	Street: 684 Excelsior Blvd Ste 200
Email: krogers@emsenergy.com		City: Excelsior
		Province/State: MN
		Postal Code: 55331

A-8. Applicant's federal employer identification number

41-1907853

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
 Industrial

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 05-01-2016

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
Kelly Rogers	krogers@emsenergy.com		684 Excelsior Blvd, Ste 200 Excelsior, MN 55331 US
Gary Swanson	gswanson@emsenergy.com	Pres	684 Excelsior Blvd, Ste. 200 Excelsior, MN 55331 US

A-13. Company history

- Energy Management Solutions, Inc. is a merger of two companies – Matt Haley & Associates, Inc. which was incorporated in 1998 and Energy Management Solutions, LLC.
- EMS is an independent provider of energy management services, uniquely qualified to help companies identify, prioritize and implement strategies that will conserve energy, lower utility bills and improve their bottom line.
- The EMS team of energy auditors, analysts, engineers and specialists knows how to optimize energy usage. EMS works with businesses of all types and sizes in the United States and internationally, sharing proven energy-saving methods.



- EMS helps identify conservation opportunities, maximizing utility rebates and grant programs, accessing free or low-cost energy auditing services, and even procures carbon credits.
- EMS is skilled at negotiating the best utility rates available. We also analyze and recommend alternative energy solutions to hedge against rising energy costs and market volatility.
- The EMS team has worked with many companies over the years to procure energy where regulations allow.

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: EMS is certified as a Competitive Retail Electric Service Provider who may provide aggregation and power broker services within the state of Ohio.

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: The professional career of the owner of EMS spans over 29 years, with more than 15 years in ownership and senior management positions at companies dedicated to energy auditing, procurement and consulting. Gary Swanson has personally audited or overseen the audits performed at more than 10,000 facilities helping industrial clients save more than \$500,000,000 in energy costs.



Public Utilities Commission

All EMS customers are required to sign a written contract before services begin. We have attached a sample contract on the following pages. Based on the contract agreement, customers receive a monthly statement or are invoiced for a percentage of rebates after they have received payment.

The EMS office is open Monday through Friday from 8 a.m. to 5 p.m. Calls are answered and forwarded to the appropriate staff member. If there are any complaints they are directed to the owner that same day.

In Ohio, we will contact industrial and commercial customers offering assistance with procurement, demand response, rebates and energy conservation. Along with this service we will help them with the deregulated energy markets by serving as their power broker and/or aggregator.

Many of our existing customers are looking for help exploring options for energy sources in the open market. It is very important for them to have options to lock in energy prices for the future.

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: There are 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



Public Utilities Commission

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



Public Utilities Commission

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'.

File(s) attached

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**



Public Utilities Commission

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.

File(s) attached

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.

Stand-alone entity with no affiliate or subsidiary companies

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.

Operations Description: Energy Management Solutions, Inc. (EMS), is an independent provider of energy management services, uniquely qualified to help companies identify, prioritize, and implement strategies that will conserve energy, lower utility bills, and improve their bottom line.

Our expert team of energy auditors, analysts, engineers, and specialists know how to optimize energy usage. We work with businesses of all types and sizes in the United States and beyond, sharing proven energy-saving methods and tactics. We help to identify conservation opportunities, maximize utility rebates and grant programs, access free or low-cost energy auditing services, and even procure carbon credits.

EMS is skilled at negotiating the best utility rates available so our customers don't pay more for energy than necessary. We also analyze and recommend alternative energy solutions to hedge against rising energy costs and market volatility.

