

DIS Case Number: 18-1225-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: Empower Gas & Electric LLC

Country: United States

Phone: 877-336-7693

Extension (if applicable):

Street: 4949 Cadogan Place

Website (if any):

<http://www.empowersaves.com>

City: New Albany

Province/State: OH

Postal Code: 43054

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
Empower Saves	DBA	4949 CADOGAN PL,, NEW ALBANY, OH 43054	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
Empower Saves	DBA	4949 CADOGAN PL,, NEW ALBANY, OH 43054	Yes	File

A-5. Contact person for regulatory matters



Amy Milenthal
4949 Cadogan Place
New Albany, OH 43054
US
amilenthal@empowersaves.com
6144994983

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

Amy Milenthal
4949 Cadogan Place
New Albany, OH 43054
US
amilenthal@empowersaves.com
6144994983

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

Phone: 877-336-7693	Extension (if applicable):	Country: United States
Fax:	Extension (if applicable):	Street: 4949 Cadogan Place
Email: info@empowersaves.com		City: NEW ALBANY
		Province/State: OH
		Postal Code: 43054

A-8. Applicant's federal employer identification number

46-4059950

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

Duke Energy Ohio

FirstEnergy - Cleveland Electric Illuminating
 FirstEnergy - Ohio Edison
 FirstEnergy - Toledo Edison
 American Electric Power (AEP)

Class of customer selection

Commercial
 Residential

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 09-01-2022

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
Jon Milenthal	jmilenthal@empowersaves.com	Chief Marketing Officer	4949 Cadogan Place New Albany, OH 43054 US
David Milenthal	dmilenthal@empowersaves.com	Chair of the Board	4949 Cadogan Place New Albany, OH 43054 US
Udhav Doctor	udactor@empowersaves.com	Operations Manager	4949 Cadogan Place New Albany, OH 43054 US
Scott Ungerer	sungerer@enertechcapital.com	Member	4949 Cadogan Place New Albany, OH 43054 US
Nick Bullinger	nbullinger@hecateenergy.com	Member	4949 Cadogan Place New Albany, OH 43054 US
David Wilhelm	dwilhelm@hecateenergy.com	Member	4949 Cadogan Place New Albany, OH 43054 US

A-13. Company history

Empower Gas & Electric LLC (Empower), also registered under the trade name Empower Saves, was formed in 2013 to provide responsive energy solutions to communities as well as



residential and commercial customers. Empower utilizes its unique data platform to analyze customer utility bills and help customers save and manage energy resources at a reasonable cost.

Empower leverages utility and consumer data to assist customers in purchasing energy savings and services. By utilizing its proprietary data analytics and digital customer acquisition platform, BOLT (Building Optimization & Learning Technology), EmpowerSaves allows utility customers to analyze their utility bills; identify potential energy savings; and receive individualized product and solution packages that will assist the customer in attaining energy savings. All of this is presented through a customizable customer acquisition platform-specific to each customer.

Empower's officers and directors have a long and rich history in energy-related development, management, regulations, delivery, and sales. Empower previously held certification in Ohio as a competitive retail gas supplier (Case No. 15-1329-GA-CRS) and as a competitive retail electric marketer (Case No. 14-113-EL-CRS) which it voluntarily relinquished. Empower is currently certified as a competitive retail electric aggregator/broker, which it is seeking to renew.

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: Empower Gas and Electric, LLC is not certified, licensed, and registered to provide retail or wholesale electric and aggregation services in any state or jurisdiction outside of 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.



Public Utilities Commission

Application Experience and Plan Description: The officers and members of Empower Gas & Electric have extensive and longstanding utility service, regulation, sales and development experience in Ohio.

Empower's team have collectively developed hundreds of megawatts of operating generating facilities - fossil fuel-based and renewables - regionally, nationally, and globally. Additionally, the core group includes individuals with strong electricity regulatory experience, who are well informed on Commission rules, practices and expectations.

Experience includes:

- Participation in dozens of Commission actions, including work directly with all of Ohio's investor owned utilities, and many of their retail counterparts.
- Extensive experience in high quality customer service as well as product development and marketing for Fortune 500 companies.
- Strong relationships with bonded energy service companies, wholesale energy suppliers, and other channel partners.

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 no existing, pending, or past rulings, judgements, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact Empower Gas & Electric, LLC's financial or operational status or ability to provide the services it is seeking to be certified to provide.

B-4. Disclosure of consumer protection violations

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

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



Public Utilities Commission

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.

