

**DIS Case Number: 11-1440-GA-CRS**

## Section A: Application Information

### A-1. Provider type:

☒ Retail Natural Gas  
Broker

☒ Retail Natural Gas  
Aggregator

☒ Retail Natural Gas  
Marketer

### A-2. Applicant's legal name and contact information.

**Legal Name:** Foster Energy Services, L.L.C.

**Country:** United States

**Phone:** 8885059104      **Extension (if applicable):**

**Street:** 6034 King Road

**Website (if any):** www.fostermchoice.com

**City:** Marine City

**Province/State:** MI

**Postal Code:** 48039

### A-3. Names and contact information under which the applicant will do business in Ohio

Provide the names and contact information the business entity will use for business in Ohio. This does not have to be an Ohio address and may be the same contact information given in A-2.

Name	Type	Address	Active?	Proof
My Choice Energy LLC	DBA	6034 King Road Marine City, MI 48039	Yes	File

### A-4. Names under which the applicant does business in North America

Provide all business names the applicant uses in North America, including the names provided in A-2 and A-3.

Name	Type	Address	Active?	Proof
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### A-5. Contact person for regulatory matters



## Public Utilities Commission

Robert Archibald II  
6034 King Rd  
Marine City, MI 48039  
US  
rarchibald@fosteroil.com  
5862487184

### A-6. Contact person for PUCO Staff use in investigating consumer complaints

Robert Archibald II  
6034 King Rd  
Marine City, MI 48039  
US  
rarchibald@fosteroil.com  
5862487184

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

<b>Phone:</b> 8885059104	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b> 810-765-5600	<b>Extension (if applicable):</b>	<b>Street:</b> 6034 King Road
<b>Email:</b> rarchibald@fosteroil.com	<b>City:</b> Marine City	<b>Province/State:</b> MI
	<b>Postal Code:</b> 48039	

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

10-20-2084262

### A-9. Applicant's form of ownership

**Form of ownership:** Limited Liability Company (LLC)

### A-10. Identify current or proposed service areas

Identify each service area in which the applicant is currently providing service or intends to provide service and identify each customer class that the applicant is currently serving or intends to serve.

#### Service area selection

Columbia Gas of Ohio



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Dominion Energy Ohio  
Duke Energy Ohio

### Class of customer selection

Industrial  
Residential  
Small Commercial  
Large Commercial

### A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 10-03-2011

### A-12. Principal officers, directors, and partners

Please provide all contacts that should be listed as an officer, director or partner.

Name	Email	Title	Address
Jason Garlick	jgarlick@fosteroil.com		6034 King Road Marine City, MI 48039 US
John Foster	jfoster@fosteroil.com	Owner/Manager	6034 King Road Marine City, MI 48039 US
Steve J. Schweihofer	sschweihofer@fosteroil.com	Manager/Chief Financial Officer	6034 King Road Marine City, MI 48039 US
Robert Archibald II	rarchibald@fosteroil.com	Member	6034 King Rd Marine City, MI 48039 US
Thomas W. Foster	tfoster@fosteroil.com	Member	6034 King Rd Marine City, MI 48039 US
Shelbi Sullenberger	shelbi.sullenberger@wolters kluwer.com		4400 Easton Commons Way, Suite 135 Columbus, OH 43219 US

### A-13. Company history

Foster Energy Services, L.L.C. (FES), a Michigan Limited Liability Company, was formed on December 9, 2004 in response to the deregulation of the natural gas market. FES administers



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new purchases and nominations, monitors energy deliveries, and reconciles all deliveries and imbalances with local distribution companies.

My Choice Energy L.L.C. (MCE) filed and received certification to provide natural gas retail services in Ohio Case No. 02-2583-GA-CRS. At the time of renewal, the principals of MCE discovered that, unbeknownst to them, the MCE registration in Ohio had been withdrawn. They confronted a variety of issues detailed in the pleadings of case No. 02-2583-GA-CRS and ultimately decided to withdraw from Ohio. MCE at one time had as many as 700 plus Ohio customers in the Duke Ohio service territory. At the time, MCE decided to withdraw from Ohio, the customer numbers were approximately 300. By the time MCE withdrew from Ohio, there were no active contracts. The Ohio customer contracts simply were not renewed. Duke Ohio then became their supplier. The PUCO authorized a procedure for withdrawal. See Entry in Case No. 02-2583-GA-CRS dated August 17, 2005. As far as the Company is aware, the transfer of customers back to Duke Energy Ohio went smoothly.

On April 26, 2015, FES d/b/a My Choice Energy was re-certified in Ohio to provide natural retail services in Case No. 11-1440-GA-CRS. Currently the Company serves more than 5,000 customers in Michigan and 4,500 customers in Ohio.

### **A-14. Secretary of State**

Secretary of State Link:

### **A-15. Proof of Ohio Employee and Office**

Provide proof of an Ohio Office and Employee in accordance with Section 4929.22 of the Ohio Revised Code. List the designated Ohio employee's name, Ohio office address, telephone number and web site address

**Employee Name:** Shelbi Sullenberger  
4400 Easton Commons Way, Suite 135  
Columbus, OH 43219  
US  
shelbi.sullenberger@wolterskluwer.com  
6144739749

## **Section B: Applicant Managerial Capability and Experience**

### **B-1. Jurisdiction of operations**



List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of filing the application..

Jurisdiction of Operation: Ohio  
Columbia Gas of Ohio Duke Energy  
Dominion Energy Ohio

Michigan  
MichCon/DTE Energy Consumers Energy SEMCO Energy  
Michigan Gas Utilities

## **B-2. Experience and plans**

Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the 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 Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

Application Experience and Plan Description: FES d/b/a My Choice Energy has been acting as an Alternative Gas Supplier in the State of Michigan since 2002 and as a Competitive Retail Natural Gas Supplier in the State of Ohio since 2011. During that time, they have always complied with the state public utilities commissions in the creation and execution of their contracts. They have obtained customers via telephone enrollment, wet signature, and online enrollments. Their plan is to continue as they have previously done.

FES, d/b/a My Choice Energy, is currently marketing in the Duke Energy Ohio, Dominion Energy Ohio, Columbia Gas of Ohio, service territories.

As relevant to the retail natural gas services, John Foster is the President and CEO. Rob Archibald is the General Manager of Natural Gas Operations. Steven Schwehofer is the chief financial officer and has a Controller and a credit manager reporting to him on the natural gas operations.

The general sales manager, operation manager and three customer service representatives report to Mr. Archibald.

