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Kimberly Scott, Paralegal
DIRECT DIAL: 713.850.4219
kscott@andrewsmyers.com

PUCO

June 10, 2019

Via Federal Express
Public Utilities Commission of Ohio
Docketing Division
ATTN: Alla Magaziner-Tempesta
180 East Broad Street
Columbus, OH 43215-3793

Re: EMEX Power, LLC
Original AGG Case Number: 13-1228-GA-AGG
Renewal Certification Application for Competitive Retail Natural Gas
Brokers / Aggregators

ATTN: Alla Magaziner-Tempesta:

Per your attached email, the following are being re-submitted on behalf of
EMEX Power, LLC (the originals were submitted on May 15, 2019):

1. Patrick Hayes' Pro Hac Vice Registration for 2019 (Registration
Number PHV-7367-2019);
2. EMEX Power, LLC's Motion for Protective Order;
3. One original and three copies of EMEX Power, LLC's Renewal
Certification Application for Competitive Retail Natural Gas Brokers /
Aggregators; and
4. Four copies of exhibits C-1 – C-10 being submitted under seal.

Should you need any additional information, or have any questions or
comments, please feel free to contact me. Thank you for your assistance.

Sincerely,


Kimberly Scott
Paralegal

Enclosures

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
Technician AS Date Processed 6/11/19

Kimberly Scott

From: Kevin McAlpin <McAlpin.K@emexllc.com>
Sent: Monday, June 10, 2019 2:30 PM
To: Kimberly Scott
Cc: 'alla.magaziner-tempesta@puco.ohio.gov'
Subject: FW: Renewal Ohio Gas supplier application - case 13-1228-GA-AGG

Hey Kim –

Please see below. Can we refile accordingly.

Thanks!

From: Alla.Magaziner-Tempesta@puco.ohio.gov [mailto:Alla.Magaziner-Tempesta@puco.ohio.gov]
Sent: Monday, June 10, 2019 2:14 PM
To: Kevin McAlpin
Subject: Renewal Ohio Gas supplier application - case 13-1228-GA-AGG

Hello Kevin,

I am currently reviewing your gas certification renewal application and noted that a majority of it has been filed under seal. The case docket needs to have parts A, B and D filed for review while the other specified sections can be filed under seal unless there are extraordinary reasons to do so. Please refile these parts of the application in the case docket so review can continue.

I also left a message for you with these details, let me know if you have any questions,

Alla Magaziner-Tempesta

Utility Specialist,
Reliability and Service Analysis Division
Service Monitoring and Enforcement Department
Public Utilities Commission of Ohio
(614) 644-5480
PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

RECEIVED-BOCKETING DIV
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THE SUPREME COURT of OHIO

OFFICE OF ATTORNEY SERVICES

RECEIVED-ROCKETING CIV

2019 JUN 11 AM 11:55

PUCO

Certificate of
PRO HAC VICE
REGISTRATION

2019

IN THE MATTER OF THE APPLICATION OF

Patrick Hayes

FOR PRO HAC VICE REGISTRATION

per Gov. Bar R. XII, Section 2(A)(3)

Registration Number:

PHV- 7367-2019

Patrick Hayes

_____, having met the requirements of, and found to be in full compliance with, Section 2(A)(3) of Rule XII of the Rules for the Government of the Bar of Ohio, is hereby issued this certificate of pro hac vice registration in the state of Ohio.

To receive permission to appear pro hac vice in an Ohio proceeding, a motion requesting such permission must be filed with the tribunal in accordance with Section 2(A)(6) of Rule XII of the Rules for the Government of the Bar of Ohio.



Gina White Palmer
Director, Attorney Services

Expires December 31, 2019



Public Utilities Commission

PUCO USE ONLY - Version 1.08

Date Received	Renewal Certification Number	ORIGINAL AGG Case Number
		13 - 1228 - GA-AGG

RENEWAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS BROKERS/AGGREGATORS

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 EMEX Power, LLC
Address 11011 Richmond Avenue, Suite 500, Houston, Texas 77042
Telephone No. 713-521-9797 Web site Address www.emexllc.com
Current PUCO Certificate No. 13-309G (3) Effective Dates 6/21/2017 - 6/21/2019

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

Name EMEX Power, LLC
Address 11011 Richmond Avenue, Suite 500, Houston, Texas 77042
Web site Address www.emexllc.com Telephone No. 713-521-9797

