

FILE

Public Utilities
Commission

18-953-EL-AGG

22

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Date Received	Case Number	Version
	18-953-EL-AGG	May 2016

INITIAL CERTIFICATION APPLICATION FOR ELECTRIC AGGREGATORS/ POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-12 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 input information directly onto the form.

You may also download the form, by saving it to your local disk, for later use.

A. APPLICANT 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 and web site address

Legal Name BETTER COST ENERGY
Address 12714 VEER'S MILL ROAD #104 ROCKVILLE, MD
Telephone # 240-688-3755 Web site address (if any) BETTERCOSTENERGY.COM

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

Legal Name SMART AS BROW
Address _____
Telephone # _____ Web site address (if any) _____

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

BETTER COST ENERGY _____

A-5 Contact person for regulatory or emergency matters

Name Peter Leiter
Title CFO

PUCO
 2018 MAY 31 AM 11:34
 RECEIVED-DOCKETING DIV.
 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 MAY 31, 2018
 Technician MM

Business address Sam's ABOL
Telephone # _____ Fax # _____
E-mail address _____

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

Name Sam's ABOL
Title _____
Business address _____
Telephone # _____ Fax # _____
E-mail address _____

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

Customer Service address Sam's ABOL
Toll-free Telephone # 866 580 3111 Fax # _____
E-mail address PHILIP@BETTER@ENERGY.COM

A-8 Applicant's federal employer identification number # 400667324

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 type="checkbox"/> Limited Liability Company (LLC) |
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Other _____ |

A-10 (Check all that apply) Identify each electric distribution utility certified territory in which the applicant intends to provide service, including identification of each customer class that the applicant intends to serve, for example, residential, small commercial, mercantile commercial, and industrial. (A mercantile customer, as defined in (A) (19) of Section 4928.01 of the Revised Code, is a commercial customer who consumes more than 700,000 kWh/year or is part of a national account in one or more states).

- | | | | | |
|--|--------------------------------------|--|--|--|
| <input type="checkbox"/> First Energy | | | | |
| <input type="checkbox"/> Ohio Edison | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Toledo Edison | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Cleveland Electric Illuminating | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Duke Energy | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Monongahela Power | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> American Electric Power | | | | |
| <input type="checkbox"/> Ohio Power | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Columbus Southern Power | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |
| <input type="checkbox"/> Dayton Power and Light | <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Mercantile | <input checked="" type="checkbox"/> Industrial |

- A-11 Provide the approximate start date that the applicant proposes to begin delivering services

JUNE 2019

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- 4 A-12 **Exhibit A-12 "Principal Officers, Directors & Partners"** provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.
- 5 A-13 **Exhibit A-13 "Company History,"** provide a concise description of the applicant's company history and principal business interests.
- 6 A-14 **Exhibit A-14 "Articles of Incorporation and Bylaws,"** if applicable, provide the articles of incorporation filed with the state or jurisdiction in which the Applicant is incorporated and any amendments thereto.
- 7 A-15 **Exhibit A-15 "Secretary of State,"** provide evidence that the applicant has registered with the Ohio Secretary of the State.

B. **APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE**

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- 8 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.
- 9 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.

EXHIBIT A-12

"PRINCIPAL OFFICERS, DIRECTORS & PARNTERS"

**Peter Leiter, Secretary / Treasurer
12714 Veirs Mill Road, Suite 204
Rockville, MD 20853
240-688-3755**

**Jeffery Council, President
4938 Hampden Lane, 556
Bethesda, MD 20814
240-855-2127**

**Malgorzata Adra, Vice President
12714 Veirs Mill Road, Suite 204
Rockville, MD 20853
240-421-5666**

EXHIBIT A-13

"COMPANY HISTORY"

Better Cost Energy, LLC was formed in the State of Maryland on July 19, 2012. Was awarded license in the District of Columbia January 9, 2013 and started conducting business in February, 2013. Our license number is EA2012-22-7.

We are continuing to provide our services in the District of Columbia and Ohio. We obtained our licenses for Maryland, Illinois, and Pennsylvania.