## **B-3. Disclosure of liabilities and investigations**

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent



liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction..

Liability and Investigations Disclosures: There are no existing or pending rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely affect Foster Energy Service, L.L.C.'s financial or operational status or its ability to provide the services for which it is seeking certification.

**B-4. Disclosure of consumer protection violations**

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years?

**No**

**B-5. Disclosure of certification, denial, curtailment, suspension or revocation**

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years?

**No**

## **Section C: Applicant Financial Capability and Experience**

**C-1. Financial reporting**

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.



Does not apply

## C-2. Financial statements

Provide copies of the applicant's two most recent years of audited financial statements, including a 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, provide 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 bank account numbers redacted**.

If the applicant is unable to meet the requirement for two years of financial statements, the Staff reviewer may request additional financial information.

Preferred to file this information confidentially

## C-3. Forecasted financial statements

Provide two years of forecasted income statements **based solely on the applicant's anticipated business activities in the state of Ohio**.

Include the following information with the forecast: a list of assumptions used to generate the forecast; a statement indicating that the forecast is based solely on Ohio business activities only; and the name, address, email address, and telephone number of the preparer of the forecast.

The forecast may be in one of two acceptable formats: 1) an annual format that includes the current year and the two years succeeding the current year; or 2) a monthly format showing 24 consecutive months following the month of filing this application broken down into two 12-month periods with totals for revenues, expenses, and projected net incomes for both periods. Please show revenues, expenses, and net income (revenues minus total expenses) that is expected to be earned and incurred in **business activities only in the state of Ohio** for those periods.

If the applicant is filing for both an electric certificate and a natural gas certificate, please provide a separate and distinct forecast for revenues and expenses representing Ohio electric business activities in the application for the electric certificate and another forecast



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representing Ohio natural gas business activities in the application for the natural gas certificate.

Preferred to file confidentially

### C-4. Credit rating

Provide a credit opinion disclosing the applicant's credit rating as reported by at least one of the following ratings agencies: Moody's Investors Service, Standard & Poor's Financial Services, Fitch Ratings or the National Association of Insurance Commissioners. If the applicant does not have its own credit ratings, substitute the credit ratings of a parent or an affiliate organization and submit 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 'Not Rated'.

This does not apply

### C-5. Credit report

Provide a copy of the applicant's credit report from Experian, Equifax, TransUnion, Dun and Bradstreet or a similar credit reporting organization. If the applicant is a newly formed entity with no credit report, then provide a personal credit report for the principal owner of the entity seeking certification. At a minimum, the credit report must show summary information and an overall credit score. **Bank/credit account numbers and highly sensitive identification information must be redacted.** If the applicant provides an acceptable credit rating(s) in response to C-4, then the applicant may select 'This does not apply' and provide a response in the box below stating that a credit rating(s) was provided in response to C-4.

File(s) attached

### C-6. Bankruptcy information

Within the previous 24 months, have any of the following filed for reorganization, protection from creditors or any other form of bankruptcy?

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant
- Any owner or officer of the applicant

No





### C-7. Merger information

Is the applicant currently involved in any dissolution, merger or acquisition activity, or otherwise participated in such activities within the previous 24 months?

No

### C-8. Corporate structure

Provide a graphical depiction of the applicant's corporate structure. Do not provide an internal organizational chart. The graphical depiction should include all parent holding companies, subsidiaries and affiliates as well as 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 the applicant may respond by stating that it is a stand-alone entity with no affiliate or subsidiary companies.

Stand-alone entity with no affiliate or subsidiary companies

### C-9. Financial arrangements

Provide copies of the applicant's financial arrangements to satisfy collateral requirements to conduct retail electric/natural gas business activities (e.g., parental guarantees, letters of credit, contractual arrangements, etc., as described below).

Renewal applicants may provide a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements. The statement or letter must be on the utility's letterhead and dated within a 30-day period of the date the applicant files its renewal application.

First-time applicants or applicants whose certificate has expired must meet the requirements of C-9 in one of the following ways:

1. The applicant itself states that it is investment grade rated by Moody's Investors Service, Standard & Poor's Financial Services, or Fitch Ratings and provides evidence of rating from the rating agencies. If you provided a credit rating in C-4, reference the credit rating in the statement.
2. The applicant's parent company is investment grade rated (by Moody's, Standard & Poor's, or Fitch) and guarantees the financial obligations of the applicant to the LDU(s). Provide a copy of the most recent credit opinion from Moody's, Standard & Poor's or Fitch.
3. The applicant's parent company 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



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parent company's financials and a copy of the parental guarantee must be included in the application if the applicant is relying on this option.

4. The applicant can provide evidence of posting a letter of credit with the LDU(s) listed as the beneficiary, in an amount sufficient to satisfy the collateral requirements of the LDU(s).

Preferred to file confidentially

### Section D: Applicant Technical Capacity

#### D-1. Operations

Gas Marketers: Describe the operational nature of the applicant's business, specifying whether operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and/or 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.

Operations Description: Foster Energy Services, L.L.C. d/b/a My Choice Energy is a full service natural gas marketing company. It offers its customers the opportunity to take control strategy to meet their specific natural gas needs, from the largest industrial customer to the smallest residential customer. FES purchases gas supply from a variety of gas suppliers including BP Canada Marketing and DTE Energy Trading. The majority of their gas purchasing is done at the city gates of the local distribution companies. All natural gas nominating and scheduling functions are facilitated through the Operations Department, which is on call 24 hours a day to handle emergencies. All customer accounts are monitored daily to ensure customers are protected and all tariff requirements are maintained.

#### D-2. Operations Expertise & Key Technical Personnel



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Given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations. Include the names, titles, e-mail addresses, and background of key personnel involved in the operations of the applicant's business.

