

**DIS Case Number: 14-1370-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:** Burton Energy Group, LLC

**Phone:** 8669758777      **Extension (if applicable):**

**Website (if any):**  
www.BurtonEnergyGroup.com

**Country:** United States

**Street:** 11175 Cicero Drive, Suite 600

**City:** Alpharetta

**Province/State:** GA

**Postal Code:** 30022

### 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
Burton Energy Group, LLC	Official Name	11175 Cicero Drive, Suite 600 Alpharetta, GA 30022	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



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Kristen Murphy  
11675 Great Oaks Way Ste 350  
Alpharetta, GA 30022  
US  
kmurphy@burtonenergygroup.com  
6788294007

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

Rob Joseph  
11675 Great Oaks Way  
Alpharetta, GA 30022  
US  
rj@hkwlaw.com  
7709530995

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

<b>Phone:</b> 866-975-8777	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b> (678) 325-6702	<b>Extension (if applicable):</b>	<b>Street:</b> 11175 Cicero Drive, Suite 600
<b>Email:</b> kmurphy@burtonenergygroup.com	<b>City:</b> Alpharetta	<b>Province/State:</b> GA
	<b>Postal Code:</b> 30022	

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

82-1565587

### 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  
 AES Ohio  
 American Electric Power (AEP)

### **Class of customer selection**

Commercial  
 Industrial  
 Mercantile

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

Indicate the approximate start date the applicant began/will begin offering services: 09-15-2018

### **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
Mark Breuker	mbreuker@burtonenergygroup.com	Managing Partner	11675 Great Oaks Way, Suite 350 ALPHARETTA, GA 30022 US
Brent Burton	bburton@burtonenergygroup.com	President, Managing Partner	11675 Great Oaks Way, Suite 350 ALPHARETTA, GA 30022 US

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

Burton Energy Group has been actively engaged in the energy management business since 2002 and partners with its customers whose locations spread across the United States and Canada, in order to design and manage an energy plan that will reduce energy consumption and lower overall energy operating costs. Burton provides clients with core services essential to an integrated energy management strategy including: strategic assessment and planning, utility information management, supply and risk management, energy and water conservation, annual utility budget guidance and sustainability initiatives. Burton is led by partners who are leaders in the energy management and sustainability field and able to deliver all aspects of an energy management solution, with experience in electric utilities, natural gas, energy consulting, energy engineering and risk management. The customers Burton currently works with span across the hospitality, retail, restaurant, healthcare, banking and multi-family industries. Burton

has also been recognized as a 2022 ENERGY STAR Partner of the Year Award for Sustained Excellence.

#### **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: Outside of Ohio, Burton Energy Group is currently licensed as an electricity broker in the states of Massachusetts, Pennsylvania, Maryland, Illinois, New Jersey, Maine, Texas, Delaware, and in the District of Columbia. The applicant also conducts business as an electricity broker in California and New York, where a specific license is not required. At this time, Burton Energy Group does not provide electric wholesale or aggregation services.

#### **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: Burton Energy Group was established to comprehensively manage energy and environmental programs for multi-site corporations. Serving our clients is our core business. Our contracted services occur at the corporate level and as our customers expand their business into new states, Burton Energy Group does as well, in order to serve a client's full portfolio. Our application is to seek approval as a Retail Natural Gas Broker and Aggregator, as we do not take title to the natural gas. Our payment for the service of arranging the supply of retail natural gas to a retail customer is included within the negotiated contract rate between the supplier and the customer. Our fee is disclosed to the customer at the time of contracting and again at the time of the customer executing a contract with the supplier. Burton Energy Group does not bill for retail natural gas services, as we do not take title to the gas.

As we do in other markets, our plan is to work with our client's new properties in Ohio to negotiate competitive retail natural gas contracts. Burton Energy Group is not affiliated with



any service provider and by being vendor-neutral, we are able to conduct an RFP for natural gas service and provide a recommendation to the client. The client is then responsible for executing the contract with the natural gas supplier of choice. Burton Energy Group assists its customers with any inquiries they may have about the supplier or utility, by directing those requests to specific individuals at those companies providing service. Our client base has included commercial customers, mainly restaurants and hospitality, with total annual usage of about 275,000 Dth, across all four utilities (Duke, Vectren, Dominion and Columbia Gas).

