



The Public Utilities Commission of Ohio

Original CRS Case Number	Version
12 - 2459 -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 Iron Energy LLC d/b/a Kona Energy
Address 3144 Bee Caves Rd., Austin, TX 78746
PUCO Certificate # and Date Certified 12-574E issued 10/7/2012
Telephone # (512) 617-2600 Web site address (if any) <http://www.konaenergy.com>

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

Legal Name Iron Energy LLC d/b/a Kona Energy
Address 8127 Mesa Dr., Suite B206-241, Austin, TX 78759
Telephone # (512) 617-2600 Web site address (if any) <http://www.konaenergy.com>

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

Kona Energy

A-5 Contact person for regulatory or emergency matters

Name David Luppino
Title President
Business address 3144 Bee Caves Rd., Austin, TX 78746
Telephone # (512) 617-2605 Fax # (888) 739-6207
E-mail address (if any) regulatory@konaenergy.com

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

Name Mike Elhaj
Title Chief Marketing Officer
Business address 3144 Bee Caves Rd., Austin, TX 78746
Telephone # (512) 617-2607 Fax # (888) 739-6207
E-mail address (if any) regulatory@konaenergy.com

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

Customer Service address 8127 Mesa Dr., Suite B206-241, Austin, TX 78759
Toll-free Telephone # (855) 566-2669 Fax # (888) 739-6207
E-mail address (if any) customercare@konaenergy.com

A-8 Applicant's federal employer identification number # 453564472

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 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.

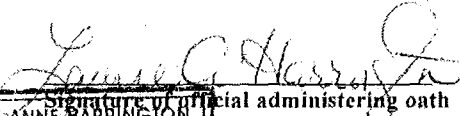
D. TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

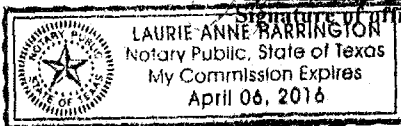
- D-1 Exhibit D-1 "Operations" provide a written description of the operational nature of the applicant's business. Please include whether the applicant's operations include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail 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)

 President
Signature of Applicant and Title

Sworn and subscribed before me this 22nd day of Aug, 2014
Month Year


Signature of official administering oath

David Luppino, President
Print Name and Title



My commission expires on 4-6-16

AFFIDAVIT

State of Texas :

Austin ss.
(Town)

County of Travis :

David Luppino, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President (Office of Affiant) of Iron Energy LLC d/b/a Kona Energy (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.

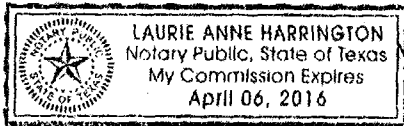
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

