

FILE



16-56-GA-CRS

59

January 13, 2020

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

VIA COURIER

**Subject: SFE Energy Ohio, Inc. ("SFE")'s Competitive Retail Natural Gas Supplier License Application – Renewal**

To Whom It May Concern,

Please accept SFE Energy Ohio, Inc.'s renewal application to continue operating as a licensed competitive Natural Gas supplier in the state of Ohio.

Enclosed please find:

- One Original Notarized Renewal Application
- Three Copies of the Renewal Application

Questions regarding this application should be directed to my attention, my details are listed below.

Sincerely,

**Alex Farmer**  
SFE Energy Ohio, Inc.  
Supervisor, Regulatory Affairs  
100 Milverton Drive, Suite 608  
Mississauga, Ontario L5R 4H1  
Ph: (905)366-4661 | Fax: (905)366-7011  
[afarmer@sfeenergy.com](mailto:afarmer@sfeenergy.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.  
Technician A Date Processed 1/15/20

SFE Energy, Inc.  
100 Milverton Drive, Suite 608  
Mississauga, ON, L5R4H1  
905-366-7000 | fax: 905-366-7011

**The Public Utilities Commission of Ohio**  
**Ohio Competitive Retail Natural Gas Marketer Certificate**  
**Renewal**

Issued pursuant to Case Number(s):  
**16-0056-GA-CRS**

is  
Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:  
**16-498G(2)**

Granted to:  
**SFE ENERGY OHIO, INC.**

Whose office or principal place of business is located at:  
**100 Milverton Drive, Suite 608, Mississauga, ON Canada L5R 4H1**

And is hereby certified to provide:  
**Retail Natural Gas Marketer Services, and Aggregation**

within the state of Ohio, for a two-year period.

Certification Effective:  
**February 14, 2018 through February 14, 2020**

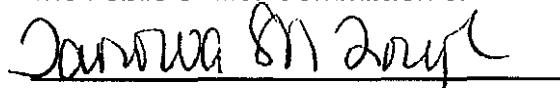
The certification of Ohio competitive retail natural gas marketers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio  
Dated: **February 22, 2018**

By Order of  
The Public Utilities Commission of Ohio



Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Susan Patterson, Acting Secretary  
Beverly Hoskinson, Acting Secretary



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

Name Elgin Tagle Title Manager, Regulatory Affairs & Compliance  
Business address 100 Milverton Drive, Suite 608, Mississauga, ON, L5R 4H1  
Telephone No. 905-366-7006 Fax No. 905-366-7011 Email Address compliance@sfeenergy.com

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

Customer service address 100 Milverton Drive, Suite 608, Mississauga, ON, L5R 4H1  
Toll-Free Telephone No. 855-500-6378 Fax No. 866-421-8098 Email Address cs@sfeenergy.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 Paulina Stewart Title Supervisor, Field Compliance  
Business address 600 Superior Ave. East, Suite 1300, Cleveland, OH 44114  
Telephone No. 646-720-1037 Fax No. 905-366-7011 Email Address pstewart@sfeenergy.com

**A-9 Applicant's federal employer identification number 300791646**

**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 type="checkbox"/> Limited Liability Company (LLC) |
| <input checked="" 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 | June 28, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Small Commercial | Beginning Date of Service | June 28, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Large Commercial | Beginning Date of Service | June 28, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Industrial       | Beginning Date of Service | June 28, 2016 | End Date | n/a |

☒ **Dominion East Ohio**

|  |                           |                  |          |     |
|--|---------------------------|------------------|----------|-----|
| <input checked="" type="checkbox"/> Residential      | Beginning Date of Service | October 23, 2017 | End Date | n/a |
| <input checked="" type="checkbox"/> Small Commercial | Beginning Date of Service | October 23, 2017 | End Date | n/a |
| <input checked="" type="checkbox"/> Large Commercial | Beginning Date of Service | October 23, 2017 | End Date | n/a |
| <input checked="" type="checkbox"/> Industrial       | Beginning Date of Service | October 23, 2017 | End Date | n/a |

☒ **Duke Energy Ohio**

|  |                           |                  |          |     |
|--|---------------------------|------------------|----------|-----|
| <input checked="" type="checkbox"/> Residential      | Beginning Date of Service | October 27, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Small Commercial | Beginning Date of Service | October 27, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Large Commercial | Beginning Date of Service | October 27, 2016 | End Date | n/a |
| <input checked="" type="checkbox"/> Industrial       | Beginning Date of Service | October 27, 2016 | End Date | n/a |

☒ **Vectren Energy Delivery of Ohio**

|  |                           |                 |          |     |
|--|---------------------------|-----------------|----------|-----|
| <input checked="" type="checkbox"/> Residential      | Beginning Date of Service | January 8, 2018 | End Date | n/a |
| <input checked="" type="checkbox"/> Small Commercial | Beginning Date of Service | January 8, 2018 | End Date | n/a |
| <input checked="" type="checkbox"/> Large Commercial | Beginning Date of Service | January 8, 2018 | End Date | n/a |
| <input checked="" type="checkbox"/> Industrial       | Beginning Date of Service | January 8, 2018 | End Date | n/a |

**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. An applicant may submit a current link to the filings or provide them in paper form. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 that the applicant is not required to file with the SEC and why.
- C-3 Exhibit C-3 "Financial Statements,"** provide copies of the applicant's two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement). If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, it shall file audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns (with social security numbers and account numbers redacted).
- C-4 Exhibit C-4 "Financial Arrangements,"** provide copies of the applicant's current financial arrangements to conduct competitive retail natural gas service (CRNGS) as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.)

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

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

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

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

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

**C-6 Exhibit C-6 "Credit Rating,"** provide a statement disclosing the applicant's current credit rating as reported by two of the following organizations: Duff & Phelps, Fitch IBCA, Moody's Investors Service, Standard & Poor's, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or an affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.



- C-7 Exhibit C-7 "Credit Report,"** provide a copy of the applicant's current credit report from Experion, Dun and Bradstreet, or a similar organization. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter "N/A" for Exhibit C-7.
- C-8 Exhibit C-8 "Bankruptcy Information,"** provide a list and description of any reorganizations, protection from creditors, or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.
- C-9 Exhibit C-9 "Merger Information,"** provide a statement describing any dissolution or merger or acquisition of the applicant within the two most recent years preceding the application.
- C-10 Exhibit C-10 "Corporate Structure,"** provide a description of the applicant's corporate structure, not an internal organizational chart, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate within the two most recent years preceding the application.

## **SECTION D – APPLICANT TECHNICAL CAPABILITY**

**PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.**

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

 *President*  
Applicant Signature and Title

Sworn and subscribed before me this 14 day of January Month 2020 Year

Jeff Donnelly, Licensed Paralegal

  
Signature of official administering oath

Print Name and Title

My commission expires on

N/A LSLC P07465



# The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service  
Affidavit Form  
(Version 1.07)

In the Matter of the Application of

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

Case No.  -  -GA-CRS

County of

State of

[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

Sworn and subscribed before me this

day of

Month

Year

Signature of Official Administering Oath

Print Name and Title

My commission expires on

(CRNGS Supplier Renewal) - Version 1.08

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## Exhibit A-14

### SFE Energy Ohio, Inc.

**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.

**Response:**

| <b>Title</b>     | <b>Name</b>   | <b>Phone</b> |   |
|------------------|---|--------------|---|
| <b>Directors</b> | Robert Gibb, Chairman of the Board  | 416-232-2326 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
|                  | Michael Gerald Haggarty (commonly referred to as Gerry Haggarty), President, CEO and Board Member | 905-366-7017 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
|                  | David Easton, Board Member  | 615-509-2540 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
| <b>Officers</b>  | Michael Gerald Haggarty (commonly referred to as Gerry Haggarty), President, CEO and Board Member | 905-366-7017 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
|                  | Jeff Borg, Senior Vice President  | 905-366-7036 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
|                  | Shelley Lewis, Chief Financial Officer and Secretary  | 905-366-7004 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |
|                  | Samir Kareem, Chief Technology and Operations Officer   | 905-366-7050 | 100 Milverton Drive, Suite 608<br>Mississauga, ON L5R 4H1<br>Canada |

## **Exhibit A-15**

### **SFE Energy Ohio, Inc.**

**Exhibit A-15 "Company History,"** provide a concise description of the applicant's company history and principal business interests.

