



The Public Utilities Commission of Ohio

Original CRS Case Number	Version
06 - 1387 -EL-CRS	August 2004

RENEWAL APPLICATION FOR RETAIL GENERATION PROVIDERS AND POWER MARKETERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-11 Corporate Structure). 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.

**This PDF form is designed so that you may input information directly onto the form.
You may also download the form, by saving it to your local disk, for later use.**

A. RENEWAL INFORMATION

A-1 Applicant intends to be renewed as: (check all that apply)

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Retail Generation Provider | <input type="checkbox"/> Power Broker |
| <input checked="" type="checkbox"/> Power Marketer | <input type="checkbox"/> Aggregator |

A-2 Applicant's legal name, address, telephone number, PUCO certificate number, and web site address

Legal Name Liberty Power Delaware, LLC
Address 1901 West Cypress Creek Rd., Suite 600, Fort Lauderdale, Florida 33309
PUCO Certificate # and Date Certified 07-136(1) effective February 07, 2007
Telephone # (866) 769-3799 Web site address (if any) www.libertypowercorp.com

A-3 List name, address, telephone number and web site address under which Applicant does business in Ohio

Legal Name Liberty Power Delaware, LLC
Address 1901 West Cypress Creek Rd., Suite 600, Fort Lauderdale, FL 33309
Telephone # (866) 769-3799 Web site address (if any) www.libertypowercorp.com

A-4 List all names under which the applicant does business in North America

None _____

A-5 Contact person for regulatory or emergency matters

Name Alrine Williams
Title Counsel
Business address 1901 W. Cypress Creek Rd., Ste 600, Fort Lauderdale, FL 33309
Telephone # (954) 267-5422 Fax # (954) 252-4177
E-mail address (if any) awilliams@libertypowercorp.com

A-6 Contact person for Commission Staff use in investigating customer complaints

Name Oyebimpe Oyewale
Title Regulatory Compliance Analyst
Business address 1901 W. Cypress Creek Rd., Ste 600, Fort Lauderdale, FL 33309
Telephone # (954) 958-5302 Fax # (954) 252-4177
E-mail address (if any) ooyewale@libertypowercorp.com

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

Customer Service address 1901 W. Cypress Creek Rd., Ste 600, Ft Lauderdale, FL :
Toll-free Telephone # (866) 759-3799 Fax # (877) 772-2354
E-mail address (if any) customercare@libertypowercorp.c

A-8 Applicant's federal employer identification number # 71-1009769

A-9 Applicant's form of ownership (check one)

<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership
<input type="checkbox"/> Limited Liability Partnership (LLP)	<input checked="" type="checkbox"/> Limited Liability Company (LLC)
<input type="checkbox"/> Corporation	<input type="checkbox"/> Other _____

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

A-10 Exhibit A-10 "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-11 Exhibit A-11 "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.

B. 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.
- B-3** **Exhibit B-3 "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-4** 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.
☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-4 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

- B-5** Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service denied, curtailed, suspended, revoked, or cancelled within the past two years.
☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-5 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation"** detailing such action(s) and providing all relevant documents.

C. FINANCIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- C-1** **Exhibit C-1 "Annual Reports,"** 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 **Exhibit C-2 “SEC Filings,”** 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 **Exhibit C-3 “Financial Statements,”** 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 **Exhibit C-4 “Financial Arrangements,”** 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 **Exhibit C-5 “Forecasted Financial Statements,”** 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, e-mail 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 **Exhibit C-7 “Credit Report,”** provide a copy of the applicant’s credit report from Experian, Dun and Bradstreet or a similar organization.
- C-8 **Exhibit C-8 “Bankruptcy Information,”** 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 a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.

D. TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- D-1 Exhibit D-1 "Operations" provide a written description of the operational nature of the applicant's business. Please include whether the applicant's operations include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services as well as other services used to arrange for the purchase and delivery of electricity to retail customers.
- D-2 Exhibit D-2 "Operations Expertise," given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations.
- D-3 Exhibit D-3 "Key Technical Personnel," provide the names, titles, e-mail addresses, telephone numbers, and the background of key personnel involved in the operational aspects of the applicant's business.
- D-4 Exhibit D-4 "FERC Power Marketer License Number," provide a statement disclosing the applicant's FERC Power Marketer License number. (Power Marketers only)

Alberta Reed

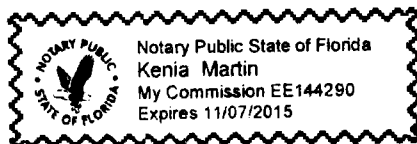
Signature of Applicant and Title

Sworn and subscribed before me this 24th day of January, 2013
Month Year

Kenia Martin
Signature of official administering oath

KENIA MARTIN-Notary
Print Name and Title

My commission expires on 11/07/2015



AFFIDAVIT

State of FLORIDA :

FT. LAUDERDALE ss.
(Town)

County of BROWARD :

ALBERT DANCE, Affiant, being duly sworn/affirmed according to law, deposes and says that:

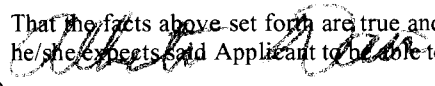
He/She is the PRESIDENT (Office of Affiant) of LIBERTY POWER DELAWARE, LLC (Name of Applicant);

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

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal 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.
5. 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.
6. 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.
7. 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.
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 renewal 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 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.