#### **Strategic Assessment and Planning Process**

Our energy program diagnostic and strategic planning methodology helps companies take their energy programs to the next level. Over the past year, Burton Energy Group has worked with several Fortune 500 corporations, perceived to already have leading practice energy management programs. Our system benchmarks their energy and environmental performance and provides a roadmap to achieve best-in-class status. Our approach can identify double digit cost reduction opportunities in energy spend for our clients.

#### **Energy and Water Conservation Expertise**

Our approach to driving demand-side programs has been developed through years of experience and can be quickly tailored to meet any company's specific goals and opportunities. Our concentrated focus on energy awareness and behavior management helps to achieve the best efficiencies before any dollars are invested in new systems. Once capital is ready to be deployed for further improvements, we guide the rebate/incentive process to prioritize programs with the biggest overall return. All rebate dollars go directly to the client. Through improved awareness/accountability and effective investment in demand-side initiatives, we can achieve 10% to 15% in energy and maintenance cost reductions for our customers.

#### **Approach and Capabilities in Supply/Risk Management**

One of the leading energy supply and risk management experts in the U.S. guides our risk strategy and supply management offering. Her experience as the energy buyer for a Fortune 100 company, and working in the deregulated energy market, helps shape our approach to risk management. Burton combines proven portfolio management techniques to guide a broad strategy with daily technical analysis that helps determine when to buy, how much and how long to buy within your desired risk parameters. By adopting a strategic buying program rather than market parity of rolling expiring contracts, Burton can reduce supply side expenses by 5% to 10%.

#### **Budgeting and Forecasting Experience**

Our budgeting and forecasting program is based on a disciplined approach to establishing a solid baseline coupled with our modeling of regulated and deregulated market impacts helps to achieve an accurate and clearly documented budget, with the goal of managing your energy expenses within 1% of plan.

### **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: The Loyalton Group, Inc. v Burton Energy Group, Inc., U.S. District Court, D. Minnesota, Civil Case No. 09

This was a civil suit by a former subcontractor for breach of contract. Burton Energy Group, Inc. determined that the claims were without merit and vigorously defended against all claims. A majority of the claims were dismissed in the Summary Judgment stage of the case. With respect to the remaining claims, Burton Energy Group, Inc. reached a confidential settlement agreement with The Loyalton Group, Inc. and the case has been dismissed.

### **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



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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.

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: Burton Energy Group is a privately held, independent company providing energy management services for commercial businesses with multi-site, geographically diverse facilities. We work with our clients to design and implement programs that reduce energy consumption, improve environmental performance, mitigate price risk, stabilize utility budgets, and lower overall operating costs. We pride ourselves on listening to our clients, on understanding their business needs, and on customizing the services we provide to them accordingly. We manage the RFP process for our clients when making a recommendation for their electric supply. We actively monitor pricing, in the event they want to lock in a fixed price or extend their current contracts.

Burton provides clients with core services essential to an integrated energy management strategy including: strategic assessment and planning, utility information management, supply and risk management, energy and water conservation, annual utility budget guidance and sustainability initiatives. Burton is led by partners who are leaders in the energy management and sustainability field and able to deliver all aspects of an energy management solution, with experience in electric utilities, natural gas, energy consulting, energy engineering and risk management. The customers Burton currently works with span across the hospitality, retail, quick-serve and full-serve restaurant, healthcare, banking, and multi-family industries.

#### **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: Brent Burton Managing Partner**

A 20-year energy industry veteran, Brent founded Burton Energy Group in 2001 to assist commercial businesses with their energy and water conservation needs. He started the company with a three month contract, working as the energy consultant for a large hospitality REIT. That initial contract led to subsequent opportunities with other hotel ownership and management companies responsible for portfolios in geographic diverse markets, and eventually expansion into the retail, banking, healthcare and restaurant verticals. Brent has led the company to continuous profitability with no debt since its inception.