**Response:** Please refer to Attachment B-2

## **Exhibit A-16**

### **SFE Energy Ohio, Inc.**

**Exhibit A-17 "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, only if the contents of the originally filed documents changed since the initial application.

**Response:** No change

## **Exhibit A-17**

### **SFE Energy Ohio, Inc.**

**Exhibit A-17 "Secretary of State,"** provide evidence that the applicant is still currently registered with the Ohio Secretary of the State.

**Response:** Please see attached



|            |              |                                  |        |        |         |      |      |
|------------|--------------|----------------------------------|--------|--------|---------|------|------|
| DATE:      | DOCUMENT ID  | DESCRIPTION                      | FILING | EXPED  | PENALTY | CERT | COPY |
| 07/31/2013 | 201321200078 | FOREIGN LICENSE/FOR-PROFIT (FLF) | 125.00 | 100.00 |         | .00  | 5.00 |

**Receipt**

This is not a bill. Please do not remit payment.

NSI  
ATTN: JILL F. PROBST  
145 BAKER STREET  
MARION, OH 43302

# STATE OF OHIO CERTIFICATE

**Ohio Secretary of State, Jon Husted**

**2218417**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**SFE ENERGY OHIO, INC.**

and, that said business records show the filing and recording of:

Document(s)

**FOREIGN LICENSE/FOR-PROFIT**

Document No(s):

**201321200078**

**Effective Date: 07/30/2013**

Authorization to transact business in Ohio is hereby given, until surrender, expiration or cancellation of this license.



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 31st day of July, A.D.  
2013.

Ohio Secretary of State



Form 530A Prescribed by the:  
Ohio Secretary of State

Central Ohio: (614) 466-3910  
Toll Free: (877) SOS-FILE (767-3453)

[www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov)  
[Busserv@OhioSecretaryofState.gov](mailto: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

## Foreign For-Profit Corporation Application for License

Filing Fee: \$125

(151-FLF)

The application is made to procure a ☒ Permanent License ☐ Temporary License (valid for six months)

Attach Certificate of Good Standing from the jurisdiction of formation (see instructions)

Name of Corporation **SFE Energy Ohio, Inc.**

(Name must match the name on the Certificate of Good Standing)

Assumed name under which the corporation will do business, if its corporate name is not available in Ohio  
(Must attach "Resolution of Foreign Corporation to Qualify Under An Assumed Name" Form 591)

Under the Laws of the Jurisdiction of

**Delaware**

Jurisdiction of Formation

Date of Incorporation in Jurisdiction of Formation

**June 18, 2013**

Date of Incorporation

(Date must match the date provided on  
the Certificate of Good Standing)

The location of the principal office (non-Ohio) is:

**100 Milverton Drive, Suite 608**

Mailing Address

**Mississauga, Ontario**

City

**Canada**

State

**L5R 4H1**

ZIP Code

If there is a principal office within Ohio, the location is

Mailing Address

City

State

ZIP Code

A brief summary of the corporate purpose(s) to be exercised within Ohio

**energy service company**



## Appointment of Agent

The corporation hereby appoints the following as its statutory agent upon whom process against the corporation may be served in Ohio.

UCS of Ohio

Name

3040 Riverside Drive, Suite 122 Ste. 122

Mailing Address

Columbus

City

Ohio

State

43221

ZIP Code

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

The entity above 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.

Pursuant to Ohio Revised Code 1703.29 (A), a foreign corporation is required to pay an additional \$250 fee if the application is being made to enable the corporation to prosecute or defend a legal action. Please see Ohio Revised Code or the instructions for more information.

- ☒ No, the corporation is not filing for this purpose and an additional fee is not included.
- ☐ Yes, the application is being filed for this purpose and the additional \$250 fee is included with the filing fee.

**If yes then:**

Pursuant to Ohio Revised Code 1703.29(B), a foreign corporation that began transacting business in Ohio prior to 2009 without a license may be required to provide a certificate from the tax commissioner which states that the corporation has paid all franchise taxes which it should have paid had it qualified to do business in this state.

**Did the corporation begin transacting business in Ohio prior to 2009?**

- ☐ Yes, the D4 certificate from the tax commissioner is attached.
- ☒ No, the corporation began transacting business in 2009 or later, therefore, a D4 certificate is not required.

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**

Articles and original appointment of agent must be signed by a member, manager or other representative.

☒ M. Haggerty  
Signature

\_\_\_\_\_  
By (if applicable)

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

Michael Gerald Haggarty  
Print Name

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.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
By (if applicable)

\_\_\_\_\_  
Print Name

Michael Gerald Haggarty  
Name of Officer

, being first duly sworn, deposes and says that he/she is the

President

of

SFE Energy Ohio, Inc.

Officer Title

Corporation

the corporation described in the foregoing application, and that the statements contained in said application are true and correct to best of my knowledge and belief.

Name Michael Gerald Haggarty

Signature

M. Haggarty

Sworn before me and subscribed on

July 23/17

Date

Ronald Joseph Marcus Mercier  
Notary Public

NOTARY SEAL

Expiration Date of Notary's Commission

N/A \*

Date

\* Lifetime appointment.

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "SFE ENERGY OHIO, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-NINTH DAY OF JULY, A.D. 2013.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "SFE ENERGY OHIO, INC." WAS INCORPORATED ON THE EIGHTEENTH DAY OF JUNE, A.D. 2013.

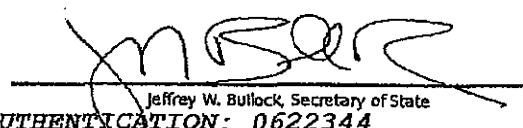
AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE NOT BEEN ASSESSED TO DATE.

5353030 8300

130929035

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)



  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 0622344

DATE: 07-29-13

#2218417

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

I, Jon Husted, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a true and correct copy, consisting of 5 pages, as taken from the original record now in my official custody as Secretary of State.



WITNESS my hand and official seal at  
Columbus, Ohio, this 31<sup>st</sup> day of  
July, 2013 A.D.

Jon Husted

JON HUSTED  
Secretary Of State

By: M. Bender

NOTICE: This is an official certification only when reproduced in red ink



|            |              |                                  |        |        |         |      |      |
|------------|--------------|----------------------------------|--------|--------|---------|------|------|
| DATE:      | DOCUMENT ID  | DESCRIPTION                      | FILING | EXPED  | PENALTY | CERT | COPY |
| 08/01/2013 | 201321300089 | TRADE NAME/ORIGINAL FILING (RNO) | 50.00  | 100.00 |         | .00  | 5.00 |

**Receipt**

This is not a bill. Please do not remit payment.

NSI  
ATTN: JILL F. PROBST  
145 BAKER STREET  
MARION, OH 43302

# STATE OF OHIO CERTIFICATE

**Ohio Secretary of State, Jon Husted**

**2218669**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for  
**SFE**

and, that said business records show the filing and recording of:

Document(s)

Document No(s):

**TRADE NAME/ORIGINAL FILING**

**201321300089**

**Effective Date: 07/31/2013**

Date of First Use: 07/30/2013  
Expiration Date: 07/31/2018

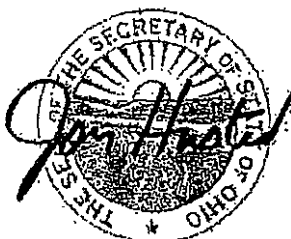
SFE ENGERY OHIO, INC.  
100 MILVERTON DRIVE  
SUITE 608  
MISSISSAUGA, ONTARIO, CD L5R 4H1



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 1st day of August, A.D.  
2013.

