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PUCO

January 31, 2017

Via FedEx

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

Dear Sirs:

Please find enclosed for filing in Commission Case No. 11-0027-GA-CRS United Energy Trading LLC's Motion for Extension of Certificate and the associated Memorandum of Support. As set forth in the Motion and Memorandum, UET did not timely file its application for renewal due to an inadvertent administrative error. For the Commission's convenience, we also include another copy of UET's Renewal Certificate. Please contact me or my colleague, Leah E. Capritta (303-974-6646) directly with any questions.

Sincerely yours,

HOLLAND & KNIGHT LLP



Shawn M. Turner

SMT:cmp

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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of)	
United Energy Trading, LLC)	Case No. 11-0027-GA-CRS
for Renewal Certificate to Provide)	
Competitive Retail Natural Gas Service in Ohio)	


UNITED ENERGY TRADING, LLC'S MOTION TO EXTEND CERTIFICATE

United Energy Trading, LLC dba Kratos Gas & Power ("UET"), under Ohio Administrative Code ("OAC") Rule 4901:1-27-09(B), and in conformance with Rule 4901:1-27-07, moves to extend Certificate No. 11-208(G)(3) in Case No. 11-0027-GA-CRS, so that it will remain in effect until March 8, 2017 or for such time as the Commission deems necessary to perform its review of the application for certificate renewal that UET filed with the Commission on January 27, 2017. The basis for this motion is set forth in the accompanying memorandum in support.

Dated: January 31, 2017.

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ 
Shawn Turner #78328

633 17th St. 2300
Colorado Plaza Tower I
Denver, CO 80202
Telephone: (303) 974-6660
Email: shawn.turner@hklaw.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
United Energy Trading, LLC)	Case No. 11-0027-GA-CRS
for Renewal Certificate to Provide)	
Competitive Retail Natural Gas Service in Ohio)	

**MEMORANDUM IN SUPPORT OF UNITED ENERGY TRADING, LLC'S MOTION
TO EXTEND CERTIFICATE**

On February 7, 2015, the Commission issued Certificate No. 11-208(G)(3) certifying UET as a competitive retail natural gas provider for natural gas brokerage services and aggregation. The certificate will expire on February 9, 2017.

O.A.C. 4901:1-27-09(A) requires a retail natural gas supplier to file its renewal application within 60 to 30 days before expiration of its certificate. Due to an inadvertent administrative error, UET filed its application to renew the certificate, along with the necessary supporting exhibits, on January 27, 2017, which was less than 30 days of the certificate's expiration.

To continue the effectiveness of UET's certificate, and to provide adequate time for the Commission to review the renewal application, UET respectfully requests a one-month extension of its certificate, until March 8, 2017 or, in the alternative, for a period of time that the Commission deems necessary to perform its review of the renewal application and avoid any break in the certificate. UET's renewal application meets all the requirements of O.A.C. Rule 4901:1-27-05 and, as a result, the Commission should reach the merits of the 2017 renewal application by

granting this motion. Further, granting an extension of the certificate would be in accordance with Commission precedent and will not prejudice any party.¹

For the foregoing reasons, the motion should be granted.

Dated: January 31, 2017.

Respectfully submitted,

HOLLAND & KNIGHT LLP

/s/ 

Shawn Turner #78328

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Colorado Plaza Tower I
Denver, CO 80202
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¹ See, e.g., *In the Matter of the Application of Community Energy Advisors, LLC for Certification as a Competitive Retail Natural Gas Aggregator/Broker*, Case No. 13-2139-GA-AGG, Entry at 2 (December 21, 2015) (extending expiration date of certificate even though the expiration date had passed); *In the Matter of the Application of Diversegy, LLC for Certification as a Competitive Retail Natural Gas Aggregator/Broker*, Case No. 12-2880-GA-AGG, Entry at 1-2 (November 19, 2014) (extending expiration date of certificate to allow time to prepare renewal application and compile supporting exhibits); *In the Matter of the Application of the City of Norwood, Ohio for Certification to Provide Natural Gas Governmental Aggregation Service in Ohio*, Case No. 10-0390-GA-GAG, Entry at 1 (May 10, 2012) (extending expiration date of certificate even though the expiration date had passed).



