

FILE

Ohio

Public Utilities  
Commission

PUCO USE ONLY - Version 1-08		
Date Received	Renewal Certification Number	ORIGINAL AGG Case Number
		14-0114 - GA-AGG

14-0114-GA-AGG

## RENEWAL CERTIFICATION APPLICATION

### COMPETITIVE RETAIL NATURAL GAS BROKERS/AGGREGATORS

64

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

#### A-2 Applicant information:

Legal Name                      L5E, LLC  
 Address                        4545 Fuller Drive, Suite 412, Irving, TX 75038  
 Telephone No.                (972) 445-9584                      Web site Address            www.energyby5.com  
 Current PUCO Certificate No.    14-344G(1)                      Effective Dates                02/22/2016 - 02/22/2018

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

Name                            L5E, LLC  
 Address                        4545 Fuller Drive, Suite 412, Irving, TX 75038  
 Web site Address            www.energyby5.com                      Telephone No.                (972) 445-9584

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

L5E, LLC

5

#### A-5 Contact person for regulatory or emergency matters:

Name    Patti Hummel                      Title    Director Accounting and Compliance  
 Business Address    4545 Fuller Drive, Suite 412, Irving, TX 75038  
 Telephone No.    (972) 445-9584                      Fax No.    (855) 329-3483                      Email Address    patti.hummel@energyby5.com

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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.  
 Date Processed 1/22/18  
 Technician

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

Name Josh Coleman

Title Chief Operating Officer

Business address 4545 Fuller Drive, Suite 412, Irving, TX 75038

Telephone No. (972) 445-9584

Fax No. (855) 329-3483

Email Address josh.coleman@energyby5.com

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

Customer service address 4545 Fuller Drive, Suite 412, Irving, TX 75038

Toll-Free Telephone No. (855) 275-3483

Fax No. (855) 329-3483

Email Address email5@energyby5.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 Business Filings Incorporated

Title Registered Agent

Business address 4400 Easton Commons Way, Suite 125, Columbus, OH 43219

Telephone No. (800) 981-7183

Fax No. (608) 827-5501

Email Address mjspalinger@bizfilings.com

**A-9 Applicant's federal employer identification number 454036119**

**A-10 Applicant's form of ownership: (Check one)**

☐ Sole Proprietorship

☐ Partnership

☐ Limited Liability Partnership (LLP)

☒ Limited Liability Company (LLC)

☐ Corporation

☐ 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 checked="" type="checkbox"/> Duke Energy Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" 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 checked="" type="checkbox"/> Small Commercial	Beginning Date of Service 03/08/2017	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 type="checkbox"/> Residential	Beginning Date of Service	End Date
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service 03/08/2017	End Date
<input type="checkbox"/> Large Commercial	Beginning Date of Service	End Date
<input type="checkbox"/> Industrial	Beginning Date of Service	End Date

☐ 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 checked="" type="checkbox"/> Small Commercial	Beginning Date of Service 03/08/2017	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 type="checkbox"/>	Columbia Gas of Ohio	Intended Start Date	
<input type="checkbox"/>	Dominion East Ohio	Intended Start Date	
<input checked="" type="checkbox"/>	Duke Energy Ohio	Intended Start Date	04/01/2018
<input type="checkbox"/>	Vectren Energy Delivery of Ohio	Intended Start Date	

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. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 whether 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 satisfy collateral requirements to conduct retail electric/gas business activity (e.g., parental or third party guarantees, 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 or subsidiary companies.

### **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 functions.
- 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

*John D. Coleman*

Sworn and subscribed before me this

19<sup>th</sup>

day of

January

Month

2018

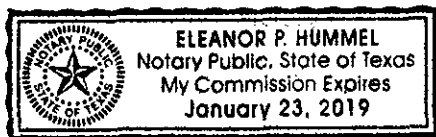
Year

*Eleanor P. Hummel*

Signature of official administering oath

*Eleanor P. Hummel*

Print Name and Title



My commission expires on

1/23/19



# The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service  
Affidavit Form  
(Version 1.07)

In the Matter of the Application of )

L5E, LLC )

for a Certificate or Renewal Certificate to Provide )  
Competitive Retail Natural Gas Service in Ohio. )

Case No. 14 - 0114 -GA-AGG

County of

Dallas

State of

TX

JOSH D. COLEMAN

[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

Josh D. Coleman

Sworn and subscribed before me this

19<sup>th</sup>

day of

January

Month

2018

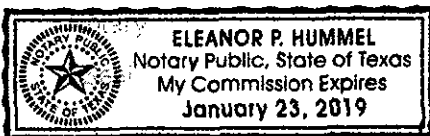
Year

Eleanor P. Hummel

Signature of Official Administering Oath

Eleanor P. Hummel

Print Name and Title



My commission expires on

1/23/19

ERNGS Broker/Aggregator Renewal - Version 1.08, Revised May 2016)

Page 7 of 7



**Exhibit A-14 "Principal Officers, Directors & Partners,"**

- 1. Brian Hayduk, President**  
4545 Fuller Drive, Suite 412  
Irving, TX 75038  
(972) 445-9584
- 2. John Moore, Chief Counsel**  
4545 Fuller Drive, Suite 412  
Irving, TX 75038  
(972) 445-9584
- 3. Josh Coleman, Chief Operating Officer**  
4545 Fuller Drive, Suite 412  
Irving, TX 75038  
(972) 445-9584
- 4. Eric Plateis, Chief Risk Officer**  
4545 Fuller Drive, Suite 412  
Irving, TX 75038  
(972) 445-9584
- 5. Jeff Schiefelbein, Chief Culture Officer**  
4545 Fuller Drive, Suite 412  
Irving, TX 75038  
(972) 445-9584

## **Exhibit A-15 "Company History"**

Applicant was formed as a Limited Liability Company in the State of Texas on December 12, 2011. Applicant commenced business in Texas in Q1 2012. Applicant was formed to provide energy brokerage and advisory services to all customer classes. Applicant has been licensed as an electricity broker in the following states and jurisdictions: Delaware, District of Columbia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, and Rhode Island. Applicant has been licensed as a gas broker in the following states and jurisdictions: District of Columbia, Maine, Maryland, Massachusetts, New Jersey and Rhode Island. Applicant is also qualified to do business in various other states that do not require brokers to be licensed. These include the states of Connecticut, Michigan, New York, and Texas.

As the date of this filing, applicant is serving over 1,300 commercial and industrial customers in various states.

**Exhibit A-17 "Secretary of State,"**

Please find attached evidence that the applicant is still currently registered with the Ohio Secretary of State.

# Jon Husted Ohio Secretary

[Jon Husted & the Office](#) | [Elections & Voting](#) | [Campaign Finance](#) | [Legislation & Ballot Issues](#) | [Businesses](#) | [Records](#) | [Media Center](#) | [Publications](#)

## Business Filing Portal

[Print this report](#)

### Corporation Details

Corporation Details		
Entity Number	2146621	
Business Name	L5E, LLC	
Filing Type	FOREIGN LIMITED LIABILITY COMPANY	
Status	Active	
Original Filing Date	10/25/2012	
Expiry Date		
Location:	County:	State: TEXAS
Agent / Registrant Information		
BUSINESS FILINGS INCORPORATED 4400 EASTON COMMONS WAY SUITE 125 COLUMBUS, OH 43219 Effective Date: 10/25/2012 Contact Status: Active		
Filings		
Filing Type	Date of Filing	Document Number/Image
REGISTRATION OF FOREIGN LIMITED LIABILITY CO	10/25/2012	<a href="#">201230000207</a>
FICTITIOUS NAME/ORIGINAL FILING	11/02/2012	<a href="#">201230701047</a>

**Exhibit B-1 - Jurisdictions of Operation**  
**LSE, LLC**

**Applicant is authorized to provide energy brokerage and advisory services in the following jurisdictions:**

1. Delaware
2. Massachusetts
3. Maryland
4. Maine
5. New Hampshire
6. New Jersey
7. Ohio
8. Pennsylvania
9. Rhode Island
10. Texas

**Exhibit B-2 - Experience & Plans  
LSE, LLC**

As described in our response included on Exhibit B-2 , applicant's founders and staff have significant experience in all aspects of providing retail electricity service in competitive markets. Notwithstanding the foregoing, applicant will be primarily acting as a broker in the State of Ohio and in such capacity will be contracting directly with retail suppliers.