Signature of Affiant & Title

Sworn and subscribed before me this 24th day of January, 2013
Month Year


Signature of official administering oath

ALBERTO DAIRE, PRESIDENT
Print Name and Title

My commission expires on 11/07/2015

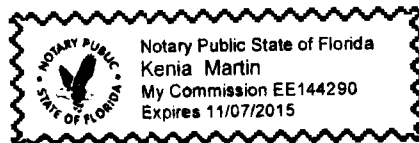


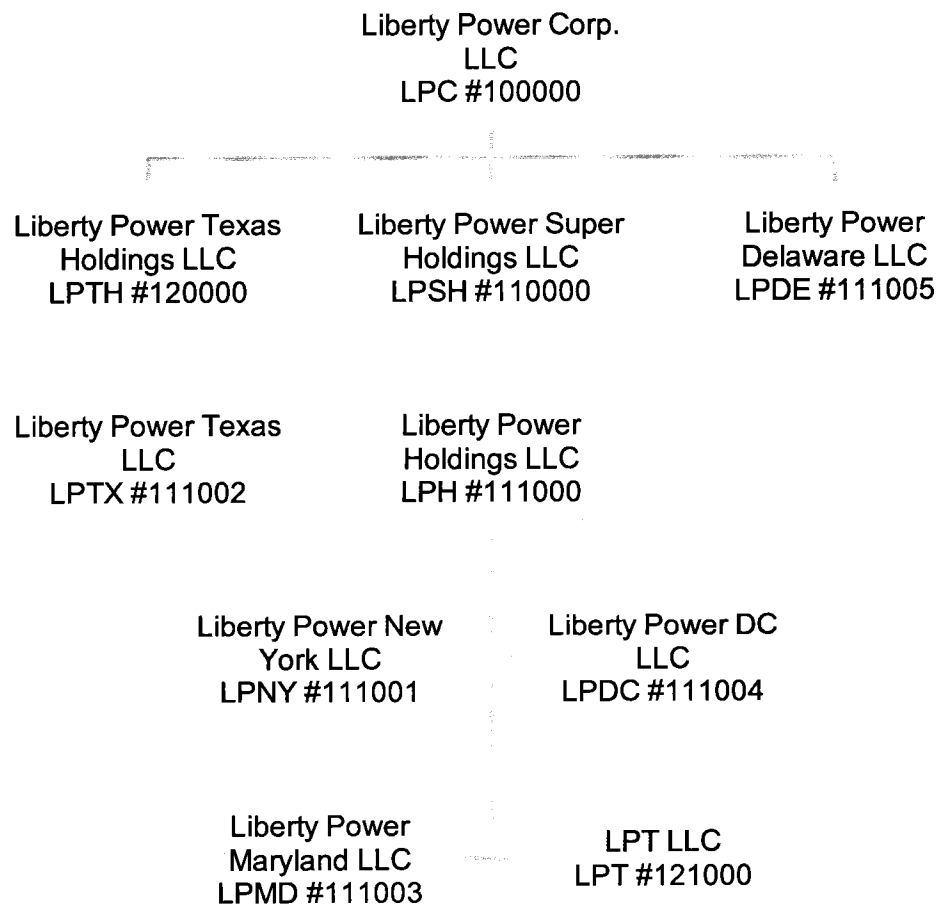
EXHIBIT A-10

Principal Officers, Directors & Partners

Name	Title	Phone	Address
David Hernandez	CEO - Partner	954 771 1463 x 107	1901 W Cypress Creek Rd Suite 600 Fort Lauderdale, FL 33309
Alberto Daire	COO - Partner	954 771 1463 x 103	1901 W Cypress Creek Rd Suite 600 Fort Lauderdale, FL 33309
Eliezer Hernandez	CRO - Partner	954 771 1463 x 170	1901 W Cypress Creek Rd Suite 600 Fort Lauderdale, FL 33309

Exhibit A-11

Liberty Power Corp LLC Organizational Structure As of 01/01/2010



Empowering American Business



LibertyPower

EXHIBIT B-1

Jurisdictions of Operation

State	Issuer	LPD	
		License #	Date Granted
CA	Public Utilities Commission	1371	6/28/2007
CT	Department of Public Utility Control	06-12-06	2/16/2007
DC	Public Service Commission	none	none
DE	Public Service Commission	7150	4/4/2007
IL	Commerce Commission	none	none
ME	Public Utilities Commission	2006-683	1/30/2007
MD	Public Service Commission	IR-962	3/7/2007
MA	Department of Telecommunications and Energy	CS-058	4/10/2007
MI	Public Service Commission	U-15140	4/24/2007
NJ	Board of Public Utilities	EE06110826L	2/7/2007
NY	Department of Public Service	n/a	12/13/2006
OH	Public Utilities Commission	07-136(1)	2/16/2007
PA	Public Utility Commission	A-110174	4/11/2008
RI	Division of Public Utilities and Carriers	D-96-6 (H3)	3/6/2006
TX	Public Utility Commission	33509	11/17/2006
VA	State Corporation Commission	PUE-2006-00123	4/10/2007

EXHIBIT B-2

Experience & Plans

Liberty Power Delaware LLC does not serve load in Ohio. In the event Liberty Power Delaware were to provide service in Ohio, it would be managed in accordance with the other Liberty Power entities, as referenced below.

Liberty Power has been selling electricity in U.S. deregulated markets since 2002. Customers are acquired through telemarketing, energy broker relationships and direct sales. Liberty Power's contracted Sales Channels phone or visit prospective small/medium-sized business customers; company representatives contact large commercial/industrial and public sector prospects. Liberty Power's contracted Sales Channels also conduct residential sales in certain markets through door-to-door visits and phone calls. If the authorized person accepts the rate and terms presented, 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. The customer has a rescission period from the date of receipt of the letter. (The number of days varies based on regulatory requirements)

Billing is managed through an internal proprietary system as well as a contracted Third-Party billing partner. Liberty Power utilizes Utility Consolidated Billing as available; if dual or direct billing is required, Liberty Power has a Third-Party billing partner.

All inquiries can be directed to the Liberty Power in-house Customer Care team via toll-free phone, fax or email. This team, as well as new representatives, receives initial entry and on-going training to ensure a high level of industry and regulatory knowledge and attention to meeting customer needs. Customer Care tracking metrics are regularly assessed by management to ensure compliance with expected customer service levels.