Public Utilities Commission

PUCO USE ONLY - Version 1.08 May 2016		
Date Received	Renewal Certification Number	ORIGINAL CRS Case Number
		11 - 0027 - GA-CRS

RENEWAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS SUPPLIERS

Please type or print all required information. Identify all attachments with an exhibit label and title (*Example: Exhibit A-15 - Company History*). 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 directly input information onto the form. You may also download the form by saving it to your local disk.

SECTION A - APPLICANT INFORMATION AND SERVICES

A-1 Applicant intends to renew its certificate as: (check all that apply)

☐ Retail Natural Gas Aggregator ☐ Retail Natural Gas Broker ☒ Retail Natural Gas Marketer

A-2 Applicant information:

Legal Name United Energy Trading, LLC
Address 225 Union Boulevard, Ste. 200, Lakewood, CO 80228
Telephone No. 1-800-296-2203 Web site Address www.unitedenergytrading.com
Current PUCO Certificate No. 11-208G(3) Effective Dates February 9, 2015 through February 9, 2017

A-3 Applicant information under which applicant will do business in Ohio:

Name Kratos Gas & Power
Address 8044 Montgomery Road, Ste. 700, Cincinnati, OH 45236
Web site Address www.kratosgp.com Telephone No. 1-800-296-2203

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

United Energy Trading, LLC Kratos Gas & Power
United Energy Trading Canada, ULC Vector Fuels
Blue Spruce Energy Services

A-5 Contact person for regulatory or emergency matters:

Name Kenneth Thomson Title VP Operations and General Counsel
Business Address 225 Union Boulevard, Ste. 200, Lakewood, CO 80228
Telephone No. 303-991-0984 Fax No. 303-991-0988 Email Address kthomson@uetilc.com

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

Name Stephen Shortell Title Customer Service Representative
Business address 225 Union Boulevard, Ste. 200, Lakewood, CO 80228
Telephone No. 1-800-296-2203 Fax No. 303-991-0988 Email Address hello@kratosgp.com

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

Customer service address 8044 Montgomery Road, Ste. 700, Cincinnati, OH 45236
Toll-Free Telephone No. 1-800-296-2203 Fax No. 303-991-0988 Email Address hello@kratosgp.com

A-8 Provide "Proof of an Ohio Office and Employee," in accordance with Section 4929.22 of the Ohio Revised Code, by listing name, Ohio office address, telephone number, and Web site address of the designated Ohio Employee

Name Serafin Barayazarra Title Gas Marketing Representative
Business address 8044 Montgomery Road, Ste. 700, Cincinnati, OH 45236
Telephone No. 1-800-296-2203 Fax No. 303-991-0988 Email Address sbarayazarra@uetilc.com

A-9 Applicant's federal employer identification number 31-1439798

A-10 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 |

A-11 (Check all that apply) Identify each natural gas company service area in which the applicant is currently providing service or intends to provide service, including identification of each customer class that the applicant is currently serving or intends to serve, for example: *residential, small commercial, and/or large commercial/industrial (mercantile) customers*. (A mercantile customer, as defined in Section 4929.01(L)(1) of the Ohio Revised Code, means a customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within the state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. In accordance with Section 4929.01(L)(2) of the Ohio Revised Code, "Mercantile customer" excludes a not-for-profit customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state that has filed the necessary declaration with the Public Utilities Commission.)

<input checked="" type="checkbox"/>	Columbia Gas of Ohio	<input checked="" type="checkbox"/>	Residential	<input checked="" type="checkbox"/>	Small Commercial	<input checked="" type="checkbox"/>	Large Commercial / Industrial
<input checked="" type="checkbox"/>	Dominion East Ohio	<input checked="" type="checkbox"/>	Residential	<input checked="" type="checkbox"/>	Small Commercial	<input checked="" type="checkbox"/>	Large Commercial / Industrial
<input type="checkbox"/>	Duke Energy Ohio	<input type="checkbox"/>	Residential	<input type="checkbox"/>	Small Commercial	<input type="checkbox"/>	Large Commercial / Industrial
<input checked="" type="checkbox"/>	Vectren Energy Delivery of Ohio	<input checked="" type="checkbox"/>	Residential	<input checked="" type="checkbox"/>	Small Commercial	<input checked="" type="checkbox"/>	Large Commercial / Industrial

A-12 If applicant or an affiliated interest previously participated in any of Ohio's Natural Gas Choice Programs, for each service area and customer class, provide approximate start date(s) and/or end date(s) that the applicant began delivering and/or ended services.