EXHIBIT A-14

"ARTICLES OF INCORPORATION AND BYLAWS"

Better Cost Energy, LLC was formed in the State of Maryland on July 19, 2012.

ARTICLES OF ORGANIZATION

The undersigned, with the intention of creating a Maryland Limited Liability Company files the following Articles of Organization:

(1) The name of the Limited Liability Company is: **BETTER COST ENERGY LLC**

(2) The purpose for which the Limited Liability Company is filed is as follows: **MARKETING POWER SERVICES**

(3) The address of the Limited Liability Company in Maryland is: **12714 VEIRS MILL ROAD, SUITE 104, ROCKVILLE MD 20853**

(4) The resident agent of the Limited Liability Company in Maryland is: **PETER LEITER** whose address is **12714 VEIRS MILL ROAD, SUITE 104, ROCKVILLE, MD 20853**

We have no Bylaws established at this time.

EXHIBIT A-15

"SECRETARY OF STATE"

Better Cost Energy, LLC is registered with the Ohio Secretary of State.

Please see the attached copy of OHIO Foreign Registration Form



JON HUSTED
OHIO SECRETARY OF STATE

180 East Broad Street, Suite 103 (ground floor) • Columbus, Ohio 43215
Toll Free: (877) SOS-FILE (767-3453) Central Ohio: (614) 466-3910
www.OhioSecretaryofState.gov • busserv@OhioSecretaryofState.gov

Please return the approval certificate to:

Name:

Better Cost Energy, LLC

(Individual or Business Name)

To the attention of:

Peter Leiter

(If necessary)

Address:

12714 Veirs Mill Road, Suite 204

City:

Rockville

State:

MD

ZIP Code:

20853

Phone Number:

(240) 688-3755

E-mail Address:

Pleiter@bettercostenergy.com

- ☐ Check here if you would like to receive important notices via e-mail from the Ohio Secretary of State's office regarding Business Services.
- ☒ Check here if you would like to be signed up for our Filing Notification System for the business entity being created or updated by filing this form. This is a free service provided to notify you via e-mail when any document is filed on your business record.

Type of Service Being Requested: (PLEASE CHECK ONE BOX BELOW)

☒ **Regular Service:** Only the filing fee listed on page one of the form is required and the filing will be processed in approximately 3-7 business days. The processing time may vary based on the volume of filings received by our office.

☐ **Expedite Service 1:** By including an Expedite fee of \$100.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 2 business days after it is received by our office.

☐ **Expedite Service 2:** By including an Expedite fee of \$200.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 1 business day after it is received by our office. **This service is only available to walk-in customers who hand deliver the document to the Client Service Center.**

☐ **Expedite Service 3:** By including an Expedite fee of \$300.00, **in addition** to the regular filing fee on page one of the form, the filing will be processed within 4 hours after it is received by our office, if received by 1:00 p.m. **This service is only available to walk-in customers who hand deliver the document to the Client Service Center.**

☐ **Preclearance Filing:** For the purpose of advising as to the acceptability of the proposed filing, a form that is to be submitted at a later date for processing may be submitted for examination for a fee of \$50.00. The Preclearance will be complete within 1-2 business days.



Form 533B Prescribed by:
Ohio Secretary of State
JON HUSTED
Ohio Secretary of State

Central Ohio: (614) 466-3910
Toll Free: (877) SOS-FILE (767-3453)
www.OhioSecretaryofState.gov
Busserv@OhioSecretaryofState.gov

Mail this form to one of the following:

Regular Filing (non expedite)
P.O. Box 670
Columbus, OH 43216

Expedite Filing (Two-business day processing
time requires an additional \$100.00).
P.O. Box 1390
Columbus, OH 43216

Registration of a Foreign Limited Liability Company

Filing Fee: \$125

CHECK ONLY ONE (1) BOX

- (1) ☒ Registration of a Foreign For-Profit Limited Liability Company
(106-LFA)
ORC 1705

Jurisdiction of Formation

Date of Formation

- (2) ☐ Registration of a Foreign Nonprofit Limited Liability Company
(106-LFA)
ORC 1705

Jurisdiction of Formation

Date of Formation

Name of Limited Liability Company in its jurisdiction of formation

Name under which the foreign limited liability company desires to transact business in Ohio (if different from its name in its jurisdiction of formation) is:

Name must include one of the following words or abbreviations: "limited liability company," "limited," "LLC," "L.L.C.," "ltd.," or "ltd"

The address to which interested persons may direct requests for copies of the limited liability company's operating agreement, bylaws, or other charter documents of the company is:

Name

Mailing Address

City

State

ZIP Code

The limited liability company hereby appoints the following as its agent upon whom process against the limited liability company may be served in the state of Ohio. The name and complete address of the agent is

Mark Andrade

Name

5793 Bridgewater Blvd.

Mailing Address

Hudson

City

Ohio

State

44236

ZIP Code

☐ If the agent is an individual and using a P.O. Box, check this box to confirm that the agent is an Ohio resident.

The limited liability company irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the Ohio Secretary of State if:

- a. an agent is not appointed, or
- b. an agent is appointed but the authority of that agent has been revoked, or
- c. the agent cannot be found or served after the exercise of reasonable diligence.

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Must be signed by an authorized representative.

If authorized representative is an individual, then they must sign in the "signature" box and print their name in the "Print Name" box.

If authorized representative is a business entity, not an individual, then please print the business name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print their name in the "Print Name" box.

Better Cost Energy, LLC

Signature

By (if applicable)

Peter A. Leiter

Print Name

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Instructions for Registration of a Foreign Limited Liability Company

This form should be used if you wish to register a foreign for-profit or nonprofit limited liability company to transact business in Ohio.

If you wish to register a foreign for-profit limited liability company, please select box 1. If you wish to register a foreign nonprofit limited liability company, please select box 2. Please complete the entire form (as required) whether you have selected box 1 or box 2. Pursuant to Ohio Revised Code §1705.54(A)(2), indicate the state in which the foreign limited liability company was organized and the date of its formation.

Name of Limited Liability Company

The name of the foreign limited liability company, as registered in its state of organization, must be provided. Pursuant to Ohio Revised Code §1705.05, the name used in Ohio must include one of the following: "limited liability company," "limited," "LLC," "L.L.C.," "Ltd." or "Ltd".

Additional Provisions

If the information you wish to provide for the record does not fit on the form, attach additional provisions on a single-sided, 8 ½ x 11 sheet(s) of paper.

Address to Contact

An address to which interested persons may direct requests for copies of the articles of organization, operating agreement, bylaws, or other charter documents of the company must be provided pursuant to Ohio Revised Code §1705.54(A) (5).

Original Appointment of Statutory Agent

Pursuant to Ohio Revised Code §1705.54(A)(3), a foreign limited liability company must appoint a statutory agent to accept service of process on behalf of the company. We cannot accept articles of organization unless the statutory agent information is provided. The statutory agent must be one of the following (1) an Ohio resident; (2) an Ohio corporation or (3) a foreign corporation that has a place of business and is licensed to do business in Ohio. An individual may be an agent and use a P.O. Box as the address, but in order to meet the required standard, the box must be checked to state the individual is a resident of the State of Ohio.

Consent Statement

Pursuant to Ohio Revised Code §1705.54(A)(4), by signing this document the limited liability company irrevocably consents to service of process upon the listed agent and to service of process upon the Ohio Secretary of State if an agent is not appointed, or an agent is appointed but the authority of that agent has been revoked, or the agent cannot be found or served after the exercise of due diligence.

Signature(s)

After completing all information on the filing form, please make sure that page 2 is signed by at least one authorized representative of the limited liability company.

****Note for Nonprofit LLCs**

Filing with the Ohio Secretary of State's office is not sufficient to obtain state or federal tax exemptions. The Secretary of State does not grant tax exempt status. You must contact the Ohio Department of Taxation and the Internal Revenue Service to ensure that the nonprofit limited liability company secures the proper state and federal tax exemptions.

****Note: Our office cannot file or record a document which contains a social security number or tax identification number. Please do not enter a social security number or tax identification number, in any format, on this form.**

EXHIBIT B-1

"JURISDICTIONS OF OPERATION"

Better Cost Energy, LLC is licensed and registered with the District of Columbia as of January 9, 2013.

