1



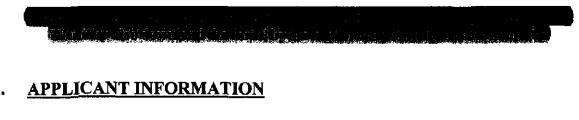
The Public Utilities Commission of Ohio

Date Received	Case Nun	ulier V	ersion
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10-385-EL-AGG

# CERTIFICATION APPLICATION FOR AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-5 Experience). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division; 180 East Broad Street, Columbus, Ohio 43215-3793.



List name, address, telepholic will do business in Ohio  Legal Name Power Management Co. Address 1600 Moseley Rd Victor, NV. Telephone # (586) 249-1360  List all names under which	Web site address (if any) www.powermanagementco.com  hone number and web site address under which Ag	p <b>plic</b> ant
List name, address, telepholic will do business in Ohio  Legal Name Power Management Co. Address 1600 Moseley Rd Victor, NV. Telephone # (586) 249-1360  List all names under which	hone number and web site address under which Ap  Company LLC (14564	p <b>plic</b> ant
will do business in Ohio  Legal Name Power Management C  Address 1600 Moseley Rd Victor, NV  Telephone # (585) 249-1350  List all names under which	Company LLC Y 14564	pplicant
Address 1600 Moseley Rd Victor, NV Telephone # (585) 249-1350  List all names under which	Y 14564	
Telephone #_(585) 249-1360  List all names under which		
List all names under which	Web site address (if any) www.powermanagementco.com	
	ch the applicant does business in North America	2010 MAR
Power Management Company LLC		
Power Management Co., New Engla	and LLC	35
		23
Contact person for regula	ntory or emergency matters	PM
	U	<i>\(\disp\)</i>
Name_Eric Douthit		 ယ

	to certify to and complet	A PARTA	duction.	of a Case	I178
document	delivered	n the I	egular (	course of	Signess
Technic:	ian <u>( ////</u>		Date Pr	cessed	7 5 37 10

	Business address 1600 Moseley Rd V	ictor, NY 14564			
	Telephone # (585) 249-1360		(585) 249-1361		
	E-mail address (if any) edouthit@po	wermgt.com		<del>_</del>	
A-5	Contact person for Commi	ssion Staff us	e in investigati	ng customer (	complaints
	Name Karen Crusoe				
	Title Business Manager				
	Business address 1600 Moseley Rd VI	ctor NY 14564			
			(585) 249-1361		
	Telephone # (585) 249-1360 E-mail address (if any) kcrusoe@	powermgt.com		_	
	D-man address (II any)	<del>,,</del>			
A-6	Applicant's address and tol	l-free numbe	r for customer	service and c	omplaints
	Customer Service address 1600 N	loseley Rd Victor, NY 1	14564		
	Toll-free Telephone # (888) 264-	3698	Fax # (585) 249-1	361	
	Toll-free Telephone # (888) 264- E-mail address (if any) kcrusoe@	powermgt.com	1421 11 (433)213		
			_		
<b>A-7</b>	Applicant's federal employ	er identificati	ion number#_1	61541935	_
A-8	Applicant's form of owners	ship (check or	ne)		
	☐ Sole Proprietorship☐ Limited Liability Partnership☐ Corporation☐	(LLP) D Lin	tnership nited Liability Co er		
A-9	(Check all that apply) Ide which the applicant intends to class that the applicant intended mercantile commercial, and 4928.01 of the Revised Code, is a part of a national account in one or	to provide ser ends to serve, industrial. (A commercial cust	vice, including for example, mercantile custom	identification residential, sruer, as defined in	of each customer nall commercial, (A) (19) of Section
	<ul> <li>□ First Energy</li> <li>□ Ohio Edison</li> <li>□ Toledo Edison</li> <li>□ Cleveland Electric Illuminating</li> <li>□ Cincinnati Gas &amp; Electric</li> <li>□ Monongahela Power</li> <li>□ American Electric Power</li> <li>□ Ohio Power</li> </ul>	Residential Residential Residential Residential Residential Residential	<ul> <li>Commercial</li> <li>Commercial</li> <li>Commercial</li> <li>Commercial</li> <li>Commercial</li> </ul>	Mercantile Mercantile Mercantile Mercantile Mercantile Mercantile	☐ Industrial☐ Ind
	□ Columbus Southern Power	n Residential	<ul> <li>Commercial</li> <li>Commercial</li> </ul>	■ Mercantile	□ Industrial
	Dayton Power and Light	Residential	☑ Commercial	■ Mercantile	□ Industrial
	-,				<del></del>

A-10	Provide the approximate start date that the applicant proposes to begin delivering services
	April 1, 2010

#### PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- A-11 <u>Exhibit A-11 "Principal Officers, Directors & Partners"</u> provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.
- A-12 Exhibit A-12 "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 and companies that aggregate customers in North America.
- A-13 <u>Exhibit A-13 "Company History,"</u> provide a concise description of the applicant's company history and principal business interests.
- A-14 Exhibit A-14 "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-15 <u>Exhibit A-15 "Secretary of State,"</u> provide evidence that the applicant has registered with the Ohio Secretary of the State.

## B. <u>APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE</u>

#### 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 including aggregation 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.

- **B-3** Exhibit B-3 "Summary of Experience," provide a concise summary of the applicant's experience in providing aggregation service(s) including contracting with customers to combine electric load and representing customers in the purchase of retail electric services. (e.g. number and types of customers served, utility service areas, amount of load, etc.).
- B-4 Exhibit B-4 "Disclosure of Liabilities and Investigations," provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- **B-5** Disclose whether the applicant, a predecessor of the applicant, or any principal officer of the applicant have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

If yes, provide a separate attachment labeled as **Exhibit B-5 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

- **B-6** Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service including aggregation service denied, curtailed, suspended, revoked, or cancelled within the past two years.
  - ☑ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation"** detailing such action(s) and providing all relevant documents.