Ohio Secretary of State



Form 534A Prescribed by:  
**JON HUSTED**  
Ohio Secretary of State

Central Ohio: (614) 466-3910  
Toll Free: (877) SOS-FILE (767-3453)  
[www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov)  
[BusServ@OhioSecretaryofState.gov](mailto:BusServ@OhioSecretaryofState.gov)

Mail this form to one of the following:

Regular Filing (non expedite)  
P.O. Box 870  
Columbus, OH 43216

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

## Name Registration

Filing Fee: \$50

CHECK ONLY ONE (1) Box

☒ Trade Name  
(167-RNO)

Date of first use: 07/30/2013

MM/DD/YYYY

☐ Fictitious Name  
(169-NFO)

SFE

Name being Registered or Reported

SFE Energy Ohio, Inc.

Name of the Registrant

Note: If the registrant is a partnership, please provide the name of the partnership. Individual partner names are not permitted but are required on page 2 of the form.

The Registrant is a(n): (Check only one (1) box)

☐ Individual

☐ General Partnership

Registration #, if any

☐ Limited Partnership

Registration #

If Foreign, Jurisdiction of Formation

☐ Limited Liability Partnership

Registration #

If Foreign, Jurisdiction of Formation

☐ Limited Liability Company

Registration #

If Foreign, Jurisdiction of Formation

☐ Ohio Corporation

Charter #

☒ Foreign Corporation

Ohio license #

Jurisdiction of Formation

☐ Unincorporated Association

☐ Professional Association

Charter #

☐ Sole Proprietor

☐ Other

All registrants must complete the information in this section

The general nature of business conducted by the registrant:

sales, marketing and supplier of gas and electricity

Business address:

100 Milverton Drive, Suite 608

Mailing Address

Mississauga, Ontario

City

Canada

State

L5R 4H1

Zip Code

Complete the information in this section if registrant is a partnership NOT registered in Ohio pursuant to ORC 1776, if partnership is registered, provide registration number on page one.

Provide the name and address of at least one general partner:

Name

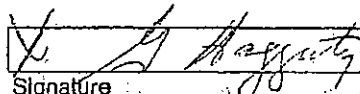
Address

NOTE: Pursuant to OAG 89-081, if a general partner is a foreign corporation/limited liability company, it must be licensed to transact business in Ohio; if a general partner is a foreign corporation/limited liability company licensed in Ohio under an assumed name, please provide the assumed name and the name as registered in its jurisdiction of formation.

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

Application must be signed by the registrant or an authorized representative.

  
Signature

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

By (If applicable)

Michael Gerald Haggarty

Print Name

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.

2218669

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

I, Jon Husted, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a true and correct copy, consisting of 3 pages, as taken from the original record now in my official custody as Secretary of State.



WITNESS my hand and official seal at  
Columbus, Ohio, this 15<sup>th</sup> day of  
August A.D. 2013

*Jon Husted*

JON HUSTED  
Secretary Of State

By: *Ray Sargent*

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|            |              |                                  |        |        |         |      |      |
|------------|--------------|----------------------------------|--------|--------|---------|------|------|
| DATE:      | DOCUMENT ID  | DESCRIPTION                      | FILING | EXPED  | PENALTY | CERT | COPY |
| 08/01/2013 | 201321300090 | TRADE NAME/ORIGINAL FILING (RNO) | 50.00  | 100.00 |         | .00  | 5.00 |

**Receipt**

This is not a bill. Please do not remit payment.

NSI  
ATTN: JILL F. PROBST  
145 BAKER STREET  
MARION, OH 43302

# STATE OF OHIO CERTIFICATE

**Ohio Secretary of State, Jon Husted**

**2218670**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

**SFE ENERGY**

and, that said business records show the filing and recording of:

Document(s)

Document No(s):

**TRADE NAME/ORIGINAL FILING**

**201321300090**

**Effective Date: 07/31/2013**

Date of First Use: 07/30/2013  
Expiration Date: 07/31/2018

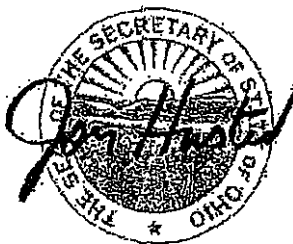
SFE ENERGY OHIO, INC.  
100 MILVERTON DRIVE  
SUITE 608  
MISSISSAUGA, ONTARIO, CD L5R 4H1



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 1st day of August, A.D.  
2013.

Ohio Secretary of State



Form 534A Prescribed by:  
**JON HUSTED**  
Ohio Secretary of State

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

Mail this form to one of the following:

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Columbus, OH 43216

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time requires an additional \$100.00).  
P.O. Box 1380  
Columbus, OH 43216

## Name Registration

Filing Fee: \$50

CHECK ONLY ONE (1) Box

☒ Trade Name  
(167-RNO)

Date of first use: 07/30/2013

MM/DD/YYYY

☐ Fictitious Name  
(169-NFO)

SFB Energy

Name being Registered or Reported

SFB Energy Ohio, Inc.

Name of the Registrant

Note: If the registrant is a partnership, please provide the name of the partnership. Individual partner names are not permitted but are required on page 2 of the form.

The Registrant is a(n): (Check only one (1) box)

☐ Individual

☐ General Partnership

Registration #, if any

☐ Limited Partnership

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☐ Limited Liability Partnership

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Ohio license

Jurisdiction of Formation

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Canada

State

L5R 4H1

Zip Code

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Name

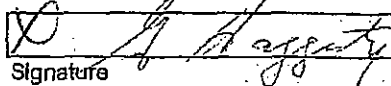
Address

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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**

Application must be signed by the registrant or an authorized representative.

  
Signature

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

By (if applicable)

Michael Gerald Haggarty

Print Name

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.

2218670

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

I, Jon Husted, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a true and correct copy, consisting of 3 pages, as taken from the original record now in my official custody as Secretary of State.



WITNESS my hand and official seal at  
Columbus, Ohio, this 15<sup>th</sup> day of  
August A.D. 2013

*Jon Husted*

JON HUSTED  
Secretary Of State

By: *Ray Siegel*

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## **Exhibit B-1**

### **SFE Energy Ohio, Inc.**

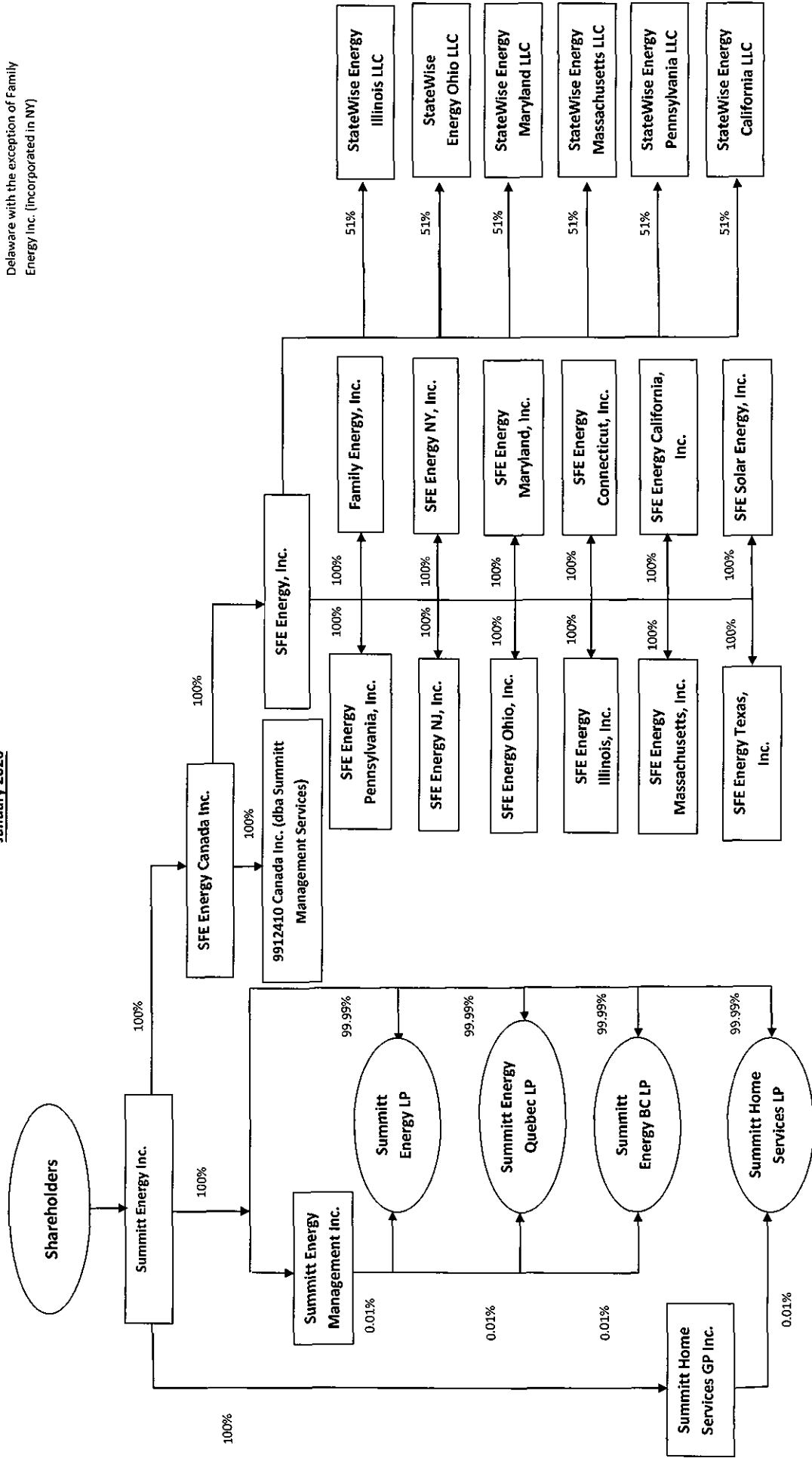
**Exhibit B-1 “Jurisdictions of Operation,”** provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric services.