Liberty Power also maintains a Quality Assurance team that monitors Sales Channel calls and visits, verifies Third-Party Verbal Verifications and manages any escalation in complaints. It is our policy to pro-actively manage all customer services to significantly reduce the possibility of complaints and to handle every customer concern seriously. Reporting from this team is also reviewed by management.

Exhibit B-3

Disclosure of Liabilities and Investigations

Liberty Power Delaware LLC has neither pending nor past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact our financial or operation status or ability to provide services to our customers.

EXHIBIT B-4

Liberty Power Delaware LLC, nor a predecessor of Liberty Power, nor any principal officers of Liberty Power, have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

EXHIBIT C-1

Annual Reports

Liberty Power Delaware LLC is an independent, privately-held company. As such, the company is not required to and does not create “Annual Reports” or similar information at this time.

EXHIBIT C-2

SEC filings

Liberty Power Delaware LLC is an independent, privately-held company. As such, the company is not required to submit 10-K/8-K SEC filings.

EXHIBIT C-3

Financial Statements

This Exhibit contains confidential information and is being submitted under seal.

EXHIBIT C-4

Financial Arrangements

This Exhibit contains confidential information and is being submitted under seal.

EXHIBIT C-5

Forecasted Financial Statements

This Exhibit contains confidential information and is being submitted under seal.

EXHIBIT C-6

Credit Rating

Liberty Power Delaware LLC is an independent, privately-held company. As such, Liberty Power Delaware LLC does not have a credit rating, nor does its parent or affiliates which are also privately-held.

EXHIBIT C-7

Credit Report

Please find enclosed a copy of Liberty Power Delaware LLC's most recent credit report.



Printed By: Milena Mitova

Date Printed: January 24, 2013

Live Report : LIBERTY POWER DELAWARE LLC

D-U-N-S® Number: 62-511-1021

Trade Names: (SUBSIDIARY OF LIBERTY POWER CORP, L.L.C., FORT LAUDERDALE, FL)

Endorsement/Billing Reference: mmitova@libertypowercorp.com

D&B Address

Address 1901 W Cypress Creek Rd
Ste 501
Fort Lauderdale, FL -
33309

Phone 954 489-7148

Fax

Location Type Single (Subsidiary)

Web

Added to Portfolio: 05/24/2010

Last View Date: 04/18/2012

Endorsement : mmitova@libertypowercorp.com

Company Summary

Currency: Shown in USD unless otherwise indicated

Score Bar

Commercial Credit Score	395
Credit Limit - D&B Conservative	35,000.00
Credit Limit - D&B Aggressive	90,000.00
Commercial Credit Score Class	4
High Credit Average	-
Financial Stress Class	3
Out of Business Indicated	N
Financial Stress Score Percentile	36
Bankruptcy Found	N
PAYDEX®	NA

Public Filings

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

Record Type	Number of Records	Most Recent Filing Date
Bankruptcies	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	4	12/28/10

The public record items contained herein may have been paid, terminated, vacated or released prior to today's date.

D&B Company Overview

This is a single (subsidiary) location

Manager	DAVID HERNANDEZ, MEMBER
Year Started	2006
Employees	65
SIC	4925
Line of business	Gas production/ distribution
NAICS	221210
History Status	CLEAR

Financial Stress Score Class

Financial Stress Score Class: 3

Lowest Risk: 1; Highest Risk : 5

Company News

Today: Thursday, January 24, 2013

This company is not currently tracked for Company News.

Commercial Credit Score Class

Powered by FirstRain

Commercial Credit Score Class: 4

Lowest Risk:1;Highest Risk :5

Detailed Trade Risk Insight™

Corporate Linkage

This is a **Single (Subsidiary)** location

LIBERTY POWER DELAWARE LLC
Fort Lauderdale , FL
D-U-N-S® Number 62-511-1021

The Parent Company is
LIBERTY POWER CORP, L.L.C.
Florida
D-U-N-S® Number 11-236-1204

Days Beyond Terms Past 3 Months

There is not sufficient reporting trading activity to generate 3 months Days Beyond Terms (a minimum of 3 trade experiences from at least 2 suppliers

Recent Derogatory Events

	Aug-12	Sep-12	Nov-12
Placed for Collection	-	-	-
Bad Debt Written Off	-	-	-

Corporate Linkage

Parent

Company	City , State	D-U-N-S® NUMBER
LIBERTY POWER CORP, L.L.C.	FORT LAUDERDALE , Florida	11-236-1204

Affiliates (Domestic)

Company	City , State	D-U-N-S® NUMBER
LIBERTY POWER TEXAS, LLC	FORT LAUDERDALE , Florida	61-163-3913
LIBERTY POWER HOLDINGS LLC	FORT LAUDERDALE , Florida	78-408-7293
LIBERTY POWER TEXAS HOLDINGS LLC	FORT LAUDERDALE , Florida	79-149-7345

Predictive Scores

Currency: Shown in USD unless otherwise indicated

Credit Capacity Summary

This credit rating was assigned because of D&Bs assessment of the companys creditworthiness. For more information, see the D&B Rating Key

D&B Rating : **1R3**

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.

Below is an overview of the companys rating history since 11-09-2011

Number of Employees
Total: 65

D&B Rating	Date Applied
1R3	11-09-2011

Payment Activity: (based on 4 experiences)

Highest Credit:

Highest Credit: 500

Total Highest Credit: 750

D&B Credit Limit Recommendation

Conservative credit Limit 35,000

Aggressive credit Limit: 90,000

Risk category for this business : **MODERATE**

The Credit Limit Recommendation (CLR) is intended to serve as a directional benchmark for all businesses within the same line of business or industry, and is not calculated based on any individual business. Thus, the CLR is intended to help guide the credit limit decision, and must be balanced in combination with other elements which reflect the individual company's size, financial strength, payment history, and credit worthiness, all of which can be derived from D&B reports.

Risk is assessed using D&Bs scoring methodology and is one factor used to create the recommended limits. See Help for details.