Better Cost Energy, LLC is licensed and registered with the State of Ohio as of June 12, 2013.

STATE	LICENSE NUMBER
DC	EA 2012-22-7
MD	IR-3164
OH	13-703E (1)
DE	8570
PA	A-2013-2387026
IL	12-0670

EXHIBIT B-2

"EXPERIENCE & PLANS"

Better Cost Energy, LLC directors have over 14 years of experience in brokering electricity in the State of Maryland, the District of Columbia, State of Ohio, State of Illinois, State of Delaware, and the State of Pennsylvania.

We only provide brokering services only; we DO NOT provide any contract services, billing statements nor handle any communications with customers. The service providers we represent provide all of these services.

EXHIBIT B-3

"SUMMARY OF EXPERIENCE"

Better Cost Energy, LLC directors have over 14 years of experience in brokering electricity,

We only provide brokering services only; we DO NOT provide any contract services, billing statements nor handle any communications with customers. The service providers we represent provide all of these services.

EXHIBIT B-4

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

Better Cost Energy, LLC have none to disclose.

EXHIBIT B-5

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

NO

EXHIBIT B-6

"DISCLOSURE OF LIABILITIES AND INVESTIGATIONS"

NO

EXHIBIT C-1

"ANNUAL REPORTS"

Better Cost Energy, LLC has not conducted enough business to have any financial reports exists at this time.

EXHIBIT C-2

"SEC FILINGS"

NONE APPLICABLE AT THIS TIME

EXHIBIT C-3

"FINANCIAL STATEMENTS"

See attached CPA Revenue Page

EXHIBIT C-4

"FINANCIAL ARRANGEMENTS"

NONE APPLICABLE AT THIS TIME

EXHIBIT C-5

"FORECASTED FINANCIAL STATEMENTS"

NONE APPLICABLE AT THIS TIME

BETTER COST ENERGY, LLC

BALANCE SHEET

ASSETS:

Cash	\$ 49.00
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Investment in Business	\$6,151.00
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Fixed Assets:

Equipment	<u>\$2,600.00</u>
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TOTAL ASSETS:	<u>\$8,800.00</u>
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LIABILITIES & EQUITY

Equity

Additional Paid In Capital	\$13,000.00
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Net Loss	<u>(4,200.00)</u>
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Total Equity	<u>\$ 8,800.00</u>
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Total Liabilities and Equity	<u>\$ 8,800.00</u>
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EXHIBIT C-6

"CREDIT RATING"

NONE APPLICABLE AT THIS TIME

EXHIBIT C-7

"CREDIT REPORT"

NONE APPLICABLE AT THIS TIME

EXHIBIT C-8

"BANKRUPTCY INFORMATION"

NONE

EXHIBIT C-9

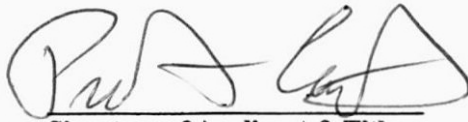
"MERGER INFORMATION"

NONE

EXHIBIT C-10

"CORPORATE STRUCTURE"

NONE, we are stand alone entity.



Signature of Applicant & Title

Sworn and subscribed before me this 26th day of May, 2018

Month

Year



Signature of official administering oath

RICHARD MENSAN

Print Name and Title

RICHARD MENSAN
NOTARY PUBLIC
MONTGOMERY COUNTY MD
MY COMMISSION EXPIRES
12/04/2019

My commission expires on _____

AFFIDAVIT

State of Maryland:

Rockville ss.
(Town)

County of Montgomery

PETER LEITER, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the CFO (Office of Affiant) of Bethesda Energy (Name of Applicant);

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

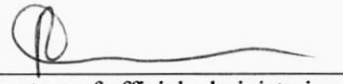
1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
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 comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating customer complaints.

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


Signature of Affiant & Title

Sworn and subscribed before me this 25th day of May, 2018
Month Year


Signature of official administering oath

RICHARD MENSAH
Print Name and Title

My commission expires on RICHARD MENSAH
NOTARY PUBLIC
MONTGOMERY COUNTY MD
MY COMMISSION EXPIRES
12/04/2019