## C. <u>APPLICANT FINANCIAL CAPABILITY AND EXPERIENCE</u>

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- C-1 <u>Exhibit C-1 "Annual Reports,"</u> provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why.
- C-2 <u>Exhibit C-2 "SEC Filings,"</u> provide the most recent 10-K/8-K Filings with the SEC. If applicant does not have such filings, it may submit those of its parent company. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 that the applicant is not required to file with the SEC and why.

- C-3 <u>Exhibit C-3 "Financial Statements,"</u> provide copies of the applicant's two most recent years of audited financial statements (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, it shall file audited or officer certified financial statements covering the life of the business.
- C-4 <u>Exhibit C-4 "Financial Arrangements,"</u> provide copies of the applicant's financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.,).
- C-5 <u>Exhibit C-5 "Forecasted Financial Statements,"</u> provide two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant's CRES operation, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer.
- C-6 Exhibit C-6 "Credit Rating," provide a statement disclosing the applicant's credit rating as reported by two of the following organizations: Duff & Phelps, Dun and Bradstreet Information Services, Fitch IBCA, Moody's Investors Service, Standard & Poors, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant.
- C-7 <u>Exhibit C-7 "Credit Report,"</u> provide a copy of the applicant's credit report from Experion, Dun and Bradstreet or a similar organization.
- C-8 <u>Exhibit C-8 "Bankruptcy Information,"</u> provide a list and description of any reorganizations, protection from creditors or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.

C-9	Exhibit C-9 "Merger Information," provide merger or acquisition of the applicant within application.	<del>-</del> -
	Signature of Applicant & Title	
	Sworn and subscribed before me this day  Month	Much, 2010 Year  Bliss E. Owe N  Print Name and Title
	My commission expires on _	BLISS E. OWEN  Notary Public, State of New York  No. 4516274  Qualified in Monroe County  Commission Expires Sept. 30, 252

# <u>AFFIDAVIT</u>

State of New York:	00
County of Infario:	(Town) ss.
_	uly sworn/affirmed according to law, deposes and says that:
Affiant, being d	uly sworn/affirmed according to law, deposes and says that:  LLC (Name of Applicant)
He/She is the CHULINE VICE HESI COffic	e of Affiant) of Tower way from Company (Name of Applicant)

That he/she is authorized to and does make this affidavit for said Applicant,

- The Applicant herein, attests under penalty of false statement that all statements made in the
  application for certification are true and complete and that it will amend its application while the
  application is pending if any substantial changes occur regarding the information provided in the
  application.
- 2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
- 3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
- 4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
- The Applicant herein, attests that it 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.
- The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
- The Applicant herein, attests that it will comply with all state and/or federal rules and regulations
  concerning consumer protection, the environment, and advertising/promotions.
- 8. The Applicant herein, attests that it 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 herein, attests that it 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, the Applicant herein, attests that 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. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission 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 Saff use in investigating customer complaints.

That the facts above set forth are true and correct 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.

Sworn and subscribed before me this 18

day of March, 2010
Month Year

Signature of official administering oath

BLISS E. OWEN

My commission expires on

BLISS E. OWEN
Notary Public, State of New York
No. 4516274
Qualified in Monroe County
Commission Expires Sept. 30, 200

## Exhibit A-11 "Principal Officers, Directors & Partners"

Power Management Co., LLC

Mr. John L. Burt President 1600 Moseley Road Victor, NY 14564 Telephone: (585) 249-1360

Mr. Eric J. Douthit Executive Vice President 1600 Moseley Road Victor, NY 14564 Telephone: (585) 249-1360

Marketing New England **Business Development** Vice President Sales & Account Manager Manager **Business Manager** Account Manager Exhibit A-12 "Corporate Structure" Power Management Co., LLC **Executive Vice President Business Development** Controller President Director of Engineering **Director of Energy** Account Manager Project Manager Services Account Manager

Manager

### Exhibit A-13 "Company History"

Power Management Co., LLC

Power Management Co., L.L.C. is a privately held Energy Services Company registered in the State of New York and approved as an energy service company by the State Public Service Commission. Founded in November 1997, Power Management has grown into a highly diversified Energy Services provider. The Company's customers include over 10,000 commercial accounts located throughout the continental US. The Company's executive offices are located at 1600 Moseley Road, Victor, New York. Our telephone numbers are (585) 249-1360 or 1 (888) 264-3698. Our corporate website is <a href="https://www.powermgt.com">www.powermgt.com</a>.

Power Management primarily serves as an Energy Consultant specializing in multilocation companies. We can arrange for the purchase energy from a number of different energy suppliers. Power Management provides an objective analysis of various suppliers' commodity rates and contract terms to assure competitive programs for our customers. As an independent agent for various suppliers PMC can provide the following products:

### **Commodity Supply Programs**

Natural Gas

Electricity

Petroleum

Propane

Power Management works with business owners and facility managers to meet energy requirements, control and reduce energy use, and improve facility operations. As more efficient energy conversion technologies and concepts are brought to market, Power Management incorporates these technologies to implement cost effective solutions.

On-Site Generation Service
Lighting Projects
Facility Energy Management Programs & Services
Energy Information Services

State of New York }
Department of State }

Exhibit A-14 "Articles of Incorporation"

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.

Witness my hand and seal of the Department of State on

June 4, 2007



Deputy Secretary of State for Business and Licensing Services

DOS-1266 (Rev. 03/07)

F971121000

ARTICLES OF ORGANIZATION

POWER MANAGEMENT CO., L.L.C.

Under Section 203 of the Limited Liability Company Law

STATE OF STA

VANGUARO.52

FILER:

Rifken, Frankel & Greenman, P.C. 2789 Widewaters Parkway Witt, New York 13214

3

071121.003H

ARTICLES OF ORGANIZATION

OF

71491000

Mig<sub>UAPlot</sub>

POWER MANAGEMENT CO., L.L.C.