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

EMEX Power, LLC EMEX, LLC
Energy Market Exchange

A-5 Contact person for regulatory or emergency matters:

Name Kevin R. McAlpin Title Vice President and General Counsel
Business Address 11011 Richmond Avenue, Suite 500, Houston, Texas 77042
Telephone No. 713-521-9797 Fax No. 713-583-9519 Email Address mcalpin.k@emexllc.com

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

Name Kevin R. McAlpin Title Vice President and General Counsel
Business address 11011 Richmond Avenue, Suite 500, Houston, Texas 77042
Telephone No. 713-521-9797 Fax No. 713-583-9519 Email Address mcalpin.k@emexllc.com

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

Customer service address 11011 Richmond Avenue, Suite 500, Houston, Texas 77042
Toll-Free Telephone No. 877-459-4728 Fax No. 713-583-9519 Email Address contact@emexllc.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 Capitol Corporate Services, Inc. Title Registered Agent
Business address 4568 Mayfield Road, Suite 204, Cleveland, Ohio 44121
Telephone No. 800-345-4647 Fax No. 800-432-3622 Email Address info@capitol-services.com

A-9 Applicant's federal employer identification number 208168985

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

- | | |
|--------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Limited Liability Partnership (LLP) | <input checked="" type="checkbox"/> Limited Liability Company (LLC) |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Other |

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

<input checked="" type="checkbox"/> Columbia Gas of Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input checked="" type="checkbox"/> Dominion East Ohio	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Commercial	<input checked="" type="checkbox"/> Large Commercial / Industrial
<input 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 checked="" type="checkbox"/> Residential	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	January 2014	End Date

☒ **Dominion East Ohio**

<input checked="" type="checkbox"/> Residential	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	January 2014	End Date

☒ **Duke Energy Ohio**

<input checked="" type="checkbox"/> Residential	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	January 2014	End Date

☒ **Vectren Energy Delivery of Ohio**

<input checked="" type="checkbox"/> Residential	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Small Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Large Commercial	Beginning Date of Service	January 2014	End Date
<input checked="" type="checkbox"/> Industrial	Beginning Date of Service	January 2014	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 type="checkbox"/> | Duke Energy Ohio | Intended Start Date |
| <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

[Signature], Kevin R. McAlpin, Vice President
and General Counsel

Sworn and subscribed before me this

7th

day of

May

Month

2019

Year

Signature of official administering oath

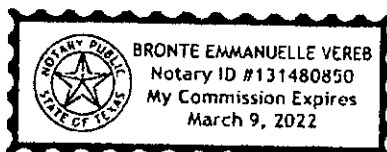
[Signature]

Print Name and Title

Bronte Vereb Notary Public

My commission expires on

3/9/22





The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service
Affidavit Form
(Version 1.07)

In the Matter of the Application of)

EMEX Power, LLC)

for a Certificate or Renewal Certificate to Provide)

Competitive Retail Natural Gas Service in Ohio.)

Case No. 13-1228-GA-AGG

County of HARRIS

State of TEXAS

Kevin R. McMillan

[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

[Signature], Vice President and General Counsel

Sworn and subscribed before me this

7th

day of

May

Month

2019

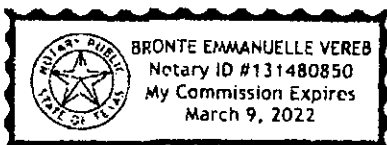
Year

[Signature]

Signature of Official Administering Oath

Bronte Vereb Notary Public

Print Name and Title



My commission expires on

3/9/22

EMEX Power, LLC

Exhibit A-14 “Principal Officers, Directors and Partners”

Partners:

EMEX Power, LLC is 100% owned by EMEX Acquisition, LLC.

EMEX Acquisition, LLC is 100% owned by O2/EMEX Holdings, LLC.

O2/EMEX Holdings, LLC is owned by:

O2 Oxygen EMEX Intermediate, LLC	72.9%
TLDL EMEX Blocker, LLC	13%
TLCS EMEX Blocker, LLC	7.9%
Daniel Marzuola	5.2%
Kevin R. McAlpin	0.5%
Jorge Lopez	0.3%
Jason Ives	0.2%

Officers:

Daniel Marzuola, President and CEO

Kevin McAlpin, Vice President and General Counsel

Kurt Keller, Chief Financial Officer

Directors:

Luke Plumpton, Chairman

Jay Hansen

Joe Vallee

Daniel Marzuola

Kevin R. McAlpin

Jorge Lopez

David Brewster

Address for all of the above partners, officers, and directors is 11011
Richmond Avenue, Suite 500, Houston, TX 77042

EMEX Power, LLC

Exhibit A-15 “Company History”

On January 5, 2007, Applicant was formed as Southwest Energy Partners, LLC, a Texas limited liability company. On January 29, 2009, Applicant amended its name to EMEX, LLC and does business as EMEX Power, LLC and Energy Market Exchange. Applicant has four wholly-owned subsidiaries that are inactive at this time: Bidtron, LLC; Subastas de Energia, S.A de C.V. de R. L. (formed for anticipated operations in Mexico); and EMEX Canada Holdings, LLC, and EMEX Energy Canada, ULC (formed for anticipated operations in Canada).

On May 1, 2018, O2 Investment Partners, LLC made a significant equity investment in EMEX, LLC, resulting in the company's current ownership percentages.

Applicant operates web-based natural gas and electricity brokerage and reverse auction services, allowing commercial and residential customers to compare multiple price offerings from competing suppliers. This platform is a unique business resource that has created unsurpassed transparency and control of customer's costs. Applicant provides multiple products – fixed rates, variable rates and heat rates as well as analysis of market conditions and historical trends. Applicant's fully automated website and reverse auction platform simplifies the process for customers and provides the ability to easily switch to a lower cost natural gas and/or electricity provider online. Applicant provides all necessary logistics from beginning to end, including credit approvals and customer support throughout the length of a customer's contract.

EMEX Power, LLC

Exhibit A-16 “Articles of Incorporation and Bylaws”

Applicant’s Certificate of Formation and Certificate of Amendment filed with its original application have not changed.

EMEX Power, LLC

Exhibit A-17 “Secretary of State”

Please see attached certificate from the Secretary of State of Ohio showing EMEX Power, LLC's active status as a foreign limited liability company in Ohio.



Tue May 07 2019

Entity#: 2019447
Filing Type: FOREIGN LIMITED LIABILITY COMPANY
Original Filing Date: 05/10/2011
Location: -
Business Name: EMEX POWER, LLC (EMEX, LLC)

Status: Active
Exp. Date: -

Agent/Registrant Information

CAPITOL CORPORATE SERVICES, INC.
4568 MAYFIELD RD
STE 204
CLEVELAND OH 44121
03/22/2016
Active

Filings

Filing Type	Date of Filing	Document ID
REG. OF FOR. PROFIT LIM. LIAB. CO.	05/10/2011	201113001097
SUBSEQUENT AGENT APPOINT/LIMITED/LIABILTY/PARTNERS	03/22/2016	201608402328

UNITED STATES OF AMERICA
STATE OF OHIO
OFFICE OF SECRETARY OF STATE

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 7th of May, A.D. 2019

Ohio Secretary of State

EMEX Power, LLC Exhibits Page 5 of 62

EMEX Power, LLC

Exhibit B-1 “Jurisdictions of Operation”

Applicants web based electric (and gas) brokerage business operates similarly in every state in which it operates.

Texas: On January 5, 2007, Applicant started doing business in Texas as a web-based electricity brokerage business (no license is required in Texas for electricity brokers). On December 5, 2012, Applicant was registered as an aggregator in Texas under number 80368.

Illinois: On September 9, 2010, the Illinois Commerce Commission granted Applicant a Certificate of Service Authority to operate as an agent, broker or consultant for electric and gas customers pursuant to order number 10-0455.

New Jersey: On October 5, 2010, the New Jersey Board of Public Utilities registered Applicant to be an Energy Agent and Energy Consultant under registration numbers EA-0083 and EC-0024. On November 9, 2011, the New Jersey Division of Local Government Services of the Department of Community Affairs approved Applicant as a vendor pursuant to the Local Unit Electronic Technology Pilot Program, P.L. 2001, c. 30, to offer its reverse auction platform for the purchase of energy generate services by local contracting units, waiver number EMEX LLC-1. On February 20, 2013, Applicant was registered to conduct business in the State of New Jersey as a Private Aggregator. Applicant is approved to provide both electric and natural gas services to both residential and commercial customers in New Jersey.

Maryland: On October 13, 2010, the Maryland Public Service Commission granted Applicant a license to provide electricity broker services under license reference number IR-2065. On May 1, 2013, the Applicant's license was amended to include acting as an aggregator of electricity. On July 17, 2013, the Maryland Public Service Commission granted Applicant a license to supply natural gas or natural gas supply services in Maryland under License Reference Number IR-3115.