☐ Columbia Gas of Ohio

<input type="checkbox"/>	Residential	Beginning Date of Service		End Date	
<input type="checkbox"/>	Small Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Large Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Industrial	Beginning Date of Service		End Date	

☒ Dominion East Ohio

<input checked="" type="checkbox"/>	Residential	Beginning Date of Service	April 1, 2011	End Date	ongoing
<input checked="" type="checkbox"/>	Small Commercial	Beginning Date of Service	April 1, 2011	End Date	ongoing
<input checked="" type="checkbox"/>	Large Commercial	Beginning Date of Service	April 1, 2011	End Date	ongoing
<input checked="" type="checkbox"/>	Industrial	Beginning Date of Service	April 1, 2011	End Date	ongoing

☐ Duke Energy Ohio

<input type="checkbox"/>	Residential	Beginning Date of Service		End Date	
<input type="checkbox"/>	Small Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Large Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Industrial	Beginning Date of Service		End Date	

☐ Vectren Energy Delivery of Ohio

<input type="checkbox"/>	Residential	Beginning Date of Service		End Date	
<input type="checkbox"/>	Small Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Large Commercial	Beginning Date of Service		End Date	
<input type="checkbox"/>	Industrial	Beginning Date of Service		End Date	

A-13 If not currently participating in any of Ohio's four Natural Gas Choice Programs, provide the approximate start date that the applicant proposes to begin delivering services:

<input checked="" type="checkbox"/>	Columbia Gas of Ohio	Intended Start Date	April 1, 2017
<input type="checkbox"/>	Dominion East Ohio	Intended Start Date	
<input type="checkbox"/>	Duke Energy Ohio	Intended Start Date	
<input checked="" type="checkbox"/>	Vectren Energy Delivery of Ohio	Intended Start Date	April 1, 2017

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- A-14 **Exhibit A-14 "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-15 **Exhibit A-15 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- A-16 **Exhibit A-16 "Articles of Incorporation and Bylaws,"** provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto, *only if the contents of the originally filed documents changed since the initial application.*
- A-17 **Exhibit A-17 "Secretary of State,"** provide evidence that the applicant is still currently registered with the Ohio Secretary of the State.

SECTION 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 current 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 natural gas service, or retail/wholesale electric services.
- B-2 **Exhibit B-2 "Experience & Plans,"** provide a current 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 4929.22 of the Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code.
- B-3 **Exhibit B-3 "Summary of Experience,"** provide a concise and current summary of the applicant's experience in providing the service(s) for which it is seeking renewed certification (e.g., number and types of customers served, utility service areas, volume of gas supplied, etc.).
- B-4 **Exhibit B-4 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocations 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 for which it is seeking renewed certification since applicant last filed for certification.

- B-5 Exhibit B-5 "Disclosure of Consumer Protection Violations,"** disclose whether the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant has been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws since applicant last filed for certification.

☒ 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 Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation,"** disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, or revoked, or whether the applicant or predecessor has been terminated from any of Ohio's Natural Gas Choice programs, or been in default for failure to deliver natural gas since applicant last filed for certification.

☒ 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.

SECTION C - APPLICANT 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, labeled as Exhibit C-1, or indicate that Exhibit C-1 is not applicable and why.
(This is generally only applicable to publicly traded companies who publish annual reports.)
- 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. An applicant may submit a current link to the filings or provide them in paper form. 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. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns (with social security numbers and account numbers redacted).
- C-4 Exhibit C-4 "Financial Arrangements,"** provide copies of the applicant's current financial arrangements to conduct competitive retail natural gas service (CRNGS) as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.)

