

FILE

06-1387-EL-CRS

44



LibertyPower

www.libertypowercorp.com

800 West Cypress Creek Rd., Suite 330
Fort Lauderdale, FL 33309
(866) POWER-99
(866) 769-3799
Fax: (954) 772-2354

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215

RECEIVED-DOCKETING DIV
2006 DEC 15 PM 12:10
PUCO

To Whom It May Concern:

Liberty Power is in the process of setting up two entities to do business in the state of Delaware, Liberty Power Holdings and Liberty Power Delaware. Our application to do business has already been submitted. Please accept this letter which explains the need for these two entities.

Liberty Power is working with a couple of different financing sources. Each one requires a "bankruptcy remote" entity. What this means is that in the event that anything were to happen to Liberty Power Corp (the parent company), the financing source wants to be able to recover its financing which is secured by the contracts under the licensed entities. To do this, they would need to be able to strip out the duly licensed subsidiary operating company and continue to operate until the contract terms were completed.

If you need more information on this matter feel free to contact Leah Lopez, VP, Operations at 954-598-7029.

Regards,

Karen Abbott

Karen Abbott

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician SB Date Processed 12-15-06

The low-cost, reliable electricity provider to small and medium size businesses.

**PLEASE ACCEPT THESE ATTACHMENTS IN
ADDITION TO AN EARLIER SUBMITTED
APPLICATION UNDER THE NAME:
LIBERTY POWER DELAWARE
CASE NO. 06-1387-EL-CRS**

☐ Columbus Southern Power
☐ Dayton Power and Light

☐ Residential
☐ Residential

☒ Commercial
☒ Commercial

☐ Mercantile
☐ Mercantile

☒ Industrial
☒ Industrial

A-11 Provide the approximate start date that the applicant proposes to begin delivering services

01/01/2007

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

A-12 Exhibit A-12 "Principal Officers, Directors & Partners" provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

A-13 Exhibit A-13 "Corporate Structure," provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America.

A-14 Exhibit A-14 "Company History," provide a concise description of the applicant's company history and principal business interests.

A-15 Exhibit A-15 "Articles of Incorporation and Bylaws," if applicable provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto.

A-16 Exhibit A-16 "Secretary of State," provide evidence that the applicant has registered with the Ohio Secretary of the State.

B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

B-1 Exhibit B-1 "Jurisdictions of Operation," provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric services.

B-2 Exhibit B-2 "Experience & Plans," provide a description of the applicant's experience and 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 Section 4928.10 of the Revised Code.

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- A-13 Exhibit A-13 "Corporate Structure," provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America.
- A-14 Exhibit A-14 "Company History," provide a concise description of the applicant's company history and principal business interests.
- A-15 Exhibit A-15 "Articles of Incorporation and Bylaws," if applicable provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto.
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- A-14 **Exhibit A-14 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- A-15 **Exhibit A-15 "Articles of Incorporation and Bylaws,"** if applicable provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto.
- A-16 **Exhibit A-16 "Secretary of State,"** provide evidence that the applicant has registered with the Ohio Secretary of the State.

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<input type="checkbox"/> Columbus Southern Power	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Mercantile	<input checked="" type="checkbox"/> Industrial
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EXHIBIT B-1
“JURISDICTIONS OF OPERATIONS”

<u>State</u>	<u>Name</u>	<u>Entity Type</u>
TX	Liberty Power Corp.	Domestic Corporation
TX	Liberty Power Corp., L.L.C.	DE Foreign LLC
TX	Liberty Power Texas, LLC	DE Foreign LLC
TX	Liberty Power Texas Holdings LLC	DE Foreign LLC
TX	Liberty Power Texas LLC	DE Foreign LLC
TX	LPT, L.P.	Foreign Limited Partnership
NY	Liberty Power Corp.	TX Foreign Corporation
NY	Liberty Power Corp, L.L.C.	DE Foreign LLC
NY	Liberty Power New York Holdings LLC	DE Foreign LLC
NY	Liberty Power New York LLC	DE Foreign LLC
NY	Liberty Power New York	DE Foreign LLC
MD	Liberty Power Corp., L.L.C.	DE Foreign LLC
MD	Liberty Power, LLC	
MD	Liberty Power Super Holdings LLC	DE Foreign LLC
MD	Liberty Power Maryland LLC	DE Foreign LLC
DC	Liberty Power Holdings LLC	DE Foreign LLC
DC	Liberty Power District of Columbia LLC	DE Foreign LLC
DC	Liberty Power Corp, L.L.C.	
FL	Liberty Power Foundation Inc	Domestic Non Profit
FL	Liberty Power Corp, L.L.C.	Foreing LLC

