FILE NC

13-1214-EL-AGG

BETTER COST ENERGY, LLC

4938 Hampden Lane
Suite 556
Bethesda, Maryland 20814

Public Utilities Commission of Ohio Docketing Division 180 East Broad Street Columbus, Ohio 43215-3793

Re: Filing for Aggregators / Power Brokers

May 21, 2013

Attn Docketing Division;

Please find enclosed one original notarized Certification Application for Aggregators / Power Brokers and three copies including all exhibits, affidavits and other attachments required.

This is to replace our previous application we mailed last week per your CASE #13-1214.

If you require any additional information, please contact me via email at or call me at 202-489-1809.

We appreciate you timely reply on this matter, we are very interested in working within your great state of Ohio.

Sincerely yours,

Peter A. Leiter Secretary/Treasurer BCE, LLC

BETTER COST ENERGY, LLC

4938 Hampden Lane
Suite 556
Bethesda, Maryland 20814
240-688-3755

<u>Certification Application for</u> <u>Aggregators / Power Brokers</u>



The Public Utilities Commission of Ohio

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.

A. <u>APPLICANT INFORMATION</u>

Legal Name_Better Cost Energy,	
Address 12714 Veirs Mill Road, Sui	
Telephone #_(240) 688-3755	Web site address (if any)
List name, address, tele will do business in Ohio	phone number and web site address under which Applica
Legal Name Better Cost Energy,	LLC
Address 12714 Veirs Mill Road, Su	ite 204, Rockville, MD 20853
Telephone # (240) 688-3755	Web site address (if any)
List all names under white Better Cost Energy, LLC	ich the applicant does business in North America
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	T-11	Г ()	ne, MD 20853			
	Telephone # (240) 688-3755 E-mail address (if any) PLeiter@Bet		(888) 728-8434			
	D man address (n any)			····		
A-5	Contact person for Commission Staff use in investigating customer complaints					
	Name_Peter A. Leiter					
	Title Secretary / Treasurer					
	Business address 12714 Veirs Mill Ros					
	Telephone # (240) 688-3755		(888) 728-8434			
	E-mail address (if any) PLeiter@	bettercosteriergy.cor	<u></u>			
A-6	Applicant's address and toll-free number for customer service and complaints					
	Customer Service address 12714 Veirs Mill Road, Suite 204, Rockville, MD 20853					
	Toll-free Telephone # (888) 728-			434		
	E-mail address (if any) PLeiter@	Bettercostenergy.cor	n			
A-7 A-8	Applicant's federal employ Applicant's form of owners		_	160667314	-	
		_				
	□ Sole Proprietorship	⊟ Par	mership			
	□ Sole Proprietorship□ Limited Liability Partnership□ Corporation	(LLP) • Lin	tnership nited Liability Co er			
A-9	☐ Limited Liability Partnership	entify each el to provide ser ends to serve industrial. (A commercial cus	ectric distributivice, including, for example,	on utility cert identification residential, sr er, as defined in	of each customer nall commercial, (A) (19) of Section	

A-10	Provide the approximate start date that the applicant proposes to begin delivering services
	June 22, 2013

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 <u>Exhibit A-12 "Corporate Structure,"</u> 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 <u>Exhibit B-2 "Experience & Plans,"</u> 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.
 - ☑ No ☐ Yes

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. APPLICANT FINANCIAL CAPABILITY AND EXPERIENCE

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 a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application. Signature of Applicant & Title					
	Sworn and subscribed before me this Month	Sworn and subscribed before me this day of,				
	Signature of official administering oath	Print Name and Title				
	My commission expires on					

"PRINCIPAL OFFICERS, DIRECTORS & PARNTERS"

Peter Leiter, Secretary / Treasurer 12714 Veirs Mill Road, Suite 204 Rockville, MD 20853 240-688-3755

Jeffery Council, President 4938 Hampden Lane, 556 Bethesda, MD 20814 240-855-2127

Malgorzata Adra, Vice President 12714 Veirs Mill Road, Suite 204 Rockville, MD 20853 240-421-5666

"CORPORATE STRUCTURE"

Better Cost Energy, LLC is a Utility Broker selling electrical power to commercial facilities in the District of Columbia and soon will be licensed in the Maryland and Ohio areas. We are a Brokerage Firm only, we DO NOT contract with customers, perform meter readings, provide billing, etc.

We have no subsidiaries at this time.