Under Section 203 of the Limited Liability Company Law

The undersigned, for the purpose of forming a limited liability company pursuant to Section

203 of the Limited Liability Company Act of the State of New York, does hereby certify and set forth:

TIPST

-

The name of the Limited Liability Company is:

POWER MANAGEMENT CO., L.L.C.

SECOND: The office of the company within the State of New York shall be located at the county of Monroe.

THIRD: The Secretary of State is designated as again of the company upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the company served upon him is:

16 West Main Street Rochester, New York 14614

FOURTH: The limited liability company is to be managed by one (1) or more managers who must be members and own 20% intercreet in the company.

December 31, 2047. IN WITNESS WHERBOF, these Articles of November, 1997, by the undersigned, with affirme that the the penalties of perjury. Fred Larison Organizer



DATE: 09/26/2007

DOCUMENT ID 200726801930

DESCRIPTION REGISTRATION OF FOREIGN LIMITED LIABILITY CO (LFA)

FILING 125.00 EXPED .00 PENALTY

CERT

COPY

### Receipt

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

POWER MANAGEMENT CO., LLC 500 LINDEN OAKS ROCHESTER, NY 14625 Exhibit A-15 "Secretary of State"

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jennifer Brunner

1729324

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

PMC LIGHTSAVERS, LLC (POWER MANAGEMENT CO., LLC)

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

Document(s)

Document No(s):

REGISTRATION OF FOREIGN LIMITED LIABILITY CO

200726801930



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 25th day of September, A.D. 2007.

Ohio Secretary of State

minger (D)

## **Exhibit B-1 "Jurisdictions of Operations"**

Power Management Co., LLC

States Active – Commodity Broker (Gas and Electric)

State	Registered with State
Maryland	Х
Massachusetts	Х
New Jersey	Х
New York	Х
Pennsylvania	Pending

### Exhibit B-2 "Experience & Plans"

Power Management Co., LLC

Power Management's experience and plans for contracting with customers will continue to focus on large, multi-locational clients. We consult with those companies that have the desire to manage their various locations/energy portfolio to meet their corporate guidelines but would prefer to outsource that expertise directly and through third-party sales representatives.

Power Management plans to solicit businesses in Ohio where deregulation has the maximum potential of savings. All suppliers contact will be handled at our corporate office in Rochester and communication with the Ohio clients will be handled by either our corporate or local business representative.

There will be no billing of any commodities directly by Power Management. Power Management will work as a liaison between the customer and supplier to insure customer satisfaction. Each agent will have business cards providing the business agent's contact information as well as Power Management's corporate information allowing customer inquiries and complaints to be handled to their satisfaction. Power Management also maintains a website (<a href="www.powermgt.com">www.powermgt.com</a>) which provides all information regarding the Company and contact information.

### Exhibit B-3 "Summary of Experience"

Power Management Co., LLC

Lead by John Burt (President) and Eric Douthit (Executive Vice President), the existing staff represents over 60 years experience in the energy industry. The majority of the initial experience comes from the petroleum sector. Founded in 1997 Power Management currently has approximately 10,000 supply (gas and electric) commercial/industrial customers and supply relationships with approximately 15-20 vendors. Additionally, we are on contract with nine (9) major companies on an energy consulting basis. Power Management currently has approximately 5,300 electric customers and 4,200 natural gas customers in 13 states including Connecticut, Delaware, Illinois, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Texas. This represents 1,100,000,000 kWh and 5,400,000 dth annually.

## Exhibit B-4 "Disclosure of Liabilities and Investigations"

Power Management Co., LLC

Power Management Co., LLC has no existing, pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matters that could adversely impact the financial or operational status or ability to provide the energy brokerage or energy consulting services that we are requesting to be certified for in the State of Ohio.

# Exhibit C-1 "Annual Reports"

Power Management Co., LLC

As Power Management Co., LLC is a privately held company no "Annual Reports" are required or generated.

## Exhibit C-2 "SEC Filings"

Power Management Co., LLC

As Power Management Co., LLC is a privately held, SEC Filings are not required or filed.

## **Exhibit C-3 "Financial Statements"**

Power Management Co., LLC

Please see the attached 2008 and 2009 officer certified financial statements.

# Profit & Loss

January through December 2009

	Jan - Dec 09
Ordinary Income/Expense	
Income	
4050 · EMS - Gas Commissions	814,256.28
4060 · EMS - Electric Commissions	1,646,605.76
4061 · EMS - Petroleum / Other	13,436.65
4085 · EPS - Lighting Projects	2,931,888.68
4089 · EIS - Energy Management Service	115,307.38
4090 · EIS - Consulting Services	149,500.00
Total Income	5,670,994.75
Cost of Goods Sold	
5000 · Cost of Goods Sold	
5051 · EMS-Natural Gas Contracts	22,473.10
5061 · EMS-Petroleum/Other	10,669.00
5071 · EPS-CoGen Projects-Residential	670.00
5085 · EPS-Lighting Projects-Othe	1.609.173.83
5091 · EIS-Other	518.00
Total 5000 · Cost of Goods Sold	1,643,503.93
10(8) 3000 - C(3) () G0003 C010	1,040,000.00
Total COGS	1,643,503.93
Gross Profit	4,027,490.82
Expense	
6010 · Salaries & Wages	553,169.22
6020 · Health Insurance	125,094.77
6025 · SUTA Expense	1,572.80
6030 · FICA Expense	42,360.21
6035 · Federal Unemployment Tax	560.00
6040 · Outside Sales Fees	980,269.78
6045 · Education & Training	1,565.00
6050 · Guaranteed Payments	1,430,000.00
6100 · Insurance	
6110 · Liability Insurance	5,542.40
6115 · Workers Comp	3,524.27
6120 · Life Insurance	(675.60)
6130 · Auto Insurance	11,459.77
6135 · Insurance - Other	21,981.00
Total 6100 · Insurance	41,831.84
6200 - Professional Fees	
6210 · Professional Fees - Other	69,183.90
6220 · Legal & Accounting Fees	16,650.75
Total 6200 · Professional Fees	85,834.65