If applicant provides consulting or other energy advisory services directly for customers in Ohio, such contracts will be managed by our back office in Irving, Texas. This group is run by our Chief Operating Officer, Josh Coleman. Josh has worked in the energy business for his entire 30 +year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail electric providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections and contracting in the deregulated energy market. Josh and our full team of operations personnel in Irving, TX will be responsible 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.

### **Exhibit B-3 - Summary of Experience L5E, LLC**

We formed 5 (the "Company") to manage energy purchases for commercial and residential customers. Organizations and homeowners realize they are exposed to increasingly volatile energy prices. There is a need to manage this exposure in the same way they manage other market based financial exposures. The challenge for consumers is the overabundance of suppliers and products combined with ever changing commodity prices.

The Company introduces unique and innovative products that allow our sales team to effectively advise and broker natural gas service between end users and licensed power and natural gas suppliers.

Prior to founding 5, Brian Hayduk, Josh Coleman, Eric Plateis, and Jeff Schiefelbein managed and restructured First Choice Power (FCP - subsidiary of PNM Resources), a leading provider of electricity to commercial and residential customers in Texas. The above team was established at FCP in 2009 after record losses in 2008. For 2009, the business achieved a year over year positive EBITDA change of almost \$100M. After continued record earnings, growth and debt repayment, the business was sold to Direct Energy in late 2011 for \$270M.

### **CURRENT BUSINESS SUMMARY**

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Applicant currently serves approximately 1394 electric and 94 natural gas customers in multiple markets throughout the United States. The approximate volume of electricity and natural gas under management is 5,540,495 MWh and 8,053,084 Dth.

### **MANAGEMENT**

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The management team has extensive experience in all aspects of the deregulated energy industry throughout North America and has served many Fortune 500 companies in multiple markets.

#### ***Brian Hayduk***

Brian has been in the deregulated electricity market since it began in the late 1990s. His most recent role was as President of First Choice Power (FCP) where he had responsibility for all company operations and led the business to record growth and profit. His background includes corporate strategy, business development and marketing, M&A, portfolio management and development of retail business units in deregulated electricity markets throughout North America.

Prior to FCP, he served as co-founder and President of Juice Energy, Inc., a retail electric provider in three states, including Texas. He previously served as a Senior Vice President at Constellation NewEnergy where his responsibilities encompassed half of the company revenue (approx. \$2B) and he helped profitably grow its retail businesses throughout North America from 4,000 to 16,000 megawatts. Brian's on the board of Keep Lewisville Beautiful and encourages 5

to engage in sustainable practices. He's the only 5 partner who can claim pizza making and fishing boat mate on his resume.

M.S. Environmental Science, SUNY College of Environmental Science and Forestry; B.A. Economics, Lehigh University

### ***Jon Moore***

Jon Moore served as Executive Vice President at Beowulf Energy LLC from 2008-2011. Beowulf Energy is a private power and infrastructure company with expertise in the development, acquisition and long-term operation of power generation and infrastructure projects. Jon also recently served as a director of MX Holdings. In 2006, Jon co-founded Juice Energy, Inc., a green-focused energy retailer, where he served as CEO from 2006 until 2008. From 2002 until 2006, he was COO of Constellation NewEnergy ("NewEnergy"). Under Jon's leadership, NewEnergy grew into the nation's largest competitive supplier of electricity with over 16,000MW.

From 1994 until 2002, Jon worked for The AES Corporation ("AES"), where he was part of the senior management team that led AES's acquisition of NewEnergy Ventures, which was one of the first companies to offer electricity to commercial and industrial customers in deregulated markets. In 2002, Jon was part of the team that negotiated the sale of AES's retail electricity business to Constellation Energy Group. Mr. Moore worked as a transactional attorney with O'Melveny & Myers in Washington, D.C. from 1988 to 1994. Jon's also the only partner in 5 with two national championship rings.

JD from Yale Law School; Magna Cum Laude from Princeton University's Woodrow Wilson School

### ***Eric Plateis***

Eric has 30 years of experience in commodity trading and risk management. Eric's most recent experience was as Vice President of Portfolio Risk Management at First Choice Power, where he was responsible for all of the supply and risk management activities as well as retail pricing and load forecasting activities. Eric's previous roles include Senior Supply Officer for Juice Energy, Vice President of fixed price Natural Gas Trading at Bank of Montreal and Vice President of Trading at Constellation where Eric was responsible for the West and ERCOT region structured portfolios. Eric has been interviewed on McNeil Lehrer Hour and presented to the Argentine Consulate on hedging and risk management. He's also held Board seats at the Commodity Exchange, Inc., NYMEX and was Vice Chair of the COMEX Governors Committee.

Eric started his career in the "Pits" on the floor of the New York commodities exchanges where he traded for his own personal account; an experience he is always happy to share with anyone foolish enough to ask.

B.A. Accounting, Boston University

### ***Jeff Schiefelbein***

Jeff Schiefelbein has worked in the deregulated energy business for the past 8 years and most recently served as the Vice President of Sales at First Choice Power. Jeff has a proven track record of leadership and innovation through his extensive experience in sales, company start-up, technology development, personal coaching, and strategic management. He has also been



recognized nationally for the creation and implementation of two highly successful nonprofit corporations.

While at First Choice Power, Jeff developed a unique multi-team approach to sales that led to 6 straight quarters of double-digit growth. Jeff also launched an industry-leading online pricing portal that increased scale while reducing overhead. He continues to impact thousands each year through his motivational speaking and guest lecturing activities. Jeff is the recipient of the national Daily Points of Light Award, the Texas Governor's Volunteer Service Award and has been featured on ABC's "Volunteers Across America". Also, ask him about his run on Broadway sometime.

B.B.A. Small Business and Entrepreneurship, Texas A&M University

### ***Josh Coleman***

Josh has worked in the energy business for his entire 27-year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail electric providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections and contracting in the deregulated energy market.

Prior to entering the retail electric business, Josh worked in a variety of energy management and facilities leadership roles at Invensys, Teccor Electronics and Texas Instruments. Josh is the Board Chair for Camp Summit, an organization that promotes personal growth and independence through outdoor experiences for people with disabilities. Josh also enjoys his status as the only member of the 5 leadership team that has been paid to swim with a pig.

B.S. Mechanical Engineering, Texas A&M University; Professional Engineer, State of Texas (inactive)

**Exhibit C-1 Annual Reports  
LSE, LLC**

Applicant was formed in November 2012 and commenced business in Q1 2012. In addition, applicant is a closely held LLC and has only five investors. At this time, applicant has no plans to produce annual reports. Financial statements for applicant are provided in Exhibit C-3.

**Exhibit C-2 SEC Filings  
LSE, LLC**

As noted in our response to C-1, applicant is a closely held private LLC. Applicant is not required to file financials with the SEC.

Exhibit C-3 Financial Statements  $Q_1 \rightarrow Q_3$  2017 1/4

**L5E, LLC**

**FINANCIAL STATEMENTS  
(UNAUDITED)**

**For the Three and Nine Months Ended September 30, 2017**

**MILVAIN**  
**& ASSOCIATES LLC**  
CERTIFIED PUBLIC ACCOUNTANTS  
4004 GATEWAY DR., SUITE 180  
COLLEYVILLE, TX 76034  
(817) 545-1277

2/9



4004 Gateway Drive, Ste. 180  
Colleyville, TX 76034  
817-545-1277

## ACCOUNTANTS' COMPILATION REPORT

To the Stockholders  
L5E, LLC dba 5  
Irving, TX

We have compiled the accompanying statement of assets, liabilities, and stockholders' equity—modified accrual basis of L5E, LLC dba 5 (an S Corporation) as of September 30, 2017 and the related statement of revenue and expenses—modified accrual basis, for the three and nine months then ended and the statement of cash flows which is presented for supplementary information purposes only, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with the modified accrual basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the modified accrual basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

Management has elected to omit substantially all of the disclosures required by modified accrual basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to L5E, LLC dba 5 as we performed certain accounting services that impaired our independence.