We work with our customers to gather specific information and customize an energy-supply solution unique to their business:

- Identify and implement renewable energy solutions
 - Review tariffs, utility bills
 - Assess procurement options
 - Develop requests for proposals from providers
-
- Negotiate utility rates and infrastructure costs

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: Gary A. Swanson, PE, President/CEO, has more than 28 years of professional experience, including over 20 years in ownership and senior management positions at companies dedicated to energy auditing and consulting. Swanson founded EMS in January 2005 as a spin-off of U. S. Energy Services of Wayzata, Minnesota, where he served as vice president of energy demand management. Throughout his career, he has conducted or overseen more than 10,000 facility audits, saving clients more than \$600,000,000 in energy costs. He is a frequent presenter and conference speaker on energy-related topics, earning a national reputation for his expertise in this dynamic industry.



Public Utilities Commission

- Served as a principal and president of Energy & Environmental Consulting Engineers of Minneapolis, Minnesota, and principal and vice president of Associated Consultants Engineers of Plymouth, Minnesota
- Licensed as a professional engineer in Minnesota, Iowa and Ohio
- Member of the Association of Energy Engineers (AEE)
- Holds a Bachelor of Science degree in Mechanical Engineering from the University of Minnesota

Kelly Rogers, Vice President of Operations, brings more than 30 years of experience in marketing, purchasing, project management, information technology, and systems administration. Has 8 years of energy management experience in conservation improvement projects, Energy Star management, benchmarking, rebate administration and State reporting for several utility companies. Works with all staff to ensure office operations are at the highest standard.

- Served in a variety of office management and administrative roles
- Graduate of Minnesota College of Business and has completed various technical training courses



Public Utilities
Commission

Application Attachments



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
06/29/2012	201218000990	Foreign License/For-Profit (FLF)	125.00	.00		.00	.00

Receipt

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

ENERGY MANAGEMENT SOLUTIONS, INC.
KELLY ROGERS
7935 STONE CREEK DRIVE #140
CHANHASSEN, MN 55317

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

2118213

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

ENERGY MANAGEMENT SOLUTIONS, INC.

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

Document(s)

Foreign License/For-ProfitAuthorization to transact business in Ohio is hereby given, until surrender, expiration or
cancellation of this license.

Document No(s):

201218000990



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 26th day of June, A.D.
2012.



Ohio Secretary of State

EXHIBIT C-6 & C-7

This Dun & Bradstreet report is provided for your company's internal review. It may not be used for any other purpose or shared.

Business Information Report

User Id: krogers@emsenergy.com

Report Printed: Monday April 29, 2019 10:23 AM

Business Summary

Company Name: ENERGY MANAGEMENT SOLUTIONS, INC.
Physical Address: 684 Excelsior Blvd Ste 200
Physical City: Excelsior
Physical State: MN
Physical Zip: 55331
Mailing Address: PO Box : 255
Mailing City: Excelsior
Mailing State: MN
Mailing Zip: 55331
Website: www.emsenergy.com
Telephone: 952 767-7450
Chief executive: GARY SWANSON, PRESIDENT
Year started: 2005
Legal structure of the business: Corporation
Employs: 7
History: CLEAR
SIC: 8748
Line of business: Business consulting services

D-U-N-S Number: 177029688

Additional services to monitor and build your Dun & Bradstreet file are available through Dun & Bradstreet's CreditBuilder service. Good credit is the lifeline of your business. It enables you to obtain funding for things like expansion, capital expenditures, research and development, and staffing. To speak with a Credit Advisor today, call 888-814-1435.

History

The following information was reported 05/24/18:

Officer(s): GARY SWANSON, PRESIDENT

This business was registered as a Corporation in the State of Minnesota on May 11, 1998.

Business started 2005 by the owners. 100% of capital stock is owned by Gary Swanson.

GARY SWANSON. Work history unknown.

Business address has changed from 6855 Ruby Ln, Chanhassen, MN, 55317 to 1107 Hazeltine Blvd Ste 404, Chaska, MN, 55318.

Business address has changed from 1107 Hazeltine Blvd Ste 404, Chaska, MN, 55318 to 7935 Stone Creek Dr #140, Chanhassen, MN, 55317.

Business address has changed from 7935 Stone Creek Dr Ste 140, Chanhassen, MN, 55317 to 684 Excelsior Blvd Ste 110, Excelsior, MN, 55331.