David Luppino PRESIDENT
Signature of Affiant & Title

Sworn and subscribed before me this 22nd day of Aug, 2014
Month Year

Laurie Anne Harrington
Signature of official administering oath

David Luppino, President
Print Name and Title



My commission expires on 4-6-16

Iron Energy LLC d/b/a Kona Energy

**Renewal Certification Application for Retail Generation Providers
and Power Marketers**

EXHIBITS A-10 to A-11

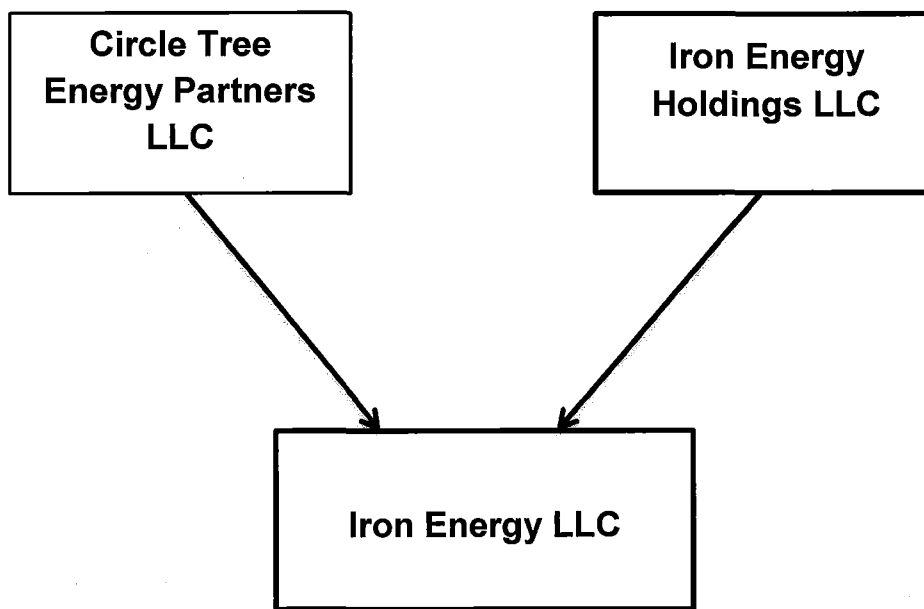
Iron Energy LLC d/b/a Kona Energy

EXHIBIT A-10: PRINCIPAL OFFICERS, DIRECTORS, & PARTNERS

Name	Title	Address	Phone No.	Fax No.	Email Address
David Luppino	President	3144 Bee Caves Rd., Austin, TX 78746	512.617.2605	888.739.6207	david@konaenergy.com
Chad Gallun	COO	3144 Bee Caves Rd., Austin, TX 78746	512.617.2606	888.739.6207	chad@konaenergy.com
Mike Elhaj	CMO	3144 Bee Caves Rd., Austin, TX 78746	512.617.2607	888.739.6207	mike@konaenergy.com
Billy Fowler	Manager	3144 Bee Caves Rd., Austin, TX 78746	214.420.3200	888.739.6207	

Iron Energy LLC d/b/a Kona Energy

EXHIBIT A-11: CORPORATE STRUCTURE



Iron Energy LLC d/b/a Kona Energy has no affiliates or subsidiary companies that supply retail or wholesale electricity or natural gas at this time. Iron Energy LLC is wholly owned by Circle Tree Energy Partners LLC and Iron Energy Holdings LLC.

Iron Energy LLC d/b/a Kona Energy

**Renewal Certification Application for Retail Generation Providers
and Power Marketers**

EXHIBITS B-1 to B-3

Iron Energy LLC d/b/a Kona Energy

EXHIBIT B-1: JURISDICTIONS OF OPERATION

Iron Energy LLC is licensed to provide retail electric services in New York, Illinois and Pennsylvania, Texas and Ohio.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT B-2: EXPERIENCE & PLANS

Iron Energy LLC d/b/a Kona Energy handles back-end functions with EC Infosystems. EC provides EDI, CIS and Billing functions (when consolidated billing is not an option). Iron has the necessary technical and managerial capabilities to serve all customer classes.

Iron Energy LLC d/b/a Kona Energy plans to service both natural gas and electricity customers in all utility service territories. Iron focused its initial efforts on customers within the service territories of First Energy Ohio and Duke and plans to serve customers within the service territories of Columbia Gas of Ohio and Dominion East Ohio Gas.

Iron Energy LLC provides service in a manner compliant with the Ohio Administrative Code, as it pertains to operating a competitive energy company. Iron Energy LLC d/b/a Kona Energy is currently licensed in the New York, Illinois, Texas and Pennsylvania under comparable statutory requirements.

Iron's customer service and operations staff continue to be up to date on all regulatory proceedings and amendments, so as to remain compliant at all times. Iron will continue to conduct its competitive retail service business in Ohio in a manner compliant with Ohio Administrative Code Chapter 4901:1-21.

Since inception, Iron Energy LLC d/b/a has focused planning efforts on an ethical and effective marketing platform that provides quality customer service with competitive rates.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT B-3: DISCLOSURE OF LIABILITIES AND INVESTIGATIONS

Iron Energy LLC has no 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 certified to provide.

Iron Energy LLC d/b/a Kona Energy

**Renewal Certification Application for Retail Generation Providers
and Power Marketers**

EXHIBITS C-1 to C-9

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-1: ANNUAL REPORTS

Iron Energy LLC d/b/a Kona Energy is a privately held company with no annual reports to submit.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-2: SEC FILINGS

Iron Energy LLC is a privately held company and is not required to file with the SEC.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-3: FINANCIAL STATEMENTS

Filed under seal.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-4- FINANCIAL ARRANGEMENTS

Filed under seal.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-5: FORECASTED FINANCIAL STATEMENTS

Filed under seal.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-6: CREDIT RATING

Iron Energy LLC is a currently a “not rated company”.

Iron Energy LLC’s EIN number is 45-3564472 and DUNS number is 024325535.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-7: CREDIT REPORT

See attached.



Iron Energy Llc

DUNS: 02-432-5535

Dashboard

Company Info

3144 Bee Caves Rd
Austin, TX 78746

Phone: UNKNOWN

Scores

PAYDEX®	Delinquency Predictor		Financial Stress		Supplier Eval Risk Rating	Credit Limit Rec.	DandB Rating
Score	Score	Class	Score	Class	Rating	Recommendation	Rating
80 ▼	548 ▲	2	1461 ▲	3	4 ▼	\$20K	--

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INQUIRY

07/17/14

1 New Inquiry



EVENT

05/12/14

Business Move

Inquiries

Most Recent

Date	SIC / Sector	Report type
07/15/14	Transportation, Communications, Electric, Gas and Sanitary Services	Comprehensive Report
04/22/14	Services	Comprehensive Report
03/07/14	Services	Comprehensive Report
01/14/14	Transportation, Communications, Electric, Gas and Sanitary Services	Comprehensive Report
11/06/13	Services	Comprehensive Report

Top 5 Inquiries by SIC / Sector (12 Months)

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-8: BANKRUPTCY INFORMATION

Iron Energy LLC has had no reorganizations, protection from creditors, or any other form of bankruptcy filings made on their behalf or on the behalf of any affiliates.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT C-9: MERGER INFORMATION

Iron Energy LLC has not undergone any dissolution or merger within the five years preceding the application, however, Iron Energy LLC sold 50% equity to Circle Tree LLC in 2012.