File(s) attached



Public Utilities  
Commission

# Application Attachments



(US) FOSTER ENERGY SERVICES, LLC

US09974339

Risk Score	Enhanced Score	International Score	DBT	Enhanced Credit Limit	Derogatory Legal	Possible OFAC	Financial Past Due	Payment Trend	Inquiries Trend	
62	87	B	0	\$22.6K	0 (-)	No	\$0			
Risk Score		The Creditsafe Risk Score works on a scale of 1-100 and predicts the likelihood that a business’s payment performance will become seriously delinquent, defined as 90-plus days beyond terms within the next 12 months or that the business will go bankrupt.								
Days Beyond Terms		Days Beyond Terms (DBT) is the dollar weighted average number of days beyond the invoice due date that this company pays its non-financial accounts.								
Credit Limit		The Creditsafe recommended credit limit is calculated using information from a company's payment record and from the payment records of similar companies. The company credit limit is our recommendation of the total maximum amount of credit that should be outstanding at any one time.								
Derogatory Legal		The number and value of tax liens and judgements filed in the last 6 years and 9 months plus bankruptcies filed in the last 9 years and 9 months, the total dollar value is shown in the brackets.								
Possible OFAC		Indicates whether the company is possibly on a list of sanctioned businesses the US government prohibits US businesses from trading with under the Patriot Act.								
Payment Trend		Indicates whether the company’s payment performance as measured by DBT trend is getting better or worse.								
Inquiries Trend		Indicates whether the number of people viewing this company’s credit report is increasing or decreasing.								
Financial Past Due		The total delinquent dollars (not including charged-off) on open and closed financial accounts.								
Enhanced Score		The Enhanced Rating works on a scale of 1-100 and predicts the likelihood that a business’ payment performance for both financial and non-financial trade accounts will become seriously delinquent, defined as 90-plus days beyond terms, or that the business will fail in the next 12 months.								
Enhanced Credit Limit		The enhanced credit limit is calculated using information from a company's Financial and Non-Financial payment record and from the payment records of similar companies. The company credit limit is our recommendation of the total amount of credit that should be outstanding at any one time.								
Score Definition		Score	Score Description			US Risk Score				
			A	Very Low Risk			71 - 100			
			B	Low Risk			51 - 70			
			C	Moderate Risk			30 - 50			
			D	High Risk			21 - 29			
			D	Very High Risk			1 - 20			
				E	No Score / Recent Bankruptcy			This includes bankruptcies, insufficient information, negative press, and other special cases.		

Score	Score Description
<b>Insufficient Information</b>	Applies to companies that have less than 2 of the following fields populated (Employee Range, Annual Sales Amount, Years in Business, SIC) and no DBT
<b>Recent Bankruptcy on File</b>	Applies to companies that have a bankruptcy with a filing date in the last 24 months
<b>Bankruptcy on File</b>	Applies to companies that have a bankruptcy with a filing date older than 24 months and company activity status is Inactive
<b>Ultimate Holding Company is Bankrupt</b>	Companies Ultimate holding Company is bankrupt
<b>Out of Business</b>	Companies confirmed as being closed
<b>Negative Press</b>	Companies showing signs of deterioration based on press releases and/or other available information
<b>Unable to Confirm Existence</b>	Companies who are not registered with the Secretary of State and/or we are unable to confirm existence via other available information sources
<b>Company SBA loan in Charged-Off status</b>	This company's SBA loan has been reported as being in Charged Off Status. Because of this, the rating and limit on this company has been suspended.
<b>Suspended Rating</b>	Company requires further investigation due to a number of anomalies that have raised concerns.
<b>Reported victim of fraudulent activity</b>	This company has reported being a victim of identity theft and / or fraud

Not Rated Score Definitions



There is Financial Payment Data and Enhanced Scores available on this report, click here to view the Financial Payment Data page.

Summary

Key Information

Company Name	FOSTER ENERGY SERVICES, LLC
Other Legal Name	FOSTER ENERGY SERVICES, L.L.C.
Charter Number	801299344
Establishment Date	02/02/1989
Company Type	Limited Liability

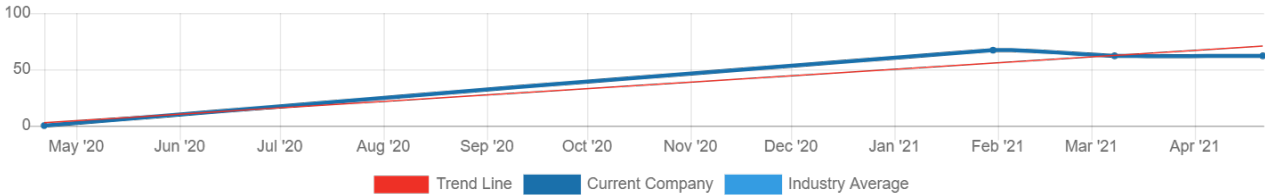
Contact Information

Address	36065 WATER ST, RICHMOND, MI 48062 <a href="#">view on map</a>
Location Type	Headquarters
Corporate Primary Address	36065 WATER ST, RICHMOND, MI, 48062

Score History

Current Score

62



Financial Payment Overview

Open Accounts	Single Highest Credit Exposure	Single Highest \$ Past Due	Total Balance	Total Past Due	At Risk Balance
9	\$61,225	\$0	\$244,760	\$0	\$0

Financial Payment Information

All Open Accounts	Balance	1 - 30 Past Due	31 - 60 Past Due	61 - 90 Past Due	91 - 120 Past Due	121+ Past Due
9	\$244.8K	\$0	\$0	\$0	\$0	\$0
		NaN%	NaN%	NaN%	NaN%	NaN%

Trade Payment Dashboard

Days Beyond Terms	Total Trade Lines	Active Trade Lines	Total Balance	Last Updated	Recent High Credit	Average Credit Amount
0	2	2	\$100	03/31/2021	\$0	\$50
% Past Due	Past Due	Severely Past Due	Highest \$ Past Due	Highest \$ Severely Past Due	Industry Performance	Credit Ratio
0%	\$0	\$0	\$0	\$0		