Business address has changed from 684 Excelsior Blvd Ste 110, Excelsior, MN, 55331 to 684 Excelsior Blvd Ste 200, Excelsior, MN, 55331.

Business Registration

CORPORATE AND BUSINESS REGISTRATIONS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF 2019-04-02

Registered Name: ENERGY MANAGEMENT SOLUTIONS, INC.
Business type: DOMESTIC CORPORATION
Corporation type: PROFIT
Date incorporated: 1998-05-11
State of incorporation: MINNESOTA
Filing date: 1998-05-11
Registration ID: 10D-531
Status: ACTIVE
Where filed: SECRETARY OF STATE/CORPORATIONS DIVISION, SAINT PAUL, MN
Principals: GARY A SWANSON , CHIEF EXECUTIVE OFFICER

Operations

2018-05-24

Description: Provides business consulting services, specializing in energy conservation (100%).

Terms are undetermined. Sells to are undetermined. Territory : Local.

Employees: 7 which includes officer(s).

Facilities: Owns premises in a multi story building.

SIC & NAICS

SIC:

87489904

Energy conservation consultant

NAICS:

541690

Other Scientific and Technical Consulting Services

EXHIBIT C-6 & C-7

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PAYMENT SUMMARY

The Payment Summary section reflects payment information in Dun & Bradstreet's file as of the date of this report.

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries:

	Total Rcv'd (#)	Total Dollar Amts (\$)	Largest High Credit (\$)	Within Terms (%)	Days Slow			
					<31(%)	31-60(%)	61-90(%)	90> (%)
Top Industries:								
Ret misc merchandise	1	1,000	1,000	100	-	-	-	-
Natnl commercial bank	1	750	750	100	-	-	-	-
Mfg signs/ad spectlys	1	500	500	100	-	-	-	-
Nonclassified	1	100	100	100	-	-	-	-
Telephone communictns	1	100	100	100	-	-	-	-
Whol industrial suppl	1	50	50	100	-	-	-	-
Other payment categories:								
Cash experiences	2	550	500					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collections:								
With Dun & Bradstreet	0	0						
Other	0	N/A						
Total in Dun & Bradstreet's file	8	3,050	1,000					

The highest Now Owes on file is \$500

The highest Past Due on file is \$0

D&B receives over 600 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received.

PAYMENT DETAILS**Detailed Payment History**

Date Reported (mm/yy)	Paying Record	High Credit (\$)	Now Owes (\$)	Past Due (\$)	Selling Terms	Last Sale Within (months)
03/19	Ppt	1,000	500	0		1 mo
	Ppt	750	50	0		1 mo
	Ppt	50	50	0	N30	1 mo
	(004)	500	0	0	Cash account	1 mo
	(005)	50	0	0	Cash account	2-3 mos
01/19	Ppt	100	0	0		6-12 mos
11/18	Ppt	100	0	0	N30	6-12 mos
06/17	Ppt	500	0	0		6-12 mos

Payments Detail Key: ■ 30 or more days beyond terms

FINANCE

2019-03-16

The name and address of this business have been confirmed by D&B using available sources.

PUBLIC FILINGS

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

UCC Filings**Collateral:**

All Negotiable instruments including proceeds and products – All Inventory including proceeds and products – All Account(s) including proceeds and products – All Timber including proceeds and products – and OTHERS

Type:

Original

Sec. party:

BELL BANK, MINNEAPOLIS, MN

Debtor:

ENERGY MANAGEMENT SOLUTIONS, INC.

Filing number:

977980501728

Filed with:

SECRETARY OF STATE/UCC DIVISION, SAINT PAUL, MN

Date filed:

11/06/2017

Latest Info Received:

11/14/2017

Original UCC filed date:

EXHIBIT C-6 & C-7

This Dun & Bradstreet report is provided for your company's internal review. It may not be used for any other purpose or shared.

