

FILE



April 3, 2020

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

2020 APR -9 AM 11:40  
PUCO

**Subject:**

Renewal certification application for Daybreak Energy LLC  
Case Number 14-0640-EL-AGG

To Whom It May Concern:

Please find enclosed, the Renewal certification applications for Daybreak Energy LLC.

Please contact me if you have any questions or need any additional information.

Sincerely,

Thomas McCune

Direct: 330-584-2006 Toll Free: 833-228-7787 Cell: 330-428-3863 Fax: 330-754-0098  
Email: [tmccune@DaybreakEnergy.net](mailto:tmccune@DaybreakEnergy.net)

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# Public Utilities Commission

Original AGG Case Number	Version
14- 640 -EL-AGG	May 2016

## RENEWAL APPLICATION FOR ELECTRIC AGGREGATORS/POWER BROKERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit C-10 Corporate Structure). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division; 180 East Broad Street, Columbus, Ohio 43215-3793.

This PDF form is designed so that you may input information directly onto the form. You may also download the form, by saving it to your local disk, for later use.

### A. RENEWAL INFORMATION

#### A-1 Applicant intends to be certified as: (check all that apply)

☒ Power Broker ☐ Aggregator

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

Legal Name Daybreak Energy LLC  
Address 8069 Garnet Avenue NE, Canton, OH 44721  
PUCO Certificate # and Date Certified 14-809E(3) May 16th, 2018  
Telephone # (330) 584-2006 Web site address (if any) www.DaybreakEnergy.net

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

Legal Name Daybreak Energy LLC  
Address 8069 Garnet Avenue NE, Canton, OH 44721  
Telephone # (330) 584-2006 Web site address (if any) www.DaybreakEnergy.net

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

Daybreak Energy LLC \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name Thomas McCune  
Title President  
Business address 8069 Garnet Avenue NE, Canton, OH 44721  
Telephone # (330) 584-2006 Fax # (330) 754-0098  
E-mail address tmccune@DaybreakEnergy.net

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

Name Thomas McCune  
Title President  
Business address 8069 Garnet Avenue NE, Canton, OH 44721  
Telephone # (330) 584-2006 Fax # (330) 754-0098  
E-mail address tmccune@DaybreakEnergy.net

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

Customer Service address 8069 Garnet Avenue NE, Canton, OH 44721  
Toll-free Telephone # (833) 228-7787 Fax # (330) 754-0098  
E-mail address tmccune@DaybreakEnergy.net

**A-8 Applicant's federal employer identification number # 46-5327662**

**A-9 Applicant's form of ownership (check one)**

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

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

- A-10 Exhibit A -10 "Principal Officers, Directors & Partners"** provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

**B. APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE**

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

- B-1 Exhibit B-1 "Jurisdictions of Operation,"** provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric services including aggregation services.
- B-2 Exhibit B-2 "Experience & Plans,"** provide a description of the applicant's experience and plan for contracting with customers, providing contracted services, providing billing statements, and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Section 4928.10 of the Revised Code.

**B-3** **Exhibit B-3 "Disclosure of Liabilities and Investigations,"** provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.

**B-4** Disclose whether the applicant, a predecessor of the applicant, or any principal officer of the applicant have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.

☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-4 "Disclosure of Consumer Protection Violations"** detailing such violation(s) and providing all relevant documents.

**B-5** Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service including aggregation service denied, curtailed, suspended, revoked, or cancelled within the past two years.

☒ No ☐ Yes

If yes, provide a separate attachment labeled as **Exhibit B-5 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation"** detailing such action(s) and providing all relevant documents.

## **C. FINANCIAL CAPABILITY AND EXPERIENCE**

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

**C-1** **Exhibit C-1 "Annual Reports,"** provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why. (This is generally only applicable to publicly traded companies who publish annual reports.)

**C-2** **Exhibit C-2 "SEC Filings,"** provide the most recent 10-K/8-K Filings with the SEC. If the applicant does not have such filings, it may submit those of its parent company. An applicant may submit a current link to the filings or provide them in paper form. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 that the applicant is not required to file with the SEC and why.

**C-3**     **Exhibit C-3 “Financial Statements,”** provide copies of the applicant’s two most recent years of audited financial statements (balance sheet, income statement, and cash flow statement). If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, it shall file audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns (with social security numbers and account numbers redacted).