*McIlvain & Associates LLC*

McIlvain & Associates LLC

October 31, 2017

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**L5E, LLC**  
**Statement of Assets, Liabilities, and Stockholders' Equity - Modified Accrual Basis**  
**As of September 30, 2017**

**ASSETS**

**Current Assets**

**Checking/Savings**

Restricted Funds 2,506.94

Demand Deposit 399,993.46

Trinity Bank Wire 9,554.74

Trinity Bank Operating 125,803.21

**Total Checking/Savings** 537,858.35

**Accounts Receivable**

Accounts Receivable-Customers 40,937.50

**Total Accounts Receivable** 40,937.50

**Other Current Assets**

Commissions Receivable-Short 5,747,472.22

Commissions Clawback-Short (114,949.44)

**Total Other Current Assets** 5,632,522.78

**Total Current Assets** 6,211,318.63

**Property and Equipment**

Leasehold Improvements 11,177.72

Software 149,331.41

Computer Equipment 20,991.84

Furniture and Equipment 12,267.61

Accumulated Depreciation (168,029.62)

**Total Property and Equipment** 25,738.96

**Other Assets**

Goodwill 496,680.70

Accum Amortization-Goodwill (46,908.78)

Commissions Receivable-Long 16,399,887.82

Commissions Clawback-Long (327,997.76)

Trademark 2,871.00

Organization Costs 3,810.00

Loan Fees 22,400.00

Accumulated Amortization (18,590.14)

Security Deposits 5,849.38

**Total Other Assets** 16,538,002.22

**TOTAL ASSETS** 22,775,059.81

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**L5E, LLC**  
**Statement of Assets, Liabilities, and Stockholders' Equity - Modified Accrual Basis**  
**As of September 30, 2017**

**LIABILITIES AND STOCKHOLDERS' EQUITY**

**Liabilities**

**Current Liabilities**

Accounts Payable	2,310.85
Citi Advantage Platinum	18,770.47
American Express Credit Cards	53,616.63
Bonuses Payable Short Term	57,655.00
Partner Loan Interest Payable	7,425.89
Commissions Payable-Short Term	1,383,428.78
Commissions Clawback-Short Term	(27,668.57)

<b>Total Current Liabilities</b>	<b><u>1,495,539.05</u></b>
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**Long Term Liabilities**

Loans-Josh Coleman	570,000.00
Loans-Eric Plateis	200,000.00
Loan-Bank	4,539,881.16
Loans-Brian Hayduk	650,000.00
Loans-Jon Moore	450,000.00
Bonuses Payable Long Term	30,337.00
Commissions Payable-Long Term	4,439,039.72
Commission Clawback-Long Term	(88,780.78)

<b>Total Long Term Liabilities</b>	<b><u>10,790,477.10</u></b>
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<b>Total Liabilities</b>	<b><u>12,286,016.15</u></b>
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**Equity**

Retained Earnings	13,078,427.82
Stockholder's Equity	(5,219,911.84)
Net Income	2,630,527.68

<b>Total Equity</b>	<b><u>10,489,043.66</u></b>
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<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u><u>22,775,059.81</u></u></b>
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**L5E, LLC**  
**Statement of Revenue and Expenses - Modified Accrual Basis**  
**For the Three and Nine Months Ended September 30, 2017**

	<u>Jul - Sep 17</u>	<u>Jan - Sep 17</u>
Operating Income/Expense		
Income		
Revenue		
Other Services Income	10,792.56	22,086.85
Interest Income	576.16	1,124.03
Consulting Income	59,187.50	149,112.63
Commission Clawback		(900.00)
Commission Income	<u>1,744,521.91</u>	<u>4,654,882.90</u>
Total Income	<u>1,815,078.13</u>	<u>4,826,306.41</u>
Cost of Goods Sold		
Bill Audit Services	2,266.00	8,395.37
Energy Efficiency Projects	0.00	1,844.00
Power Factor Correction	3,000.00	3,000.00
New Construction Services-Unreg	0.00	4,000.00
New Construction Services-Reg	<u>0.00</u>	<u>5,600.00</u>
Total COGS	<u>5,266.00</u>	<u>22,839.37</u>
Gross Profit	<u>1,809,812.13</u>	<u>4,803,467.04</u>
Operating Expenses		
Contractor Commissions		
Commissions	<u>137,111.58</u>	<u>453,315.07</u>
Total Contractor Commissions	<u>137,111.58</u>	<u>453,315.07</u>
Employee Leasing-Non Advisor		
Salary-Non Advisor	356,637.49	1,097,908.40
Commissions-Non Advisor	296.64	641.60
Payroll Tax-Non Advisor	25,272.74	110,311.20
Admin Fees-Non Advisor	3,339.61	16,431.94
Insurance-Non Advisor	<u>30,552.77</u>	<u>93,979.83</u>
Total Employee Leasing-Non Advisor	<u>416,099.25</u>	<u>1,319,272.97</u>
Employee Leasing - Advisor		
Salary - Advisor	344,621.73	1,100,232.13
Commissions-Advisor	388,185.28	777,961.45
Payroll Tax-Advisor	43,266.42	120,416.37
Admin Fees- Advisor	1,784.21	13,312.53
Incentive Awards-Advisor	3,757.90	26,502.25
Insurance-Advisor	<u>46,717.40</u>	<u>143,555.85</u>
Total Employee Leasing - Advisor	<u>828,332.94</u>	<u>2,181,980.58</u>
Total Salary, Benefits & Contractors	<u>1,381,543.77</u>	<u>3,954,568.62</u>

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**L5E, LLC**  
**Statement of Revenue and Expenses - Modified Accrual Basis**  
**For the Three and Nine Months Ended September 30, 2017**

	<u>Jul - Sep 17</u>	<u>Jan - Sep 17</u>
Other G&A Expense		
Accounting Services	0.00	9,463.22
Advertising	1,750.00	4,883.88
Airfare	32,708.94	67,723.39
Amortization Expense	8,837.76	26,513.28
Bank Service Charges	577.79	1,198.52
Charitable Contributions	(1,019.97)	12,630.03
Computer and Telecom	34,011.23	93,187.89
Customer Appreciation	3,160.49	7,167.91
Depreciation Expense	10,412.69	29,646.65
Dues & Subscriptions	6,717.32	16,301.57
Employee Appreciation	1,156.70	1,684.82
Entertainment	476.73	867.73
General Liability Insurance	0.00	157.00
Hotel	29,401.04	67,414.80
Interest Expense	79,922.48	237,702.78
Legas Services	5,165.00	10,887.50
Licenses & Fees	1,555.25	5,544.25
Marketing Expense	34,269.76	61,603.77
Meals	17,498.26	52,483.08
Mileage	8,971.01	29,420.49
Office Equipment	0.00	6,026.13
Office Expense	11,904.38	17,950.30
Office Supplies	4,943.40	11,885.47
Other Taxes	102.38	4,664.10
Parking & Tolls	2,774.08	8,645.33
Payroll Processing Fees	647.20	1,971.83
Postage	2,371.95	8,507.84
Printing and Reproduction	3,091.68	7,777.59
Property Tax	0.00	450.10
Recruiting	5,000.00	14,301.28
Rent	21,843.34	62,771.50
Rental Car	1,028.09	1,330.52
State Income/Franchise	0.00	9,881.00
Systems Development Expense	3,533.16	5,289.94
Training and Development	24,826.61	51,868.37
Transportation	4,392.04	12,775.91
Total Other G&A Expense	<u>362,030.79</u>	<u>962,579.77</u>
Total Operating Expenses	<u>1,743,574.56</u>	<u>4,917,148.39</u>
Operating Income (Loss)	<u>66,237.57</u>	<u>(113,681.35)</u>
Other Income/Expense		



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**L5E, LLC**  
**Statement of Revenue and Expenses - Modified Accrual Basis**  
**For the Three and Nine Months Ended September 30, 2017**

	<u>Jul - Sep 17</u>	<u>Jan - Sep 17</u>
Other Income		
Commissions Receivable - Long	117,375.66	2,339,816.56
Commissions Receivable - Short	151,543.55	1,656,017.75
Commission RCV Clawback - Long	(2,347.52)	(46,796.33)
Commission RCV Clawback - Short	(3,030.87)	(33,120.35)
Total Other Income	<u>263,540.82</u>	<u>3,915,917.63</u>
Other Expense		
Accrued Salaries & Commissions	0.00	(68,425.00)
Commissions Payable - Long	174,198.63	748,427.36
Commissions Payable - Short	(43,334.54)	517,015.09
Commission Pay Clawback - Long	(3,483.97)	(14,968.54)
Commission Pay Clawback-Short	866.69	(10,340.31)
Total Other Expense	<u>128,246.81</u>	<u>1,171,708.60</u>
Net Other Income	<u>135,294.01</u>	<u>2,744,209.03</u>
Net Income (Loss)	<u><u>201,531.58</u></u>	<u><u>2,630,527.68</u></u>