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: Empower Gas & Electric LEG (Empower), also registered under the trade name EmpowerSaves, was formed in 2013 to provide responsive energy solutions to communities as well as residential and commercial customers. Empower utilizes its unique data platform to analyze customer utility bills and help customers save and manage energy resources at a reasonable cost. Empower leverages utility and consumer data to assist customers in purchasing energy savings products and services. By utilizing its proprietary data analytics and digital customer acquisition platform, BOLT (Building Optimization & Learning Technology), EmpowerSaves allows utility customers to analyze their utility bills; identify potential energy savings; and receive individualized product and solution packages that will assist the customer in attaining energy savings. All of this is presented through a customizable customer acquisition platform-specific to each customer.

Empower's officers and directors have a long and rich history in energy-related development, management, regulations, delivery, and sales. Empower previously held certification in Ohio as a competitive retail natural gas supplier (Case No. 15-1329-GA-CRS) and as a competitive retail electric marketer (Case No. 14-113-EL-

CRS), which it voluntarily relinquished. Empower is currently certified as a competitive retail electric aggregator/broker, which it is seeking to renew.

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: David Milenthal
Owner of Ohio's largest independent marketing firm having partnered with several utilities both regulated and unregulated.

Jon Milenthal:



Public Utilities Commission

Marketing lead for Ohio utility through contracted services; Marketing lead for utility association promoting HEAP, HWAP, LIHEAP and PIPP solutions and advocacy.

Udhav Doctor:

Operations lead with certifications from Six Sigma and Building Performance Institute



Public Utilities
Commission

Application Attachments

201402100807

DATE: 01/21/2014	DOCUMENT ID 201402100807	DESCRIPTION AMEND/ARTICLES- ORGANIZATION/DOM. LLC (LAM)	FILING 50.00	EXPED .00	PENALTY .00	CERT .00	COPY .00
---------------------	-----------------------------	---	-----------------	--------------	----------------	-------------	-------------

Receipt

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

FISHEL HASS KIM ALBRECHT LLP
DAVID A. RIEPENHOFF
400 S. 5TH ST., STE 200
COLUMBUS, OH 43215

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jon Husted

2244490

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

EMPOWER GAS & ELECTRIC LLC

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

Document(s)
AMEND/ARTICLES-ORGANIZATION/DOM. LLC

Document No(s):
201402100807

Effective Date: **01/17/2014**



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 21st day of January, A.D. 2014.

Jon Husted

Ohio Secretary of State

16



Search inquiry: (My company)

CreditScoreSM Report

as of: 06/27/22 15:16 ET

Empower Gas & Electric LLC

Address:	4949 Cadogan PL New Albany, OH 43054-9455 United States	SIC Code:	1711-Plumbing, Heating & A/C Contractors 3822-Environmental Controls 4911-Electric Services
Phone:	513-259-2286	NAICS Code:	238220-Plumbing, Heating, And Air-Conditioning Contractors 334512-Automatic Environmental Control Manufacturing For Residential, Commercial, And Appliance Use 221100-Electric Power Generation, Transmission And Distribution
Website:	empowersaves.com		
Experian BIN:	989497535		
Family Linkage:			
Ultimate Parent	Empower Gas & Electric LLC 4949 Cadogan PL New Albany, OH		
Branches / Alternative Locations	Empower Gas & Electric LLC 4949 Cadogan PL New Albany, OH United States	Business Type:	Corporation
		Experian File Established:	August 2014
		Experian Years on File:	8 Years
		Years in Business:	More than 8 Years
		Total Employees:	11
		Sales:	\$1,684,000

Experian Business Credit Score

6**Business Credit
Score****High Risk**

The objective of the Experian Business Credit Score is to predict payment behavior. High Risk means that there is a significant probability of delinquent payment. Low Risk means that there is a good probability of on-time payment.

Key Score Factors:

- Number of recently active commercial accounts.
- Number of commercial accounts with net 1-30 days term.
- Number of derogatory commercial legal items.
- Length of time on Experian's file.

Business Credit Scores range from a low of 1 to high of 100 with this company receiving a score of 6. Higher scores indicate lower risk. This score predicts the likelihood of serious credit delinquencies within the next 12 months. This score uses tradeline and collections information, public filings as well as other variables to predict future risk.

Experian Financial Stability Risk Rating**4****Financial
Stability Risk
Rating****Medium-High Risk**

A Financial Stability Risk Rating of 4 indicates a 10% potential risk of severe financial distress within the next 12 months.