**Response:** Please see attached

| <b>Applicant/Affiliate Company Name</b>           | <b>Original Date of Issuance</b> | <b>Regulatory Agency</b>                                      |
|---|----------------------------------|---|
| Summitt Energy BC LP ("Summitt Energy")           | 19-Mar-08                        | British Columbia Utilities Commission ("BCUC")                |
| Family Energy Inc. ("Family Energy")              | 22-Apr-13                        | New York Public Service Commission ("NYPSC")                  |
| SFE Energy Pennsylvania, Inc. ("SFE Energy")      | 15-Aug-13                        | Pennsylvania Public Utilities Commission                      |
| SFE Energy Maryland, Inc. ("SFE Energy")          | 18-Dec-13                        | Maryland Public Service Commission                            |
| SFE Energy NJ, Inc. ("SFE Energy")                | 20-Aug-14                        | New Jersey Board of Public Utilities                          |
| Summitt Energy Management Inc. ("Summitt Energy") | 16-Oct-14                        | Ontario Energy Board ("OEB")                                  |
| SFE Energy California Inc. ("SFE Energy")         | 11-Feb-15                        | California Public Utilities Commission ("CPUC")               |
| SFE Energy Massachusetts, Inc. ("SFE Energy")     | 12-Mar-15                        | Commonwealth of Massachusetts, Department of Public Utilities |
| StateWise Energy Ohio LLC                         | 12-Mar-15                        | Public Utilities Commission of Ohio ("PUCO")                  |
| SFE Energy Illinois, Inc. ("SFE Energy")          | 3-May-17                         | Illinois Commerce Commission ("ICC")                          |
| SFE Energy Texas Inc. ("SFE Energy")              | 27-Jun-17                        | Public Utilities Commission of Texas ("PUCT")                 |
| StateWise Energy Maryland LLC                     | 31-Oct-18                        | Pennsylvania Public Utilities Commission                      |
| StateWise Energy California LLC                   | 1-Nov-18                         | California Public Utilities Commission ("CPUC")               |
| StateWise Energy Pennsylvania LLC                 | 6-Dec-18                         | Maryland Public Service Commission                            |
| StateWise Energy Illinois LLC                     | 2-May-19                         | Illinois Commerce Commission ("ICC")                          |

**Summitt Energy Corporate Group**  
**Corporate Organizational Chart**  
January 2020

All US corporations and LLCs are formed in Delaware with the exception of Family Energy Inc. (Incorporated in NY)



## **Exhibit B-2**

### **SFE Energy Ohio, Inc.**

**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.

**Response:** Please refer to the "Technical and Managerial Experience" document attached.



## **Attachment 1 - TECHNICAL AND MANAGERIAL EXPERIENCE**

SFE Energy Ohio, Inc. ("SFE Energy") is applying to renew license numbers 16-1047E(2) and 16-498G(2) with the Public Utilities Commission of Ohio ("PUCO") to continue providing competitive retail electricity and natural gas service to consumers in the state of Ohio.

SFE Energy and its key operating personnel have extensive technical experience in the retail of electricity and natural gas supply to residential and commercial consumers in Canada, through Summitt Energy Management Inc., Summitt Energy BC LP, Summitt Energy Quebec LP, ("Summitt") and in the United States within New York (through Family Energy Inc. ("Family")), Pennsylvania, Maryland, New Jersey, Ohio, Illinois, Texas and Massachusetts (through SFE Energy Inc. ("SFE")) and California (through SFE Energy California, Inc. ("SFE California")).

### **CURRENT ELECTRICITY AND NATURAL GAS MARKETS**

#### **Ontario**

Summitt first received its license from the Ontario Energy Board to retail Electricity supply to residential and commercial consumers on March 20, 2006. Summitt currently offers a five-year fixed rate for Electricity supply. Summitt is also using its Ontario Energy Board license to market electricity supply services under the trade name of My Rate Energy as an entirely internet-based company. For commercial customers, Summitt offers fixed and variable priced products for terms ranging from 1 to 5 years in length.

#### **British Columbia**

Summitt received its license from the British Columbia Utilities Commission ("BCUC") on April 24, 2007 and began marketing when the deregulated Natural Gas market opened for business on July 1, 2007. Summitt currently offers a five-year fixed rate for Gas supply for both residential and commercial customers.

#### **Quebec**

Summitt received a registration certificate from Régie de l'énergie Québec in 2007 and began marketing in the Gaz Métro utility area at that time. Summitt currently offers a five-year fixed rate for Gas supply for only commercial customers.

#### **New York**

Family received its license from the New York Public Service Commission to retail electricity and natural gas supply to residential and commercial consumers on June 16, 2009. Family currently offers both fixed term products to both residential and commercial consumers.

#### **Pennsylvania**

SFE Energy Pennsylvania, Inc. ("SFE Energy") received its license from the Pennsylvania Public Utilities Commission to retail electric and natural gas generation services to residential and commercial consumers on August 15, 2013. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

#### **Maryland**

SFE Energy Maryland, Inc. ("SFE Energy") received its license from the Maryland Public Service Commission to retail electricity and natural gas supply services to residential and commercial consumers on December 18, 2013. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

### **New Jersey**

SFE Energy NJ, Inc. ("SFE Energy") received its license from the New Jersey Board of Public Utilities to retail electric generation and natural gas services to residential and commercial consumers on August 20, 2014. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

### **California**

SFE Energy California, Inc. ("SFE Energy") received its license from the California Public Utilities Commission to retail natural gas services to residential and commercial consumers on February 11, 2015.

### **Massachusetts**

SFE Energy Massachusetts, Inc. ("SFE Energy") received its license from the Massachusetts Department of Public Utilities to retail electric generation and natural gas services to residential and commercial consumers on December 29, 2015. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

### **Ohio**

SFE Energy Ohio, Inc. ("SFE Energy") received its license from the Public Utilities Commission of Ohio to retail electric generation and natural gas services to residential and commercial consumers on February 16, 2016. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

### **Texas**

SFE Energy Texas, Inc. ("SFE Energy") received its license from the Public Utilities Commission of Texas to retail electric generation services to residential and commercial consumers on March 12, 2018. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

### **Illinois**

SFE Energy Illinois, Inc. ("SFE Energy") received its license from the Illinois Commerce Commission to retail electric and natural gas generation services to residential and commercial consumers on September 25, 2018. SFE Energy currently offers fixed term supply products to both residential and commercial consumers.