# Power Management Co., LLC Profit & Loss

January through December 2009

	Jan - Dec 09
6300 · Rent	66,362.83
6310 · Repairs	240.00
6320 · Telephone	15,655.28
6330 · Office Supplies	6,439.58
6340 · Office Expense	17, <b>510.6</b> 6
6345 - Postage	2,661.92
6350 · Payroll Processing Expenses	1,922.93
6355 · Miscellaneous Expense	169.55
6360 - Bank Service Charges	2,249.16
6365 · Interest Expense	12,989.67
6370 · Contributions	42,057.02
6380 · Dues and Subscriptions	10,373.22
6390 · Finance Charge/Penalties	368.46
6400 · Equipment Leases	8,272.29
6500 · Sales and Marketing	
6510 · Advertising	10,399.64
6520 · Marketing Literature	85.60
6530 · Marketing Services	28,408.26
6540 · Sales/Marketing Awards	211.41
Total 6500 · Sales and Marketing	39,104.91
6550 · Travel and Entertainment	
6555 · Auto Lease	16,774.10
6556 · Lodging	1,729.95
6560 · Travel	33,923.63
6561 · Meals	12,565.93
6565 - Entertainment	12,346.88
Total 6550 · Travel and Entertainment	77,340.47
6700 - Depreciation	
6707 · Depreciation Expense - Auto	29,198.14
6704 · Deprec. Exp - Computers	20,534.88
6705 · Deprec. Expense - Furn & Fixtur	40.01
Total 6700 · Depreciation	49,773.03
Total Expense	3,615,749.25
Net Ordinary Income	411,741.57
Other Income/Expense	
Other Income	
6722 · Interest Income	19,991.43
6723 · Dividend Income	1.91
8000 · Investment - PM NE	78,543.00

5:01 PM 02/17/10 Accrual Basis

# Power Management Co., LLC Profit & Loss

January through December 2009

	Jan - Dec 09
Total Other Income	98,536.34
Other Expense	
9901 · Penalties	60.00
8100 · Income Taxes	50,483.82
Total Other Expense	50,543.82
Net Other Income	47,992.52
Net Income	459,734.09

# Profit & Loss

January through December 2008

	Jan - Dec 08
Ordinary Income/Expense	
Income	
4050 · EMS - Gas Commissions	810,273.45
4060 · EMS - Electric Commissions	1,251,770.34
4061 · EMS - Petroleum / Other	18,068,44
4071 · EPS - Co-Gen ProjResidential	10,975. <b>00</b>
4085 · EPS - Lighting Projects	3,746,701.26
4089 · EIS - Energy Management Service	77,278.94
4090 · EIS - Consulting Services	177,100.00
Total Income	6,092,167.43
Cost of Goods Sold	
5000 - Cost of Goods Sold	
5051 · EMS-Natural Gas Contracts	2,500.00
5061 · EMS-Petroleum/Other	15,583.78
5071 · EPS-CoGen Projects-Residential	16,285.70
5085 · EPS-Lighting Projects-Othe	2,816,355.39
5091 · EIS-Other	5,100.00
Total 5000 · Cost of Goods Sold	2,855,824.87
Total COGS	2,855,824.87
Gross Profit	3,236,342.56
Expense	
6010 · Salaries & Wages	449,287.58
6015 · Company Profit Sharing	49,151.00
6020 · Health Insurance	84,542.04
6025 · SUTA Expense	1,909.47
6030 · FICA Expense	33,330.86
6035 · Federal Unemployment Tax	448.01
6040 · Outside Sales Fees	796,107.97
6045 · Education & Training	975.00
6050 · Guaranteed Payments	1,423,733.00
6100 · Insurance	
6110 · Liability Insurance	294.05
6115 · Workers Comp	1,486.00
6120 - Life Insurance	36,695.13
6130 · Auto Insurance	11,224.46
6135 · Insurance - Other	23,321.02
Total 6100 · Insurance	73,020.66
6200 Professional Fees	
6210 · Professional Fees - Other	11,012.87

## Power Management Co., LLC Exhibit C-3 "Financial Statement" **Profit & Loss**

January through December 2008

CONFIDENTIAL

	Jan - Dec 08
6220 - Legal & Accounting Fees	14,439.00
Total 6200 · Professional Fees	25,451.87
6300 · Rent	65,081.91
6310 · Repairs	120.00
6320 · Telephone	13,916.62
6330 · Office Supplies	8,888.82
6340 · Office Expense	17,057.03
6345 · Postage	1,581.77
6350 · Payroll Processing Expenses	1,639.48
6360 · Bank Service Charges	1,467.03
6365 · Interest Expense	18,730.29
6370 · Contributions	30,448.96
6380 · Dues and Subscriptions	11,082.04
6390 · Finance Charge/Penalties	358.90
6400 · Equipment Leases	6,418.24
6450 · Fed / State Taxes	19,239.00
6500 · Sales and Marketing	
6510 · Advertising	8,812.41
6520 · Marketing Literature	1,202.75
6530 · Marketing Services	25,139.75
6540 · Sales/Marketing Awards	4,251.62
Total 6500 · Sales and Marketing	39,406.53
CSSO. Travel and Entertainment	
6550 · Travel and Entertainment	00.040.04
6565 · Auto Lease	29,243.81
8556 - Lodging	2,239.33
6560 · Travel	29,001.00
6561 · Meals	12,813.54
6565 · Entertainment	13,307.85
Total 6550 · Travel and Entertainment	86,605.53
6700 · Depreciation	
6703 · Depreciation Exp - Equip	0.00
6704 · Deprec. Exp - Computers	0.00
6705 · Deprec. Expense - Furn & Fixtur	776.62
6706 · Depreciation P & E Other	33,466.00
Total 6700 · Depreclation	34,242.62
6720 · Other Expenses	4,576.71
Total Expense	3,298,818.94
· Same may see	7,200,010.07
Net Ordinary Income	(62,476.38)

5:01 PM 02/17/10 Accrual Basis

# Power Management Co., LLC Profit & Loss

January through December 2008

	Jan - Dec 08
Other Income	
6722 · Interest Income	13,063.83
6723 - Dividend income	49.47
8000 · Investment - PM NE	55,871.00
Total Other Income	68,984.30
Other Expense	
9901 · Penalties	126.00
Total Other Expense	126.00
Net Other Income	68,858.30
Net Income	6,381.92

## Exhibit C-4 "Financial Arrangements"

Power Management Co., LLC

Power Management Co., LLC currently does not have financial arrangements (e.g. guarantees, bank commitments, contractual arrangements or credit agreements).