SUPPLEMENTAL INFORMATION

THE FOLLOWING PAGES CONTAIN ADDITIONAL INFORMATION WHICH MAY BE OF SERVICE IN UNDERSTANDING THE FINANCIAL STATEMENTS. THESE PAGES ARE NOT CONSIDERED PART OF THE FINANCIAL STATEMENTS. THE ENCLOSED ITEMS ARE:

Statement of Cash Flows

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**L5E, LLC**  
**Statement of Cash Flows**  
**For the Three and Nine Months Ended September 30, 2017**

	<u>Jul - Sep 17</u>	<u>Jan - Sep 17</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Net Income	201,531.58	2,630,527.68
Adjustments to Reconcile Net Income (Loss) to Net Cash:		
Accounts Receivable-Other	0.00	5,900.00
Accounts Receivable-Customers	16,062.50	(937.50)
Commissions Receivable-Short	(151,543.55)	(1,656,017.75)
Commissions Clawback-Short	3,030.87	33,120.35
Pre Paid Expenses	0.00	6,015.70
Commissions Receivable-Long	(117,375.66)	(2,339,816.56)
Commissions Clawback-Long	2,347.52	46,796.33
Accounts Payable	(389,265.03)	(7,876.65)
American Express Credit Cards	3,243.35	25,750.57
Citi Advantage Platinum	12,090.75	16,993.92
Bonuses Payable-Short Term	0.00	(5,973.50)
Commissions Clawback-Short Term	866.69	(10,340.31)
Commissions Payable-Short Term	(43,334.54)	517,015.09
Accrued Expenses	794.21	(68,425.00)
Non-Current Liabilities: Bonuses Payable-Long Term	0.00	(52,602.50)
Non-Current Liabilities: Commissions Payable-Long Term	174,198.63	748,427.36
Non-Current Liabilities: Commissions Clawback-Long Term	<u>(3,483.97)</u>	<u>(14,968.54)</u>
Net Cash Provided by Operating Activities	(290,836.65)	(126,411.31)
<b>INVESTING ACTIVITIES</b>		
Computer Equipment	(6,365.74)	(6,365.74)
Accumulated Depreciation	10,412.69	29,646.65
Accumulated Amortization	559.74	1,679.22
Accumulated Amortization-Goodwill	<u>8,278.02</u>	<u>24,834.06</u>
Net Cash Provided by Investing Activities	12,884.71	49,794.19
<b>FINANCING ACTIVITIES</b>		
Loan-Bank	(53,921.34)	39,881.16
Retained Earnings	0.00	1,055,299.00
Stockholder's Equity: Equity-Ryan Trust: Earnings-Ryan Trust	0.00	(55,850.00)
Stockholder's Equity: Equity - B Hayduk: Earnings-B Hayduk	0.00	(202,294.00)
Stockholder's Equity: Equity - E Plateis: Earnings-E Plateis	0.00	(202,295.00)
Stockholder's Equity: Equity - J Coleman: Earnings-J Coleman	0.00	(200,291.00)
Stockholder's Equity: Equity - J Moore: Earnings-J Moore	0.00	(202,294.00)
Stockholder's Equity: Equity - J Schiefelbein: Earnings-J Schiefelbein	<u>0.00</u>	<u>(192,275.00)</u>
Net Cash Provided by Financing Activities	(53,921.34)	39,881.16
Net Cash Increase (Decrease)	(331,873.28)	(36,735.96)
Cash at Beginning of Period	<u>869,731.63</u>	<u>574,594.31</u>
Cash at End of Period	<u><u>537,858.35</u></u>	<u><u>537,858.35</u></u>

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Accrual Basis

L5E, LLC  
**Balance Sheet**  
As of December 31, 2017

Q4 2017 15

	<u>Dec 31, 17</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Bank Operating	107,262.74
Demand Deposit	256,679.44
Bank Wire	22,071.58
Total Checking/Savings	386,013.76
Accounts Receivable	
Accounts Receivable-Customers	33,544.06
Total Accounts Receivable	33,544.06
Other Current Assets	
Commissions Receivable-Short	6,017,467.27
Commissions Clawback-Short	-120,349.35
Total Other Current Assets	5,897,117.92
Total Current Assets	6,316,675.74
<b>Fixed Assets</b>	
Leasehold Improvements	11,686.92
Software	149,331.41
Computer Equipment	23,975.10
Furniture and Equipment	12,267.61
Accumulated Depreciation	-183,239.39
Total Fixed Assets	14,021.65
<b>Other Assets</b>	
Goodwill	496,680.70
Accum Amortization-Goodwill	-55,186.80
Commissions Receivable-Long	17,024,077.09
Commissions Clawback-Long	-340,481.54
Trademark	2,871.00
Organization Costs	3,810.00
Loan Fees	22,400.00
Accumulated Amortization	-19,149.88
Security Deposits	5,849.38
Total Other Assets	17,140,869.95
<b>TOTAL ASSETS</b>	<u><u>23,471,567.34</u></u>

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Accrual Basis

L5E, LLC  
**Balance Sheet**  
As of December 31, 2017

Q4 2017 2/5

	<u>Dec 31, 17</u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
Accounts Payable	
Accounts Payable	236.22
<b>Total Accounts Payable</b>	236.22
<b>Credit Cards</b>	
Credit Card at Citi Cards	8,268.80
AMEX CC	35,213.22
<b>Total Credit Cards</b>	43,482.02
<b>Other Current Liabilities</b>	
Bonuses Payable-Short Term	159,306.38
Net Payroll	473.00
Commissions Clawback-Short Term	-27,913.21
Commissions Payable-Short Term	1,395,660.77
Partner Loan Interest Payable	7,425.89
<b>Total Other Current Liabilities</b>	1,534,952.83
<b>Total Current Liabilities</b>	1,578,671.07
<b>Long Term Liabilities</b>	
Loans-Josh Coleman	570,000.00
Loans-Eric Plateis	200,000.00
Loan-Bank	4,685,042.01
Loans-Brian Hayduk	650,000.00
Loans-Jon Moore	450,000.00
Non-Current Liabilities	4,607,228.13
<b>Total Long Term Liabilities</b>	11,162,270.14
<b>Total Liabilities</b>	12,740,941.21
<b>Equity</b>	
Retained Earnings	13,078,427.82
Stockholder's Equity	-5,219,911.84
Net Income	2,872,110.15
<b>Total Equity</b>	10,730,626.13
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b><u>23,471,567.34</u></b>

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Accrual Basis

L5E, LLC  
**Profit & Loss**  
October through December 2017

Q4 2017 3/5

	<u>Oct - Dec 17</u>
<b>Ordinary Income/Expense</b>	
Income	
Revenue	1,639,634.94
<b>Total Income</b>	<u>1,639,634.94</u>
<b>Cost of Goods Sold</b>	
Bill Audit Services	3,410.00
Energy Efficiency Projects	19,253.88
Power Factor Correction	1,250.00
New Construction Services-Unreg	5,600.00
New Construction Services -Reg	7,600.00
<b>Total COGS</b>	<u>37,113.88</u>
<b>Gross Profit</b>	<u>1,602,521.06</u>
<b>Expense</b>	
Contractor Commissions	185,439.55
Employee Leasing-Non Advisor	557,164.72
Employee Leasing - Advisor	874,263.20
Other G&A Expense	351,415.21
<b>Total Expense</b>	<u>1,968,282.68</u>
<b>Net Ordinary Income</b>	-365,761.62
<b>Other Income/Expense</b>	
Other Income	
Commissions Receivable - Long	624,189.27
Commissions Receivable - Short	269,995.05
Commission RCV Clawback - Long	-12,483.78
Commission RCV Clawback - Short	-5,399.91
<b>Total Other Income</b>	<u>876,300.63</u>

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Accrual Basis

L5E, LLC  
Profit & Loss

October through December 2017

Q4 2017 4/5

	<u>Oct - Dec 17</u>
Other Expense	
Accrued Salaries & Commissions	0.00
Commissions Payable - Long	262,213.46
Commissions Payable - Short	12,231.99
Commission Pay Clawback - Long	-5,244.27
Commission Pay Clawback-Short	-244.64
	<u>268,956.54</u>
Total Other Expense	
	<u>268,956.54</u>
Net Other Income	607,344.09
	<u>607,344.09</u>
Net Income	<u><u>241,582.47</u></u>