Pennsylvania: On October 21, 2010, the Pennsylvania Public Utility Commission granted Applicant a License for Electric Generation Supplier as a broker/marketer in the matter of the application of A-2010-2179537. On August 29, 2013, the Pennsylvania Public Utility Commission granted Applicant a license to operate as a broker / marketer engaged in the business of supplying natural gas services in Pennsylvania under Docket Number A-2013-2365773.

Massachusetts: On January 24, 2011, The Commonwealth of Massachusetts Department of Public Utilities granted Applicant's Application an Electricity Broker license under license number EB-176. On July 26, 2013, the Commonwealth of Massachusetts Department of Public Utilities approved Applicant's application for a Gas Retail Agent under license number RA-101.

District of Columbia: On May 5, 2011, the Public Service Commission of the District of Columbia granted Applicant a license to function as an electricity supplier to operate as a broker of electricity in order number 16355. On July 18, 2013, the Public Service Commission of the District of Columbia granted Applicant a license to function as a natural gas supplier in the District of Columbia under Order No. 17189.

Ohio: On December 12, 2011, the Public Utilities Commission of Ohio certified Applicant as a Competitive Retail Electric Service Provider certificate number 11-414E (1) issued pursuant to case number 11-5707-EL-AGG to provide aggregation and power broker services. On June 21, 2013, the Public Utilities Commission of Ohio granted certificate number 13-309G(1) for Applicant to provide retail natural gas aggregator / broker services.

Delaware: Delaware granted Applicant's Electric Supplier Certificate Order No. 8147 on May 15, 2012.

Maine: On April 27, 2012, Maine granted Applicant's Application for License to operate as a Competitive Electricity Provider, Docket No. 2012-163.

New Hampshire: On June 29, 2012, New Hampshire approved Applicant's application to provide electric aggregation service.

New York: Applicant is registered to do business in New York. Brokers are not required to be licensed in that state.

Connecticut: Applicant is registered to do business in Connecticut. Brokers are not required to be licensed in that state.

Florida: Applicant is registered to do business in Florida. Brokers are not required to be licensed in that state.

Georgia: Applicant is registered to do business in Georgia. Brokers are not required to be licensed in that state.

Indiana: Applicant is registered to do business in Indiana. Brokers are not required to be licensed in that state.

Michigan: Applicant is registered to do business in Michigan. Brokers are not required to be licensed in that state.

EMEX Power, LLC

Exhibit B-2 “Experience & Plans”

Founded in 2007, EMEX serves a need in the energy space for an easy-to-use online platform to procure electricity through the wholesale and retail markets. EMEX has grown to one of the leading energy procurement and analysis services within the deregulated states.

EMEX, LLC is a privately held firm providing energy procurement and analysis services in deregulated regions of the United States. EMEX's complete portfolio of services and proprietary, online platforms are entirely focused on reducing the cost of energy in real-time for:

- commercial and industrial businesses
- municipalities and government agencies
- public and private schools and universities
- non-profit organizations.

EMEX enables its customers to: (1) compare prices with a reverse auction platform and instant online pricing features; (2) receive automated custom quotes and historical analysis, (3) benefit from aggregation and the ability to offer executable contracts from over 125 national suppliers. EMEX's electricity and gas brokerage business allows customers to shop and contract directly with retail electricity and gas suppliers. The retail electricity and gas suppliers (as opposed to EMEX) provide contracted services, billing statements and respond to customer inquiries.

EMEX's mission is to put the power to save money in the hands of its clients with smart, ground-breaking technology designed to dramatically simplify energy procurement. Core to EMEX is the flagship product brand EMEX™ Reverse Auction Platform, nationally recognized for its innovation and excellence.

Headquartered in Houston, Texas, EMEX's offices house teams for sales, analysis, marketing, customer service, and finance. EMEX's reach ensures it is well positioned to leverage opportunities as they occur, with employees throughout the 50 states. EMEX's activities continue to stretch as states become deregulated, giving EMEX the ability to react quickly to wherever there is a need to accurately and efficiently manage energy procurement.

EMEX also has a full-time dedicated legal staff committed to ensuring compliance with applicable regulations and assisting the customer service department in resolving customer inquiries and disputes.