## **Exhibit C-5 "Forecasted Financial Statements"**

Power Management Co., LLC

Power Management Co., LLC currently does not have two years of forecasted financial statements. Should more information be required, please contact either John L. Burt, President, or Eric J. Douthit, Executive Vice President at 585-249-1360.

## Exhibit C-6 "Credit Rating"

Power Management Co., LLC

Please see attached credit rating/report from Dun & Bradstreet.

# Exhibit C-7 "Credit Report"

Power Management Co., LLC

Please see attached credit rating/report from Dun & Bradstreet.

# Exhibits C-6/C-7 Credit Rating-Credit Report



## Comprehensive Report

To save report(s) to your PC, click here for instructions

Print this Report

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ATTN Mike M/dc

Report Printed MAY 19 2009

### **Overview**

**BUSINESS SUMMARY** 

POWER MANAGEMENT CO., L.L.C. 500 Linden Oaks Rochester, NY 14625

D&B D-U-N-S Number:

04-525-9459

### Now Included with this Report

NEWI

D&B's Credit Limit Recommendation

How much credit should you extend?

Learn More

**View Now** 

**Payment Trends Profile** 

Payment trends and industry benchmarks

**Jump to Payment Trends** 

#### **Rating Change**

This is a headquarters location Branch(es) or division(s) exist

Telephone:

585 325-5050

Manager:

JOHN BURT, MEMBER

Year started:

1997

Employs:

22 (7 here)

History:

CLEAR

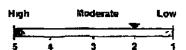
Financing: SIC:

**SECURED** 8748

Line of business: Business consulting services

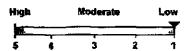
#### Credit Score Class: 2

Moderate risk of severe payment delinquency over next 12 months



### Financial Stress Class: 1

Low risk of severe financial stress over the next 12 months



#### 12-Month D&B PAYDEX®: 77

When weighted by dollar amount, payments to suppliers average 5 days beyond terms



D&B Rating:

**1R3** Formerly 1R2

Number of employees:

1R is 10 or more

employees

Composite credit appraisat:

3 is fair



1

#### **EXECUTIVE SUMMARY**

The Financial Stress Class of 1 for this company shows that firms with this classification had a failure rate of 1 2% (120 per 10,000), which is lower than the average of businesses in D&B's database

The Credit Score class of 2 for this company shows that 4 6% of firms with this classification paid one or more bills severely delinquent, which is lower than the average of businesses in D&B's database

Predictive Scores	This Business	Comments
Financial Stress Class	1	Failure Rate lower than the average of businesses in D&B's database
Financial Stress Score	1430	Highest Risk 1,001, Lowest Risk 1,875
Credit Score Class	2	Probability of Severely Delinquent Payment is lower than the average of businesses in D&B's database
Credit Score	522	Highest Risk 101, Lowest Risk 670
Other Key Indicators		
PAYDEX Scores	5 days beyond terms	Pays more slowly than the average for its industry of 3 days beyond terms
Industry Median	3 days beyond terms	
Present management control	12 years	
UCC Filings	UCC filing(s) are reported for this	business
Public Filings	No record of open Suit(s), Lien(s)	, or Judgment(s) in the D&B database
Financing	Is secured	
History	Is clear	

#### **CREDIT CAPACITY SUMMARY**

D&B Rating:

Number of employees:

1R indicates 10 or more employees

Composite credit appraisal: 3 is fair

The 1R and 2R ratings categories reflect company size based on the total number of employees for the business They are assigned to business files that do not contain a current financial statement. In 1R and 2R Ratings, the 2, 3, or 4 creditworthiness indicator is based on analysis by D&B of public filings, trade payments, business age and other important factors 2 is the highest Composite Credit Appraisal a company not supplying D&B with current financial information can receive. For more information, see the D&B Rating Key.

# of Employees Total:

22 (7 here)

Payment Activity:

(based on 13 experiences)

Average High Credit: \$9,145 **Highest Credit:** \$45,000 Total Highest Credit: \$100,650

Jump to:

Overview | Payments | Public Filings | History & Operations | Banking & Finance

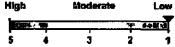
## Scores PERCLUSIVE

1

#### **FINANCIAL STRESS SUMMARY**

The Financial Stress Summary Model predicts the likelihood of a firm ceasing business without paying all creditors in full, or reorganization or obtaining relief from creditors under state/federal law over the next 12 months. Scores were calculated using a statistically valid model derived from D&B's extensive data files.