EXHIBIT B-2
“EXPERIENCE & PLANS”

EXHIBIT B-2 “Experience & Plans”: Liberty Power has been selling electricity by telemarketing and door-to-door. Our Sales Channels call prospective small to medium size business customers, if they accept, the enrollment process begins.

Liberty Power does not enroll customers until they have met the following qualifications:

- 1) They have provided a written authorization or Third Party Verified verbal authorization.
- 2) A welcome letter has been sent from Liberty Power Delaware and the customer has not cancelled within 6 days of the requested switch.

Liberty Power Delaware will be served by Liberty Power Corp’s customer care team. In-house training and documentation is used for training new customer care representatives when needed. Furthermore, Liberty Power Corp’s infrastructure, including call center infrastructure which documents call tracking metrics and allows for management assessment of resource requirements to ensure compliance with expected customer service levels.

Liberty Power will focus mainly on doing business with large C&I customers that we already have existing accounts with so that we can serve their branches in other areas.

EXHIBIT B-3
“SUMMARY OF EXPERIENCE”

Founded in Houston in 2001, Liberty Power began serving retail electricity customers in 2002. Liberty Power is certified by the Federal Energy Regulatory Commission (FERC) in 2003 to market wholesale electricity nationally. Liberty Power is profitable, liquid, and has no debt. We have a proven track record with customers such as the Department of Defense, Department of Homeland Security, and companies like NY Life, JCPenney, and Ryder and now serve approximately 20,000 customers. Liberty Power has operations in Texas, New York, Maryland and Washington DC, with plans to expand into new markets across the country later this year.

EXHIBIT B-4
“ENVIRONMENTAL DISCLOSURE”

EXHIBIT B-4 “Environmental Disclosure”: Liberty Power Delaware LLC
does not own generation.

EXHIBIT B-5
**“DISCLOSURE OF LIABILITIES &
INVESTIGATIONS”**

EXHIBIT B-5 “Disclosure of Liabilities and Investigations”:
N/A

EXHIBIT C-1
“ANNUAL REPORTS”

EXHIBIT C-1 “Annual Reports”: Liberty Power Delaware does not have annual reports available due to being a private company.

EXHIBIT C-2
“SEC FILINGS”

EXHIBIT C-2 “ SEC Filings” : Liberty Power Delaware does not have SEC Filings due to being a private company.

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EXHIBIT C-3
“Financial Statements”

FILED UNDER SEAR

EXHIBIT C-4
“FINANCIAL ARRANGEMENTS”

EXHIBIT C-4 “Financial Arrangements”: Liberty Power Delaware will not provide financial arrangements due to being a private company.

EXHIBIT C-5
“Forecasted Financial Statements”

FILED UNDER SEAL

EXHIBIT C-6
“CREDIT RATING”

EXHIBIT C-6 “Credit Rating”: Liberty Power Delaware does not have a credit rating, due to the fact we are a relatively new company.

EXHIBIT C-7
“CREDIT REPORT”

Commercial Score - LIBERTY POWER CORP., L.L.C.

Subcode: 451590

Ordered: 12/14/2006 09:53:31 CST

experian

Transaction number: C031526358

Search Inquiry: Liberty Power Corp / 800 W cypress creek road / fort lauderdale / FL / 33309

Company Information

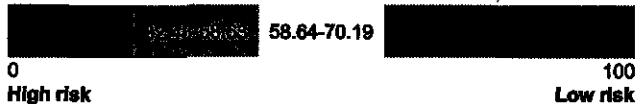
LIBERTY POWER CORP., L.L.C.
800 W CYPRESS CREEK RD
FT LAUDERDALE, FL 33309-2075

Experian File Number:
Full Report Number:
Experian File Established:

F32389224
FR-1031526358
10/2006

Intelliscore for LIBERTY POWER CORP., L.L.C.