"COMPANY HISTORY"

Better Cost Energy, LLC was formed in the State of Maryland on July 19, 2012. Was awarded license in the District of Columbia January 9, 2013 and stared conducting business in February, 2013. Our license number is EA2012-22-7.

We are continuing to provide our services in the District of Columbia and planning to obtain our license for both Maryland and Ohio within the next few months.

"ARTICLES OF INCORPORATION AND BYLAWS"

Better Cost Energy, LLC was formed in the State of Maryland on July 19, 2012.

ARTICLES OF ORGANIZATION

The undersigned, with the intention of creating a Maryland Limited Liability Company files the following Articles of Organization:

- (1) The name of the Limited Liability Company is: BETTER COST ENERGY LLC
- (2) The purpose for which the Limited Liability Company is filed is as follows: MARKETING POWER SERVICES
- (3) The address of the Limited Liability Company in Maryland is: 12714 VEIRS MILL ROAD, ROCKVILLE MD 20853
- (4) The resident agent of the Limited Liability Company in Maryland is: **PETER LEITER** whose address is 12714 VEIRS MILL ROAD, ROCKVILLE, MD 20853

We have no Bylaws established at this time.

"SECRETARY OF STATE"

Better Cost Energy, LLC is registered with the Ohio Secretary of State.

Please see the attached copy of OHIO Foreign Registration Form

"JURISDICTIONS OF OPERATION"

Better Cost Energy, LLC is licensed and registered with the District of Columbia as of January 9, 2013.

Please see attached copy of EA2 Order

"EXPERIENCE & PLANS"

Better Cost Energy, LLC directors have over 9 years of experience in brokering electricity in the State of Maryland and the District of Columbia.

We only provide brokering services only; we DO NOT provide any contract services, billing statements nor handle any communications with customers. The service providers we represent provide all of these services.

"SUMMARY OF EXPERIENCE"

Better Cost Energy, LLC directors have over 9 years of experience in brokering electricity in the State of Maryland and the District of Columbia.

We only provide brokering services only; we DO NOT provide any contract services, billing statements nor handle any communications with customers. The service providers we represent provide all of these services.

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

Better Cost Energy, LLC have none to disclose.

EXHIBIT B-6

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

NO

EXHIBIT B-7

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

NO

EXHIBIT C-1

"ANNUAL REPORTS"

Better Cost Energy, LLC has only been in business for a few months, no financial reports exists at this time.

EXHIBIT C-2

"SEC FILINGS"

NOT APPLICABLE AT THIS TIME

EXHIBIT C-3

"FINANCIAL STATEMENTS"

See attached CPA Revenue Page

EXHIBIT C-4

"FINANCIAL ARRANGEMENTS"

NOT APPLICABLE AT THIS TIME

EXHIBIT C-5

"FORECASTED FINANCIAL STATEMENTS"

See BCE Two Year Projected Sales attached

EXHIBIT C-6

"CREDIT RATING"

NOT APPLICABLE AT THIS TIME

EXHIBIT C-7

"CREDIT REPORT"

NOT APPLICABLE AT THIS TIME

EXHIBIT C-8

"BANKRUPTCY INFORMATION"

NOT APPLICABLE

EXHIBIT C-9

"MERGER INFORMATION"

NOT APPLICABLE



DATE: 05/09/2013 DOCUMENT ID 201312801454

DESCRIPTION REG. OF FOR, PROFIT LIM. LIAB. CO. (LFP)

FILING 125.00 EXPED 00 PENALTY

CERT

COPY

Receipt

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

BETTER COST ENERGY, LLC PETER LEITER 12714 VEIRS MILL RD, STE 204 ROCKVILLE, MD 20853

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted 2197718

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

BETTER COST ENERGY, LLC, MARYLAND

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

Document(s):

Document No(s):

201312801454

REG. OF FOR. PROFIT LIM. LIAB. CO.

Effective Date: 05/08/2013



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 9th day of May, A.D. 2013.