Financial Stress Class: 1



Low risk of severe financial stress, such as a bankruptcy, over the next 12 months

#### **Incidence of Financial Stress**

Among Businesses with this Class 1 20% (120 per 10,000) Average of Businesses in D&B's Database 2 60% (260 per 10,000)

Financial Stress National Percentile: 79 (Highest Risk 1, Lowest Risk 100)

Financial Stress Score: 1430 (Highest Risk 1,001, Lowest Risk 1,875)

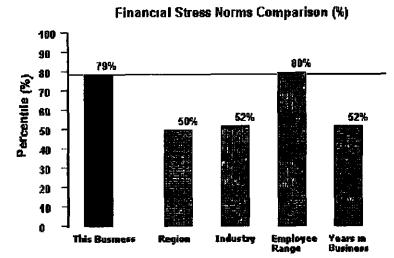
The Financial Stress Score of this business is based on the following factors

- No record of open suit(s), lien(s), or judgment(s) in the D&B files
- Control age or date entered in D&B files indicates higher risk
- 11% of trade dollars indicate slow payment(s) are present

#### Notes:

- The Financial Stress Class indicates that this firm shares some of the same business and financial characteristics of other companies with this classification. It does not mean the firm will necessarily experience financial stress.
- The Incidence of Financial Stress shows the percentage of firms in a given Class that discontinued operations
  with loss to creditors. The Average Incidence of Financial Stress is based on businesses in D&B's database
  and is provided for comparative purposes.
- The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&B's file
- The Financial Stress Score offers a more precise measure of the level of risk than the Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.
- All Financial Stress Class, Percentile, Score and Incidence statistics are based on sample data from 2004

Norms	National %
This Business	79
Region MIDDLE ATLANTIC	50
Industry BUSINESS, LEGAL AND ENGINEERING SERVICES	5 <sub>52</sub>
Employee Range 20-99	80



Years in Business

52

Region=MIDDLE ATLANTIC Industry=BUSINESS, LEGAL AND ENGINEERING SERVICES Employee Range=20-99 Years in Business=11-25

This business has a Financial Stress Percentile that shows

- Lower risk than other companies in the same region
- Lower risk than other companies in the same industry
- Higher risk than other companies in the same employee size range
- · Lower risk than other companies with a comparable number of years in business

#### **CREDIT SCORE CLASS SUMMARY**

The Credit Score Class predicts the likelihood of a firm paying in a severely delinquent manner (90+ Days Past Terms) over the next twelve months. It was calculated using statistically valid models and the most recent payment information in D&B's files.

Credit Score Class: 2

Moderate risk of severe payment delinquency over next 12 months

#### **Incidence of Delinquent Payment**

Among Companies with this Class 4 60% Average Compared to Businesses in D&B's Database 20 10%

Credit Score Percentile: 83 (Highest Risk 1, Lowest Risk 100)

Credit Score: 522 (Highest Risk 101, Lowest Risk 670)

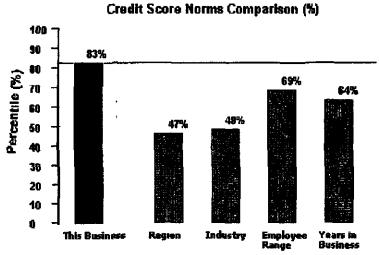
The Credit Score of this business is based on the following factors

No record of open suit(s), lien(s), or judgment(s) in the D&B files

#### Notes:

 The Credit Score Class indicates that this firm shares some of the same business and payment characteristics of other companies with this classification. It does not mean the firm will necessarily experience delinquency

- The Incidence of Delinquent Payment is the percentage of companies with this classification that were reported 90 days past due or more by creditors. The calculation of this value is based on an inquiry weighted sample.
- The Percentile ranks this firm relative to other businesses For example, a firm in the 80th percentile has a
  lower risk of paying in a severely delinquent manner than 79% of all scorable companies in D&B's files
- The Credit Score offers a more precise measure of the level of risk than the Class and Percentile. It is
  especially helpful to customers using a scorecard approach to determining overall business performance.
- All Credit Class, Percentile, Score and Incidence statistics are based on sample data from 2004



Norms	National %
This Business	83
Region MIDDLE ATLANTIC	47
Industry BUSINESS, LEGAL AND ENGINEERING SERVICES	49
Employee Range 20-99	69
Years in Business 11-25	64

Banking & Finance

Region=MIDDLE ATLANTIC Industry=BUSINESS, LEGAL AND ENGINEERING SERVICES Employee Range=26-99 Years in Business=11-25

This business has a Credit Score Percentile that shows

- · Lower risk than other companies in the same region
- Lower risk than other companies in the same industry
- · Lower risk than other companies in the same employee size range
- Lower risk than other companies with a comparable number of years in business

**Public Filings** 

Overview	Scores
Payments	PERCLUSIVE
PAYMENT TRENC	os

Jump to:

Total Payment Experiences in D&B's File:	13	Current PAYDEX is: 77	equal to 5 days beyond terms
Payments Within Terms: (not dollar weighted)	92%	Industry Median is: 78	equal to 3 days beyond terms
Total Placed For Collection:	0	Payment Trend currently is:	unchanged, compared to
Average Highest Credit	\$9,145		payments three months ago
Largest High Credit:	\$45,000	Indications of slowness can be the re merchandise, skipped invoices, etc. placed for collection even though the	Accounts are sometimes

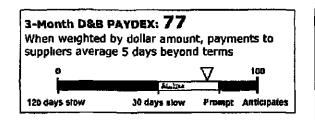
**History & Operations** 

Highest Now Owing:	\$40,000	the debt is disputed
Highest Past Due:	<b>\$0</b>	

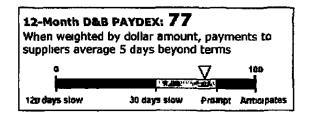
#### **PAYDEX Scores**

Shows the D&B PAYDEX scores as calculated on the most recent 3 months and 12 months of payment experiences

The D&B PAYDEX is a unique, dollar weighted indicator of payment performance based on up to payment expenences as reported to D&B by trade references. A detailed explanation of how to read and interpret PAYDEX scores can be found at the end of this report.