Financial Stress Class Summary

The Financial Stress Score 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&Bs extensive data files.

The Financial Stress Class of 3 for this company shows that firms with this class had a failure rate of 0.24% (24 per 10,000), which is lower than the average of businesses in D & B's database

Financial Stress Class : 3

(Lowest Risk:1; Highest Risk:5)

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

Probability of Failure:

- Among Businesses with this Class: **0.24 %** (24 per 10,000)
- Financial Stress National Percentile : **36** (Highest Risk: 1; Lowest Risk: 100)
- Financial Stress Score : **1454** (Highest Risk: 1,001; Lowest Risk: 1,875)
- Average of Businesses in D&Bs database: **0.48 %** (48 per 10,000)

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

- Low proportion of satisfactory payment experiences to total payment experiences.
- UCC Filings reported.
- Limited time under present management control.
- Composite credit appraisal is rated fair.
- Business does not own facilities.
- Insufficient number of payment experiences.

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 Probability of Failure shows the percentage of firms in a given Class that discontinued operations over the past year with loss to creditors. The Probability of Failure - National Average represents the national failure rate and is provided for comparative purposes.
- The Financial Stress National Percentile reflects the relative ranking of a company among all scorable companies in D&Bs 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.

Norms	National %
This Business	36
Region: SOUTH ATLANTIC	48
Industry: INFRASTRUCTURE	43
Employee range: 20-99	66

This Business has a Financial Stress Percentile that shows:

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

Credit Score Summary

The Commercial Credit Score predicts the likelihood that a company will pay its bills in a severely delinquent manner (90 days or more past terms), obtain legal relief from creditors or cease operations without paying all creditors in full over the next 12 months. Scores are calculated using a statistically valid model derived from D&B's extensive data files.

The Credit Score class of 4 for this company shows that 31.5% of firms with this class paid one or more bills severely delinquent, which is 1.34 times higher than the average of businesses in D & B's database.

Credit Score Class : 4

Lowest Risk:1;Highest Risk :5

Incidence of Delinquent Payment

- Among Companies with this Classification: **31.50 %**
- Average compared to businesses in D&B's database: **23.50 %**
- Credit Score Percentile : **24** (Highest Risk: 1; Lowest Risk: 100)
- Credit Score : **395** (Highest Risk: 101; Lowest Risk:670)

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

- Insufficient number of payment experiences.
- Composite credit appraisal is rated fair.
- Limited time in business.

Notes:


- The Commercial Credit Score Risk 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 severe delinquency.
- The incidence of delinquency shows the percentage of firms in a given percentile that are likely to pay creditors in a severely delinquent manner. The average incidence of delinquency is based on businesses in D&B's database and is provided for comparative purposes.
- The Commercial Credit Score percentile reflects the relative ranking of a firm among all scorable companies in D&B's file.
- The Commercial Credit Score offers a more precise measure of the level of risk than the Risk Class and Percentile. It is especially helpful to customers using a scorecard approach to determining overall business performance.

Norms	National %
This Business	24
Region: SOUTH ATLANTIC	41
Industry: INFRASTRUCTURE	40
Employee range: 20-99	79
Years in Business: 6-10	48

This business has a Credit Score Percentile that shows:

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

Trade Payments

Currency: Shown in USD unless otherwise indicated 

Timeliness of historical payments for this company.

Current PAYDEX is Unavailable
 Industry Median is 76 Equal to 6 days beyond terms
 Payment Trend currently is Unavailable, compared to payments three months ago

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

Total payment Experiences in D&Bs File (HQ)	4
Payments Within Terms (not weighted)	N/A
Trade Experiences with Slow or Negative Payments(%)	0.00%
Total Placed For Collection	0
High Credit Average	N/A
Largest High Credit	500
Highest Now Owing	0
Highest Past Due	0

D&B has not received a sufficient sample of payment experiences to establish a PAYDEX score. D&B receives nearly 400 million payment experiences each year. We enter these new and updated experiences into D&B Reports as this information is received. At this time, none of those experiences relate to this company.

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 to calculate the percentage, and the total credit value of the credit extended.

\$ Credit Extended	# Payment Experiences	Total Amount	% of Payments Within Terms
Over 100,000	0	0	0%
50,000-100,000	0	0	0%
15,000-49,999	0	0	0%
5,000-14,999	0	0	0%
1,000-4,999	0	0	0%
Under 1,000	0	0	0%

Based on payments collected over last 24 months.

All Payment experiences reflect how bills are paid 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

There are 4 payment experience(s) in D&Bs file for the most recent 24 months, with 4 experience(s) reported during the last three month period.

The highest Now Owes on file is 0 . The highest Past Due on file is 0

Below is an overview of the companys currency-weighted payments, segmented by its suppliers primary industries:

	Total Rev'd (#)	Total Amts	Largest High Credit	Within Terms (%)	Days Slow <31 31-60 61-90 90+ (%) (%) (%)
Top Industries					
Other payment categories					
Cash experiences	4	750	500		
Payment record unknown	0	0	0		
Unfavorable comments	0	0	0		
Placed for collections	0	N/A	0		

Total in D&B's file	4	750	500
---------------------	---	-----	-----

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.