## **MANAGEMENT AND TECHNICAL STAFF**

In 2006, Michael Gerald Haggarty (commonly referred to as Gerry Haggarty), President & CEO, incorporated Summitt Energy Management Inc. which began its operations in Ontario, Canada followed by Quebec, British Columbia, New York, Pennsylvania, Maryland, New Jersey, Massachusetts, California and Texas. Key operating individuals, with experience in the deregulated energy industry, have been hired to oversee its operations. The management and technical staff have successfully developed and maintained sophisticated operating and information technology systems, a responsive and dedicated sales force, and have an effective compliance regime.

The current staffing structure of the company is organized under the following departments: Finance, Portfolio Management, Regulatory Affairs & Compliance, Information Technology, Sales, Marketing, Operations, and Customer Care. Each department is managed by a Director (outlined in the chart below) with a total staff count of approximately 140.

SFE Energy's key operating personnel will oversee the operations of SFE Energy from its head office based in Mississauga, Ontario, Canada and affiliate offices throughout the United States.

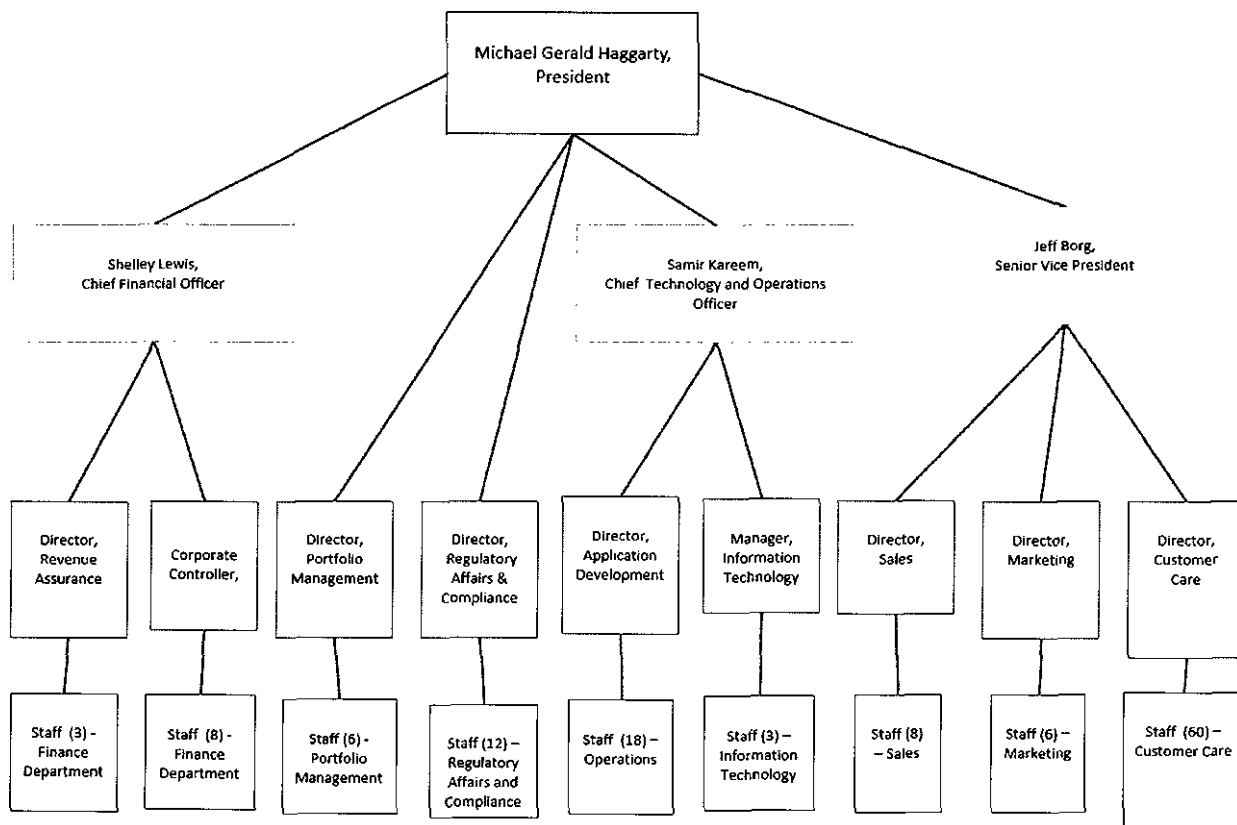
### **SFE ENERGY 'S EXECUTIVE STAFF**

1. President & CEO, Michael Gerald Haggarty (commonly referred to as Gerry Haggarty)
2. Senior Vice President, Jeff Borg
3. Chief Financial Officer, Shelley Lewis
4. Chief Technology and Operations Officer, Samir Kareem

### **SFE ENERGY 'S KEY OPERATING PERSONNEL**

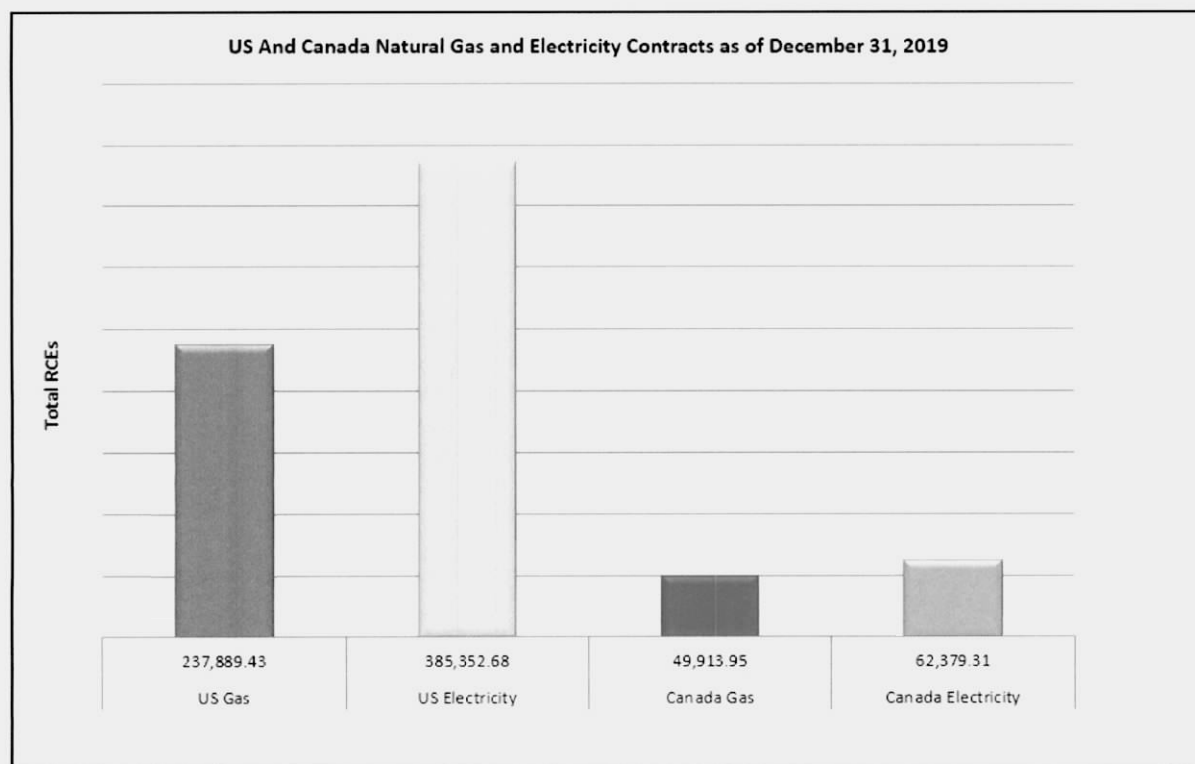
1. Corporate Controller, Kesh Nandlall, CPA, CGA, MBA
2. Director of Regulatory Affairs & Compliance, Jeff Donnelly
3. Director of Marketing, Lindsey Trypuc
4. Director of Customer Service, Tamara Sinson
5. Director of Portfolio Management, Kris Plotzke
6. Director of Sales, Martin Finnerty
7. Director of Application Development, Adam Wallace
8. Director of Revenue Assurance, Sally Legaspi

### **SFE ENERGY'S CURRENT ORGANIZATIONAL STRUCTURE**



## **TYPE & NUMBER OF CUSTOMERS BY JURISDICTION**

The graph below summarizes the number of contracts, by type, that Summitt (Canada) and Family /SFE (U.S.) currently serve as of December 31, 2019.