EMEX Power, LLC

Exhibit B-3 “Summary of Experience”

A History of Innovation

EMEX's systems and solutions reflect decades worth of knowledge and expertise in energy consulting and procurement. Combined with our Industry Leading Online Platform, EMEX's objective is to generate the lowest possible price for energy through products and services that reduce the cost of energy in real-time.

Power Savings, Simplified.

EMEX, LLC is a privately held firm providing energy procurement and analysis services in deregulated regions of the United States. EMEX's complete portfolio of services and proprietary, online platforms are entirely focused on reducing the cost of energy in real-time for:

- commercial and industrial businesses
- municipalities and government agencies
- public and private schools and universities
- non-profit organizations.

EMEX's mission is to put the power to save money in the hands of its clients with smart, ground-breaking technology designed to dramatically simplify energy procurement. Core to EMEX is the flagship product brand EMEX™ Reverse Auction Platform, nationally recognized for its innovation and excellence.

Founded in 2007, EMEX serves a need in the energy space for an easy-to-use online platform to procure electricity through the wholesale market. EMEX has grown to one of the leading energy procurement and analysis services within the deregulated states.

Headquartered in Houston, Texas, our offices houses teams for sales, analysis, marketing, customer services, and finance. EMEX's reach ensures it is well positioned to leverage opportunities as they occur with employees throughout the 50 states. EMEX's activities continue to stretch as states become deregulated, giving EMEX the ability to react quickly to wherever there is a need to accurately and efficiently manage energy procurement.

True Collaboration

Recognizing the need for continuous improvement, EMEX has consistently invested its resources into furthering its revolutionary technology. Most of our new product innovations and introductions are the result of joint development efforts with our customers and suppliers. It is through these close relationships that we are truly

able to understand the needs and requirements of the market, creating a platform that ensures the most competitive bidding environment possible.

Our Mission

EMEX is at the forefront of developing the next generation of online platforms with a host of invaluable functionalities. We have made it our mission to put the power to save money in the hands of our customers, offering smart, ground-breaking technologies designed to dramatically simplify commercial energy sourcing. These technologies replace traditionally complex, time-consuming processes with instant quotes and live energy procurement auctions.

EMEX Power, LLC

Exhibit B-4 “Disclosure of Liabilities and Investigations”

Applicant has no existing, pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact Applicant’s financial or operational status or ability to provide the services it is seeking to renew its certification.

EMEX Power, LLC

**Exhibits C-1 through C-10
submitted under seal**

EMEX Power, LLC

Exhibit D-1 “Operations”

Applicant operates web-based natural gas and electricity brokerage and reverse auction services, allowing commercial, residential, aggregation and governmental customers to compare multiple price offerings from competing suppliers. This platform is a unique business resource that has created unsurpassed transparency and control of customer's costs. Applicant provides multiple products – fixed rates, variable rates and heat rates as well as analysis of market conditions and historical trends. Applicant's fully automated website and reverse auction platform simplifies the process for customers and provides the ability to easily switch to a lower cost natural gas and/or electricity provider online. Applicant provides all necessary logistics from beginning to end, including customer support throughout the length of a customer's contract.

Applicant utilizes a unique approach to manage its clients' energy supply needs and create optimal savings opportunities.

1. Data Acquisition

- Review existing contracts and costs for baseline comparisons.
- Acquire historical usage data from utilities and define load profiles.

2. Market Strategy Development

- Applicant will recommend the optimal product(s) for a customer's business based on best-practice procurement strategies and the customer's level of risk tolerance.
- Applicant will create a Request for Prices (“RFP”) that will be sent to all relevant energy suppliers based on the selected energy product(s).

3. Indicative Savings Analysis

- After the initial RFP, Applicant prepares a custom report comparing market conditions against current rates. This exercise provides insight into product and supplier selection, and identifies potential risk management opportunities.

4. The Reverse Auction Event

- Applicant's Account Executive will host and narrate the reverse auction on a conference call during the event, providing insight on all participating suppliers, commenting on the savings opportunities as they appear, and answering any questions.
- Applicant will recommend the scheduling of auctions based on favorable market conditions.

5. Final Savings Review

- A Final Savings Analysis based on the reverse auction's results will be provided, providing the necessary data for making an informed decision.

6. Contract Execution and Post-Contract Management

Upon selection of winning supplier(s) from the reverse auction, Applicant will:

- Provide the customer with the appropriate supplier documents for execution.
- Confirm contract receipt and booking by supplier upon execution.
- Verify account enrollments as the start date approaches.
- Continually advise on market conditions to manage energy risk throughout the term of the agreement.