Jon Hustel

Ohio Secretary of State

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA 1333 H STREET N.W., 2ND FLOOR, WEST TOWER WASHINGTON, D.C. 20005

ORDER

January 9, 2013

FORMAL CASE NO. EA 2012-22 IN THE MATTER OF THE APPLICATION OF BCE, LLC D/B/A BETTER COST ENERGY, LLC FOR AN ELECTRICITY LICENSE, Order No. 17037

- 1. By this Order, the Public Service Commission of the District of Columbia ("Commission") grants a license to BCE, LLC d/b/a Better Cost Energy, LLC ("BCE, LLC" or "Applicant") to function as an electricity supplier in the District of Columbia. Specifically, BCE, LLC intends to operate as a broker of electricity for commercial and industrial customers in the District of Columbia, pursuant to Section 34-1505 of the "Retail Electric Competition and Consumer Protection Act of 1999 ("Act")."
- 2. On October 22, 2012, BCE, LLC filed its license application.³ Pursuant to the Commission's licensing requirements as set forth in Order No. 11796,⁴ BCE, LLC has provided the following information:
 - a) Proof of technical and managerial competence;
 - b) An affidavit of compliance with applicable Federal and District of Columbia environmental laws and regulations dated October 9, 2012;
 - c) Proof of financial integrity to include financial statements;
 - d) Proof that BCE, LLC has registered with the Department of Consumer and Regulatory Affairs to do business in the District of Columbia;
 - e) An affidavit that BCE, LLC is subject to all applicable taxes;

D.C. Official Code § 34-1501(17) (2010 Repl.) defines, in part, an electricity supplier as "a person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers."

D.C. Official Code § 34-1505; see generally §§ 34-1501-1520.

Formal Case No. EA 2012-22, In the Matter of the Application of BCE, LLC d/b/a Better Cost Energy, LLC. Application of BCE, LLC filed October 22, 2012. BCE, LLC submitted supplemental information regarding its application on December 10, 2012 and January 7, 2013.

⁴ Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices, Order No. 11796 at Attachment C, rel. September 20, 2000.

- f) An affidavit dated October 9, 2012, stating that BCE, LLC will comply with all the requirements of all orders and regulations of the Commission; and
- g) Applicant's website address: http://www.bettercostenergy.com/.
- 3. After a complete review of the application, the Commission finds that granting the application of BCE, LLC d/b/a Better Cost Energy, LLC will serve the public interest. The information contained in its application demonstrates that the Applicant has the ability and the financial integrity to serve electricity customers in the District of Columbia.

THEREFORE, IT IS ORDERED THAT:

4. The application of BCE, LLC d/b/a Better Cost Energy, LLC for a license to conduct business in the District of Columbia as an electricity supplier is hereby **GRANTED**.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

a speedy

CHIEF CLERK:

BRINDA WESTBROOK-SEDGWICK COMMISSION SECRETARY

BETTER COST ENERGY, LLC

BALANCE SHEET FOR THE PERIOD OF January thru April 2013

ASSETS:

Cash \$ 49.00

Investment in Business \$6,151.00

Fixed Assets:

Equipment \$2,600.00

TOTAL ASSETS: \$8,800.00

LIABILITIES & EQUITY

Equity

Additional Pain In Capital \$13,000.00

Net Loss (4,200.00)

Total Equity \$ 8,800.00

Total Liabilities and Equity \$ 8,800.00

BCE, LLC Projected Sales

Mark-Up (COGS)

Annual Growth Rate (%)

				4	Average Sales Transaction (\$)	Transaction (- (6)			
Year 1 Sales Forecast	orecast	2013								
Month	1	2	3	4	5	9	7	8	6	10
Electricity	\$2,500.00	\$5,000.00	\$7,500.00	\$10,000.00	\$2,500.00 \$5,000.00 \$7,500.00 \$10,000.00 \$12,500.00 \$15,000.00 \$17,500.00 \$20,000.00 \$22,500.00 \$25,000.00	\$15,000.00	\$17,500.00	\$20,000.00	\$22,500.00	\$25,000.00
Year 2 Sales Forecast	Forecast	2014								
Month	-	2	3	4	5	9	7	8	6	10
Electricity	\$32,500.00	\$32,500.00 \$35,000.00 \$37,500.00	\$37,500.00	\$40,000.00	\$40,000.00 \$42,500.00 \$45,000.00 \$47,500.00 \$50,000.00 \$52,500.00 \$55,000.00	\$45,000.00	\$47,500.00	\$50,000.00	\$52,500.00	\$55,000.00

TOTAL:	\$195,000.00
12	\$30,000.00
11	\$27,500.00

\$57,500,001 \$60,000,00	\$555 000 00

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<u>AFFIDAVIT</u>

State of MACYCETO :	Raku Wess
County of MONTAKAN:	(Town)

HELD My Live , Affiant, being duly sworn/affirmed according to law, deposes and says that:

He She is the Ser Relay (Office of Affiant) of Belle (03/ Ever 94 (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.
- 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 fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
- 7. 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 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 2208 day of May, 2013

Month Year

My commission expires on

NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MONTGOMERY SEPT 17 2014

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