77.01



LOW TO MEDIUM RISK

83% of businesses indicate a higher risk of becoming seriously delinquent than this business

Key score factors:

- RATIO OF REGULARLY REPORTED TRADES TO TOTAL TRADES
- LENGTH OF CREDIT HISTORY
- NUMBER OF RECENTLY ACTIVE ACCOUNTS
- NUMBER OF CURRENT ACCOUNTS
- LENGTH OF CREDIT HISTORY
- NUMBER OF TRADES WITH A HIGH BALANCE TO HIGH CREDIT RATIO
- RISK ASSOCIATED WITH THE COMPANY'S INDUSTRY

Legal Filings and Collections

Bankruptcy filings:	0
Tax lien filings:	0
Judgment filings:	0
Total collections:	0
Sum of legal filings:	\$0
UCC filings: (FILED 08/06)	1
Cautionary UCC filings present?	No

Trade Information

Current Days Beyond Terms (DBT):	0
Monthly average DBT:	0
Highest DBT previous 6 months:	0
Highest DBT previous 5 quarters:	0
Total continuous trades:	1
Current continuous trade balance:	\$25,000
Trade balance of all trades (1):	\$25,000
Average balance previous 5 quarters:	\$0
Highest credit amount extended:	\$25,000
6 month balance range:	\$0 - \$0

CREDIT LIMIT: _____

TERMS: _____

COMMENTS: _____

SIGNATURE: _____

Experian prides itself on the depth and accuracy of the data maintained on our Databases. Reporting your customer's payment behavior to Experian will further strengthen and enhance the power of the information available for making sound credit decisions.... Give credit where credit is due. Call 1-800-520-1221, option #4 for more information.

End of report

1 of 1 reports

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EXHIBIT C-8
“BANKRUPTCY INFORMATION”

EXHIBIT C-8 “Bankruptcy Information”: Liberty Power Delaware has not filed for bankruptcy.

EXHIBIT C-9
“MERGER INFORMATION”

EXHIBIT C-9 “Merger Information”: N/A

EXHIBIT D-1
“OPERATIONS”

EXHIBIT D-1 "Operations": Liberty Power Delaware LLC, as the transferee of the Retail Electric License from Liberty Power Corp., will be serviced by the same team of professionals that have supported Liberty Power Corp since 2002. As, such, Liberty Power Delaware has the capabilities to comply with all scheduling, operating, planning, reliability, customer registration and settlement policies, rules, guidelines, and procedures established by the PUCO.

Liberty Power Delaware LLC can purchase capacity and reserves, or other ancillary services as may be required by PJM ISO or other independent organization to provide adequate electricity to all of Liberty Power Delaware LLC's customers in its certified areas.

Liberty Power Delaware LLC will purchase all capacity, reserve, and other ancillary service requirements, either through bilateral purchases with qualified wholesalers, or directly from PJM. Liberty Power Delaware LLC will satisfy all PJM credit/collateral requirements for direct purchases of the same.

EXHIBIT D-2
“OPERATIONS EXPERTISE”

Founded in Houston in 2001, Liberty Power began serving retail electricity customers in 2002. Liberty Power is certified by the Federal Energy Regulatory Commission (FERC) in 2003 to market wholesale electricity nationally. Liberty Power is profitable, liquid, and has no debt. We have a proven track record with customers such as the Department of Defense, Department of Homeland Security, and companies like NY Life, JCPenney, and Ryder and now serve approximately 20,000 customers. Liberty Power has operations in Texas, New York, Maryland and Washington DC, with plans to expand into new markets across the country later this year.

EXHIBIT D-3
“KEY TECHNICAL PERSONNEL”

EXHIBIT D-3 “Key Technical Personnel”:

Ignacio Taveras, Director of Pricing & Risk Management

itaveras@libertypowercorp.com

Office: 954-598-7037

Fax: 954-208-0387

Ignacio Taveras has more than ten years of experience in the energy industry and in excess of three years experience directly in the ERCOT market working with the second largest Retail Energy provider in Texas.