Before forming Burton Energy Group, Brent worked as Vice President of Marketing at Retx Energy Services, an energy information application service provider specializing in distributed generation solutions. Previously, he spent three years as a Director at Enron Energy Services, and seven years as a Market Research Analyst and Project Manager at Entergy Corporation.

Brent obtained his MBA from Mississippi State University with bachelor degrees in Economics and Geology.

11175 Cicero Drive, Suite 600

Alpharetta, GA 30022

(678) 829-4001

[bburton@burtonenergygroup.com](mailto:bburton@burtonenergygroup.com)

Kristen Murphy

Vice President of Energy Supply & Risk Management



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Kristen has more than 10 years of industry experience, and serves as the leader of Burton's supply procurement and risk management team. Our clients look to Kristen to continue Burton's track record of providing superior energy supply and risk management services that generate significant returns on reasonable investments. Kristen manages risk positions and designs hedge strategies for our clients. She is responsible for evaluating and executing electricity and natural gas trades, and also leads our regulated market services include regulatory reporting and rate negotiation assistance.

Prior to joining Burton, Kristen served as Manager of Energy Procurement for Prenova (now Ecova) in Atlanta, where she supervised energy buying activities and optimized costs for clients. Previously, she led external affairs at Newsouth Energy LLC in Atlanta. Kristen began her career in government affairs, serving as Deputy Director of the Political Action Committee for Koch Industries in Washington, D.C., and as State and Federal Government Affairs Associate and PAC Administrator for Mirant in Atlanta.

Kristen earned a BS in Economics from Arizona State University.

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(678) 829-4007

kmurphy@burtonenergygroup.com

Jason Hamby

Vice President of Operations and Technology

With more than 16 years in the energy sector, and more than 23 years in technology, Jason joined Burton Energy Group to assist in scaling out the rapidly growing business. Having worked in all segments of the power industry, from power generation (plant process monitoring and controls), distribution (SCADA and security), and energy retailers (billing), Jason has experience in many different aspects of the energy industry.

Before joining Burton, Jason served as Executive Vice-President of ista North America, as well as Chief Operating Officer (COO) for the E:SO division. Prior experience has included startup companies, IT consulting, systems integration, telecommunications product development, and SCADA and plant process monitoring systems for Nuclear, Hydro, and Fossil power plants.

Jason holds a degree in electrical engineering from the University of Alabama Huntsville.

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Mark Breuker

Managing Partner

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(678) 829-4002

mbreuker@burtonenergygroup.com



Public Utilities  
Commission

# Application Attachments

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

*I, Frank LaRose, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show BURTON ENERGY GROUP, LLC, a Georgia Limited Liability Company, Registration Number 4184992, was registered in the State of Ohio on May 22, 2018, is currently authorized to transact business in this state.*



*Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 13th day of September, A.D.  
2022.*

A handwritten signature in blue ink, appearing to read "Frank LaRose".

**Ohio Secretary of State**

**Validation Number: 202225603460**

# **Competitive Retail Electric Service Affidavit**

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

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

Brent Burton \_\_\_\_\_, 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.

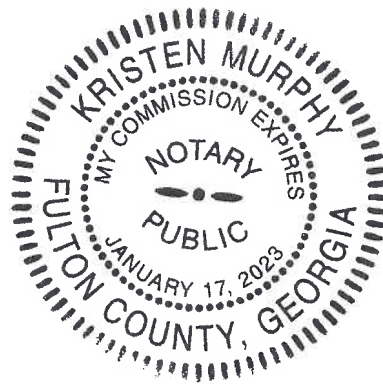
*[Signature]* MARLENE PARRIS  
Signature of Affiant & Title

Sworn and subscribed before me this 14<sup>th</sup> day of September, 2022  
Month Year

*Kristen Murphy*  
Signature of official administering oath

Kristen Murphy, Notary  
Print Name and Title

My commission expires on Jan. 17, 2023



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

**9/16/2022 5:25:44 PM**

**in**

**Case No(s). 14-1370-EL-AGG**

Summary: In the Matter of the Application of Burton Energy Group, LLC