## **PROJECTED FRANCHISE AREAS**

Upon the approval of our Renewal Application, SFE Energy will seek to continue to provide Electricity and Natural Gas services in all Ohio gas utilities.

SFE Energy intends to continue marketing natural gas supply for fixed terms to residential and commercial consumers. SFE Energy has no restrictions to the number or size of consumers it intends to offer its services.

SFE Energy will conduct the sales of our energy programs via existing independent broker channels, most of whom we already contract with in New York, Pennsylvania, Maryland and New Jersey, Massachusetts as well as procuring new brokerage channels in the state of Ohio.

SFE Energy will utilize pre-existing compliance personnel currently working in the state of New York, Pennsylvania, Maryland, New Jersey, Ohio and Massachusetts to conduct regular sales office and in-field reviews in Ohio, along with our standard compliance regime reporting, to ensure high quality sales and customer satisfaction. As SFE Energy's business base in Ohio grows, SFE Energy will, in all likelihood, add dedicated compliance staff to the Ohio market.

## **CUSTOMER INFORMATION SYSTEMS (CIS)**

SFE Energy has a dedicated U.S. market customer information system which houses its customer profile information, manages transactions with the utility, maintains portfolio management information, and stores complaint data used to generate compliance monitoring reports. This customer information system was custom-built and is flexible to respond to changing requirements and market environments.

## **UTILITY INTERFACE**

SFE Energy plans to use a service provider, EC Infosystems, for interfacing with the utilities for the purposes of Electronic Data Interchange (EDI). SFE Energy will undergo EDI testing via EC Infosystems to ensure all requirements are met to transact with the utilities.

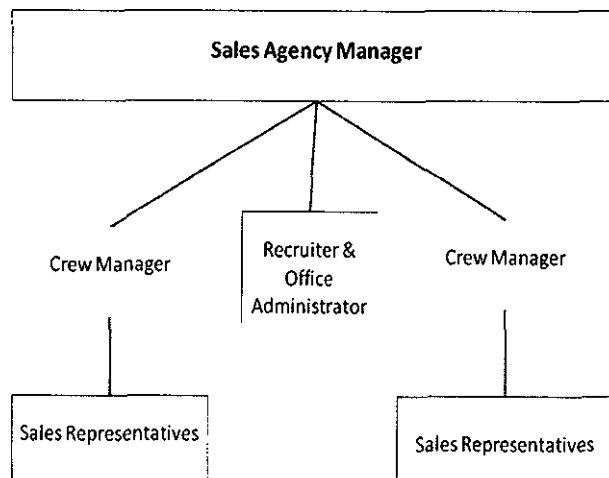
Transactions between SFE Energy and the utilities will be managed by SFE Energy's Operations Department (enrollments and billing) and Information Technology Department (information systems). The overall management of the transactions and interface with the utility will be managed by the Director of Operations.

Reporting to the Director of Operations will be the Manager of U.S. Operations. These positions will be responsible for the day to day dealings with transactions and communication with the utilities and EC Infosystems. These responsibilities include, but are not limited to; customer enrollments, customer maintenance, billing and remittance.

The Director of Information Technology and staff will be responsible for the administration and management of the Customer Information Systems. Reporting to the Director of Information Technology will be the system administrator and business analysts. This department is responsible for the infrastructure and maintenance of CIS systems. These responsibilities include development and maintenance of CIS systems, EDI transport interfaces and billing systems.

## **SALES STRUCTURE**

Sales Representatives are contracted with a Sales Agency to represent SFE Energy products. SFE Energy holds an agreement with the Sales Representative, to follow the standards and guidelines outlined by SFE Energy when selling our products, and an agreement with their Sales Agency, to whom they report and by whom they are paid. Sales Agencies are contracted with SFE Energy to agree that their representatives will adhere to the rules and conduct set out by SFE Energy. A typical sales office will have the following structure:



## **COMPLIANCE REGIME**

In order for SFE Energy to address complaints regarding the conduct of Sales Representatives, SFE Energy has developed a compliance monitoring program. This monitoring program tracks all complaint types, generates complaint reports, and assesses the Sales Representative's compliance standing. Remedial action is issued based upon the Sales Representative's compliance standing.

Customer complaints are received from a variety of sources such as:

- Customer Correspondence (fax, letter, email)
- Quality Assurance Calls
- Verification Calls
- Inbound Phone Call
- Third Party Complaints

The source of the complaint determines which Department handles and resolves the issue. The following SFE Energy departments may get involved in handling customer complaints:

- **Customer Service** (consists of CSR agents, Reaffirmation Agent, Administrator, Supervisor, Director of Customer Service)
- **Compliance** (consist of Compliance Specialists, Manager and Director of Regulatory Affairs and Compliance)
- **Sales** (consists of Director of Sales, Sales Staff and Senior Vice President)
- **Sales Agency** (President of Sales Agency, Sales Managers and Sales Representatives)

The sales-conduct oversight of the Sales Representatives will be based upon the model currently used in its existing Canadian and U.S. markets. The program is based on the following elements:

- Sales Representative Certification Process
- A Point-of-Sale Third Party Verification Call
- Quality Assurance Call and Verification Call Audits
- Sales Compliance Monitoring Program

The compliance regime that SFE Energy will use to manage the certification of its door-to-door sales force is currently used in its existing Canadian and U.S. markets and consists of the following:

### **Sales Representative Certification Process**

Completion of an Independent Contractor Agreement agreeing to abide by the rules and conduct of SFE Energy when representing our products. Before any Sales Representatives are permitted to conduct any sales, they are required to complete in-class training and a written test. The in-class training material and test is approved by the Compliance and Sales and Marketing Departments. The Sales Representatives must achieve a minimum score of 80% in order to proceed to sell.

All Sales Representatives who will represent SFE Energy are required to complete in-field training with their Sales Agency Manager prior to marketing the product on their own. The type of product and training program developed by the manager of their office will determine how in-field training is conducted.

A copy of the Sales Representative's photo ID must be provided to the Compliance Department in order to conduct a criminal background check. Criminal background checks are completed for every Sales Representative.

The Sales Representatives must review and sign a "Principle of Understanding Document" which outlines SFE Energy's Code of Conduct, the respective regulators Code of Conduct, any legal and regulatory requirements for the state or licensing approval.

Once the aforementioned has been provided to, and approved by, the Compliance Department, the Sales Representative will be approved to receive his/her Sales Representative identification badge, and their information shall be entered into SFE Energy's database where their status is controlled. Sales Representatives who are eligible to market products for SFE Energy have an Active status – this status may change depending on the activity of the Sales Representative. Sales Representatives who are not in Active Status cannot complete a third party verification call which is a requirement for all residential sales. If any information is missing or incomplete, the Sales Representative will not be issued a representative identification badge and cannot begin selling.

### **Telemarketing Sales Representative Certification Process**

Before any Sales Representatives are permitted to conduct any telemarketing sales, they are required to complete a review of SFE Energy's telemarketing training package with their Sales Agency Manager prior to marketing the product. The Sales Representative must submit an acknowledgement form confirming that they have received the training in order to be able to begin telemarketing on SFE Energy's behalf.

### **Point-of-Sale Third Party Verification Call "TPV"**

SFE Energy will require that a point-of-sale TPV call be completed for all door-to-door and telemarketing sales. If a TPV call is not completed for a contract, the contract will be canceled. The following points are covered in the call to ensure the customer understands they are entering into a supply agreement:

- That SFE Energy is not affiliated with the local utility company, the Commission, or the government.
- That the customer will be purchasing natural gas supply from SFE Energy at the contract price and term.
- The customer has the right of rescission and right to cancel.
- Advise the customer to keep a copy of the Agreement.