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L5E, LLC  
**Statement of Cash Flows**  
October through December 2017

Q4 2017 5/5

	<u>Oct - Dec ...</u>
<b>OPERATING ACTIVITIES</b>	
Net Income	241,582.47
Adjustments to reconcile Net Income to net cash provided by operations:	
Accounts Receivable-Customers	7,393.44
Commissions Receivable-Short	-269,995.05
Commissions Clawback-Short	5,399.91
Commissions Receivable-Long	-624,189.27
Commissions Clawback-Long	12,483.78
Accounts Payable	-2,074.63
AMEX CC	-18,403.41
Credit Card at Citi Cards	-10,501.67
Bonuses Payable-Short Term	101,651.38
Net Payroll	473.00
Commissions Clawback-Short Term	-244.64
Commissions Payable-Short Term	12,231.99
Non-Current Liabilities:Bonuses Payable Long Term	-30,337.00
Non-Current Liabilities:Commissions Payable-Long T...	262,213.46
Non-Current Liabilities:Commission Clawback-Long T...	-5,244.27
Net cash provided by Operating Activities	-317,560.51
<b>INVESTING ACTIVITIES</b>	
Leasehold Improvements	-509.20
Computer Equipment	-2,983.26
Accumulated Depreciation	15,209.77
Accumulated Amortization	559.74
Accum Amortization-Goodwill	8,278.02
Net cash provided by Investing Activities	20,555.07
<b>FINANCING ACTIVITIES</b>	
Loan-Bank	145,160.85
Net cash provided by Financing Activities	145,160.85
Net cash increase for period	-151,844.59
Cash at beginning of period	537,858.35
Cash at end of period	<u><u>386,013.76</u></u>



**L5E, LLC**

**FINANCIAL STATEMENTS  
(UNAUDITED)**

**For the Three and Twelve Months Ended December 31, 2016**

**MILVAIN**  
**& ASSOCIATES LLC**  
CERTIFIED PUBLIC ACCOUNTANTS  
4004 GATEWAY DR., SUITE 180  
COLLEYVILLE, TX 76034  
(817) 545-1277



4004 Gateway Drive, Ste. 180  
Colleyville, TX 76034  
817-545-1277

## ACCOUNTANTS' COMPILATION REPORT

To the Stockholders  
L5E, LLC dba 5  
Irving, TX

We have compiled the accompanying statement of assets, liabilities, and stockholders' equity—accrual income tax basis of L5E, LLC dba 5 (an S Corporation) as of December 31, 2016 and the related statement of revenue and expenses—accrual income tax basis, for the three and twelve months then ended and the statement of cash flows which is presented for supplementary information purposes only, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with the accrual income tax basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the accrual income tax basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements. During our compilation, we did become aware of a departure from the accrual income tax basis of accounting that is described in the following paragraph.

The accrual income tax basis of accounting requires that the Company record a state franchise tax provision. Based on projected revenue for the year ended December 31, 2016, the company will not have tax liability with respect to the Texas Franchise Margin Tax for the accounting year 2016; thus no provision in the accompanying financial statements.

Management has elected to omit substantially all of the disclosures required by accrual income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Company's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to L5E, LLC dba 5 as we performed certain accounting services that impaired our independence.

*McIlvain & Associates LLC*

McIlvain & Associates LLC

February 16, 2017

3/10

**L5E, LLC**  
**Statement of Assets, Liabilities, and Stockholders' Equity - Accrual Income Tax Basis**  
**As of December 31, 2016**

**ASSETS**

**Current Assets**

Checking/Savings	
Demand Deposit	465,783.93
Trinity Bank Wire	1,559.15
Trinity Bank Operating	107,251.23
Total Checking/Savings	<u>574,594.31</u>
Accounts Receivable	
Accounts Receivable-Other	5,900.00
Accounts Receivable-Customers	40,000.00
Total Accounts Receivable	<u>45,900.00</u>
Other Current Assets	
Commissions Receivable-Short	4,091,454.47
Commissions Clawback-Short	(81,829.09)
Pre Paid Expenses	6,015.70
Total Other Current Assets	<u>4,015,641.08</u>
<b>Total Current Assets</b>	<u><b>4,636,135.39</b></u>

**Property and Equipment**

Leasehold Improvements	11,177.72
Software	149,331.41
Computer Equipment	14,626.10
Furniture and Equipment	12,267.61
Accumulated Depreciation	<u>(138,382.97)</u>
<b>Total Property and Equipment</b>	<u><b>49,019.87</b></u>

**Other Assets**

Goodwill	496,680.70
Accum Amortization-Goodwill	(22,074.72)
Commissions Receivable-Long	14,060,071.26
Commissions Clawback-Long	(281,201.43)
Trademark	2,871.00
Organization Costs	3,810.00
Loan Fees	22,400.00
Accumulated Amortization	(16,910.92)
Security Deposits	<u>5,849.38</u>

**Total Other Assets** **14,271,495.27**

**TOTAL ASSETS** **18,956,650.53**

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**L5E, LLC**  
**Statement of Assets, Liabilities, and Stockholders' Equity - Accrual Income Tax Basis**  
**As of December 31, 2016**

**LIABILITIES AND STOCKHOLDERS' EQUITY**

**Liabilities**

**Current Liabilities**

Accounts Payable	10,187.50
Citi Advantage Platinum	1,776.55
American Express Credit Cards	27,866.06
Bonuses Payable Short Term	63,628.50
Partner Loan Interest Payable	7,425.89
Commissions Payable-Short Term	866,413.69
Commissions Clawback-Short Term	(17,328.26)
Accrued Expenses	<u>68,425.00</u>

**Total Current Liabilities** 1,028,394.93

**Long Term Liabilities**

Loans-Josh Coleman	570,000.00
Loans-Eric Plateis	200,000.00
Loan-Bank	4,500,000.00
Loans-Brian Hayduk	650,000.00
Loans-Jon Moore	450,000.00
Bonuses Payable Long Term	82,939.50
Commissions Payable-Long Term	3,690,612.36
Commission Clawback-Long Term	<u>(73,812.24)</u>

**Total Long Term Liabilities** 10,069,739.62

**Total Liabilities** 11,098,134.55

**Equity**

Retained Earnings	10,572,758.15
Stockholder's Equity	(4,164,612.84)
Net Income	<u>1,450,370.67</u>

**Total Equity** 7,858,515.98

**TOTAL LIABILITIES & EQUITY** 18,956,650.53

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**L5E, LLC**  
**Statement of Revenue and Expenses - Accrual Income Tax Basis**  
**For the Three and Twelve Months Ended December 31, 2016**

	<u>Oct - Dec 16</u>	<u>Jan - Dec 16</u>
<b>Operating Income/Expense</b>		
<b>Income</b>		
<b>Revenue</b>		
Other Services Income	10,920.00	54,804.57
Interest Income	742.65	1,783.93
Consulting Income	51,000.00	107,004.92
Commission Income	<u>1,050,765.73</u>	<u>4,536,036.67</u>
<b>Total Income</b>	<u>1,113,428.38</u>	<u>4,699,630.09</u>
<b>Cost of Goods Sold</b>		
Power Factor Correction	0.00	4,250.00
New Construction Services-Unreg	6,800.00	6,800.00
New Construction Services-Reg	<u>13,600.00</u>	<u>13,600.00</u>
<b>Total COGS</b>	<u>20,400.00</u>	<u>24,650.00</u>
<b>Gross Profit</b>	<u>1,093,028.38</u>	<u>4,674,980.09</u>
<b>Operating Expenses</b>		
<b>Contractor Commissions</b>		
Commissions	<u>99,105.44</u>	<u>354,760.61</u>
<b>Total Contractor Commissions</b>	<u>99,105.44</u>	<u>354,760.61</u>
<b>Employee Leasing-Non Advisor</b>		
Salary-Non Advisor	388,051.24	1,377,977.73
Commissions-Non Advisor	233.12	3,349.71
Payroll Tax-Non Advisor	22,730.76	136,471.37
Admin Fees-Non Advisor	5,163.74	22,384.06
Insurance-Non Advisor	<u>33,596.76</u>	<u>131,654.90</u>
<b>Total Employee Leasing-Non Advisor</b>	<u>449,775.62</u>	<u>1,671,837.77</u>
<b>Employee Leasing - Advisor</b>		
Salary - Advisor	398,252.63	1,472,238.98
Commissions-Advisor	183,711.20	733,834.57
Payroll Tax-Advisor	15,444.52	101,501.53
Admin Fees- Advisor	5,696.13	27,348.06
Incentive Awards-Advisor	4,310.48	46,277.23
Insurance-Advisor	<u>48,017.49</u>	<u>207,878.25</u>
<b>Total Employee Leasing - Advisor</b>	<u>655,432.45</u>	<u>2,589,078.62</u>
<b>Total Salary, Benefits &amp; Contractors</b>	<u>1,204,313.51</u>	<u>4,615,677.00</u>

