



DIS Case Number: 15-0517-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:** AMERICAN POWER AND GAS OF OHIO LLC    **Country:** United States  
**Phone:** 800-205-7491    **Extension (if applicable):**    **Street:** 10601 Belcher Road South  
**Website (if any):** www.americanpowerandgas.com    **City:** Seminole    **Province/State:** FL  
**Postal Code:** 33777

### 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
American Power & Gas of Ohio, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	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
American Power & Gas, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File
American Power & Gas of MA, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File



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American Power & Gas of IL, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File
American Power & Gas of MD, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File
American Power & Gas of NJ, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File
American Power & Gas of Pennsylvania, LLC	Official Name	10601 Belcher Road South Seminole, FL 33777	Yes	File

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

Lisa Barry  
10601 South Belcher Road  
Seminole, FL 33777  
US  
lisab@goapg.com  
7274790731

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

Christina Hrvatin  
10601 Belcher Rd South  
Seminole, FL 33777  
US  
christinah@goapg.com  
7274790602

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

<b>Phone:</b> 800-205-7491	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b>	<b>Extension (if applicable):</b>	<b>Street:</b> 10601 Belcher Road South
<b>Email:</b> customerservice@goapg.com		<b>City:</b> Seminole <b>Province/State:</b> FL
		<b>Postal Code:</b> 33777

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

38-3918152

### 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: 03-11-2016

**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
James Bridgeforth	jimb@goapg.com	President	10601 South Belcher Road Seminole, FL 33777 US
Tom Cummins	ia@goapg.com	CFO	10601 Belcher Rd S Seminole, FL 33777 US

**A-13. Company history**



American Power & Gas, LLC established on 3/06/2010; licensed to service customers in NY on 04/22/2010

AP&G Holdings, LLC established: 3/01/2012 as holding company for all AP&G affiliated companies.

American Power & Gas of Pennsylvania, LLC established on 1/01/2013; licensed to service customers on 07/16/2013

American Power & Gas of NJ, LLC established on 11/01/2013; licensed to service customers on 03/18/2015

American Power & Gas of IL, LLC established on 11/01/2013; licensed to service customers on 12/13/2016

American Power & Gas of MD, LLC established on 11/28/2016; licensed to service customers on 10/11/2017

American Power & Gas of MA, LLC established on 2/01/2014; licensed to service gas only customers on 02/15/2019

American Power & Gas' interests lie in providing energy to customers throughout the country and maintaining excellent customer service and quality control.

#### **A-14. Secretary of State**

Secretary of State Link: <https://businesssearch.ohiosos.gov/?=businessDetails/2262817>

## **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: American Power & Gas, LLC is currently operating in New York as both an electric and natural gas supplier.

American Power & Gas of Pennsylvania, LLC is currently operating in Pennsylvania as both an electric and natural gas supplier.

American Power & Gas of NJ, LLC is currently operating in New Jersey as both an electric and natural gas supplier.

American Power & Gas of IL, LLC is currently operating in Illinois as both an electric and natural gas supplier.

American Power & Gas of OH, LLC is currently operating in Ohio as both an electric and natural gas supplier.



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American Power & Gas of MD, LLC is currently operating in Maryland as both an electric and natural gas supplier.

American Power & Gas of MA, is currently operating in Massachusetts as an electric supplier only.

### **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: Company Owner Experience

##### Owners

Tom Cummins, Chairman of the Board & CEO

Jim Bridgeforth, President

##### Tom Cummins

Chairman of the Board and Chief Executive Officer

Tom Cummins is the founder and CEO of American Power & Gas LLC (AP&G). Mr. Cummins has been in the Energy Choice industry for over 20 years. He founded the first out-source company in North America to exclusively represent energy marketers and exclusively sell energy in the deregulated marketplace. His company enrollments have now exceeded 2 million combined residential and commercial customers using both gas and electricity. Mr. Cummins' company has worked in every state in the union where deregulation of energy has occurred. For the past thirty years Mr. Cummins has owned and operated mass marketing companies. Prior to founding CSS, Mr. Cummins ran a sales force of over 2000 agents in telecommunications during its deregulation. Mr. Cummins and his staff have been leaders of mass-market retail energy sales via telesales. On behalf of over 100 different ESCOs, his company has spoken to more than 20 million energy consumers on the subject of energy deregulation, literally making him the expert in deregulated retail energy sales. He founded AP&G in 2011 and launched the enrollment of customers in New York State. He has since added supplier licenses in Pennsylvania, New Jersey, Ohio, Illinois, Maryland and Massachusetts.

