



Demand Response Partners, Inc. RECEIVED-DOCKETING DIV

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PUCO

December 5, 2013

Public Utilities Commission of Ohio  
Docketing Division 13<sup>th</sup> Floor  
180 East Broad Street  
Columbus, Ohio 43215-3793

RE: Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers  
Case No. 11-5165-EL-A66

*A66*

Gentlemen:

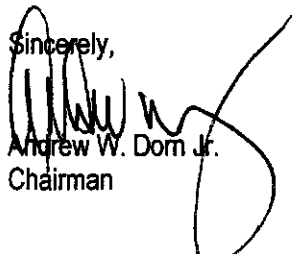
Enclosed please find Demand Response Partners, Inc. Renewal Application for Aggregators/Power Brokers and a Motion for Protective Order that we are submitting for the filing in the above captioned matter. The Motion for Protective Order is requested for Exhibits C-3, C-4, and C-5 which contain confidential information.

Enclosed please find:

- ☐ Letter and Motion for Protective Order.
- ☐ Sealed envelope marked "Confidential" containing one original and two complete copies of the Renewal Application for Aggregators/Power Brokers, plus three copies of the Motion for Protective Order.
- ☐ Seven redacted copies of the Renewal Application for Aggregators/Power Brokers.
- ☐ One redacted copy of the Certification Application for Aggregators/Power Brokers and Motion for Protective Order, with stamped, self-addressed envelope to be time and date stamped and returned to Demand Response Partners, Inc.

If you have any questions or require any additional information, please call me at (716) 842-1600.

Sincerely,

  
Andrew W. Dom Jr.  
Chairman

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The Public Utilities Commission of Ohio

Original AGG Case Number	Version
11 - 5165 -EL-AGG	August 2004

## RENEWAL APPLICATION FOR AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-10 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's legal name, address, telephone number, PUCO certificate number, and web site address

Legal Name Demand Response Partners, Inc  
 Address 360 Delaware Avenue, Suite 406, Buffalo, NY 14202  
 PUCO Certificate # and Date Certified 11-399E(1) 10/17/11  
 Telephone # (716) 842-1600 Web site address (if any) \_\_\_\_\_

#### A-2 List name, address, telephone number and web site address under which Applicant will do business in Ohio

Legal Name Demand Response Partners, Inc.  
 Address 360 Delaware Avenue, Suite 406, Buffalo, NY 14202  
 Telephone # (716) 842-1600 Web site address (if any) \_\_\_\_\_

#### A-3 List all names under which the applicant does business in North America

Demand Response Partners Inc \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

#### A-4 Contact person for regulatory or emergency matters

Name Andrew W. Dorn  
 Title Chief Executive Officer  
 Business address 360 Delaware Avenue, Suite 406, Buffalo, NY 14202  
 Telephone # (716) 842-1600 Fax # (716) 842-1645  
 E-mail address (if any) adorn@demandresponsepartners.com

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**A-5 Contact person for Commission Staff use in investigating customer complaints**

Name Andrew W. Dorn  
 Title Chief Executive Officer  
 Business address 360 Delaware Avenue, Suite 406, Buffalo, NY 14202  
 Telephone # (716) 842-1600 Fax # (716) 842-1645  
 E-mail address (if any) Adorn@demandresponsepartners.com

**A-6 Applicant's address and toll-free number for customer service and complaints**

Customer Service address 360 Delaware Avenue, Suite 406, Buffalo, NY 14202  
 Toll-free Telephone # (888) 587-2413 Fax # (716) 842-1600  
 E-mail address (if any) \_\_\_\_\_

**A-7 Applicant's federal employer identification number # 26-3299324**

**A-8 Applicant's form of ownership (check one)**

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

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- A-9 Exhibit A-9 "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-10 Exhibit A-10 "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.

**B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE**

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

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

  
 Signature of Applicant & Title

Sworn and subscribed before me this 3<sup>rd</sup> day of December, 2013  
 Month Year

  
 Signature of official administering oath

Amber E. Storr  
 Print Name and Title  
 Notary Public

**AMBER E. STORR**  
 No. 0257010000  
 Notary Public, State of New York  
 Qualified in Niagara County  
 My Commission Expires 05/21/15

# AFFIDAVIT

State of NEW YORK :

BUFFALO ss.  
(Town)

County of ELIE :

ANDREW W. DOWD JR. Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the CHAIRMAN (Office of Affiant) of DEMAND RESPONSE PARTNERS INC (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 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 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.
8. 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.
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 30 day of December, 2013  
Month Year

  
Signature of official administering oath

Amber E. Storr  
Print Name and Title  
Notary Public

**AMBER E. STORR**  
**No. 02576162000**  
**Notary Public, State of New York**  
**Qualified in Niagara County**  
**My Commission Expires 05/21/20**15

My commission expires on 5/21/15

**Exhibit A-9 “Principal Officers, Directors & Partners”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit A-9: Names, titles, addresses and telephone numbers of the applicant’s principal officers, directors, partners, or other similar officials.**