Based on payments collected over last 3 months



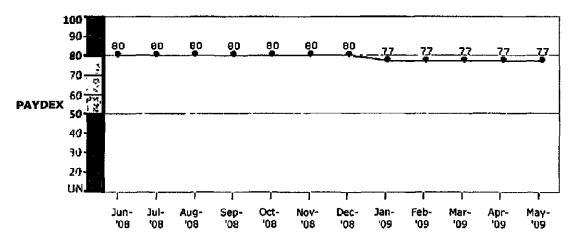
Based on payments collected over last 12 months

#### **PAYDEX Yearly Trend**

#### 12 Month PAYDEX Scores Comparison to Industry

	6/08	7/08	8/08	9/08	10/08	11/08	12/08	1/09	2/09	3/09	4/09	5/09
This Business	80	80	80	80	80	80	80	77	77	77	77	77
<b>Industry Quart</b>	iles											
Upper	80			80			80		1	80		Ī
Median	78			78			78			78		
Lower	70			70			70			70		

Shows the trend in D&B PAYDEX scoring over the past 12 months



**Last 12 Months** 

Based on payments collected over the last 12 months

- Current PAYDEX for this Business is 77, or equal to 5 days beyond terms
- The 12-month high is 80, or equal to generally within terms
- The 12-month low is 77, or equal to 5 days beyond terms

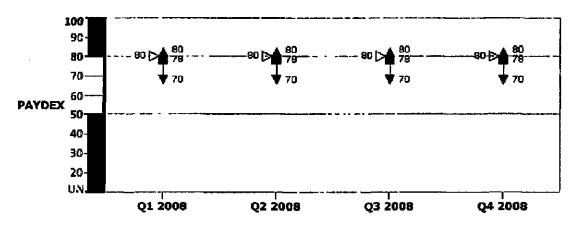
#### **PAYDEX Comparison to Industry**

Shows PAYDEX scores of this Business compared to the Primary Industry from each of the last four quarters. The Primary Industry is Business consulting services, based on SIC code 8748.

#### **Quarterly PAYDEX Scores Comparison to Industry**

Previous Year				
	3/07	6/07	9/07	12/07
This Business	UN	80	80	80
Industry Quartil	<del>es</del>			
Upper	80	80	80	80
Median	78	78	78	78
Lower	70	70	70	70

Current Year	3/0B	6/08	9/08	12/08
This Business	80	80	80	80
Industry Quartiles	i			
Upper	80	80	80	80
Median	78	78	78	78
Lower	70	70_	70	70



**Last 12 Months** 

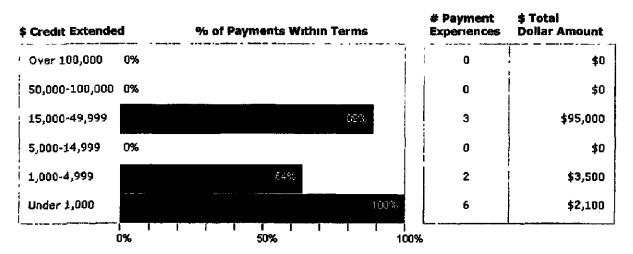
Based on payments collected over the last 4 quarters

Score Comparison Key:	> This Business	▲ Industry upper quartile
		Industry median
		▼ Industry lower quartile

- Current PAYDEX for this Business is 77, or equal to 5 days beyond terms
- The present industry median score is 78, or equal to 3 days beyond terms
- Industry upper quartile represents the performance of the payers in the 75th percentile
- Industry lower quartile represents the performance of the payers in the 25th percentile

#### **Payment Habits**

For all payment experiences within a given amount of credit extended, shows the percent that this Business paid within terms. Provides number of experiences used to calculate the percentage, and the total dollar value of the credit extended.



Based on payments collected over the last 12 months

Payment experiences reflect how bills are met in relation to the terms granted. In some instances, payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc.

#### **PAYMENT SUMMARY**

The Payment Summary section reflects payment information in D&B's file as of the date of this report

There are 13 payment experiences in D&B's file for the most recent 12 months, with 10 experiences reported during the last three month period

Below is an overview of the company's dollar-weighted payments, segmented by its suppliers' primary industries

	Total Rcv'd (#)		Largest High Credit (\$)	Within Terms (%)		Days S 1-60 6 (%	1-90	<del>9</del> 0>
Top industries:								
Natni commercial bank	2	75,000	45,000	100	0	0	0	0
Whol electrical equip	2	20,500	20,000	51	49	0	0	0
Misc business credit	2	750	500	100	0	0	0	0
Mfg photograph equip	1	2,500	2,500	50	50	0	0	0
Misc equipment rental	1	1,000	1,000	100	0	0	0	0
Misc business service	1	500	500	100	0	0	0	0
Photocopying service	1	250	250	100	0	0	0	0
Short-trm busn credit	1	100	100	100	O	0	0	0
Radiotelephone commun	1	0	o	0	0	0	0	0
Other payment categories	s:			•	·			
Cash experiences	1	50	50					
Payment record unknown	0	0	· O					
Unfavorable comments	0	0	O					
Placed for collections:								
With D&B	0	. 0	0					
Other	, 0	N/A	0 •					

Total in D&B's file

13

45,000

The highest Now Owes on file is \$40,000 The highest Past Due on file is \$0

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed Indications of slowness can be result of dispute over merchandise, skipped invoices, etc

#### **PAYMENT DETAILS**

#### **Detailed payment history**

Date Reported (mm/yy)	Paying Record	High Credit (\$)	Now Owes (\$)	Past Due (\$)	Selling Terms	Last Sale Within (months)
04/09	Ppt	45,000	40,000	0		
	Ppt	30,000	25,000	0		
	Ppt	500	500	0		1 mo
	Ppt	500	500	0	Lease Agreemnt	1 mo
	Ppt-Slow 30	20,000	0	0		2-3 mos
	Ppt-Slow 30	2,500	50			2-3 mos
03/09	Ppt	1,000	250	}	Lease Agreemnt	}
	Ppt	500	0	0	N30	2-3 mos
	Ppt	250	250			1 mo
	Ppt	100	100	0		1 mo
02/09	Ppt	<u> </u>	250	0		1 mo
08/08	(012)	50			Cash account	1 mo
01/08	Ppt	0	0	0		1 ma

Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported

Jump to:

Overview | Scores

<u>Payments</u>

| History & Operations |

Banking & Finance

## **Public Filings**

#### **PUBLIC FILINGS**

The following data includes both open and closed filings found in D&B's database on the subject company

Record Type	# of Records	Most Recent Filing Date
Bankruptcy Proceedings	0	•
Judgments	0	-
Liens	0	•
Suits	0	_
UCC's	3	10/07/2004

The following Public Filing data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

**UCC FILINGS** 

Collateral: Type: All Assets Original Sec. party:

MANUFACTURERS AND TRADERS TRUST COMPANY, BUFFALO, NY

Debtor:

POWER MANAGEMENT CO, LLC

Filing number:

0410075845137

Filed with:

SECRETARY OF STATE/UCC DIVISION, ALBANY, NY

Date filed: Latest Info Received: 10/07/2004 10/13/2004

Collateral:

Leased Computer equipment - Leased Fixtures

Type:

Onginal

Sec. party:

SAVINGS BANK OF THE FINGER LAKES, GENEVA, NY

Debtor:

POWER MANAGEMENT CO, LLC

Filing number: Filed with:

02250411

Date filed:

SECRETARY OF STATE/UCC DIVISION, ALBANY, NY

11/05/2002

Latest Info Received:

09/23/2004

Collateral:

Leased Fixtures - Leased Communications equipment

Type:

Sec. party: Debtor:

SAVINGS BANK OF THE FINGER LAKES, GENEVA, NY

POWER MANAGEMENT CO, LLC

Filing number:

02149427

Filed with:

SECRETARY OF STATE/UCC DIVISION, ALBANY, NY

Date filed:

06/26/2002

Latest Info Received:

07/29/2002

The public record items contained in this report may have been paid, terminated, vacated or released prior to the date this report was printed

#### **GOVERNMENT ACTIVITY**

**Activity summary** 

Borrower (Dir/Guar) NO Administrative debt. NO Contractor NO Grantee NO Party excluded from federal program(s) NO

Possible candidate for socio-economic program consideration

Labor surplus area

Small Business

YES (2009)

8(A) firm

N/A

The details provided in the Government Activity section are as reported to Dun & Bradstreet by the federal government and other sources

Jump to:

Overvi<u>ew</u>

**Scores** 

**Payments** 

**Public Filings** 

Banking & Finance

## **History & Operations**

1

#### **HISTORY**

The following information was reported 02/21/2009

Officer(s):

JOHN BURT, MEMBER

ERIC DOUTHIT, MEMBER

DIRECTOR(S):

THE OFFICER(S)

The New York Secretary of State's business registrations file showed that Power Management CO , L L C was registered as a Limited Liability Company on November 21, 1997

Ownership information provided verbally by Karen Crusoe, Office Manager, on Oct 23 2008

Business started 1997

JOHN BURT Antecedents are undetermined

ERIC DOUTHIT Antecedents are undetermined

Power Management New England, Plymouth, MA Operates as energy consultant

#### CORPORATE FAMILY

For more details on the Corporate Family, view the interactive global family tree

Branches (US):

Select companies below to buy Business Information Report(s)

Power Management Co LLC

Atlanta, GA

DUNS # 03-424-8703

#### **OPERATIONS**

02/21/2009

Description: Operates as a provider of business consulting services, specializing in energy conservation (100%)

Terms are Net 15 days. Sells to manufacturers, wholesalers, retailers and commercial concerns

Territory United States

Nonseasonal

Employees: 22 7 employed here

Facilities: Rents premises in on 5th floor of a three story brick building

Location: Suburban business section on side street

Branches: Maintains a branch location in Atlanta, GA

#### SIC & NAICS

SIC:

Based on information in our file, D&B has assigned this company an extended 8-digit SIC D&B's use of 8-digit SICs enables us to be more specific to a company's operations than if we use the standard 4-digit code

The 4-digit SIC numbers link to the description on the Occupational Safety & Health Administration (OSHA) Web site Links open in a new browser window

87489904

Energy conservation consultant

NAICS:

541690 Other Scientific and Technical Consulting Services

Jump to:

Overview | Scores | Payments | Public Filings | History & Operations

## **Banking & Finance**

BANKING

09/08

Account maintained

#### **KEY BUSINESS RATIOS**

D&B has been unable to obtain sufficient financial information from this company to calculate business ratios. Our check of additional outside sources also found no information available on its financial performance. To help you in this instance, ratios for other firms in the same industry are provided below to support your analysis of this business.

Based on this number of establishments: 12

#### Industry Norms based on 12 establishments

	This Business	Industry Median	Industry Quartile
Profitability			
Return on Sales	UN	5 2	UN
Return on Net Worth	UN	16 5	UN
Short-Term Solvency			
Current Ratio	UN	27	UN
Quick Ratio	UN	2 4	UN
Efficiency			
Assets Sales	UN	46 2	UN
Sales / Net Working Capital	UN	3 6	UN
Utilization		,	
Total Liabs / Net Worth	UN	91 7	UN

UN = Unavailable

**FINANCE** 

02/21/2009

On OCT 23 2008 Karen Crusoe, Office Manager, deferred financial information

#### **CUSTOMER SERVICE**

If you have questions about this report, please call our Customer Resource Center at 1 800 234 3867 from anywhere within the U.S. If you are outside the U.S. contact your local D&B office

\*\*\* Additional Decision Support Available \*\*\*

Additional D&B products, monitoring services and specialized investigations are available to help you evaluate this company or its industry. Call Dun & Bradstreet's Customer Resource Center at 1 800 234 3867 from anywhere within the U.S. or visit our website at www.dnb.com

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## Exhibit C-8 "Bankruptcy Information"

Power Management Co., LLC

There have been no reorganizations, protection from creditors or any other form of bankruptcy filings made by Power Management Co., LLC that would guarantee the obligations of Power Management Co., LLC or its officers in the current year or any time period of the company.