Original filing no.:

Collateral:	INTEREST
Type:	Original
Sec. party:	SWANSON CATHERINE ANNE, CHANHASSEN, MN
Debtor:	SWANSON GARY ALAN
Filing number:	201125756303
Filed with:	SECRETARY OF STATE/UCC DIVISION, SAINT PAUL, MN
Date filed:	10/05/2011
Latest Info Received:	10/17/2011
Original UCC filed date:	
Original filing no.:	

There are additional UCC's in Dun & Bradstreet's file on this company available by contacting 1-866-705-5711.

There are additional suits, liens, or judgments in Dun & Bradstreet's file on this company available by contacting.

The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this report was printed.

Government Activity**Activity summary**

Borrower (Dir/Guar):	NO
Administrative debt:	NO
Contractor:	NO
Grantee:	NO
Party excluded from federal program(s):	NO

Possible candidate for socio-economic program consideration

Labor surplus area:	N/A
Small Business:	YES (2019)
8(A) firm:	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

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SIC & NAICS

SIC:

87489904

Energy conservation consultant

NAICS:

541690

Other Scientific and Technical Consulting Services

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Other payment categories:								
Cash experiences	2	550	500					
Payment record unknown	0	0	0					
Unfavorable comments	0	0	0					
Placed for collections:								
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	Ppt	750	50	0		1 mo
	Ppt	50	50	0	N30	1 mo
	(004)	500	0	0	Cash account	1 mo
	(005)	50	0	0	Cash account	2-3 mos
01/19	Ppt	100	0	0		6-12 mos
11/18	Ppt	100	0	0	N30	6-12 mos
06/17	Ppt	500	0	0		6-12 mos

Payments Detail Key: ■ 30 or more days beyond terms

FINANCE

2019-03-16

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Type:

Original

Sec. party:

BELL BANK, MINNEAPOLIS, MN

Debtor:

ENERGY MANAGEMENT SOLUTIONS, INC.

Filing number:

977980501728

Filed with:

SECRETARY OF STATE/UCC DIVISION, SAINT PAUL, MN

Date filed:

11/06/2017

Latest Info Received:

11/14/2017

Original UCC filed date:

EXHIBIT C-6 & C-7

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Original filing no.:

Collateral:	INTEREST
Type:	Original
Sec. party:	SWANSON CATHERINE ANNE, CHANHASSEN, MN
Debtor:	SWANSON GARY ALAN
Filing number:	201125756303
Filed with:	SECRETARY OF STATE/UCC DIVISION, SAINT PAUL, MN
Date filed:	10/05/2011
Latest Info Received:	10/17/2011
Original UCC filed date:	
Original filing no.:	

There are additional UCC's in Dun & Bradstreet's file on this company available by contacting 1-866-705-5711.

There are additional suits, liens, or judgments in Dun & Bradstreet's file on this company available by contacting.

The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this report was printed.

Government Activity**Activity summary**

Borrower (Dir/Guar):	NO
Administrative debt:	NO
Contractor:	NO
Grantee:	NO
Party excluded from federal program(s):	NO

Possible candidate for socio-economic program consideration

Labor surplus area:	N/A
Small Business:	YES (2019)
8(A) firm:	N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources.

Competitive Retail Electric Service Affidavit

County of Franklin :

State of Ohio :

Gary A. Swanson, 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.

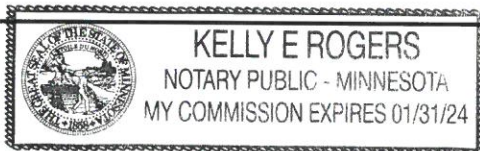
[Signature] / president
Signature of Affiant & Title

Sworn and subscribed before me this 2ND day of APRIL, 2021
Month Year

[Signature]
Signature of official administering oath

[Signature] Kelly E. Rogers
Print Name and Title

My commission expires on 1/31/24



This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 17-1159-EL-AGG

Summary: In the Matter of the Application of Energy Management Solutions Inc