EMEX Power, LLC

Exhibit D-2 “Operations Expertise”

EMEX is comprised of energy experts whose technological abilities, strategic insights, and logistical agility enable it to deliver superior energy solutions designed to reduce energy costs and meet its customers' organizational objectives. The company currently has 40 fulltime employees, 5 fulltime programmers, and more than 2,500 outside independent contractor sales associates with the innovative EMEX Power Affiliate and Channel Partner Programs.

Applicant's technical capabilities to exchange data with other market participants include the following:

1. Internet
 - a. Upload speed is up to 5MB / Download speed is up to 20MB
2. Computer – Dell T3500 Precision
 - a. Dual Xeon CPU
 - b. 4GB
 - c. 250GB HDD
 - d. Windows 7 Professional 64 bit

EMEX Power, LLC

Exhibit D-3 "Key Technical Personnel"

Daniel Marzuola
President and CEO
EMEX, LLC
11011 Richmond Avenue, Suite 500
Houston, TX 77042
Phone: 713-521-9797
Marzuola.d@emexllc.com

Mr. Marzuola brings with him 30 years of experience in the energy industry and the proven ability to lead multi-disciplined and multinational teams. His experience spans retail and wholesale energy sales, marketing, engineering, government relations, and process management. Before joining EMEX, Marzuola spent fourteen years with TXU in various positions, including a stint as a System Planning Engineer to the General Manager of a natural gas distribution system in Mexico. During his time with TXU, he also worked as the Director of Government Issues and was appointed by the Governor of Texas as a member of the Oil and Gas Compact Commission. After leaving TXU, he spent one year as an Energy Consultant Executive for CDM Energy Management followed by the next three years as a Senior Director of C&I Sales for Direct Energy focusing on the ERCOT market in Texas. Marzuola strengthened his tenure in the energy industry during the next seven years with Hudson Energy as the Senior Vice President of Sales of North America and the General Manager of the United Kingdom operations. Marzuola holds a Bachelor of Science in Engineering from the Southern Methodist University and a Masters of Business Administration.

Kevin McAlpin
Vice President and General Counsel
EMEX, LLC
11011 Richmond Avenue, Suite 500
Houston, TX 77042
Phone: 713-521-9797
Mcalpin.k@emexllc.com

Kevin McAlpin, the Vice President and General Counsel of EMEX, holds over 20 years of combined legal & risk management experience advising a variety of companies ranging from Fortune 20 corporations to innovative emerging companies on how to achieve strategic success. Mr. McAlpin's primary areas of expertise include general corporate law, complex energy product transactions in both wholesale and retail markets, regulatory affairs and compliance issues, mergers and acquisitions, litigation, contract negotiation, and business management.

McAlpin has previously worked in executive and legal counsel roles for Just Energy, Standard Renewable Energy, and ExxonMobil. Mr. McAlpin is a 1991 graduate of The Citadel and holds an MBA from the University of Mississippi and a Doctor of Jurisprudence degree from The University of Houston Law Center. He is a member of the State Bar of Texas and the American Corporate Counsel Association.

Rad Brannan
Chief Information Officer
EMEX, LLC
11011 Richmond Avenue, Suite 500
Houston, TX 77042
Phone: 713-521-9797
brannan.r@emexllc.com

Rad Brannan is the Chief Information Officer for EMEX, LLC. Brannan has 15 years of energy and information technology experience, including 10 years in an executive management position. Most recently, he served as the Vice President of Business Information Systems for Just Energy where he led the global IT strategy and delivery for the following business units: commercial, supply, structuring and finance. During his tenure with Just Energy, he architected, implemented and evolved Hudson Energy's industry leading broker portal, Connex. Brannan holds a Bachelor of Business Administration, Information and Operations Management from Texas A&M University.

Kurt Keller
Chief Financial Officer
EMEX, LLC
11011 Richmond Avenue, Suite 500
Houston, TX 77042
Phone: 713-521-9797
Keller.k@emexllc.com

As Chief Financial Officer of EMEX, LLC, Kurt Keller brings over 20 years of accounting and finance experience with a focus in the energy industry. Keller's work experience includes 10 years with Navasota Energy, seven years at Deloitte and two years at Sonat Energy Services. Keller received a bachelor's degree in economics from Baylor University and an MBA from Vanderbilt University. He also holds the Chartered Financial Analyst (CFA) and Certified Management Accountant (CMA) designations.