Detailed payment history for this company

Date Reported (mm/yy)	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last Sale Within (month)
11/12	(001) Cash own option .	500			Cash account	1 mo
	(002)	100			Cash account	1 mo
	(003)	100			Cash account	6-12 mos
	(004)	50			Cash account	1 mo

Payments Detail Key: ■ 30 or more days beyond terms

Payment experiences reflect how bills are paid in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices, etc. Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

Public Filings

Currency: Shown in USD unless otherwise indicated 

Summary

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

Record Type	# of Records	Most Recent Filing Date
Bankruptcy Proceedings	0	-
Judgments	0	-
Liens	0	-
Suits	0	-
UCCs	4	12/28/10

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	Accounts receivable including proceeds and products
Type	Original
Sec. Party	ROCHESTER GAS AND ELECTRIC CORPORATION, BINGHAMTON, NY
Debtor	LIBERTY POWER DELAWARE LLC
Filing No.	201003801666
Filed With	SECRETARY OF STATE/UCC DIVISION, TALLAHASSEE, FL
Date Filed	2010-12-28
Latest Info Received	01/07/11

Collateral	Accounts receivable including proceeds and products
Type	Original
Sec. Party	NEW YORK STATE ELECTRIC AND GAS CORPORATION, BINGHAMTON, NY ROCHESTER GAS AND ELECTRIC CORPORATION, BINGHAMTON, NY
Debtor	LIBERTY POWER DELAWARE LLC
Filing No.	2010 3892902
Filed With	SECRETARY OF STATE/UCC DIVISION, DOVER, DE
Date Filed	2010-11-05
Latest Info Received	12/02/10

Collateral	RIGHT
Type	Original
Sec. Party	CON EDISON OF NEW YORK, INC., NEW YORK, NY
Debtor	LIBERTY POWER DELAWARE LLC
Filing No.	2009 1623013
Filed With	SECRETARY OF STATE/UCC DIVISION, DOVER, DE
Date Filed	2009-05-21
Latest Info Received	06/18/09

Collateral	RIGHTS
Type	Original
Sec. Party	CON EDISON OF NEW YORK, INC., NEW YORK, NY
Debtor	LIBERTY POWER DELAWARE LLC
Filing No.	0905215474216
Filed With	SECRETARY OF STATE/UCC DIVISION, ALBANY, NY
Date Filed	2009-05-21
Latest Info Received	06/03/09

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

Labour Surplus Area	YES (2012)
Small Business	YES (2011)
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.

Special Events

Currency: Shown in USD unless otherwise indicated 


Special Events

11/09/2011

This business is an operating subsidiary of Liberty Power Corp, L.L.C.

This business is an operating subsidiary of Liberty Power Corp, L.L.C.

History & Operations

Currency: Shown in USD unless otherwise indicated 

Company Overview

Company Name:	LIBERTY POWER DELAWARE LLC
Doing Business As :	(SUBSIDIARY OF LIBERTY POWER CORP, L.L.C., FORT LAUDERDALE, FL)
Street Address:	1901 W Cypress Creek Rd Ste 501 Fort Lauderdale , FL 33309
Phone:	954 489-7148
History	Is clear
Present management control	7 years

History

The following information was reported: 04/25/2012

Officer(s): DAVID HERNANDEZ, MEMBER

The Delaware Secretary of State's business registrations file showed that Liberty Power Delaware LLC was registered as a Limited Liability Company on June 13, 2006.

Ownership information provided verbally by Marcie Berry, Administrator, on Nov 20 2008.

Business started 2006.

DAVID HERNANDEZ. Antecedents are undetermined.

Business Registration

CORPORATE AND BUSINESS REGISTRATIONS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL SOURCE AS OF Jan 30 2007

Registered Name:	LIBERTY POWER DELAWARE LLC
State of incorporation:	DELAWARE
Filing date:	Jun 13 2006
Registration ID:	4174487
Status:	STATUS NOT AVAILABLE
Where filed:	SECRETARY OF STATE/CORPORATIONS DIVISION , DOVER , DE
Registered agent:	CORPORATE CREATIONS NETWORK, INC. , 1308 DELAWARE AVE. , WILMINGTON , DE , 198060000

Operations

04/25/2012

Subsidiary of LIBERTY POWER CORP, L.L.C., FORT LAUDERDALE, FL which operates as gas producer and distributor. Parent company owns 100% of capital stock.

As noted, this company is a subsidiary of Liberty Power Corp, L.L.C., DUNS number 112361204 and reference is made to that report for background information on the parent company and its management.

Description:

Provides mixed, manufactured or liquefied gas production and/or distribution (100%).

Terms are undetermined. Sells to undetermined. Territory : undetermined.

Nonseasonal.

Employees:

65 which includes partners.

Facilities:

Rents premises in A BUILDING.

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 about 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.

4925 0000 Gas production and/or distribution

NAICS:

221210 Natural Gas Distribution

Financials

Currency: Shown in USD unless otherwise indicated 

Company Financials: D&B

Additional Financial Data

On October 31, 2010, a company spokesperson verified business name, address, and operations.

Request Financial Statements

Requested financials are provided by LIBERTY POWER DELAWARE LLC and are not DUNSRight certified.

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

166

Industry Norms Based On 166 Establishments

	This Business	Industry Median	Industry Quartile
Profitability			
Return on Sales %	UN	7.9	UN
Return on Net Worth %	UN	7.6	UN
Short-Term Solvency			

Current Ratio	UN	1.1	UN
Quick Ratio	UN	0.6	UN
Efficiency			
Assets to Sales %	UN	237.6	UN
Sales / Net Working Capital	UN	7.7	UN
Utilization			
Total Liabilities / Net Worth (%)	UN	153.9	UN

UN = Unavailable

View Snapshots

View Snapshots

Type	Company Name & Address	Date Created	Saved By
Snapshot (05/24/2010) D-U-N-S Number 62-511-1021	LIBERTY POWER DELAWARE LLC 1901 W CYPRESS CREEK RD STE 501 FORT LAUDERDALE, FL 333091826	05/24/2010	Milena Mitova

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EXHIBIT C-8

Bankruptcy Information

Liberty Power Delaware LLC, its parent or affiliates have not made any reorganizations, protection from creditors, or any other form of bankruptcy filings within the last two years.

EXHIBIT C-9

Merger Information

Liberty Power Delaware LLC has neither dissolution, merger nor acquisition within the last 5 years

EXHIBIT D-1

Operations

Liberty Power Delaware LLC customers will be serviced by the same team of professionals that have supported all Liberty Power operating companies since 2002. As such, Liberty Power maintains 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 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 was 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 California, Connecticut, Delaware, Washington DC, Illinois, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Texas.