Iron Energy LLC d/b/a Kona Energy

**Certification Application for Retail Generation Providers
and Power Marketers**

EXHIBITS D-1 to D-4

Iron Energy LLC d/b/a Kona Energy

EXHIBIT D-1: OPERATIONS

Iron Energy LLC d/b/a Kona Energy sells electricity as a licensed Competitive Retail Electric Supplier to residential and commercial customers.

Iron Energy has entered into an agreement with EC Infosystems to help handle back-end CIS and EDI functions. EC Infosystems is a market leader with a breadth of experience in the deregulated energy marketplace, including the Ohio region. EC Infosystems participates in a number of state standards committees, regional groups and industry groups that create, maintain and upgrade EDI data standards for the entire country.

Iron Energy has also entered into an agreement with ESCO Advisors to provide scheduling and forecasting services.

Iron Energy has entered into an agreement with an experienced provider of customer service call center functions. The company has highly trained staff with a dedication to customer protections and rights in the deregulated energy market. The company has built a reputation among retail energy suppliers as a most trusted partner. The company is an industry leader with ten years of experience in the retail electricity and gas markets. Their focus is providing quality customer service with extensive industry knowledge.

Iron is currently licensed to provide retail electric services in New York, Illinois, Pennsylvania and Texas.

Iron Energy LLC's operations do not and will not include the generation of power for retail sale or scheduling of retail power for transmission and delivery.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT D-2: OPERATIONAL EXPERTISE

Iron Energy LLC d/b/a Kona Energy meets and exceeds the technical and managerial qualifications as evidenced by the experience of its leadership staff. Iron Energy's executive staff has many years of experience in the wholesale and retail energy market. Iron Energy has also entered into agreements with third party providers to ensure that Iron Energy is able to provide the highest level of customer service.

Iron Energy is licensed to sell retail electricity in New York, Illinois, Pennsylvania and Texas.

Please see Exhibit D-3 for additional information.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT D-3: KEY TECHNICAL PERSONNEL

Name	Title	Address	Phone No.	Email Address
David Luppino	President	3144 Bee Caves Rd., Austin, TX 78746	512.617.2605	david@konaenergy.com
Chad Gallun	COO	3144 Bee Caves Rd., Austin, TX 78746	512.617.2606	chad@konaenergy.com
Mike Elhaj	CMO	3144 Bee Caves Rd., Austin, TX 78746	512.617.2607	mike@konaenergy.com

David Luppino, CEO, Iron Energy LLC

Energy Executive	10 Yrs	Energy contract negotiations	10 Yrs
Retail Electricity Risk Management Strategy & Execution	6 Yrs	Corporate Governance	10 Yrs
Direct P&L responsibility	10 Yrs	Regulatory Compliance	10 Yrs
Corporate Risk Control	12 Yrs		

Mr. Luppino is the CEO of Iron Energy, which he co-founded in August 2011. He has 14 years experience in retail electricity and energy risk management. Mr. Luppino most recently served 4 years as CEO of Simple Power, a Texas Retail Electricity Provider, where among other duties he maintained direct responsibility for regulatory compliance and wholesale risk management. Mr. Luppino co-founded Simple Power in 2007 with Mr. Gallun and Mr. Elhaj. Prior to Simple Power, Mr. Luppino was President & COO of the Alberta Watt Exchange, an electronic energy futures exchange in Calgary, Alberta, Canada. Prior to Alberta Watt Exchange Mr. Luppino worked in Houston and Calgary at Dynegy in various roles in corporate risk control, M&A and commercial asset management. Mr. Luppino received his MBA in Energy Finance from

University of Texas at Austin, McCombs School of Business and his BA in International Relations from Pomona College in Claremont, CA.

Chad Gallun, COO, Iron Energy LLC

Retail Electricity Executive	7 Yrs	Corporate Governance	7 Yrs
Retail Energy Systems Design & Operations (CIS/Billing/Reporting..)	7 Yrs	Energy contract negotiations	7 Yrs
Direct P&L responsibility	7 Yrs	Regulatory Compliance	7 Yrs

Mr. Gallun is the COO of Iron Energy, which he co-founded in August 2011. Mr. Gallun most recently served as the COO of Simple Power where he was also a co-founder. Prior to Simple Power, Mr. Gallun worked at Motorola for twelve years in various positions of increasing responsibility in design and marketing. Mr. Gallun graduated from Texas A&M University with a BS in Electrical Engineering. He also earned his MBA in Finance and Entrepreneurship from The University of Texas at Austin, McCombs School of Business.