**Name: Andrew W. Dorn IV**

**Title: CEO & COO & Director**

**Address: 327 Chicory Lane, Lancaster, NY 14086**

**Phone: (304) 730-2350**

**Name: Andrew W. Dorn Jr**

**Title: Chairman & Director**

**Address: 5349 Columbia Ave**

**Phone: (716) 672-9890**

**Name: Carl Almeter**

**Title: President**

**Address: 6700 Chesley Court, East Amherst, NY 14051**

**Phone: (716) 842-1600**



## **Exhibit A-10 “Corporate Structure”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit A-10: 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.**

Demand Response Partners, Inc is a New York State Corporation. Demand Response Partners does not have any affiliate or subsidiary companies.

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

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit B-1: 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.**

Demand Response Partners is a registered Curtailment Service Provider for PJM Interconnection and a Responsible Interface Party for the New York Independent System Operator (NYISO) and provides both grid operators with demand response services.

Demand Response Partners, Inc. is a registered broker engaged in the business of supplying electricity in the State of Pennsylvania. Certificate number 2012-2308464.

## **Exhibit B-2 “Experience & Plans”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit B-2: 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.**

Demand Response Partners (DRP) has a professional and very experienced group of energy consultants that will work with customers to provide power brokerage services. DRP’s energy consultants have extensive experience working with and advising customers on electricity related matters including demand side management and demand response program participation, energy efficiency, utility rate analysis and negotiation, and power brokerage services in other markets. DRP plans to market our services and contract with customers for our power brokerage services as we do for our other service which is primarily through participation in industry trade groups, customer referrals, and marketing our extensive knowledge of certain industrial processes and related energy requirements to certain sectors.

DRP has brokering relationships with many of the largest Power Marketing/Competitive Retail Electric Generation Provider companies and plans to utilize our extensive knowledge of electricity markets to help arrange the most favorable contracts possible for each of our client’s unique needs. DRP will only broker contracts for our clients with Competitive Retail Electric Generation Providers that are certified by the Public Utilities Commission of Ohio. DRP will not provide billing statements for our clients, the Competitive Retail Electric Generation Providers that we broker the power supply contract with will provide the billing statements.

DRP has an energy consultant that is assigned to each DRP client that provides ongoing support services. In addition to this DRP has a customer service department and toll free number to assist customers with any inquiries and complaints. All DRP employees responsible for serving our Ohio power brokerage clients will be trained in and familiar with all aspects of the Ohio markets including the minimum service requirements for competitive services outlined in Section 4928.10 of the revised code. DRP prides itself on providing outstanding customer service and promptly addresses any inquiries or complaints.

### **Exhibit B-3 “Disclosure of Liabilities and Investigations”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit B-3: 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.**

Demand Response Partners (DRP) has no existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matters that could adversely impact our financial or operational status or ability to provide the services we are seeking to be certified to provide.

**B-4 “Disclosure of Consumer Protection Violations”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**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

**B-5 "Disclosure of Certification Denial, Curtailment, Suspension or Revocation"**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**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

## **Exhibit C-1 “Annual Reports”**

Demand Response Partners, Inc. – Certification Application for Aggregators/Power Brokers

**Exhibit C-1: 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.**

Demand Response Partners (DRP) is not a publicly traded company and does not produce annual reports.

**Exhibit C-2 “SEC Filings”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-2: 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.**

Demand Response Partners (DRP) is not a publicly traded company and not required to file with the SEC.



**Exhibit C-3 “Financial Statements” – *Confidential (this section contains confidential information)***

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-3: 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.**

***Confidential Information Redacted on this page***

**Exhibit C-4 “Financial Arrangements” – Confidential (this section contains confidential information)**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

Exhibit C-4: 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.,).

***Confidential Information Redacted on this page***

**Exhibit C-5 “Forecasted Financial Statements” – Confidential (this section contains confidential information)**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

Exhibit C-5: 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.

***Confidential Information Redacted on this page***

## **Exhibit C-6 “Credit Rating”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-6: 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 & Poor’s, 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.**

Demand Response Partners (DRP) is not rated by any of these agencies since do not issued any public debt and a closely held entity.

**Exhibit C-7 “Credit Report”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-7: Provide a copy of the applicant’s credit report from Experian, Dun and Bradstreet or a similar organization.**

Demand Response Partners (DRP) is not rated by any of these agencies since we are closely held and do not release financial information to the public. We would be more than happy to provide a bank reference if required.

## **Exhibit C-8 “Bankruptcy Information”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-8: 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.**

Demand Response Partners (DRP) nor any of its Officers has had any reorganization, protection from creditors or any other form of bankruptcy filing.

**Exhibit C-9 “Merger Information”**

Demand Response Partners, Inc. – Renewal Application for Aggregators/Power Brokers

**Exhibit C-9: Provide a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.**

Demand Response Partners (DRP) has not had any dissolution or merger or acquisition.