### **Quality Assurance Call and Verification Call Audits**

SFE Energy will conduct internal audits on randomly selected Third Party Verification calls. This will be done by the Compliance Department to evaluate and ensure that Sales Representatives and CSRs are providing accurate and complete information to the customer. Any issues identified will be communicated to the Sales Agencies (if it is Sales Representative conduct-related) and/or the Third Party Verification Company (if related to a CSR).

## **Sales Compliance Monitoring Program**

**Tracking of Complaints:** All Sale Representative Complaints are logged in SFE Energy's database. Each complaint logged has a complaint type, source, Sales Representative ID (where applicable), Sales Office and a detailed description of the complaint.

SFE Energy classifies complaints in three (3) categories: Sales Representative Complaint, Contract Management Complaint or Customer Service Complaint. The complaint types available in CIS provide a general description of the complaint. These complaints are further classified by the nature of complaint – for example, misrepresentation of program, misrepresentation of Identify, CSR was unprofessional, etc.

**Complaint Reports:** Weekly compliance staff generate a complaints report and forwards the report to the appropriate Sales Office to be reviewed by the Sales Agency Manager with the Sales Representative or they entire sales force.

**Compliance Standing:** A Sales Representative's compliance standing is determined by their compliance factor. Sales Representative complaints are assigned points based on the "Complaints Point Classification System" table; which assigns points to complaints based on the type and source of the complaint. The total number of complaint points is then multiplied by the Sales Representative's complaints to contract signed ratio to arrive at a "compliance factor".

The compliance factor acts as an indicator to determine if remedial action is required to address non-compliant issues and what measures should be taken based on a standard remedial action table. Compliance staff communicates the required remedial action by way of a Compliance Notice.

The Compliance Notice is a communication tool used to provide the Agency Sales Manager and the Sales Representative with feedback on the types of complaints received. It indicates remedial action to be taken for a Sales Representative to address their compliance standing. Notices are issued by SFE Energy's Compliance Department after completing a review of the Sales Agency's Sales Representative Point Report, and determining the remedial action required to address a Sales Representative's compliance standing. The following factors are taken into account when assigning a remedial action measure:

- the number of contracts submitted by the Sales Representative
- the Sales Representative's hire date
- the date of the complaint
- the trend of the complaints
- previous training completed by the Sales Representative, and
- previous compliance notices issued to the Sales Representative

Both the Agency Sales Manager and the Sales Representative are required to review and complete the Compliance Notice and return it to SFE Energy compliance staff.

**Regulatory Complaint Memo:** Regulatory complaint memos are prepared by compliance staff and reviewed with the Agency Sales Manager and Sales Representative receiving the Regulatory Complaint. SFE Energy's Field compliance staff will review the complaint memo with the Sales Representative and their Sales Manager and obtain the Sales Representative's written feedback on the complaint.

**NOTE:** SFE Energy has a zero tolerance policy for any substantiated Slamming, Forgery or Fraud complaints.



### **Sales Representative Complaint Review Process**

SFE Energy's Compliance Staff provide weekly reports to the Sales Manager(s) on the complaints received. Compliance Staff will contact each Agency Sales Manager weekly to discuss the current week's Sales Representative complaint report. In addition, on a monthly basis or on an as-needed basis, Compliance staff and the Sales & Marketing staff will review each Sales Representative's compliance factor and discuss the appropriate remedial action required for the Sales Representative with the Sales Representative's Sales Manager.

### **Report Distribution to Sales Offices**

SFE Energy will have the following reports in place, which will be generated and automatically distributed.

**Sales Representative Complaint Report:** This report is run and sent out weekly to all Sales Managers, SFE Energy's Sales & Marketing Department, and SFE Energy's Compliance Department. The report lists all the complaints received for that week with a detailed description of the customer's complaint, the complaint type, and source of the complaint.

**Sales Representative Points Reports:** This report is run and sent out monthly to all Sales Managers, SFE Energy's Sales & Marketing Department, and SFE Energy's Compliance Department. A Sales Representative Point Report list by individual Sales Representative the number of complaints received in each of the Complaint Point Classifications categories (e.g. Misrepresentation of Program) and provides the Sales Representative's compliance factor.

## **Exhibit B-3**

### **SFE Energy Ohio, Inc.**

**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.)

**Response:** Please refer to the "Technical and Managerial Experience" document attached in B-2

## **Exhibit B-4**

### **SFE Energy Ohio, Inc.**

**Exhibit B-4 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.

**Response:** See attached

## SFE Energy Ohio, Inc. - Disclosure of Liabilities and Investigations

| Applicant/Affiliate Company Name                  | Date of Issuance | Regulatory Agency                              | Docket Number | Action  | Subject Description   | Status (Open or Closed) |
|---|------------------|--|---------------|---|---|-------------------------|
| Summitt Energy BC LP ("Summitt Energy")           | 19-Mar-08        | British Columbia Utilities Commission ("BCUC") | G-48-08       | BCUC rendered a decision and issued a \$1,000 fine against Summitt Energy related to the validity and compliance of one customer verification call.   | A particular consumer logged a dispute with the BCUC for adjudication. Summitt Energy provided a verification call completed with the customer. Verification of contracts was not a regulatory requirement at the time the call was conducted. The BCUC determined that the call contained misleading information and was presented in a manner that may have caused confusion to the consumer. | Closed                  |
| Summitt Energy BC LP ("Summitt Energy")           | 19-Mar-08        | British Columbia Utilities Commission ("BCUC") | G-49-08       | The BCUC rendered a decision and issued a \$6,000 fine against Summitt Energy relating to contracts and verification calls for six enrolled customers. Two calls did not conform to the BCUC's script requirements, and four (4) customers were enrolled, but not received service from Summitt Energy. Before the verification was completed by the customer.  | As part of a random compliance inquiry, the BCUC requested six (6) verification calls conducted by Summitt Energy. BCUC and Summitt Energy reached an agreement on how to remedy the breach.  | Closed                  |
| Summitt Energy Management Inc. ("Summitt Energy") | 22-Dec-08        | Ontario Energy Board ("OEB")                   | EB-2009-0006  | The OEB issued a Notice of intention to Make an Order against Summitt Energy. The Order was for an Administrative Penalty against Summitt Energy in the amount of \$100,000, in relation to the OEB's review of recorded reaffirmation calls completed by Summitt Energy in 2008. Summitt Energy provided the OEB with a Voluntary Assurance of Compliance on January 20, 2009 and agreed to pay \$70,000 in settlement and without admission of liability. This was accepted by the OEB on January 30, 2009.   | Summitt supplied seven (7) customers without a valid verification call. The OEB found that the seven verification calls did not meet industry standards.  | Closed                  |
| Summitt Energy Management Inc. ("Summitt Energy") | 10-Jun-10        | Ontario Energy Board                           | EB-2010-0221  | On November 18, 2010, the OEB issued a Decision and Order whereby Summitt Energy was ordered to pay an administrative penalty of \$234,000 and proceeding costs of \$65,000, complete a review and audit of Summitt Energy's sales practices, and cancel and reimburse the required customers. Summitt Energy appealed the OEB Decision of November 18, 2010. The Appeal, as well as Summitt Energy's Fresh Evidence Motion, was heard by the Divisional Court (Ontario) Supreme Court on December 11 <sup>th</sup> and 12 <sup>th</sup> , 2012. The Court denied the Appeal.   | The OEB issued a Notice of intention to Make an Order against Summitt Energy. The Order was for an Administrative Penalty in the amount of \$495,000 in relation to allegations that five of Summitt Energy's sales agents engaged in 28 incidents that violated the OEB's Code of Conduct.   | Closed                  |
| Summitt Energy Management Inc. ("Summitt Energy") | 25-Aug-11        | Ontario Energy Board ("OEB")                   | EB-2011-0316  | On August 25, 2011 the OEB issued a Notice of intention to Make an Order against Summitt Energy. The Order against Summitt Energy was for an Administrative Penalty of \$15,000 in relation to (1) the OEB's view that Summitt Energy's contract failed to ensure that the person signing the contract on behalf of Summitt Energy did so before the acknowledgement that has to be signed and dated by the consumer which was contrary to Ontario Regulation 389/10 and the Energy Consumer Protection Act, 2010, and (2) that the consumer was given the wrong price comparison form by the Summitt Energy's sales representative. A Settlement Agreement was reached between Summitt Energy and the OEB on June 14, 2012 whereby Summitt Energy agreed to pay an administrative fee of \$10,000. | As part of an industry audit, the OEB found one contract that did not have the correct Price Comparison form (i.e., Summitt Energy's price on the Price Comparison form did not correspond to the price selected by the customer on Summitt Energy's contract, and the acknowledgement statement line on the contract was not in the correct place as specified in the regulation.              | Closed                  |