Mike Elhaj, CMO, Iron Energy LLC

Retail Electricity Executive	7 Yrs	Corporate Governance	12 Yrs
Marketing Executive	12 Yrs	Regulatory Compliance	7 Yrs
Direct P&L responsibility	12 Yrs		

Mr. Elhaj is the CMO of Iron Energy, which he co-founded in August 2011. Mr. Elhaj has over 17 years experience in marketing and sales across several industries; including: retail energy, advertising, market research and real estate. Mr. Elhaj was most recently the CMO and co-founder of Simple Power. Mr. Elhaj progressed from the world of real estate sales and management to advertising, research and branding with several agencies in Austin culminating in being a partner at Sentient Services, a start-up Marketing and Research firm that made Inc. 5000 in 2008. Mr. Elhaj received his MBA in Marketing and BA in Kinesiology from the University of Texas at Austin.

Iron Energy LLC d/b/a Kona Energy

EXHIBIT D-4: FERC POWER MARKETER LICENSE NUMBER

See attached.

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Iron Energy LLC
Docket No. ER12-1355-000

April 25, 2012

Mr. David Luppino
CEO
Iron Energy LLC
5000 Bee Caves Road
Suite 106
Austin, Texas 78746

Reference: Market-Based Rate Authorization

Dear Mr. Luppino:

On March 27, 2012, you filed on behalf of Iron Energy LLC (Iron Energy) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.¹ Iron Energy requests waivers commonly granted to similar market-based rate applicants.

Your filing was noticed on March 27, 2012 with comments, protests or interventions due on or before April 17, 2012. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, your submittal filed in the referenced docket is accepted for filing, effective May 30, 2012, as requested. Based on your

¹ Iron Energy requests authorization to sell ancillary services in the markets administered by PJM Interconnection, L.L.C. (PJM), New York Independent System Operator, Inc. (NYISO), ISO New England Inc. (ISO-NE), California Independent System Operator Corp. (CAISO), and Midwest Independent Transmission System Operator, Inc. (MISO). Iron Energy also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

representations, Iron Energy meets the criteria for a Category 1 seller in all regions and is so designated.²

You state that Iron Energy is an energy service company located in Austin, Texas, and intends to act as a power marketer. You represent that Iron Energy does not own or control any generation or transmission in any region. You further represent that Iron Energy is owned by three individuals and is not affiliated with any entity that owns or controls generation or transmission facilities. Further, you affirmatively state that Iron Energy has not erected barriers to entry and will not erect barriers to entry into the relevant market.

You state that Iron Energy satisfies the Commission's criteria for Category 1 seller status in all regions. You state that Iron Energy neither owns or controls nor is affiliated with any other entity that owns or controls generation or transmission facilities in any region. You further state that Iron Energy is not affiliated with a franchised public utility and does not raise any other vertical market power issues.

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, horizontal and vertical market power.³

Based on your representations, Iron Energy's submittal⁴ satisfies the Commission's requirements for market-based rate authority regarding horizontal and

² *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at P 848-50, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Montana Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011).

³ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 62, 399, 408, 440.

⁴ The next time you make a market-based rate filing with the Commission, you must include a revised tariff in compliance with Appendix C – Limitations and Exemptions Regarding Market-Based Rate Authority to include appropriate citations. *Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8. *See also*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268 at P 384.

vertical market power.

Iron Energy's request for waiver of Subparts B and C of 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. Iron Energy's 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 141.15.⁵ Notwithstanding the waiver of the accounting and reporting requirements here, Iron Energy is expected to keep its accounting records in accordance with generally accepted accounting principles.

Iron Energy requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Iron Energy is 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 Iron Energy, compatible with the public interest, and reasonably necessary or appropriate for such purposes.⁶

Iron Energy must file electronically with the Commission Electric Quarterly Reports.⁷ Iron Energy further must 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 in accordance with Order No. 697.⁸

⁵ *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*).

⁶ *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

⁷ *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit Electric Quarterly Reports 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>.

⁸ *Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005); 18 C.F.R. § 35.42 (2011).

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: Debra Irwin
Phone: (202) 502-6253
Office of Energy Market Regulation
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Electric Power
Regulation - West

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in

Case No(s). 12-2459-EL-CRS

Summary: Application Renewal Application of Iron Energy LLC electronically filed by Mr. Stephen M Howard on behalf of Iron Energy LLC