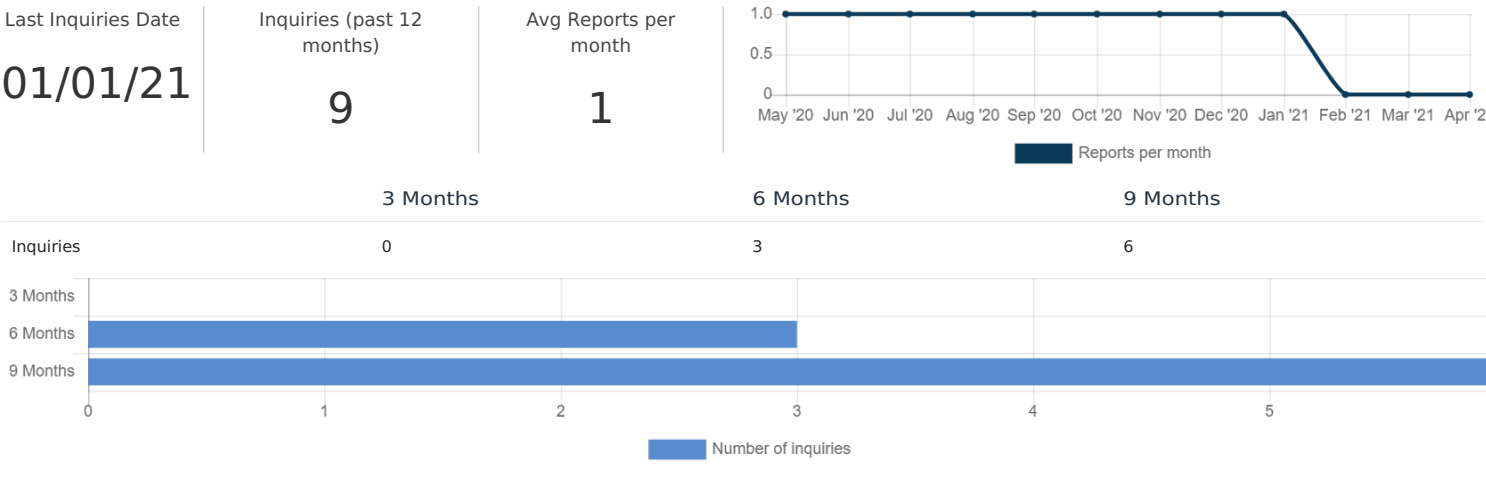
Do you want to join the world's largest payment data program?

Join Now

Trade Payment Information

Total Trade Lines	Current	1 - 30	31 - 60	61 - 90	91 +	Total
2	\$100	\$0	\$0	\$0	\$0	\$100
	100.00%	0.00%	0.00%	0.00%	0.00%	100.00%

Inquiries Trend



Score/Limit

Risk Score

Today's Score

62

Definition

The Creditsafe Score works on a scale of 1-100 and predicts the likelihood that a business's payment performance will become seriously delinquent, defined as 90-plus days beyond terms within the next 12 months or that the business will go bankrupt.

Score Description	Score
<div></div> Very Low Risk	71 - 100
<div></div> Low Risk	51 - 70
<div></div> Moderate Risk	30 - 50
<div></div> High Risk	21 - 29
<div></div> Very High Risk	1 - 20
<div></div> No Score / Recent Bankruptcy	This includes bankruptcies, insufficient information, negative press, and other special cases.

Credit Limit

Today's Limit

\$1.5K

Definition

The Creditsafe recommended credit limit is calculated using information from a company's payment record and from the payment records of similar companies. The company credit limit is our recommendation of the total maximum amount of credit that should be outstanding at any one time.

International Score

Creditsafe International Score

B

International Score Description

Low Risk

International Score Definition

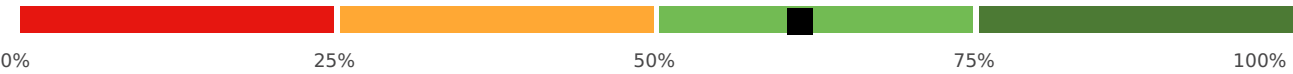
The Creditsafe International Score is a standardized score derived from the Creditsafe score. It enables credit risk comparison between companies that are registered in different countries.

International Score	International Score Description	US Score Description	US Risk Score
<div></div> A	Very Low Risk	Very Low Risk	71 - 100
<div></div> B	Low Risk	Low Risk	51 - 70
<div></div> C	Moderate Risk	Moderate Risk	30 - 50
<div></div> D	High Risk	High Risk	21 - 29
<div></div> D	High Risk	Very High Risk	1 - 20
<div></div> <div></div> E	Not Rated	No Score / Recent Bankruptcy	This includes bankruptcies, insufficient information, negative press, and other special cases.

Risk Percentiles

US Percentile

This company is in the 62nd percentile of companies in the United States. This means that their Score is better than 62% of all other rated US companies in the Creditsafe universe.

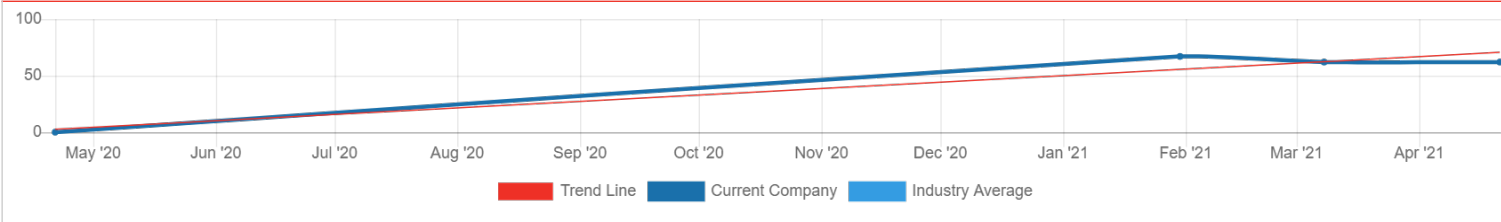


Commentaries

- The company has been in business for 32 years.
- The company has UCC filings.
- The company is not part of a group.
- ⚠ The local score for this company has decreased from 67 to 62.

Score History





# Payment Data

## Payment Data

### Trade Payment Dashboard

Days Beyond Terms	Total Trade Lines	Active Trade Lines	Total Balance	Last Updated	Recent High Credit	Average Credit Amount
0	2	2	\$100	03/31/2021	\$0	\$50
% Past Due	Past Due	Severely Past Due	Highest \$ Past Due	Highest \$ Severely Past Due	Industry Performance	Credit Ratio
0%	\$0	\$0	\$0	\$0		

Do you want to join the world's largest payment data program?

Join Now

### Trade Payment Information

Total Trade Lines	Current	1 - 30	31 - 60	61 - 90	91 +	Total
2	\$100	\$0	\$0	\$0	\$0	\$100
	100.00%	0.00%	0.00%	0.00%	0.00%	100.00%

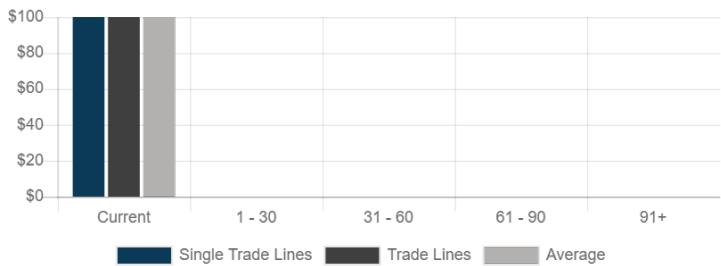
### DBT Peer Analysis

### Industry Breakdown

	Trade Lines	Current	1-30	31-60	61-90	91+	Total
Manufacturing	1	\$0	\$0	\$0	\$0	\$0	\$0
Financial & Insurance Activities	1	\$100	\$0	\$0	\$0	\$0	\$100

