



Public Utilities Commission

Original AGG Case Number	Version
13 - 1637 -EL-AGG	May 2016

RENEWAL APPLICATION FOR ELECTRIC AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit C-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 intends to be certified as: (check all that apply)

☒ Power Broker ☐ Aggregator

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

Legal Name Optimal Facility Management Solutions, LLC
 Address 101 W Grand Ave, Suite 325, Chicago, IL 60654
 PUCO Certificate # and Date Certified PUC Cert@: 13-730E (1), August 19, 2013
 Telephone # (312) 257-3334 Web site address (if any) www.optimalfms.com

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

Legal Name Optimal Facility Management Solutions, LLC
 Address 101 W Grand Ave, Suite 325, Chicago, IL 60654
 Telephone # (312) 257-3334 Web site address (if any) www.optimalfms.com

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

Optimal Facility Management Solutions, LLC

A-5 Contact person for regulatory or emergency matters

Name Paul Rudewick
 Title President & CEO
 Business address 101 W Grand Ave, Suite 325, Chicago, IL 60654
 Telephone # (312) 257-3334 Fax # (312) 257-3332
 E-mail address paul.rudewick@optimalfms.com

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
 Technician SW Date Processed JUL 20 2017

2017 JUL 20 PM 2:59

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

Name Paul Rudewick
Title President & CEO
Business address 101 W Grand Ave, Suite 325, Chicago, IL 60654
Telephone # (312) 257-3334 Fax # (312) 257-3332
E-mail address paul.rudewick@optimalfms.com

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

Customer Service address 101 W Grand Ave, Suite 325, Chicago, IL 60654
Toll-free Telephone # (312) 257-3331 Fax # (312) 257-3332
E-mail address customercare@optimalfms.com

A-8 Applicant's federal employer identification number # 80-0286799

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.

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. (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 the 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 financial arrangements to conduct CRES 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 **ELECTRIC 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 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 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 or subsidiary companies.

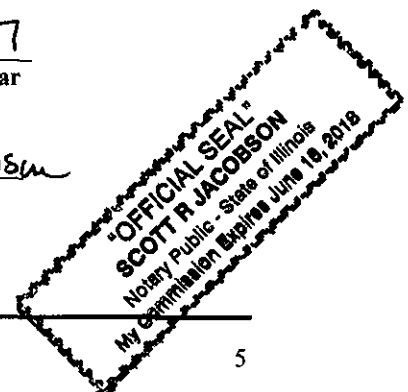
 **PRESIDENT : CEO**
Signature of Applicant & Title

Sworn and subscribed before me this 18th day of July, 2017
Month Year


Signature of official administering oath

Scott R Jacobson
Print Name and Title

My commission expires on 06/18/2018



AFFIDAVIT

State of Illinois :

Chicago ss.
(Town)

County of Cook :

Paul Rudwick, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President & CEO (Office of Affiant) of Optimal Facility Management (Name of Applicant);

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

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.

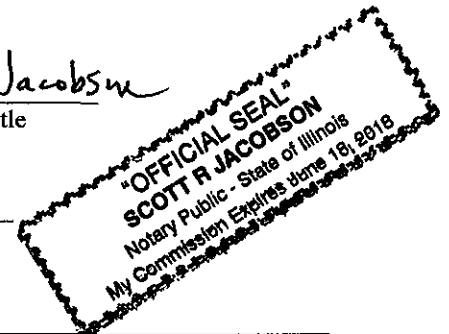
Paul Rudland PRESIDENT: CEO
Signature of Affiant & Title

Sworn and subscribed before me this 18th day of July, 2017 Year
Month

Scott R. Jacobson
Signature of official administering oath

Scott R Jacobson
Print Name and Title

My commission expires on 06/18/2018



Optimal Facility Management Solutions, LLC

Exhibit A-10 "Principal Officers, Directors & Partners"

Paul Rudewick
President & CEO
101 W. Grand Ave, Suite 325
Chicago, IL 60654
P: 312-257-3331
F: 312-257-3332

Maria Geroulis
Executive Director
101 W. Grand Ave, Suite 325
Chicago, IL 60654
P: 312-257-3331
F: 312-257-3332

Optimal Facility Management Solutions, LLC

Exhibit B-1 "Jurisdictions of Operations"

On February 10, 2010, the Illinois Commerce Commission certified and granted Optimal Facility Management Solutions, LLC authority to operate as an agent, broker and consultant for the procurement or sale of retail electricity supply for third parties in the State of Illinois.