| Applicant/Affiliate Company Name                  | Date of Issuance | Regulatory Agency  | Docket Number      | Action  | Subject Description   | Status (Open or Closed) |
|---|------------------|--|--------------------|---|---|-------------------------|
| Family Energy, Inc. ("Family Energy")             | 22-Apr-13        | New York Public Service Commission ("NYPSC")                                     | Case No. 13-M-0139 | On April 22, 2013 the NYPSC issued an Order instituting Proceeding and To Show Cause ("Show Cause Order"). Family responded to the Show Cause Order on April 29, 2013 and May 10, 2013 outlining enhanced marketing policies, compliance measures and procedural measures implemented by Family Energy.   | The Show Cause Order issued by the NYPSC was as a result of consumer complaints about the marketing practices of Family Energy.   | Closed                  |
| Summitt Energy Management Inc. ("Summitt Energy") | 6-Dec-13         | Ontario Energy Board ("OEB")   | EB-2013-0386       | On December 6, 2013 Summitt Energy entered into a Voluntary Assurance to make recommended changes by Board staff to its various contracts, price comparisons and billing transactions to ensure compliance with section 12(1)(b) of the ECPA, section 8(3) of Ontario Regulation 389/10, and sections 4.6(a) and 4.7 of Part B of the Electricity Retailer Code of Conduct. | As part of an industry audit, the OEB found that an outdated version of a price comparison template was provided by Summitt Energy to 1 consumer at the time of sale. In 55 of 60 contracts tested, Summitt Energy did not disclose each element of the contract price separately on the price comparison template, namely breaking down the admin fee into separate components. In 4 of 60 contracts tested, the price information in the price comparison template provided to the consumer did not match the price and structure of the product selected by the consumer under the contract resulting in the customer paying a lower rate than what was listed in the price structure. | Closed                  |
| Summitt Energy Management Inc. ("Summitt Energy") | 16-Oct-14        | Ontario Energy Board ("OEB")   | EB-2014-0308       | On October 16, 2014 Summitt Energy entered into a Voluntary Assurance to make recommended changes by Board staff to its various marketing and promotional materials in order to ensure compliance with various enforceable provisions of the ECPA, Ontario Regulation 389/10, and Retailer Code of Conduct for Gas marketers.   | As part of an industry audit, the OEB found that some of Summitt's marketing materials were outdated or did not source the information provided which could be misleading to consumers. Summitt Energy did not disclose each element of the contract price separately on the contract even though it was disclosed on the price comparison template, namely the global adjustment.  | Closed                  |
| Family Energy, Inc. ("Family Energy")             | 21-Jun-16        | Division of Consumer Protection, Department of State New York                    | 15-DNC-0149        | Consent Order Entered into to resolve matter without any admission of guilt and to elevate both parties of the burden and expense of litigation pertaining to the Notice of Apparent Liability. Agreed monetary settlement of \$23,000.00.  | Notice of Apparent Liability pertaining to violations of New York State Do Not Call Laws pertaining to Family Energy Inc. calling New York residents who were allegedly listed on the New York DNC registry.  | Closed                  |
| SFE Energy Pennsylvania Inc. ("SFE Energy")       | 21-Jul-16        | Bureau of Investigation and Enforcement Pennsylvania Public Utilities Commission | BPRB2546422        | Settlement agreement entered into with a \$1,000.00 penalty.  | Informal investigation relating to sales agent certification and background check requirements in accordance with Chapters 52, and 54 of Title 52 of the Pennsylvania Code. Investigation determined that 1 background check for 1 sales agent was conducted in error resulting in a favourable background (SFE Staff data entry error). It was determined that it was an isolated incident and now further investigation was required.   | Closed                  |
| SFE Energy Massachusetts Inc. ("SFE Energy")      | 7-May-19         | Department of Public Utilities   | N/A                | N/A   | DPU's informal review of SFE's business practices pursuant to the Order Establishing Final Interim Guidelines for Competitive Supply Investigations and Proceedings. D.P.U. 16-156-A (Issued July 6, 2017).   | Open                    |

## **Exhibit C-1**

### **SFE Energy Ohio, Inc.**

**Exhibit C-1 “Annual Reports,”** provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why.

**Response:** Filed Confidentially

## **Exhibit C-2**

### **SFE Energy Ohio, Inc.**

**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 that the applicant is not required to file with the SEC and why.

**Response:** Not applicable as SFE Energy Ohio, Inc. is not a publicly traded corporation.

## **Exhibit C-3**

### **SFE Energy Ohio, Inc.**

**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).

**Response:** Filed Confidentially



## **Exhibit C-4**

### **SFE Energy Ohio, Inc.**

**Exhibit C-4 “Financial Arrangements,”** provide copies of the applicant's financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.,).

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

**Response:** See attached letter from Duke Energy Ohio.



139 East Fourth  
EX396  
Cincinnati, Ohio 45202

January 10, 2020

SFE Energy Ohio, Inc. has met the Natural Gas Collateral obligations for Duke Energy Corporation as of January 10, 2020.

***Tom Hunt***

Duke Energy Corp  
Certified Supplier Business Center  
[Tom.Hunt@Duke-Energy.com](mailto:Tom.Hunt@Duke-Energy.com)



## **Exhibit C-5**

### **SFE Energy Ohio, Inc.**

**Exhibit C-5 “Forecasted Financial Statements,”** provide two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant’s CRES operation, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer.

**Response:** Filed Confidentially

## **Exhibit C-6**

### **SFE Energy Ohio, Inc.**

**Exhibit C-6 “Credit Rating,”** provide a statement disclosing the applicant’s credit rating as reported by two of the following organizations: Duff & Phelps, Dun and Bradstreet Information Services, Fitch IBCA, Moody’s Investors Service, Standard & Poors, 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 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.

**Response:** Not Applicable

## **Exhibit C-7**

### **SFE Energy Ohio, Inc.**

**Exhibit C-7 “Credit Report,”** provide a copy of the applicant’s credit report from Experion, Dun and Bradstreet or a similar organization.

**Response:** Filed Confidentially

## **Exhibit C-8**

### **SFE Energy Ohio, Inc.**

**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.

**Response:** Not Applicable

## **Exhibit C-9**

### **SFE Energy Ohio, Inc.**

**Exhibit C-9 “Merger Information,”** provide a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.

**Response:** Not Applicable

## **Exhibit C-10**

### **SFE Energy Ohio, Inc.**

**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.

**Response:** Please refer to Exhibit A-4



## **Exhibit D-1**

### **SFE Energy Ohio, Inc.**

**Exhibit D-1 “Operations”** provide a written description of the operational nature of the applicant’s business. Please include whether the applicant’s operations will include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services as well as other services used to arrange for the purchase and delivery of electricity to retail customers.

**Response:** Please refer to the “Technical and Managerial Experience” document in Exhibit B-2

## **Exhibit D-2**

### **SFE Energy Ohio, Inc.**

**Exhibit D-2 “Operations Expertise,”** given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations.

**Response:** Please refer to the “Technical and Managerial Experience” document in Exhibit B-2

## Exhibit D-3

### SFE Energy Ohio, Inc.

**Exhibit D-3 “Key Technical Personnel,”** provide the names, titles, e-mail addresses, telephone numbers, and the background of key personnel involved in the operational aspects of the applicant’s business.

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Kesh Nandlall  
Corporate Controller  
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Sally Legaspi  
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[slegaspi@sfeenergy.com](mailto:slegaspi@sfeenergy.com)