##### Jim Bridgeforth

President

Jim Bridgeforth has over 15 years of hands-on experience in the retail energy markets. He worked directly for Mr. Cummins as his Director of New Accounts at their out-source company,



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CSS, for 6 years. In this position, he learned all of the nuances of what it takes to make a successful retail campaign. In 2007, Mr. Cummins trained Jim in the remaining aspects of running CSS and then turned over the duties of President, which Jim continues to successfully handle to this day. Mr. Bridgeforth's dedication and successful running of CSS earned him an ownership role in the company and again the President role and an ownership of AP&G.

### Plans

American Power & Gas (AP&G) now serves customers in New York, Pennsylvania, New Jersey, Ohio, Maryland, Illinois and Massachusetts.

Currently plans are to review new territories and determine where to next apply to serve customers.

### **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: American Power & Gas does not have now or in the past any liabilities or investigations that would adversely impact our financial or operational status or ability to provide customers its energy 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,



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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-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

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).

Preferred to file confidentially

## 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: American Power & Gas has no generation of our own. We buy from the market. Specifically, our entire PJM load is currently sourced through the PJM DA and RT markets. Our Operations handles the forecasting of retail and wholesale load obligations. The ancillary services, delivery services and other services are through PJM. We will expand into additional ISOs as needed to accommodate territories.

#### **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: American Power & Gas is currently operating successfully in New York, Pennsylvania, Ohio, New Jersey, Maryland, Illinois and Massachusetts. Our Operations Division has been expertly led by VP Operations, Paul Chalupsky and Director of Operations, Anfas Hamza.

Paul Chalupsky has recently been promoted to CFO and is training Tim Bollack as the new VP Operations who was previously our Director of Accounts Management.

VP of Operations

Tim Bollack

TimB@goapg.com

727-733-8700

Background: 4 years of experience working with contracted entities who buy and sell power, energy, and natural gas for our company, 4 years of experience overseeing EDI and Non-EDI FTP data communication with utility companies, 4 years relational database modeling and procedural programming focused on data integrity and risk management for buying and selling energy, 12 years investment advisory services and trend analysis for market outliers



CFO (previously the VP Operations)

Paul Chalupsky

PaulC@GoAPG.com

727-733-8700

Background: 5.5 years of experience working with contracted entities who buy and sell power, energy and natural gas for our company and 4 years of experience working with PJM, 30 years of experience working with databases, 16 years of experience as a Chief Financial Officer.

Director of Operations

Anfas Hamza

AnfasH@GoAPG.com

727-733-8700

Background: 8 years of experience in the energy industry of which 6 years included working with contracted entities who buy and sell power and energy for our company and 3.5 years of experience working with PJM, 4 years' experience working with contracted entities who buy and sell power, energy and natural gas for our company, 14 years of experience working with statistical analysis and databases.

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

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

Our FERC Power Market License Number is C003190.