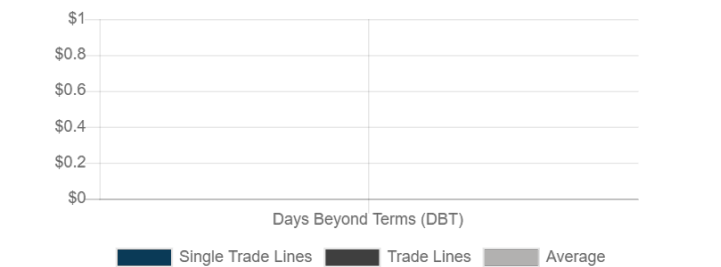
High Credit Balances

Currency view



	Current	1 - 30	31 - 60	61 - 90	91+
Single Trade Lines	\$100	\$0	\$0	\$0	\$0
Trade Lines	\$100	\$0	\$0	\$0	\$0
Average	\$100	\$0	\$0	\$0	\$0

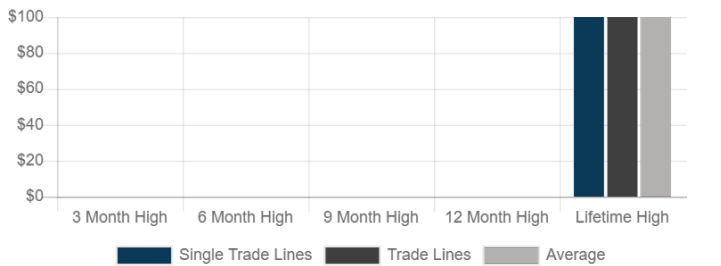
DBT view



	Days Beyond Terms (DBT)
Single Trade Lines	0
Trade Lines	0
Average	0

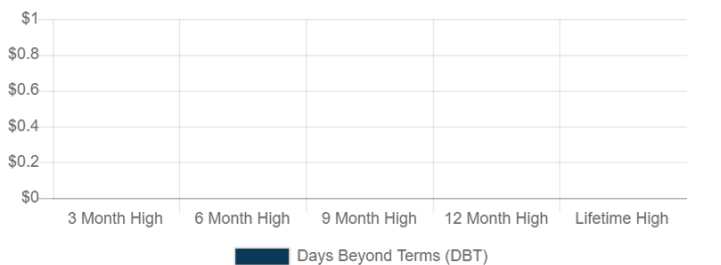
Lifetime Credit Balances

Currency view



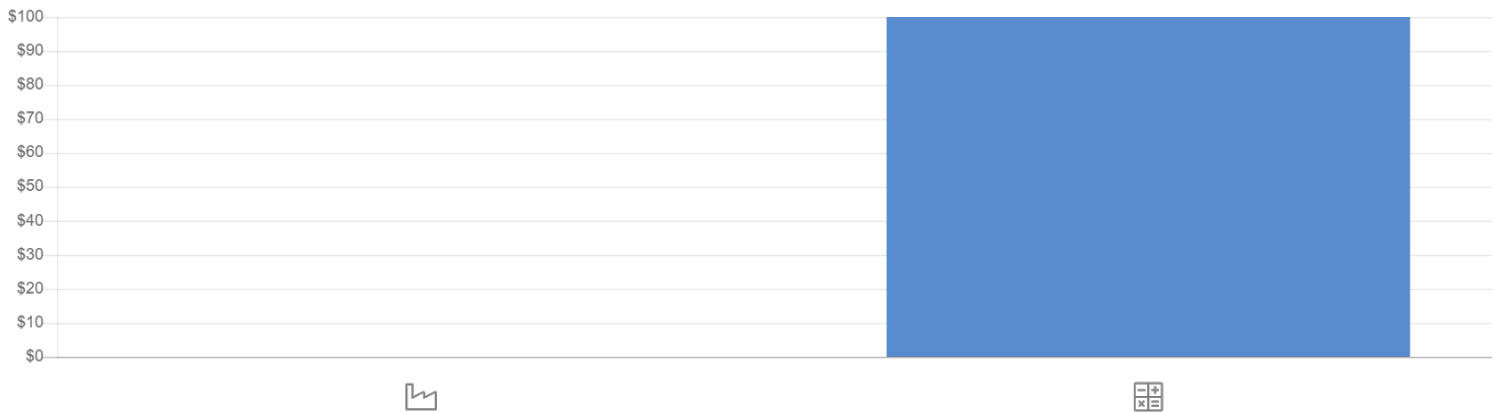
	3 Month High	6 Month High	9 Month High	12 Month High	Lifetime High
Single Trade Lines	\$0	\$0	\$0	\$0	\$100
Trade Lines	\$0	\$0	\$0	\$0	\$100
Average	\$0	\$0	\$0	\$0	\$100

DBT view



	3 Month High	6 Month High	9 Month High	12 Month High	Lifetime High
Days Beyond Terms (DBT)	0	0	0	0	0

Trade Breakdown by Industry






Financial Payment Data

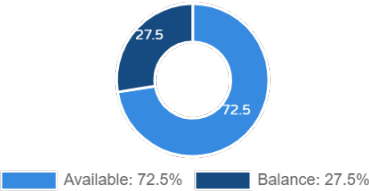
Financial Payment Overview

Open Accounts	Single Highest Credit Exposure	Single Highest \$ Past Due	Total Balance	Total Past Due	At Risk Balance
9	\$61,225	\$0	\$244,760	\$0	\$0

Open Financial Accounts By Type

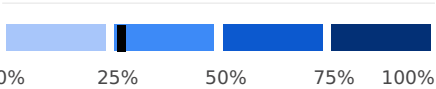
	Accounts	Single Highest Credit Exposure	Single Highest Total Past Due	Total Balance	Past Due
 Term Loan	7	\$61.2K	\$0	\$236.2K	\$0
 Commercial Card	1	\$5K	\$0	\$0	\$0
 Open Ended Credit Line	1	\$26.2K	\$0	\$8.6K	\$0
All Open Accounts	9	\$92.4K	\$0	\$244.8K	\$0