EXHIBIT D-3

Key Technical Personnel

Ignacio Taveras
Chief Risk Officer
itaveras@libertypowercorp.com
Office: 954-598-7037

With more than 18 years of experience in the energy industry, Mr. Taveras is responsible for providing wholesale supply leadership in establishing strategies and direction, developing processes and methodologies and implementing policies and procedures. He oversees Wholesale Market Fundamentals, Hedging and Supply Management, Energy Operations and Load Forecasting, Scheduling and Transmission Reservations. Prior to joining Liberty Power in 2004, Mr. Taveras held positions of increasing responsibility with energy firms such as Reliant Energy, Enron, Constellation Power, Public Service Energy Resources and Coastal Power.

Mr. Taveras obtained his Bachelor of Science Degree in Electrical Engineering from the Instituto Tecnológico de Santo Domingo as well as Masters in Electrical Engineering and Energy Management from the University of Pennsylvania in Philadelphia.

Rajiv Kakar
Vice President Pricing and Wholesale Operations
rkakar@libertypowercorp.com
Office: 954-489-7128

As head of Pricing and Revenue Management since 2009, Mr. Kakar develops corporate pricing strategies, implements pricing policies and new distribution agreements and oversees pricing operations and process improvements. A native of India, he has more than 20 years of domestic and international experience in the energy sector having worked for Constellation New Energy, Sempra Energy Solutions and Thermax, Ltd based in Singapore.

Mr. Kakar holds a BS in Mechanical Engineering from the Delhi College of Engineering in India as well as an MBA in Finance from the National University of Singapore and an MS from Carnegie Mellon University in Pittsburgh. He is also a Chartered Financial Analyst.

EXHIBIT D-4

FERC Registrations

Please find enclosed a copy of Liberty Power FERC Registration Certificates.

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

In Reply Refer To:
Liberty Power Holdings, LLC
Docket Nos. ER06-1243-000 and
ER06-1243-001
September 6, 2006

Mr. Alberto Daire
COO
Liberty Power Holdings, LLC
800 West Cypress Creek Road
Suite 330
Fort Lauderdale, Florida 33309

Reference: Market-Based Rate Authorization

Dear Mr. Daire:

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing in part, as explained in footnote 1 below, effective July 22, 2006.¹

On July 12, 2006, as amended August 4, 2006, you filed on behalf of the Liberty Power Holdings, LLC (Liberty Power) an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. Liberty Power also request waivers commonly given to similar market-based rate applicants.

¹ Only Rate Schedule FERC No. 1, Original Sheet Nos. 1-2, is accepted. With regard to the market behavior rules, the Commission issued an order rescinding market behavior rules 2 and 6, effective February 27, 2006. *Investigation of Terms and Conditions of Public Utility Market-Based Rate Authorizations*, 114 FERC ¶ 61,165 (2006). The Commission also adopted a final rule codifying market behavior rules 1, 3, 4 and 5 in the Commission's regulations, effective February 27, 2006. *Conditions for Public Utility Market-Based Rate Authorization Holders*, Order No. 674, 71 Fed. Reg. 9,695 (Feb. 27, 2006), 114 FERC ¶ 61,163 (2006). See *Exelon Generation Co., LLC*, 115 FERC ¶ 61,004 at P3 n.5 (2006)..

Docket Nos. ER06-1243-000, *et al.*

2

You state that the Liberty Power is located in Fort Lauderdale, Florida and intends to act as a power marketer. You also state that the Liberty Power does not own or operate any generation facilities nor are they affiliated with an entity that owns or controls generation. You further state that the Liberty Power does not own or control any transmission facilities and therefore does not have transmission market power. You state that the Liberty Power is unable to erect barriers to entry and is not affiliated with a public utility with a franchised electric service territory, so no affiliate abuse concerns exist.

Your filings were noticed on July 19, 2006, and August 10, 2006, with comments, protests or interventions due on or before August 2, 2006 and August 25, 2006. None was filed.

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, market power in generation and transmission and cannot erect other barriers to entry. The Commission also considers whether there is evidence of affiliate abuse or reciprocal dealing.²

Based on your representations, your submittal satisfies the Commission's requirements for market-based rates regarding generation market power, transmission market power, other barriers to entry, and affiliate abuse.

Other Waivers, Authorizations and Reporting Requirements

Your request for waiver of Subparts B and C Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Your request for waiver of Part 41, Part 101, and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.³

² See, e.g., *Progress Power Marketing, Inc.*, 76 FERC ¶ 61,155, at 61,919 (1996); *Northwest Power Marketing Co., L.L.C.*, 75 FERC ¶ 61,281, at 61,899 (1996); accord *Heartland Energy Services, Inc.*, 68 FERC ¶ 61,223, at 62,062-63 (1994).

³ *Citizens Energy Corp.*, 35 FERC ¶ 61,198 (1986); *Citizens Power and Light Corp.*, 48 FERC ¶ 61,210 (1989) (*Citizens Power*); *Enron Power Marketing, Inc.*, 65 FERC ¶ 61,305 (1993), order on reh'g, 66 FERC ¶ 61,244 (1994) (*Enron*). It should be noted that the Commission is examining the issue of continued applicability of the waivers of its accounting and reporting requirements (18 C.F.R. Parts 41, 101 and 141) as well as continued applicability of the blanket authorization for the issuance of securities and the assumption of obligations and liabilities, (18 C.F.R. Part 34). See *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public*

Docket Nos. ER06-1243-000, *et al.*

3

Notwithstanding the waiver of the accounting and reporting requirements here, the Liberty Power is expected to keep their accounting records in accordance with generally accepted accounting principles.