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**L5E, LLC**  
**Statement of Revenue and Expenses - Accrual Income Tax Basis**  
**For the Three and Twelve Months Ended December 31, 2016**

	<u>Oct - Dec 16</u>	<u>Jan - Dec 16</u>
Other G&A Expense		
Accounting Services	1,390.00	12,199.81
Advertising	10,662.50	18,062.80
Airfare	16,481.60	61,334.63
Amortization Expense	9,192.75	24,212.64
Bank Service Charges	133.68	766.13
Charitable Contributions	5,675.09	17,825.09
Computer and Telecom	31,994.43	131,499.35
Customer Appreciation	1,239.42	5,221.26
Depreciation Expense	13,496.93	45,644.93
Dues & Subscriptions	903.97	25,333.37
Employee Appreciation	1,131.43	2,161.89
Entertainment	261.17	756.41
General Liability Insurance	0.00	1,029.00
Hotel	15,351.05	55,056.51
Interest Expense	79,271.57	312,507.35
Legas Services	4,851.56	29,744.16
Licenses & Fees	2,389.50	8,026.91
Marketing Expense	14,493.65	27,173.40
Meals	12,233.68	50,878.29
Mileage	11,642.01	38,612.00
Office Expense	882.35	10,237.58
Office Supplies	2,819.16	13,599.15
Other Taxes	188.00	188.00
Parking & Tolls	2,375.01	6,900.36
Payroll Processing Fees	699.39	2,468.67
Postage	1,413.84	5,080.28
Printing and Reproduction	2,118.99	9,459.89
Property Tax	0.00	185.50
Recruiting	21,694.91	60,075.34
Rent	15,747.10	80,562.51
Rental Car	456.05	2,535.21
State Income/Franchise	0.00	10,790.00
Taxi	197.85	1,434.35
Training and Development	27,882.71	57,549.57
Transportation	2,778.32	8,756.57
<b>Total Other G&amp;A Expense</b>	<u>312,049.67</u>	<u>1,137,868.91</u>
<b>Total Operating Expenses</b>	<u>1,516,363.18</u>	<u>5,753,545.91</u>
<b>Operating Income (Loss)</b>	<u>(423,334.80)</u>	<u>(1,078,565.82)</u>

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**L5E, LLC**  
**Statement of Revenue and Expenses - Accrual Income Tax Basis**  
**For the Three and Twelve Months Ended December 31, 2016**

	<u>Oct - Dec 16</u>	<u>Jan - Dec 16</u>
<b>Other Income/Expense</b>		
<b>Other Income</b>		
Commissions Receivable - Long	639,704.63	3,610,724.91
Commissions Receivable - Short	132,554.74	743,671.79
Commission RCV Clawback - Long	(12,794.10)	(72,214.50)
Commission RCV Clawback - Short	(2,651.10)	(14,873.44)
<b>Total Other Income</b>	<u>756,814.17</u>	<u>4,267,308.76</u>
<b>Other Expense</b>		
Accrued Salaries & Commissions	160,356.00	160,356.00
Commissions Payable - Long	199,909.45	1,262,478.88
Commissions Payable - Short	3,349.16	347,741.80
Commission Pay Clawback - Long	(3,998.19)	(25,249.58)
Commission Pay Clawback-Short	(66.98)	(6,954.83)
<b>Total Other Expense</b>	<u>359,549.44</u>	<u>1,738,372.27</u>
<b>Net Other Income</b>	<u>397,264.73</u>	<u>2,528,936.49</u>
<b>Net Income (Loss)</b>	<u>(26,070.07)</u>	<u>1,450,370.67</u>

SUPPLEMENTAL INFORMATION

THE FOLLOWING PAGES CONTAIN ADDITIONAL INFORMATION WHICH MAY BE OF SERVICE IN UNDERSTANDING THE FINANCIAL STATEMENTS. THESE PAGES ARE NOT CONSIDERED PART OF THE FINANCIAL STATEMENTS. THE ENCLOSED ITEMS ARE:

Statement of Cash Flows



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**L5E, LLC**  
**Statement of Cash Flows**  
**For the Three and Twelve Months Ended December 31, 2016**

	<u>Oct - Dec 16</u>	<u>Jan - Dec 16</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Net Income	(26,070.07)	1,450,370.67
Adjustments to Reconcile Net Income (Loss) to Net Cash:		
Accounts Receivable-Other	(5,900.00)	(5,900.00)
Accounts Receivable-Customers	(35,000.00)	(40,000.00)
Commissions Receivable-Short	(132,554.74)	(743,671.79)
Commissions Clawback-Short	2,651.10	14,873.44
Accounts Payable	10,187.50	2,437.00
Pre Paid Expenses	(6,015.70)	(6,015.70)
Accrued Expenses	68,425.00	68,425.00
Citi Advantage Platinum	(1,691.16)	1,776.55
American Express Credit Cards	1,323.76	3,181.13
Bonuses Payable-Short Term	36,310.00	63,628.50
Commissions Clawback-Short Term	(66.98)	(6,954.83)
Commissions Payable-Short Term	3,349.16	347,741.80
Partner Loan Interest Payable	7,425.89	4,247.76
Employee Liability	0.00	(65,818.00)
Payroll Liabilities	0.00	(157,120.73)
Net Cash Provided by Operating Activities	<u>(77,626.24)</u>	<u>931,200.80</u>
<b>INVESTING ACTIVITIES</b>		
Computer Equipment	(2,780.93)	(2,780.93)
Accumulated Depreciation	13,496.93	45,644.93
Goodwill	0.00	(496,680.70)
Commissions Receivable-Long	(639,704.63)	(3,610,724.91)
Commissions Clawback-Long	12,794.10	72,214.50
Loan Fees	(15.00)	(4,255.00)
Accumulated Amortization-Goodwill	8,278.02	22,074.72
Accumulated Amortization	914.73	2,137.92
Net Cash Provided by Investing Activities	<u>(607,016.78)</u>	<u>(3,972,369.47)</u>
<b>FINANCING ACTIVITIES</b>		
Loan-Bank	0.00	600,000.00
Retained Earnings	0.00	2,032,111.82
Non-Current Liabilities:Bonuses Payable Long Term	55,621.00	28,302.50
Non-Current Liabilities:Commissions Payable-Long Term	199,909.45	1,262,478.88
Non-Current Liabilities:Commission Clawback-Long Term	(3,998.19)	(25,249.58)

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**L5E, LLC**  
**Statement of Cash Flows**  
**For the Three and Twelve Months Ended December 31, 2016**

	<u>Oct - Dec 16</u>	<u>Jan - Dec 16</u>
<b>FINANCING ACTIVITIES (CONT'D)</b>		
Stockholder's Equity:Equity - Ryan Trust:Investment-Ryan Trust	0.00	1,039,257.44
Stockholder's Equity:Equity - BHayduk:Earnings-B Hayduk	0.00	(267,828.79)
Stockholder's Equity:Equity - EPlateis:Earnings-E Plateis	0.00	(267,828.79)
Stockholder's Equity:Equity - JColeman:Earnings-J Coleman	0.00	(307,086.23)
Stockholder's Equity:Equity - JMoore:Earnings-J Moore	0.00	(267,828.78)
Stockholder's Equity:Equity - JSchiefelbein:Earnings-J Schiefelbein	0.00	(464,115.97)
	<u>251,532.26</u>	<u>3,362,212.50</u>
Net Cash Provided by Financing Activities	251,532.26	3,362,212.50
Net Cash Increase (Decrease)	(433,110.76)	321,043.83
Cash at Beginning of Period	<u>1,007,705.07</u>	<u>253,550.48</u>
Cash at End of Period	<u><u>574,594.31</u></u>	<u><u>574,594.31</u></u>

**Exhibit C-4 - Financial Arrangements  
L5E, LLC**

Not applicable as Applicant does not take title to electricity or gas.