Credit Utilization



Total Credit Limit	\$31.2K
Used	\$8.6K
Available	\$22.6K




This company has a credit utilization of 27.5%



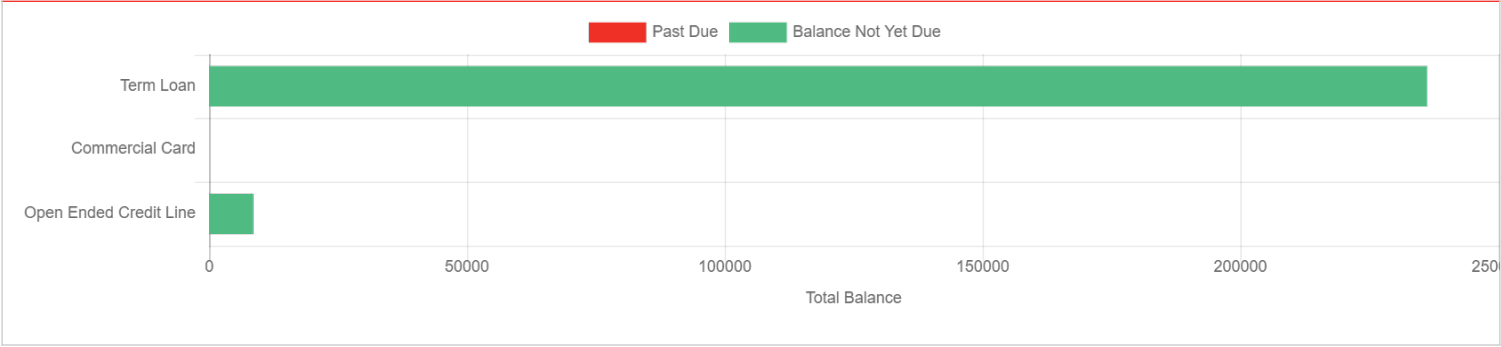
Financial Payment Information

All Open Accounts	Balance	1 - 30 Past Due	31 - 60 Past Due	61 - 90 Past Due	91 - 120 Past Due	121+ Past Due
9	\$244.8K	\$0	\$0	\$0	\$0	\$0
		NaN%	NaN%	NaN%	NaN%	NaN%

Financial Accounts Breakdown

				<div>View as \$</div>	<div>View as %</div>			
Accounts			Balance	<div>● 1 - 30 Past Due</div>	<div>● 31 - 60 Past Due</div>	<div>● 61 - 90 Past Due</div>	<div>● 91 - 120 Past Due</div>	<div>● 121+ Past Due</div>
	Term Loan	7	\$236.2K	\$0	\$0	\$0	\$0	\$0
	Open Ended Credit Line	1	\$8.6K	\$0	\$0	\$0	\$0	\$0
	Commercial Card	1	\$0	\$0	\$0	\$0	\$0	\$0

Balance By Type



Closed Account Summary

Account Type	Single Highest Credit Ever	Total Number of Accounts	Most Recent Date Closed	Worst Account Status
Term	\$40.1K	200	11/09/2020	Current

Legal Filings

Summary

Active Legal Filings Summary

	Bankruptcy	Judgements	Suits	Tax Lien Filings	Sum	<u>Cautionary UCC Filings</u>	<u>UCC Filings</u>
This Company	No	0	0	0	\$0	0	1

Most Recent Filings

Legal Filing	Date Filed	Filing Type	Case/Filing Number	Status	Released Date
UCC	04/18/2016	-	20160514078	Active	-

UCCs

Summary

Total	Cautionary UCCs	UCCs
1	0	1

Uniform Commercial Code (UCC) Filings

Date Filed	Expiration Date	Filing Number	Jurisdiction	Collateral	Status
04/18/2016	-	20160514078	SEC OF STATE MICHIGAN	-	CONTINUED

Related Document Number	Filing Type	Filing Office	
20061579187	CONTINUED	SEC OF STATE MICHIGAN 6546 MERCANTILE WY LANSING MI 48909	
Debtor Information		Secured Party Information	
Name	FOSTER ENERGY SERVICES LLC	Name	COMERICA BANK
Street	PO BOX 430	Street	-
City, State	RICHMOND, MI	City, State	-, -
ZIP	480620430	ZIP	-

## Company Details

### Company Details


Company Information			
Company Type	Limited Liability	Years in Business	32 years
Address Type	Street Address	Estimated Annual Revenue	-
Estimated Number of Employees	-	Location Type	Headquarters
Primary SIC Code Industry Classification	-		

### Corporate Record

Corporate Record	
Business Name	FOSTER ENERGY SERVICES, L.L.C.
Address	36065 WATER ST, RICHMOND, MI, 48062
Business Legal Name	FOSTER ENERGY SERVICES, L.L.C.
Agent Name	JOHN FOSTER
Agent Address	36065 WATER ST, RICHMOND, MI, 48062
Filing Date	07/27/2018
SOS Charter Number	801299344
Status	Active
Incorporation Date	12/13/2004
Incorporation State	Michigan (MI)
Principal State	Michigan (MI)
Foreign/Domestic	Domestic
Profit/Non-Profit	Undetermined
 This data is for information purposes only. Certification of the information can only be obtained through the government agency that is the source of this information	

## Additional Corporate Records

Business Name	SOS Charter No.	Address	Incorporation Date	Filing Date	Status
FOSTER ENERGY, INC.	800495898	36065 WATER ST, RICHMOND, MI, 48062	10/03/2000	07/27/2018	<span>●</span> Active



This data is for information purposes only. Certification of the information can only be obtained through the government agency that is the source of this information

## Possible Links

## Summary

All Domestic Matches	3
Same Name	0
Same Address	3
Same Name and Address	0
Same Name and State	0
Same Name and City	0
Same Name and Zip	0
Same Telephone	0
Same Web Address	0
Same Name with Bankruptcy	0
Same Name Internationally	0



### Domestic Possible Links - (3 results) - All Domestic Matches

Company Name	Address	Safe Number	Risk Score	DBT	Limit	Legal Count	
BLUE FLAME INVESTMENTS LLC	36065 WATER ST, RICHMOND, MI, 48062	US110637154	<div><div></div></div> 34	<div><div></div></div> 0	<div><div></div></div> \$1.5K	0	
CALIFORNIA ROLL	36065 WATER ST, RICHMOND, MI, 48062	US37217852	<div><div></div></div> 34	<div><div></div></div> 0	<div><div></div></div> \$1K	0	
FOSTER GAS LIQUIDS COMPANY, INC	36065 WATER ST, RICHMOND, MI, 48062	US10258831	<div><div></div></div> 73	<div><div></div></div> 0	<div><div></div></div> \$30K	0	

## International Possible Links

No International Creditsafe search results found for this company.

A search of public records has been conducted at the Local, State and Federal levels.