Key Rating Factors:

- Number of active commercial accounts.
- Number of commercial derogatory public records.
- Number of commercial accounts.
- Risk associated with the company's industry sector.

Financial Stability Risk Ratings range from a low of 1 to high of 5 with this company receiving a rating of 4. Lower ratings indicate lower risk. Experian categorizes all businesses to fit within one of the five risk segments. This rating predicts the likelihood of payment default and/or bankruptcy within the next 12 months. This rating uses tradeline and collections information, public filings as well as other variable to predict future risk.

Credit Summary

Competitive Retail Electric Service Affidavit

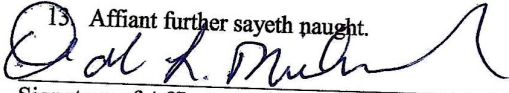
County of Franklin :

State of Ohio :

David Milentha, 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.

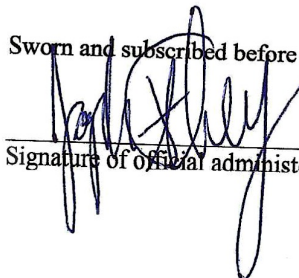
12. The facts set forth above are true and accurate to the best of his/her knowledge, information, and belief and that he/she expects said applicant to be able to prove the same at any hearing hereof.

13. Affiant further sayeth naught.

Signature of Affiant & Title



Joseph Fahey
Notary Public, State of Ohio
My Commission Expires 2-12-2027

Sworn and subscribed before me this 27 day of July, 2022
Month Year


Signature of official administering oath

Joseph Fahey, Bank Officer
Print Name and Title

My commission expires on 2/12/2027



Search inquiry: (My company)

CreditScoreSM Report

as of: 06/27/22 15:16 ET

Empower Gas & Electric LLC

Address:	4949 Cadogan PL New Albany, OH 43054-9455 United States	SIC Code:	1711-Plumbing, Heating & A/C Contractors 3822-Environmental Controls 4911-Electric Services
Phone:	513-259-2286	NAICS Code:	238220-Plumbing, Heating, And Air-Conditioning Contractors 334512-Automatic Environmental Control Manufacturing For Residential, Commercial, And Appliance Use 221100-Electric Power Generation, Transmission And Distribution
Website:	empowersaves.com		
Experian BIN:	989497535		
Family Linkage:			
Ultimate Parent	Empower Gas & Electric LLC 4949 Cadogan PL New Albany, OH		
Branches / Alternative Locations	Empower Gas & Electric LLC 4949 Cadogan PL New Albany, OH United States	Business Type:	Corporation
		Experian File Established:	August 2014
		Experian Years on File:	8 Years
		Years in Business:	More than 8 Years
		Total Employees:	11
		Sales:	\$1,684,000

Experian Business Credit Score

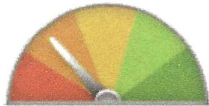
6**Business Credit
Score****High Risk**

The objective of the Experian Business Credit Score is to predict payment behavior. High Risk means that there is a significant probability of delinquent payment. Low Risk means that there is a good probability of on-time payment.

Key Score Factors:

- Number of recently active commercial accounts.
- Number of commercial accounts with net 1-30 days term.
- Number of derogatory commercial legal items.
- Length of time on Experian's file.

Business Credit Scores range from a low of 1 to high of 100 with this company receiving a score of 6. Higher scores indicate lower risk. This score predicts the likelihood of serious credit delinquencies within the next 12 months. This score uses tradeline and collections information, public filings as well as other variables to predict future risk.

Experian Financial Stability Risk Rating**4****Financial
Stability Risk
Rating****Medium-High Risk**

A Financial Stability Risk Rating of 4 indicates a 10% potential risk of severe financial distress within the next 12 months.

Key Rating Factors:

- Number of active commercial accounts.
- Number of commercial derogatory public records.
- Number of commercial accounts.
- Risk associated with the company's industry sector.

Financial Stability Risk Ratings range from a low of 1 to high of 5 with this company receiving a rating of 4. Lower ratings indicate lower risk. Experian categorizes all businesses to fit within one of the five risk segments. This rating predicts the likelihood of payment default and/or bankruptcy within the next 12 months. This rating uses tradeline and collections information, public filings as well as other variable to predict future risk.

Credit Summary

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

7/29/2022 11:15:44 AM

in

Case No(s). 18-1225-EL-AGG

Summary: In the Matter of the Application of Empower Gas & Electric LLC