On August 19, 2013, the Public Utilities Commission of Ohio granted Optimal Facility Management Solutions, LLC ("OFMS") authority to operate as a Power Broker and Aggregator.

On July 22, 2015, the Public Service Commission of Maryland granted Optimal Facility Management Solutions, LLC a license for electricity supplier broker services.

Optimal Facility Management Solutions, LLC is also operates in Wisconsin, Michigan, Florida, and Indiana.

Exhibit B-2 "Experience & Plans"

Optimal Facility Management Solutions, LLC's management brings a wealth of experience from the energy industry, including, but not limited to:

- Financing the development of over 16 power plants across the US;
- *Buying power from power plants and selling power to utilities across the US;*
- Retail electricity portfolio management and advisory services;
- Experience transacting in the following energy markets: WSCC (including CAISO), PJM, MISO, ERCOT, NYISO, NEPOOL and AESO

Optimal Facility Management Solutions, LLC plan is to continue to provide consulting and brokering services with respect to price risk management. Optimal Facility Management Solutions, LLC provides these services by entering into contractual arrangements with various providers and large commercial and industrial consumers of electric power and natural gas. The fees received by Optimal Facility Management Solutions, LLC are normally paid by the consumers through the providers of electric power and natural gas. If there are any customer inquiries or complaints regarding our services, our in-house legal department or our in-house management serve to resolve any disputes.

Exhibit B-3 "Disclosure of Liabilities and Investigations"

Optimal Facility Management Solutions, LLC has no existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact Optimal Facility Management Solutions, LLC's financial or operational status or ability to provide the services as a certified consultant and broker in Ohio.

Optimal Facility Management Solutions, LLC

Exhibit C-1 "Annual Reports"

Optimal Facility Management Solutions, LLC is an Illinois limited liability company and is not required to produce or file an annual report.

Exhibit C-2 "SEC Filings"

Optimal Facility Management Solutions, LLC is a private company and is not required to file SEC reports.

Exhibit C-3 "Financial Statements"

Optimal Facility Management Solutions, LLC balance sheet, income, and cash flow statements will be submitted under seal of confidentiality and are not to be disclosed or distributed.

Exhibit C-4 "Financial Arrangements"

Optimal Facility Management Solutions, LLC does not currently have financial arrangements to conduct CRES as a business activity. Optimal Facility Management Solutions, LLC will be operates as a broker and consultant in Ohio.

Exhibit C-5 "Forecasted Financial Statements"

Optimal Facility Management Solutions, LLC two years of forecasted financial statements will be submitted under seal of confidentiality and are not to be disclosed or distributed.

Exhibit C-6 "Credit Rating"

Optimal Facility Management Solutions, LLC does not have a credit rating.

Exhibit C-7 "Credit Report"

Optimal Facility Management Solutions, LLC is a private company and does not report its financial position or information to any credit agency.

Exhibit C-8 "Bankruptcy Information"

None

Exhibit C-9 "Merger Information"

None

Exhibit C-10 "Corporate Structure"

Optimal Facility Management Solutions, LLC ("OFMS") does not have any subsidiary or affiliate companies and does not take physical possession of electricity or natural gas, but advises on the procurement of as part of developing energy plans for clients.

CONFIDENTIAL

Confidential treatment has been requested for the following document:

Case # - - EL - AGG

Page Count: 7 (including cover page)

Filed by Paul Rudewick on behalf of Optimal Facility Management Solutions, LLC

Summary of document: Exhibit C-3 "Financial Statements"
Exhibit C-5 "Forecasted Financial Statements"

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Optimal Facilities Management)
Solutions, LLC for Renewal)
Application for Aggregators/Power)
Brokers)

Case No. _____-EL-AGG

MOTION FOR PROTECTIVE ORDER

Pursuant to the provisions of Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C."), Optimal Facility Management Solutions, LLC ("OFMS") respectfully moves the Public Utilities Commission of Ohio ("Commission") to issue a protective order to protect the confidentiality and prohibit disclosure and dissemination of certain documents filed simultaneously with this motion. The documents in Exhibit C-3 Financial Statements ("Exhibit C-3") and Exhibit C-5 Forecasted Financial Statements ("Exhibit C-5") contain competitively sensitive and proprietary business financial information comprised of trade secrets. These documents have been clearly marked as confidential and are hereby filed under seal, separate from the remainder of the materials that comprise OFMS's Renewal Application for Aggregators/Power Brokers filed simultaneously with this Motion.