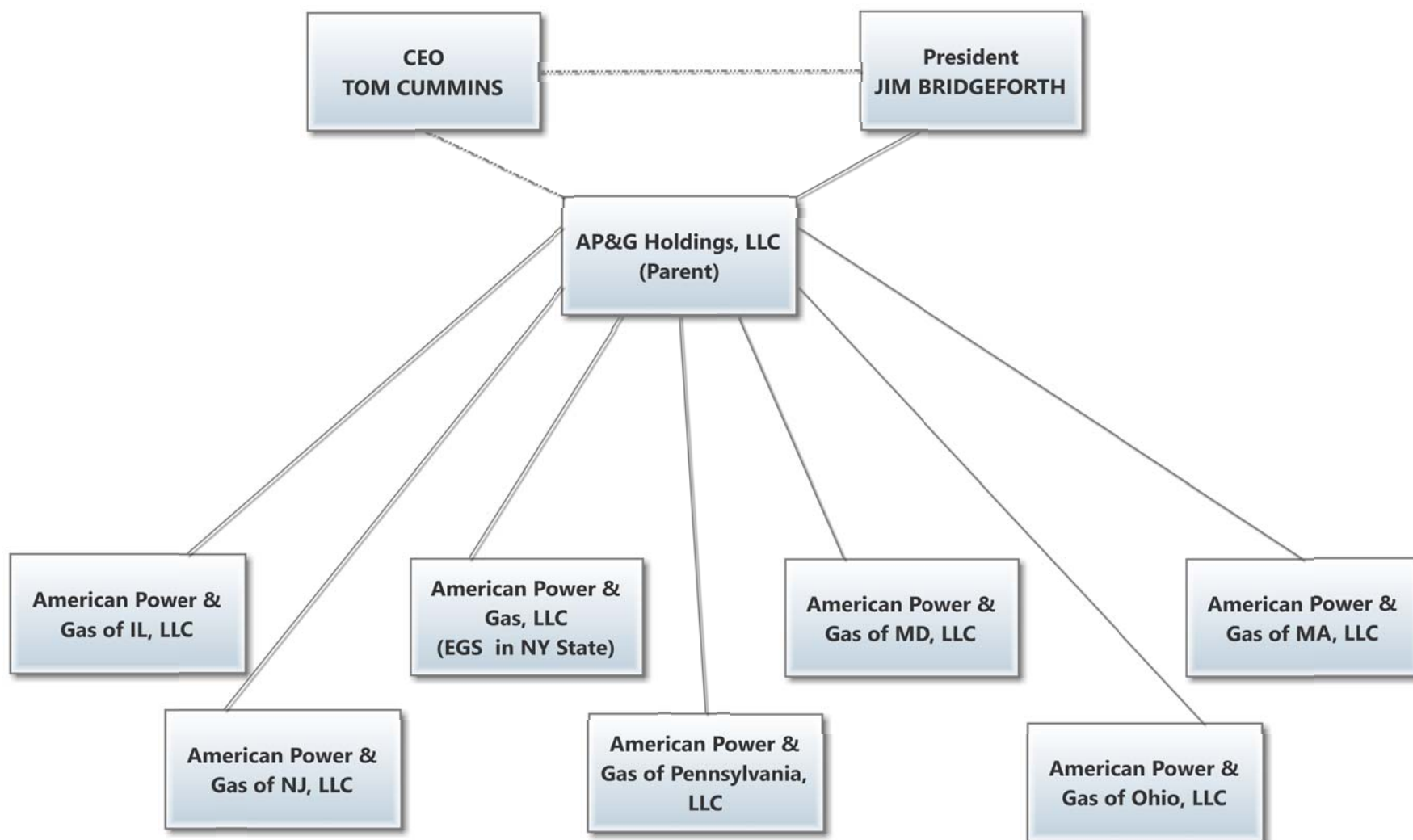


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# Application Attachments

# American Power & Gas

## Corporate Structure



# **Competitive Retail Electric Service Affidavit**

**County of Pinellas :**

**State of Florida :**

James Bridgeforth, 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.

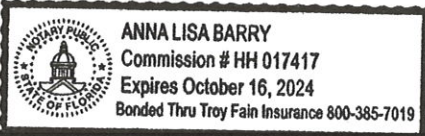
13. Affiant further sayeth naught.

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

Sworn and subscribed before me this 15 day of JUNE, 2021  
Month Year

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

ANNA LISA BARRY, NOTARY  
\_\_\_\_\_  
Print Name and Title



My commission expires on 16 OCT 2024



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

**Commission of Ohio Docketing Information System on**

**6/16/2021 10:14:12 AM**

**in**

**Case No(s). 15-0517-EL-CRS**

Summary: In the Matter of the Application of American Power & Gas of Ohio, LLC