Do you see anything on this report that you believe could be improved? Don't hesitate to request updates by calling or emailing a customer support representative.

[Contact Us](#)

## Terms & Conditions

[Privacy Policy](#)



# The Public Utilities Commission of Ohio

## Competitive Retail Natural Gas Service Affidavit Form (Version 1.07)

In the Matter of the Application of )  
**Foster Energy Services, L.L.C. d/b/a My Choice Energy** ) **Case No. 11-1440- GA-AGG**  
 for a Certificate or Renewal Certificate to Provide )  
 Competitive Retail Natural Gas Service in Ohio. )

**County of** St. Clair  
**State of** Michigan

Robert W. Archibald [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.

**Applicant Signature and Title**

*Robert W. Archibald*

General Manager

**Sworn and subscribed before me this** 23 **rd** **day of** April

**Month** 2021

**Year**

**Signature of official administering oath**

*Debbie L. Terhune*

**Print Name and Title**

*Debbie L. Terhune*

**My commission expires on**

2/7/2022

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

*I, Frank LaRose, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show FOSTER ENERGY SERVICES, L.L.C., a Michigan For Profit Limited Liability Company, Registration Number 1886809, filed on October 1, 2009, is currently in FULL FORCE AND EFFECT upon the records of this office.*



*Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 23rd day of April, A.D. 2021.*

A handwritten signature in blue ink, appearing to read "Frank LaRose".

**Ohio Secretary of State**

**Validation Number: 202111301000**



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

*I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that the paper to which this is attached is a true and correct copy from the original record now in my official custody as Secretary of State.*



*Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio this  
23rd day of April, A.D. 2021.*

**Ohio Secretary of State**

A handwritten signature in blue ink that reads "Frank LaRose".

**Validation Number:  
202111301004**



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
10/02/2009	200927500478	REG. OF FOR. PROFIT LIM. LIAB. CO. (LFP)	125.00	.00	.00	.00	.00

**Receipt**

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

BRICKER & ECKLER, ATTORNEYS AT LAW  
100 SOUTH THIRD STREET  
ATTN: CHRISTINA MILLER  
COLUMBUS, OH 43215

**STATE OF OHIO  
CERTIFICATE**

**Ohio Secretary of State, Jennifer Brunner**

**1886809**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for  
**FOSTER ENERGY SERVICES, L.L.C.**

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

Document(s)  
**REG. OF FOR. PROFIT LIM. LIAB. CO.**

Document No(s):  
**200927500478**



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 October, A.D.  
2009.

*Jennifer Brunner*

Ohio Secretary of State



Prescribed by:  
The Ohio Secretary of State  
Central Ohio: (614) 466-3910  
Toll Free: 1-877-SOS-FILE (1-877-767-3453)

www.sos.state.oh.us  
e-mail: busserv@sos.state.oh.us

Expedite this Form: (Select One)	
<input type="radio"/> Expedite	PO Box 1390 Columbus, OH 43216
*** Requires an additional fee of \$100***	
<input type="radio"/> Non Expedite	PO Box 670 Columbus, OH 43216

**REGISTRATION OF A FOREIGN  
LIMITED LIABILITY COMPANY**  
Filing Fee \$125.00

THE UNDERSIGNED DESIRING TO FILE A:

(CHECK ONLY ONE (1) BOX)

<b>(1) <input checked="" type="checkbox"/> Registration of a Foreign For-Profit Limited Liability Company</b> (106-LFA) ORC 1705  State of Organization <u>Michigan</u>  Date of Formation <u>12/13/2004</u>	<b>(2) <input type="checkbox"/> Registration of a Foreign Nonprofit Limited Liability Company</b> (106-LFA) ORC 1705  State of Organization _____  Date of Formation _____
--	--

RECEIVED  
SECRETARY OF STATE  
2009 OCT -1 AM 10:37  
CLIENT SERVICE CENTER

Name of limited liability company in its state of organization: Foster Energy Services, L.L.C.

Name under which the foreign limited liability company desires to transact business in Ohio (if different from its home-state name) is: \_\_\_\_\_

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

☐ Check here if additional provisions are attached

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

Robert W. Archibald

Name

8034 King Road

Street Address / P.O. Box Address

Marine City

City

MI

State

48039

Zip code

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

National Registered Agents, Inc.

Name

145 Baker Street

Mailing Address

Marion

Ohio

43302

City

State

Zip Code



If the agent is an individual and using a P.O. Box, check this box to certify the agent is a resident of the state of Ohio.

The limited liability company irrevocably consents to service of process on the agent listed above as long as the authority of the agent continues, and to service of process upon the OHIO SECRETARY OF STATE if:

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

**REQUIRED**

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

Signature

John W. Foster

Print Name

9-30-09

Date

Signature

Date

Print Name

Signature

Date

Print Name

## **Exhibit D-2**

Foster Energy Services, L.L.C.

### ***Key Technical Personnel***

#### **John W. Foster**

Owner/Manager

36065 Water Street

Richmond, Michigan 48002

Telephone: (586) 727.3996 ext. 7220

E-mail: [jfoster@fosteroil.com](mailto:jfoster@fosteroil.com)

John W. Foster resides in St Clair Michigan. He is a 1987 Graduate of Western Michigan University with a BS in petroleum distribution. After college, John worked in the family business (Foster Oil) and has never left. In 1989, he started Blue Flame Propane and has served as president. John became president of Foster Oil in 1995. He founded Foster Liquid Transport, a trucking operation for gasoline, diesel fuel, and propane in 1993 and served as president until 2004. In 1995, John started Foster Energy Inc. where he served as president for the propane wholesale and trading company, which was initially based in Michigan and subsequently relocated to Calgary, Alberta, Canada. The company was sold in 2006 to Superior Propane. In 2013, Mr. Foster started Macomb County Energy, the predecessor to Foster Energy Services and My Choice Energy, which in 2005 took on strategic partners allowing it to prosper and grow the company. This company sells natural gas to residential and commercial customers throughout Michigan John credits any success to the numerous highly skilled and dedicated employees and partners he has had the pleasure to work with. He is past president of the Michigan Petroleum Association and a Board Member. He also is a member of the Michigan Propane Association. He is a member of the Shawn Burr Foundation Board.