**Exhibit C-5 Forecasted Financial Statements**  
**LSE, LLC**

**Income Statement**

	<u><b>OHIO**</b></u>	
	<b>2019</b>	<b>2020</b>
Total Revenues	\$ 5,385	\$ 7,674
Total Expenses	1,795	2,558
Net Income	<u>\$ 3,590</u>	<u>\$ 5,116</u>

***\*\* 5 has no FTE's in Ohio. There are 1099 contractors working in Ohio. Assumptions for revenues and expenses are based on current experience serving commercial customers in the State of Texas.***

Forecasted balance sheet for Ohio not available as 5 does not forecast balance sheets by state.

**Exhibit C-6 - Credit Rating  
LSE, LLC**

Not applicable.

# Exhibit C-7 Credit Report

1.800.700.2733

Welcome, Josh ▼  
✕ Sign Out

Selected Company: LSE, LLC  
D-U-N-S #: 07-836-3414

Overview

## Business Summary

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**Company Name:** L5E, LLC

**D-U-N-S #:** 07-836-3414

**DBA's:** N/A

**Address:** 4545 Fuller Dr Ste 412

**City:** Irving

**State:** TX

**Zip:** 75038

**Phone:** 8552753483

**Principal:** BRIAN HAYDUK

**Year Started:** 2011

**Employs:** 16 which includes partners.

**SIC Code(s):** 49119904 Electric power broker

**NAICS Code(s):** 221122 Electric Power Distribution

**Legal Structure:** DOMESTIC LIMITED LIABILITY CO

## Special Events

There have been no special events reported to D&B for this company.

## History and Operations

### Officers and Directors

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**Current Officers**

Name	Title
BRIAN HAYDUK	MBR-CEO
JOSH COLEMAN	MBR-COO

**Current Directors**

No directors have been listed in this company report.

**Company History**

Provides electric services, specializing in electric power broker (100%).

Toll Free 855 275-3483.

All sales cash. Has 1 account(s). Sells to wholesalers, retailers, manufacturers, general public, commercial concerns and government. Territory : United States.

**Operations**

**Employees**

16 which includes partners.

**Facilities**

Rents Leases 4,000 sq. ft. on four floor of 4 story concrete block building.

**Location**

Central business section on side street.

**U.S. Branch**

There are currently no U.S. branches listed in this company report.

**U.S. Subsidiary**

There are currently no U.S. subsidiaries listed in this company report.



### International Branch

There are currently no international branches listed in this company report.

### International Subsidiary

There are currently no international subsidiaries listed in this company report.

## Payments

### Payment Summary

Top Industries	Total		Total Dollar	Largest High Credit	Within	Days Slow				
	Received	Amount			Terms	<31	31-60	61-90	91+	
Misc business service	5	\$500	\$100	100%	0	0	0	0	0	
Management consulting	1	\$100,000	\$100,000	100%	0	0	0	0	0	
Short-term busn credit	1	\$15,000	\$15,000	100%	0	0	0	0	0	
Executive office	1	\$750	\$750	100%	0	0	0	0	0	
Public finance	1	\$100	\$100	100%	0	0	0	0	0	
Ret mail-order house	1	\$100	\$100	100%	0	0	0	0	0	
Nonclassified	1	\$100	\$100	100%	0	0	0	0	0	
Lithographic printing	1	\$100	\$100	100%	0	0	0	0	0	

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5/13

Total Received	Total Dollar Amount	Largest High Credit Payment summary	Within Terms	Days Slow
				<31 31-60 61-90 91+

Other Categories

Cash experiences	5	\$1,400	\$500					
Unknown	0	\$0	\$0					
Unfavorable comments	0	\$0	\$0					
Placed for collections with D&B:	0	\$0	\$0					
Other	0	N/A	\$0					
Total in D&B's file	17	\$118,050	\$100,000					

The highest Now Owes on file is \$7,500

The highest Past Due on file is \$0

There are 17 payment experience(s) in D&B's file for the most recent 24 months, with 9 experience(s) reported during the last three month period.

Payment Details

Total (Last 24 Months): 17

Date	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last sale w/f (Mo. )
12/2017	Ppt	\$15,000	\$7,500	\$0		1 mo
12/2017	Ppt	\$100	\$100	\$0		1 mo

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Date ▾	Paying Record	High Credit	Now Owes	Past Due	Selling Terms	Last sale w/f (Mo. )
12/2017	Ppt	\$100	\$100	\$0		1 mo
12/2017	Ppt	\$100	\$100	\$0		1 mo
12/2017	Ppt	\$100	\$100	\$0		1 mo
12/2017	Ppt	\$100	\$100	\$0		1 mo
12/2017	Ppt	\$100	\$100	\$0		1 mo
12/2017	(008)	\$500	\$0	\$0	Cash account	6-12 mos
12/2017	(009)	\$250	\$0	\$0	Cash account	2-3 mos
09/2017	Ppt	\$100	\$0	\$0	N30	6-12 mos
09/2017	(011)	\$50	--	--	Cash account	1 mo
08/2017	Ppt	\$100,000	\$0	\$0		2-3 mos
08/2017	(013)	\$500	--	--	Cash account	1 mo
05/2017	Ppt	\$750	--	--		1 mo
12/2016	Ppt	\$100	--	--		1 mo
09/2016	(016)	\$100	--	--	Cash account	6-12 mos
01/2016	Ppt	\$100	--	--		1 mo

Payments Detail Key: ■ 30 or more days beyond terms

Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

Each experience shown is from a separate supplier. Updated trade experiences replace those previously reported.

## Finances

# Key Financial Comparisons

4/7/13

		(\$)	(\$)	(\$)
This Company's Operating Results Year Over Year				
Net Sales		NA	NA	NA
Gross Profit		NA	NA	NA
Net Profit		NA	NA	NA
Dividends / Withdrawals		NA	NA	NA
Working Capital		NA	NA	NA
This Company's Assets Year Over Year				
Cash		NA	NA	NA
Accounts Receivable		NA	NA	NA
Notes Receivable		NA	NA	NA
Inventories		NA	NA	NA
Other Current		NA	NA	NA
Total Current		NA	NA	NA
Fixed Assets		NA	NA	NA
Other Non Current		NA	NA	NA
Total Assets		NA	NA	NA
This Company's Liabilities Year Over Year				
Accounts Payable		NA	NA	NA
Bank Loan		NA	NA	NA

8/13

Notes Payable	NA	NA	NA
Other Current	NA	NA	NA
Total Current	NA	NA	NA
Long Term Debt	NA	NA	NA
Deferred Credit	NA	NA	NA
Net Worth	NA	NA	NA
Total Liabilities And Net Worth	NA	NA	NA

## Balance Sheet

Fiscal Consolidated Statement Dated

We currently do not have any recent financial statement on file for this business.

## Key Business Ratios

(Industry Median is based on this number of firms: )

	This Company	Industry Median	Industry Quartile
Solvency			
Quick Ratio	NA	NA	NA

8/9/12

Current Ratio	NA	NA	NA
Current Liabilities to Net Worth	NA	NA	NA
Current Liabilities to Inventory	NA	NA	NA
Total Current	NA	NA	NA
Fixed Assets to Net Worth	NA	NA	NA
Efficiency			
Collection Period	NA	NA	NA
Inventory Turn Over	NA	NA	NA
Sales to NWC	NA	NA	NA
Acct Pay to Sales	NA	NA	NA
Profitability			
Return on Sales	NA	NA	NA
Return on Assets	NA	NA	NA
Return on Net Worth	NA	NA	NA

## Public Filings

### Summary

This following public filing data includes both open and closed filings found in D&B's database on this company. It is for informational purposes only and is not the official record. Certified copies can be obtained from the official source.

Record Type	# of Records	Most Recent Filing Date
UCC Filing	5	03/11/0014

10/13

## Details

### Judgements

No judgments have been reported to D&B on this company.

### Liens

No liens have been reported to D&B on this company.

### Suits

No suits have been reported to D&B on this company.