Renewal applicants can fulfill the requirements of Exhibit C-4 by providing a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements.

First time applicants or applicants whose certificate has expired as well as renewal applicants can meet the requirement by one of the following methods:

1. The applicant itself stating that it is investment grade rated by Moody's, Standard & Poor's or Fitch and provide evidence of rating from the rating agencies.
2. Have a parent company or third party that is investment grade rated by Moody's, Standard & Poor's or Fitch guarantee the financial obligations of the applicant to the LDU(s).
3. Have a parent company or third party that is not investment grade rated by Moody's, Standard & Poor's or Fitch but has substantial financial wherewithal in the opinion of the Staff reviewer to guarantee the financial obligations of the applicant to the LDU(s). The guarantor company's financials must be included in the application if the applicant is relying on this option.
4. Posting a Letter of Credit with the LDU(s) as the beneficiary.

If the applicant is not taking title to the electricity or natural gas, enter "N/A" in Exhibit C-4. An N/A response is only applicable for applicants seeking to be certified as an aggregator or broker.

C-5 Exhibit C-5 "Forecasted Financial Statements," provide two years of forecasted income statements for the applicant's **NATURAL GAS related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer. The forecasts should be in an annualized format for the two years succeeding the Application year.

C-6 Exhibit C-6 "Credit Rating," provide a statement disclosing the applicant's current credit rating as reported by two of the following organizations: Duff & Phelps, 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 an 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. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.

- C-7 **Exhibit C-7 “Credit Report,”** provide a copy of the applicant’s current credit report from Experian, Dun and Bradstreet, or a similar organization. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter “N/A” for Exhibit C-7.
- 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 two most recent years preceding the application.
- C-10 **Exhibit C-10 “Corporate Structure,”** provide a description of the applicant’s corporate structure, not an internal organizational chart, 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. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate within the two most recent years preceding the application.

SECTION D – APPLICANT TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- D-1 **Exhibit D-1 “Operations,”** provide a current written description of the operational nature of the applicant’s business. Please include whether the applicant’s operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and the provision of retail ancillary services, as well as other services used to supply natural gas to the natural gas company city gate for retail customers.
- D-2 **Exhibit D-2 “Operations Expertise,”** given the operational nature of the applicant’s business, provide evidence of the applicant’s current experience and technical expertise in performing such operations.
- D-3 **Exhibit D-3 “Key Technical Personnel,”** provide the names, titles, email addresses, telephone numbers, and background of key personnel involved in the operational aspects of the applicant’s current business.

Applicant Signature and Title

Michael Huggins, Managing Director

Sworn and subscribed before me this 23rd day of January Month 2017 Year

Heather Kinghorn, Notary Public

Signature of official administering oath

Print Name and Title

My commission expires on April 22, 2017



The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service
Affidavit Form
(Version 1.07)

In the Matter of the Application of)

United Energy Trading, LLC d/b/a Kratos Gas & Power)
for a Certificate or Renewal Certificate to Provide)
Competitive Retail Natural Gas Service in Ohio.)

Case No. 11-0027 -GA-CRS

County of Jefferson
State of Colorado

Michael Huggins [Affiant], being duly sworn/affirmed, hereby states that:

- (1) The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant.
- (2) The applicant will timely file an annual report of its intrastate gross receipts and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
- (3) The applicant will timely pay any assessment made pursuant to Section 4905.10 or Section 4911.18(A), Ohio Revised Code.
- (4) Applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
- (5) Applicant will cooperate with the Public Utilities Commission of Ohio and its staff in the investigation of any consumer complaint regarding any service offered or provided by the applicant.
- (6) Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
- (7) Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the certification or certification renewal application within 30 days of such material change, including any change in contact person for regulatory or emergency purposes or contact person for Staff use in investigating customer complaints.
- (8) Affiant further sayeth naught.

Affiant Signature & Title

Michael Huggins, Managing Director

Sworn and subscribed before me this 23rd day of January 2017 Year

Signature of Official Administering Oath

Heather Kinghorn, Notary Public

Print Name and Title

My commission expires on April 22, 2017