**Steven J. Schweihofer**  
/Manager/CFO  
3065 Water Street  
Richmond, Michigan 48062  
Telephone: (586) 727-3996 ext. 7223  
E-mail: [sschweihofer@fosteroil.com](mailto:sschweihofer@fosteroil.com)

Steven Schweihofer is presently the CFO of Foster Blue Water Oil L.L.C., Sunrise Stories L.L.C., Blue Water: Oil Transport L.L.C., Foster Energy Services L.L.C., Blue Flame Propane, and Foster Schweihofer Real Estate L.L.C. Mr. Schweihofer responsibilities include day-to-day financial activities including banking relationships. Steve earned his BA in Accounting from Western Michigan University. Steve currently sits on the Michigan Petroleum Association Board of Directors, St Mary's Catholic Church Financial Board, and St. Vincent DePaul Board as Treasurer.

**Robert W Archibald**  
Owner/General Manager, Natural Gas  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 218-7180; Facsimile: (810) 765-5600  
E-mail: [rarchibald@fosteroil.com](mailto:rarchibald@fosteroil.com)

Mr. Archibald has - thirty-three years of experience in the energy sector. He earned his bachelor's degree in business administration with concentration in petroleum administration in 1984 from Central Michigan University.

Mr. Archibald joined Foster Energy Services, L.L.C. ("FES") in December of 2004 as the General Manager, Natural Gas. He is responsible for all aspects of the natural gas business of Foster Energy Services and My Choice Energy.

In his capacity as General Manager, Mr. Archibald's responsibilities include strategic planning and direction of the company, business development, risk management, gas supply procurement, gas pricing, profit and loss management, employee compensation and benefits, business model, computer systems and data base development. Since Mr. Archibald assumed control of the natural gas operations of FES, the number of customers the company serves has increased tenfold.

Prior to joining FES, Mr. Archibald had been employed since 1990 by Proliance Energy, a natural gas marketing company based in Indianapolis, Indiana as a Manager of Gas Trading and General Manager, Michigan. His responsibilities at Proliance included the management of all physical and financial gas trading for the company. Mr. Archibald also was involved in several business development projects at Proliance. He also simultaneously maintained the position of General Manager, Michigan and was responsible for all of Proliance's operations in the state of Michigan.

In 1996, Mr. Archibald was the Manager of Trading for Westcoast Energy, a natural gas marketing company. Westcoast Energy merged with Coastal Gas Marketing Company through a joint venture called Engage Energy.

In 1993, Mr. Archibald was employed with CoEnergy Trading Company, a natural gas marketing company, a subsidiary of MCN Energy as Manager of Gas Supply and Operations. He then transitioned to MCN investment Company a subsidiary of MCN in 1994 where he worked as an Asset Manager responsible for managing more than \$100 million worth of oil and gas properties in the Gulf of Mexico until 1996.

In 1986, as part of a two-person team, Mr. Archibald started one of the nation's first deregulated natural gas marketing companies SEMCO Energy Services.

Mr. Archibald began his career in 1985 as a Rate Analyst at Southeastern Michigan Gas Company.

**Linda Emig**  
Customer Service Representative  
Foster Energy Services, L.L.C.  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7181; Facsimile: (810) 765-5600  
E-mail: [lemig@fosteroil.com](mailto:lemig@fosteroil.com)

Linda Emig started with FES in January 2007 as a Customer Service Representative and currently holds this position. In this capacity, Linda manages customer accounts for Consumers Energy, DTE Energy Gas Company, Michigan Gas Utilities, and SEMCO Energy. She enters customers in the company database and enrolls the accounts in the Customer Choice Program with the utility companies. She also communicates with customers by letter, e-mail or phone and follows up with the customers on any questions or complaints. Her other responsibilities include: answering incoming phone calls pertaining to customer inquiries, enrollments, cancellations, changing of pools, start dates, end dates, billing questions, renewals and if needed, updates the database accordingly. Linda also prepares the outgoing files to Consumers Energy, DTE Energy Gas Company, Michigan Gas Utilities, and SEMCO Energy and daily processes all incoming files from these utility companies. Additionally, she nominates gas for DTE Gas Company, Consumers Energy, SEMCO Energy, and Michigan Gas Utilities. Linda coordinates with the sales agents on a daily basis for all interactions of our contracts.



**Anne Michels**  
Customer Service Representative  
Foster Energy Services, L.L.C.  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7181; Facsimile: (810) 765-5600  
E-mail: [amichels@fosteroil.com](mailto:amichels@fosteroil.com)

Anne Michels started with FES in October 2008 as a Customer Service Representative and currently holds this position. In this capacity, Anne manages customer accounts for Duke Energy, Dominion Energy Ohio, and Columbia Gas of Ohio. She enters customers in the company database and enrolls the accounts in the Customer Choice Program with the utility companies. She also communicates with customers by letter, e-mail or phone and follows up with the customers on any questions or complaints. Her other responsibilities include: answering incoming phone calls pertaining to customer inquiries, enrollments, cancellations, changing of pools, start dates, end dates, billing questions, renewals and if needed, updates the database accordingly. Anne also prepares the outgoing files to Duke Energy, Dominion Energy Ohio, and Columbia Gas of Ohio. She processes daily processes all incoming files from these utility companies. Additionally, she nominates gas for Duke Energy Ohio, Dominion Energy Ohio, and Columbia Gas of Ohio. Anne coordinates with the sales agents on a daily basis for all interactions of our contracts.

**Jason Garlick**  
Foster Energy Services, L.L.C.  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7184 Facsimile: (810) 765-5600  
E-mail: jgarlick@fosteroil.com

Jason Garlick began working for Foster Energy Services, LLC in February of 2018. He graduated from Central Michigan University in Mt. Pleasant, MI in December 2010 with a bachelor's degree in Business Administration with a specialization in Economics.

His former work experience includes Assistant Manager Hertz Car Rental, Technical Recruiter at Venteon, Talent Acquisition Specialist at Faurecia and Human Resources Generalist at AGM Automotive. These positions were located in the Metro Detroit area.

**Patrick Napolitan**  
Foster Energy Services, L.L.C  
6034 King Road  
Marine City, MI 48039  
Telephone: (586) 248-7168 Facsimile: (810) 765-5600  
E-Mail: [pnapolitan@fosteroil.com](mailto:pnapolitan@fosteroil.com)

Patrick Napolitan began working for Foster Energy Services in March of 2015. He graduated from Ferris State University with a Bachelor's Degree in Business Administration - Marketing.

His career in the Energy business started in February 1987 and worked for the following companies: Lakeshore Energy Services, TXU Energy Services and Consolidated Natural Resources.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/23/2021 2:14:12 PM**

**in**

**Case No(s). 11-1440-GA-CRS**

Summary: In the Matter of the Application of Foster Energy Services LLC