### UCC Filings

#### Collateral:

All Assets and proceeds - All Accounts receivable and proceeds

#### Type:

Original

#### Secured Party:

COLEMAN, JOSH, COLLEYVILLE, TX

#### Debtor:

LSE, LLC

#### Filing Number:

140006602352

1012

Filed With:

Date Filed:

Latest Info Received:

Original Filing Number:

Original UCC Filed Date:

Collateral:

All Assets and proceeds - All Accounts receivable and proceeds

Type:

Original

Secured Party:

PLATEIS, ERIC, IRVING, TX

Debtor:

LSE, LLC

Filing Number:

140006592562

Filed With:

Date Filed:

03/03/14

Latest Info Received:

03/11/14

Original Filing Number:

Original UCC Filed Date:

Collateral:

All Assets and proceeds - All Accounts receivable and proceeds

Type:

Original

Secured Party:

HAYDUK, BRIAN, LEWISVILLE, TX

Debtor:

LSE, LLC

Filing Number:

120025926683

Filed With:

Date Filed:

08/15/12

Latest Info Received:

08/21/12

Original Filing Number:

Original UCC Filed Date:

Collateral:

All Assets and proceeds - All Accounts receivable and proceeds



12/13

**Type:** Original

**Secured Party:** MOORE, JONATHAN, BETHESDA, MD

**Debtor:** L5E, LLC

**Filing Number:** 120025925056

**Filed With:**

**Date Filed:** 08/15/12

**Latest Info Received:** 08/21/12

**Original Filing Number:**

**Original UCC Filed Date:**

**Collateral:** Accounts receivable and proceeds - Account(s) and proceeds - General intangibles(s) and proceeds

**Type:** Original

**Secured Party:** TRINITY BANK, N.A., FORT WORTH, TX

**Debtor:** L5E, LLC

**Filing Number:** 130009843927

**Filed With:**

**Date Filed:** 03/29/13

**Latest Info Received:** 04/02/13

**Original Filing Number:**

**Original UCC Filed Date:**

Bankruptcies

No bankruptcies have been reported to D&B on this company.

Government History

**Borrower(Dir/Guar):** NO

Administrative Debt:	NO
Contractor:	NO
Grantee:	NO
Party excluded from federal program(s):	NO
Labor Surplus Area:	N/A
Small Business:	N/A
8(A) Firm:	N/A



**Exhibit C-8 - Bankruptcy Information**  
**LSE, LLC**

None.

**Exhibit C-9 -Merger Information**  
***L5E, LLC***

**None.**

**Exhibit D-1 – Operations  
LSE, LLC**

Applicant is an electricity and natural gas brokerage and advisory business active throughout the United States. Applicant operations include, among other things, reviewing (i) a client's historical natural gas and electricity usage, (ii) the terms and conditions of offers made by competitive suppliers to serve a client's natural gas and electricity accounts, and (iii) the current and forecasted market prices for electricity and natural gas. A full list of the services provided by applicant are set forth below.

 <b>Services</b>	Improved Energy Information	Reduced Energy Cost	Reduced Utility Company Charges	Reduced Carbon Footprint
Energy benchmarking and load analytics	✓	✓	✓	✓
Energy budgeting	✓			
Energy procurement and risk management	✓	✓		✓
Customer Care, billing and contract disputes or questions	✓			
Utility-related business process development	✓	✓		
New construction support	✓	✓		
Renewable energy credit procurement	✓	✓		✓
Energy efficiency projects	✓	✓	✓	✓
Energy efficiency rebates and incentives	✓	✓	✓	✓
Rate and tariff analysis	✓	✓	✓	
Utility bill consolidation and payment services	✓	✓	✓	
Power factor correction projects	✓		✓	
Renewable energy and sustainability projects	✓	✓	✓	✓
Demand response and distributed generation	✓	✓	✓	✓
Predominant use studies	✓	✓		
Power quality and arc flash studies	✓			

**Exhibit D-2 – Operations Expertise  
L5E, LLC**

As described in our response included on Exhibit B-3, applicant's founders and staff have significant experience in all aspects of providing retail energy service in competitive markets. Notwithstanding the foregoing, applicant acts primarily as a broker in the State of Ohio and in such capacity client's will be contracting directly with retail suppliers.

If applicant provides consulting or other energy advisory services directly for customers in Ohio, such contracts will be managed by our back office in Irving, Texas. This group is run by our Chief Operating Officer, Josh Coleman. Josh has worked in the energy business for his entire 27-year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail energy providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections and contracting in the deregulated energy market.

**Exhibit D-3 – Key Technical Personnel  
LSE, LLC**

***Brian Hayduk***

Brian is President and CEO of 5. He has been in the deregulated electricity market since it began in the late 1990s. His most recent role was as President of First Choice Power (FCP) where he had responsibility for all company operations and led the business to record growth and profit. His background includes corporate strategy, business development and marketing, M&A, portfolio management and development of retail business units in deregulated electricity markets throughout North America.

Prior to FCP, he served as co-founder and President of Juice Energy, Inc., a retail electric provider in three states, including Texas. He previously served as a Senior Vice President at Constellation NewEnergy where his responsibilities encompassed half of the company revenue (approx. \$2B) and he helped profitably grow its retail businesses throughout North America from 4,000 to 16,000 megawatts. Brian's on the board of Keep Lewisville Beautiful and encourages 5 to engage in sustainable practices.

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***Josh Coleman***

Josh is the Chief Operating Officer of 5. He has worked in the energy business for his entire 27-year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail electric providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections and contracting in the deregulated energy market.

Prior to entering the retail electric business, Josh worked in a variety of energy management and facilities leadership roles at Invensys, Teccor Electronics and Texas Instruments. Josh is the Board Chair for Camp Summit, an organization that promotes personal growth and independence through outdoor experiences for people with disabilities.

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***Eric Plateis***

Eric is the Chief Risk Officer of 5. He has 30 years of experience in commodity trading and risk management. Eric's most recent experience was as Vice President of Portfolio Risk Management at First Choice Power, where he was responsible for all of the supply and risk management activities as well as retail pricing and load forecasting activities. Eric's previous roles include Senior Supply Officer for Juice Energy, Vice President of fixed price Natural Gas Trading at Bank of Montreal and Vice President of Trading at Constellation where Eric was responsible for the West and ERCOT region structured portfolios. Eric has been interviewed on McNeil Lehrer Hour and presented to the Argentine Consulate on hedging and risk management. He's also held Board seats at the Commodity Exchange, Inc., NYMEX and was Vice Chair of the COMEX Governors Committee.

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***Jon Moore***

Jon is Chief Strategy Officer and General Counsel of 5. He served as Executive Vice President at Beowulf Energy LLC from 2008-2011. Beowulf Energy is a private power and infrastructure company with expertise in the development, acquisition and long-term operation of power generation and infrastructure projects. Jon also recently served as a director of MX Holdings. In 2006, Jon co-founded Juice Energy, Inc., a green-focused energy retailer, where he served as CEO from 2006 until 2008. From 2002 until 2006, he was COO of Constellation NewEnergy ("NewEnergy"). Under Jon's leadership, NewEnergy grew into the nation's largest competitive supplier of electricity with over 16,000MW.

From 1994 until 2002, Jon worked for The AES Corporation ("AES"), where he was part of the senior management team that led AES's acquisition of NewEnergy Ventures, which was one of the first companies to offer electricity to commercial and industrial customers in deregulated markets. In 2002, Jon was part of the team that negotiated the sale of AES's retail electricity business to Constellation Energy Group. Mr. Moore worked as a transactional attorney with O'Melveny & Myers in Washington, D.C. from 1988 to 1994.

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***Jeff Schiefelbein***

Jeff is the Chief Culture Officer and heads sales for 5. He has worked in the deregulated energy business for the past 8 years and most recently served as the Vice President of Sales at First Choice Power. Jeff has a proven track record of leadership and innovation through his extensive experience in sales, company start-up, technology development, personal coaching, and strategic management. He has also been recognized nationally for the creation and implementation of two highly successful nonprofit corporations.

While at First Choice Power, Jeff developed a unique multi-team approach to sales that led to 6 straight quarters of double-digit growth. Jeff also launched an industry-leading online pricing portal that increased scale while reducing overhead. He continues to impact thousands each year through his motivational speaking and guest lecturing activities. Jeff is the recipient of the national Daily Points of Light Award, the Texas Governor's Volunteer Service Award and has been featured on ABC's "Volunteers Across America".

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