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

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

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

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

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

- C-5 Exhibit C-5 "Forecasted Financial Statements,"** provide two years of forecasted income statements for the applicant's **ELECTRIC related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer. The forecasts should be in an annualized format for the two years succeeding the Application year.
- C-6 Exhibit C-6 "Credit Rating,"** provide a statement disclosing the applicant's credit rating as reported by two of the following organizations: Duff & Phelps, Fitch IBCA, Moody's Investors Service, Standard & Poor's, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or an affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.
- C-7 Exhibit C-7 "Credit Report,"** provide a copy of the applicant's credit report from Experian, Dun and Bradstreet or a similar organization. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter "N/A" for Exhibit C-7.
- C-8 Exhibit C-8 "Bankruptcy Information,"** provide a list and description of any reorganizations, protection from creditors or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.
- C-9 Exhibit C-9 "Merger Information,"** provide a statement describing any dissolution or merger or acquisition of the applicant within the two most recent years preceding the application.
- C-10 Exhibit C - 10 "Corporate Structure,"** provide a description of the applicant's corporate structure, not an internal organizational chart, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate or subsidiary companies.

Thomas McLane President  
Signature of Applicant & Title



JESSICA S ALAM  
Notary Public, State of Ohio  
My Comm. Expires 08/19/2024  
Recorded in Stark County

Sworn and subscribed before me this 3 day of April, 2020  
Month Year

[Signature]  
Signature of official administering oath

JESSICA S. ALAM, Notary  
Print Name and Title

My commission expires on 8/19/2024

# **AFFIDAVIT**

State of OH :

Canton ss.  
(Town)

County of Stark :

Thomas McLane Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the President (Office of Affiant) of Daybreak Energy LLC (Name of Applicant);

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

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
5. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the Applicant.
6. The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
8. The Applicant herein, attests that it will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

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

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

Thomas M. Allen President  
Signature of Affiant & Title



JESSICA S ALAM  
Notary Public, State of Ohio  
My Comm Expires 08/19/2024  
Recorded in Stark County

Sworn and subscribed before me this 3 day of APRIL, 2020  
Month Year

Jessica S. Alam  
Signature of official administering oath

JESSICA S. ALAM, NOTARY  
Print Name and Title

My commission expires on 8/19/2024



## **Exhibit A-10 Principle Officers Directors and Partners**

Thomas McCune Member, President  
8069 Garnet Avenue NE  
Canton, OH 44721  
330-584-2006

## **Exhibit B-1 Jurisdiction of Operation**

Daybreak Energy LLC offers natural gas and electricity brokering/sales in the state of Ohio only.

## **Exhibit B-2 Experience & Plans**

Thomas McCune, owner of Daybreak Energy LLC began working in Ohio's deregulated natural gas market in January of 2006. For a span of more than 8 years Mr. McCune worked as an account representative for 3 major energy marketers. In 2009 Mr. McCune began to also sell electricity. During that time, Mr. McCune established a presence in the marketplace and developed more than 150 relationships with small business, commercial and industrial customers.

Since starting Daybreak Energy LLC, Mr. McCune has successfully leveraged his existing relationships and extensive knowledge of the territory to provide energy expertise and brokerage services from natural gas and electricity suppliers to the business community. As Daybreak Energy grows through referrals and sales efforts, sales agents may be added as needed. Daybreak Energy does not take title to the natural gas or electricity, but simply provides energy consulting and brokering services. All contracts signed by the customer are from the certified supplier directly and not Daybreak Energy LLC. All contracted services and billing are provided by the natural gas or electricity supplier. Daybreak Energy does, however, maintain an office and toll free phone line to respond to customer inquiries, concerns or complaints, in conjunction with the certified supplier with whom the customer has contracted for natural gas service. Daybreak Energy LLC plans to continue to operate the manner described above.

## **Exhibit B-3 Disclosures of Liabilities and Investigations**

There are no existing, pending or past rulings that could adversely impact Daybreak Energy LLC's ability to provide our services.

### Exhibit C1: Annual Reports

**Daybreak Energy LLC is a privately held company and is not required to prepare annual reports.**

### **Exhibit C-2 SEC Filings**

Daybreak Energy LLC is not required to file with the SEC since it is not a publicly traded company.

### **Exhibit C-3 Financial Statements**

**Daybreak Energy LLC**

## Financial Statements

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.