

DIS Case Number: 18-1184-GA-AGG

Section A: Application Information

A-1. Provider type:

☒ Retail Natural Gas
Broker

☐ Retail Natural Gas
Aggregator

☐ Retail Natural Gas
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: 6128197975	Extension (if applicable):	Country: United States
Fax: 952-556-9171	Extension (if applicable): 2102	Street: 684 Excelsior Blvd, Ste 200
Email: gswanson@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

Columbia Gas of Ohio
Dominion Energy Ohio
Duke Energy Ohio
CenterPoint Energy Ohio

Class of customer selection

Industrial
Small Commercial
Large Commercial

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 12-15-2020

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
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.



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- 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:

A-15. Proof of Ohio Employee and Office

Provide proof of an Ohio Office and Employee in accordance with Section 4929.22 of the Ohio Revised Code. List the designated Ohio employee's name, Ohio office address, telephone number and web site address

Employee Name: Jody McDevitt
2020 LONGWOOD AVE
Grove City, OH 43123
US
jmcdevitt@emsenergy.com
6125037169

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 30 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.

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

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



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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 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

Retail natural gas brokers/aggregators: Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of natural gas 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



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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: Key Management

Gary A. Swanson, PE, President/CEO, has more than 29 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.

- 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

Jody McDevitt, Director of Sales, brings over 25 years of direct and indirect sales and sales management experience. Since 2010 he has concentrated his efforts in the clean-tech sector which includes positions specifically in demand response, EV charging stations, Behind the Meter IoT Connectivity, energy efficiency, energy intelligence software and energy procurement.

- A passionate champion, always looking for solutions to help clients achieve their energy and sustainable goals.
- Holds a Bachelor of Science degree in Education from Ohio State University

Tom Sagstetter, Director of Operations, brings over 25 years of electric, water, and natural gas utility experience working for Xcel Energy, Great River Energy, and Elk River Municipal Utilities. As the Conservation and Key Accounts Manager at Elk River Municipal Utilities, he coordinated, designed, and implemented the electric and water conservation programs. He was responsible for economic development, government relations at the local, state, and federal levels, and researched renewable energy resource alternatives. He worked in the areas of natural gas supply and electric standards at Xcel Energy and coordinated the conservation improvement programs for Great River Energy's 28 member cooperatives. He is a frequent presenter for American Public Power Association on energy-related topics.

- APPA Energy Efficiency Manager Certified
- MMUA Firstline Supervision & Leadership Certified
- Member of the Habitat for Humanity Advisory Board



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- Holds a Bachelor of Science, Finance and Economics from University of Wisconsin La Crosse

Kelly Rogers, Vice President of Operations, brings more than 30 years of experience in marketing, purchasing, project management, information technology, and systems administration. Has 13 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

Kevin Wayne, Energy Engineer, brings 5 years of direct experience working in the energy industry. Located in Chicago, he has worked to help implement the ComEd energy efficiency program performing energy audits for both residential and commercial properties. He also has experience assessing pneumatic systems doing compressed air audits for companies such as Frito Lay, Anheuser-Busch and PepsiCo. Kevin also brings experience in the energy procurement, benchmarking, and renewable energy industries.

- As an advocate for all things sustainable, he helps customers reduce their energy footprint.
- Holds a Bachelor of Science degree in Renewable Energy from Illinois State University with minors in Environmental Studies and Business, Environment and Sustainability
- LEED GA Certified



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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-5 "CREDIT REPORT"

Attached you will find the Dun & Bradstreet Report. No credit report was available.

COMPANY PROFILE ⓘ

D-U-N-S

17-702-9688

Business Form

Corporation

Date Incorporated

May 11, 1998

State of Incorporation

MN

Ownership

Not publicly traded

Mailing Address

PO Box 255
Excelsior, MN 55331
United States

Telephone

(952) 767-7450

Website

www.emsenergy.com

Annual Sales

US\$ 1,295,856

Employees ⓘ

7 (7 here)

Age (Year Started)

18 (2005)

Named Principal

Gary Swanson, President

Line of Business

Business consulting services

LEGAL EVENTS ⓘ

Events	Open Count	Last Filed
Bankruptcies	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCC	2	11-06-2017

TRADE PAYMENTS ⓘ

Highest Past Due

US\$ 0

Highest Now Owning

US\$ 500

Total Trade Experiences

6

Largest High Credit

US\$ 750

Average High Credit

US\$ 270



EXHIBIT C-4 "CREDIT RATING"

Attached you will find the Dun & Bradstreet Report. No credit rating was available.

dun & bradstreet

1-86

CreditSignal® Report as of: 03-30-2023

[Return to Dashboard](#)

Energy Management Solutions, Inc. Alerts:

ACTIVE **SINGLE LOCATION**

Address: 684 Excelsior Blvd Ste 200, Excelsior, MN, 55331, United States

SCORES AND RATINGS

PAYDEX® Score ⓘ NO CHANGE SINCE: 2020-08-06	Delinquency Predictor Percentile ⓘ IMPROVED SINCE: 2020-08-06	Financial Stress Percentile ⓘ NO CHANGE SINCE: 2020-08-06	Supplier Evaluation Risk Rating ⓘ DECLINED SINCE: 2022-07-08
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Monitor in Real-time
to Gain Valuable Insights into Your Business Credit

Get alerts when changes occur and have 24/7 access to the information in your Dun & Bradstreet business credit file.

Monitor & Take Action
to Help Build Your Business Credit File

Potentially build your DBS credit file by submitting Trade References, subject to verification and acceptance,* to Dun & Bradstreet and get alerts when changes are made to your file.

H
by D
you i

Competitive Retail Natural Gas Service Affidavit

County of Hennepin :

State of Minnesota

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 and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
3. The applicant will timely pay any assessment made pursuant to Sections 4905.10 and 4911.18(A), Ohio Revised Code.
4. 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. 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. Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
7. Applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. 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.
9. 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.
10. Affiant further sayeth naught.

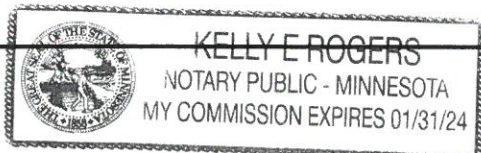
GARY A. SWANSON
Signature of Affiant & Title OWNER : PRESIDENT

Sworn and subscribed before me this 26 day of MAY, 2023
Month Year

KELLY E ROGERS
Signature of official administering oath

KELLY ROGERS, Notary
Print Name and Title

My commission expires on 1/31/24



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

5/26/2023 10:10:44 AM

in

Case No(s). 18-1184-GA-AGG

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