The grounds for the instant Motion are set forth in the attached Memorandum in Support.

Respectfully submitted,



Paul Rudewick
President & CEO
Optimal Facility Management Solutions, LLC
101 W. Grand Ave., Suite 325
Chicago, IL 60654
Phone: (312) 257-3334
Facsimile: (312)-257-3332
paul.rudewick@optimalfms.com

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)
Optimal Facilities Management)
Solutions, LLC for Renewal)
Application for Aggregators/Power)
Brokers)

Case No. _____ - _____ -EL-AGG

MEMORANDUM IN SUPPORT

Contemporaneously with this Motion for Protective Order and Memorandum in Support, *Optimal Facility Management Solutions, LLC ("OFMS")* files its Renewal Application for Aggregators/Power Brokers. As part of the Application materials, the Public Utilities Commission of Ohio ("Commission") requested information regarding OFMS' financial statements (Exhibit C-3) and forecasted financial statements (Exhibit C-5). OFMS has submitted the requested information under seal because the documents contain competitively sensitive and high proprietary business financial information that requires confidential treatment. Consequently, OFMS requests that the Commission maintain the confidential nature of these documents and the information contained therein and to protect the documents from public disclosure.

Rule 4901-1-24(D) of the Ohio Administrative Code ("O.A.C."), provides for the issuance of an order that is necessary to protect the confidentiality of information contained in documents filed at the Commission to the extent that state and federal laws prohibit the release of such information and where non-disclosure of the information is not inconsistent with the purposes of Title 49 of the Revised Code ("R.C."). State law recognizes the need to protect information that is confidential in nature, as is the information in Exhibit C-3 and Exhibit C-5. Section 4928.06(F), R.C, specifically permits the Commission to grant confidentiality to competitive information in that it states that "The commission shall take such measures as it considers necessary to protect the confidentiality of such information." Non-disclosure of the information will not impair the purposes of Title 49 as the Commission and its Staff will have access to the information they need to complete the review process.

The documents and information contained in Exhibit C-3 and Exhibit C-5 are comprised of competitively sensitive and high proprietary business financial information falling within the statutory characterization of a trade secret as defined by Section 1333.61(D), R.C.¹

Clearly, financial statements and forecasted financial statements as set forth in Exhibit C-3 and Exhibit C-5, respectively, contain proprietary data and are confidential. Public disclosure or

¹R.C. 1331.61 (D) defines trade secret as: "information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following: (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by, proper means by other persons who can obtain economic value from its disclosure or use. (2) It is subject of efforts that are reasonable under the circumstances to maintain its secrecy."

dissemination of this information would jeopardize OFMS' business position and ability to compete. OFMS asserts that this information is not generally known by the public and is held in confidence in the ordinary and normal course of business. Therefore, OFMS reasonably requests that the identified financial information contained in Exhibit C-3 and Exhibit C-5 be considered trade secrets, and thus, be treated as confidential by this Commission and its Staff.

WHEREFORE, OFMS respectfully requests that this Motion for Protective Order be granted for the reasons set forth herein.

Respectfully submitted,



Paul Rudewick
President & CEO
Optimal Facility Management Solutions, LLC
101 W. Grand Ave., Suite 325
Chicago, IL 60654
Phone: (312) 257-3334
Facsimile: (312)-257-3332
paul.rudewick@optimalfms.com

¹R.C. 1331.61 (D) defines trade secret as: "information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following: (1) It derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by, proper means by other persons who can obtain economic value from its disclosure or use. (2) It is subject of efforts that are reasonable under the circumstances to maintain its secrecy."