You request blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice will be published in the Federal Register following this letter order establishing a period during which protests may be filed. Absent a request to be heard within the period set, you are authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Liberty Power, compatible with the public interest, and reasonably necessary or appropriate for such purposes.⁴

Your request for waiver of the full requirements of Part 45 of the Commission's regulations is denied. The Commission has stated that it no longer grants waivers of the full requirements of Part 45 in orders granting market based rate authority.⁵

Consistent with the procedures the Commission adopted in Order No. 2001, you must file electronically with the Commission an Electric Quarterly Report containing: (1) a summary of the contractual terms and conditions in every effective service agreement for market-based power sales; and (2) transaction information for effective short-term (less than one year) and long-term (one year or greater) market-based power sales during the most recent calendar quarter.⁶ Electric Quarterly Reports must be filed quarterly no later than 30 days after the end of the reporting quarter.⁷ Accordingly,

Utilities, Notice of Proposed Rulemaking, 71 Fed. Reg. 33,102 (June 7, 2006), FERC Stats. & Regs. ¶ 32,602 at P 169 (2006).

⁴ *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

⁵ See *Commission Authorization to Hold Interlocking Positions*, Order No. 664, 112 FERC ¶ 61,298 at P 34, FERC Stats. & Regs. ¶ 31,194 (2005) ("[W]e intend to no longer grant waivers of the full requirements of [P]art 45 in our orders granting market-based rate authority. Rather, persons seeking to hold interlocking positions will be required henceforth to comply with the full requirements of [P]art 45").

⁶ *Revised Public Utility Filing Requirements*, Order No. 2001, 67 Fed. Reg. 31,043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127 (2002). Required data sets for contractual and transaction information are described in Attachments B and C of Order No. 2001. The Electric Quarterly Report must be submitted to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

⁷ The exact dates for these reports are prescribed in 18 C.F.R. § 35.10b. Failure to

Docket Nos. ER06-1243-000, *et al.*

4

Liberty Power must file their first Electric Quarterly Report no later than 30 days after the first quarter that the Liberty Power's rate schedules is in effect.

Order No. 652 requires that you timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.⁸

Your updated market power analysis is due within three years of the date of this order. The Commission has stated it reserves the right to require such an analysis at any time.⁹

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

file an Electric Quarterly Report (without an appropriate request for extension), or failure to report an agreement in an Electric Quarterly Report, may result in forfeiture of market-based rate authority, requiring filing of a new application for market-based rate authority if the applicant wishes to resume making sales at market-based rates.

⁸ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, 70 Fed. Reg. 8,253 (Feb. 18, 2005), FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).

⁹ *See, e.g., Duke/Louis Dreyfus Energy Services (New England) L.L.C.*, 75 FERC ¶ 61,165 (1996); *Western Resources, Inc.*, 94 FERC ¶ 61,050 (2001).

Docket Nos. ER06-1243-000, *et al.*

5

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Michelle Barnaby
Phone: (202) 502- 8407
Office of Energy Markets and Reliability
888 First Street, N.E., EM-5.6
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development - West

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

Liberty Power Maine LLC	In Reply Refer To: Docket No. ER06-1147-000
Liberty Power New Jersey LLC	Docket No. ER06-1148-000
Liberty Power Rhode Island LLC	Docket No. ER06-1149-000
Liberty Power Massachusetts LLC	Docket No. ER06-1150-000
Liberty Power Illinois LLC	Docket No. ER06-1151-000
Liberty Power Montana LLC	Docket No. ER06-1155-000
Liberty Power Delaware LLC	Docket No. ER06-1157-000
Liberty Power Michigan LLC	Docket No. ER06-1156-000
Liberty Power Virginia LLC	Docket No. ER06-1158-000
Liberty Power Arizona LLC	Docket No. ER06-1159-000
Liberty Power Oregon LLC	Docket No. ER06-1161-000
Liberty Power Nevada LLC	Docket No. ER06-1166-000
Liberty Power New Hampshire LLC	Docket No. ER06-1167-000
Liberty Power Pennsylvania LLC	Docket No. ER06-1168-000
Liberty Power Ohio LLC	Docket No. ER06-1170-000
Liberty Power California LLP	Docket No. ER06-1172-000
Liberty Power Connecticut LLP	Docket No. ER06-1173-000
	July 14, 2006

Mr. Alberto Daire
COO
Liberty Power Entities
800 West Cypress Creek Road
Suite 330
Fort Lauderdale, Florida 33309

Reference: Market-Based Rate Authorization

Dear Mr. Daire:

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing, effective June 29, 2006, as requested.¹

¹ Only the following sheets are accepted: Liberty Power Maine, LLC, Rate Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power New Jersey LLC, Rate Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Rhode Island LLC, Rate Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Massachusetts LLC, Rate

Docket No. ER06-1147-000, *et al.*

2

On June 19, 2006, June 20, 2006, June 22, 2006, and June 23, 2006, you filed on behalf of the above-captioned entites (Liberty Power Entities) applications for market-based rate authority, with accompanying rate schedules. The proposed market-based rate schedules provide for the sale of energy and capacity at market-based rates. The Liberty Power Entities also request waivers commonly given to similar market-based rate applicants.

You state that the Liberty Power Entities are located in Fort Lauderdale, Florida and intend to act as power marketers. You also state that the Liberty Power Entities do not own or operate any generation facilities nor are they affiliated with an entity that owns or controls generation. You further state that the Liberty Power Entities do not own or control any transmission facilities and therefore do not have transmission market power. You state that the Liberty Power Entities are unable to erect barriers to entry and they are not affiliated with a public utility with a franchised electric service territory, so no affiliate abuse concerns exist.

Your filings were noticed on June 23, 2006, and June 26, 2006, with comments, protests or interventions due on or before June 29, 2006, July 3, 2006, and July 5, 2006. None was filed.

Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Illinois LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Montana LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Delaware LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Michigan LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Virginia LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Arizona LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Oregon LLC, Rate
Schedule FERC No.1, Original Sheet Nos. 1-2. Liberty Power Nevada LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power New Hampshire LLC,
Rate Schedule FERC No. 1, Original Sheet Nos. 1-2 Liberty Power Pennsylvania LLC,
Rate Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power Ohio LLC, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2, Liberty Power California LLP, Rate
Schedule FERC No. 1, Original Sheet Nos. 1-2 and Liberty Power Connecticut LLP,
Rate Schedule FERC No. 1, Original Sheet Nos. 1-2. With regard to the market behavior
rules, the Commission issued an order rescinding market behavior rules 2 and 6, effective
February 27, 2006. *Investigation of Terms and Conditions of Public Utility Market-
Based Rate Authorizations*, 114 FERC ¶ 61,165 (2006). The Commission also adopted a
final rule codifying market behavior rules 1, 3, 4 and 5 in the Commission's regulations,
effective February 27, 2006. *Conditions for Public Utility Market-Based Rate
Authorization Holders*, Order No. 674, 71 Fed. Reg. 9,695 (Feb. 27, 2006), 114 FERC ¶
61,163 (2006). See *Cantor Fitzgerald Brokerage, L.P.*, 114 FERC ¶ 61,239 (2006).

Docket No. ER06-1147-000, *et al.*

3

Market-Based Rate Authorization

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, market power in generation and transmission and cannot erect other barriers to entry. The Commission also considers whether there is evidence of affiliate abuse or reciprocal dealing.²

Based on your representations, your submittals satisfy the Commission's requirements for market-based rates regarding generation market power, transmission market power, other barriers to entry, and affiliate abuse.

Other Waivers, Authorizations and Reporting Requirements

Your request for waiver of Subparts B and C Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Your request for waiver of Part 41, Part 101, and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.³ Notwithstanding the waiver of the accounting and reporting requirements here, the Liberty Power Entities are expected to keep their accounting records in accordance with generally accepted accounting principles.

You request blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice will be published in the Federal Register following this letter order establishing a period during which protests may be filed. Absent a request to be heard within the period set, you are authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that

² See, e.g., *Progress Power Marketing, Inc.*, 76 FERC ¶ 61,155, at 61,919 (1996); *Northwest Power Marketing Co., L.L.C.*, 75 FERC ¶ 61,281, at 61,899 (1996); accord *Heartland Energy Services, Inc.*, 68 FERC ¶ 61,223, at 62,062-63 (1994).

³ *Citizens Energy Corp.*, 35 FERC ¶ 61,198 (1986); *Citizens Power and Light Corp.*, 48 FERC ¶ 61,210 (1989) (*Citizens Power*); *Enron Power Marketing, Inc.*, 65 FERC ¶ 61,305 (1993), order on reh'g, 66 FERC ¶ 61,244 (1994) (*Enron*). It should be noted that the Commission is examining the issue of continued applicability of the waivers of its accounting and reporting requirements (18 C.F.R. Parts 41, 101 and 141) as well as continued applicability of the blanket authorization for the issuance of securities and the assumption of obligations and liabilities, (18 C.F.R. Part 34). See *Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities*, Order No. 627, 67 Fed. Reg. 67,691 at P 23 and P 24 (October 10, 2002), FERC Stats. & Regs. ¶ 32,558 (2002).

Docket No. ER06-1147-000, *et al.*

4

such issue or assumption is for some lawful object within the corporate purposes of the Liberty Power Entities, compatible with the public interest, and reasonably necessary or appropriate for such purposes.⁴

Your request for waiver of the full requirements of Part 45 of the Commission's regulations is denied. The Commission has stated that it no longer grants waivers of the full requirements of Part 45 in orders granting market based rate authority.⁵

Consistent with the procedures the Commission adopted in Order No. 2001, you must file electronically with the Commission an Electric Quarterly Report containing: (1) a summary of the contractual terms and conditions in every effective service agreement for market-based power sales; and (2) transaction information for effective short-term (less than one year) and long-term (one year or greater) market-based power sales during the most recent calendar quarter.⁶ Electric Quarterly Reports must be filed quarterly no later than 30 days after the end of the reporting quarter.⁷ Accordingly, the Liberty Power Entities must file their first Electric Quarterly Report no later than 30 days after the first quarter that the Liberty Power Entities' rate schedules are in effect.

Order No. 652 requires that you timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.⁸

⁴ *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

⁵ *See Commission Authorization to Hold Interlocking Positions*, Order No. 664, 112 FERC ¶ 61,298 at P 34, FERC Stats. & Regs. ¶ 31,194 (2005) ("[W]e intend to no longer grant waivers of the full requirements of [P]art 45 in our orders granting market-based rate authority. Rather, persons seeking to hold interlocking positions will be required henceforth to comply with the full requirements of [P]art 45").

⁶ *Revised Public Utility Filing Requirements*, Order No. 2001, 67 Fed. Reg. 31,043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127 (2002). Required data sets for contractual and transaction information are described in Attachments B and C of Order No. 2001. The Electric Quarterly Report must be submitted to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

⁷ The exact dates for these reports are prescribed in 18 C.F.R. § 35.10b. Failure to file an Electric Quarterly Report (without an appropriate request for extension), or failure to report an agreement in an Electric Quarterly Report, may result in forfeiture of market-based rate authority, requiring filing of a new application for market-based rate authority if the applicant wishes to resume making sales at market-based rates.

⁸ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, 70 Fed. Reg. 8,253 (Feb. 18, 2005), FERC Stats. &

Docket No. ER06-1147-000, *et al.*

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Your updated market power analysis is due within three years of the date of this order. The Commission has stated it reserves the right to require such an analysis at any time.⁹

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Michelle Barnaby
Phone: (202) 502- 8407
Office of Energy Markets and Reliability
888 First Street, N.E., EM-5.6
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development - West

Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).

⁹ See, e.g., *Duke/Louis Dreyfus Energy Services (New England) L.L.C.*, 75 FERC ¶ 61,165 (1996); *Western Resources, Inc.*, 94 FERC ¶ 61,050 (2001).

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Summary: Application Renewal Application for Retail Generation Providers and Power Marketers electronically filed by Mr. Stephen M Howard on behalf of Liberty Power Delaware, LLC