Ohio | Public Utilities Commission

Competitive Retail Electric Service (CRES) Provider Application

Case Number: 16 -1101 -EL-AGG

Please complete all information. Identify all attachments with a label and title (example: Exhibit C-2 Financial Statements). For paper filing, you can mail the original and two complete copies to the Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793.

A. Application Information

A-1. Provider Type.

Select the competitive retail electric service (CRES) provider type(s) for which the applicant is seeking certification. Please note you can select more than one.

Aggregator	Power Broker	Power Marketer	Retail Electric Generation Provider
☐	☑	☐	☐

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

Provide the name and contact information of the business entity.

Legal Name: Ohio Industrial Energy, LLC

Street Address: 1231 Cambridge Blvd.

City: Columbus State: Ohio Zip: 43212

Telephone: 614.298.0800 Website: www.ohioindustrialenergy.com

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: Ohio Industrial Energy, LLC

Street Address: 1231 Cambridge Blvd.

City: Columbus State: Ohio Zip: 43212

Telephone: 614.298.0800 Website: www.ohioindustrialenergy.com

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

Provide all business names the applicant uses in North America. You do not need to include the names provided in A-2 and A-3.

Name(s): See A.3

A-5. Contact person for regulatory matters.

Name: Rob Myers Title: Managing Partner

Street Address: 1231 Cambridge Blvd.

City: Columbus State: Ohio Zip: 43212

Telephone: 614.298.0800 Email: rmyers@ohioindustrial.com

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

Name: Rob Myers Title: Managing Partner

Street Address: 1231 Cambridge Blvd.

City: Columbus State: Ohio Zip: 43212

Telephone: 614.298.0800 Email: rmyers@ohioindustrial.com

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

Street Address: 1231 Cambridge Blvd.

City: Columbus State: Ohio Zip: 432121

Toll-free Telephone: 614.298.0800 Email: rmyers@ohioindustrial.com

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

FEIN: 464 705 469

A-9. Applicant's form of ownership (select one).

Sole Proprietorship	Limited Liability Partnership (LLP)	Corporation	Partnership
☐	☐	☐	☐

Limited Liability Company (LLC)	Other:
☑	

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:

AES Ohio	American Electric Power (AEP Ohio)	Duke Energy Ohio	FirstEnergy – Cleveland Electric Illuminating
☑	☑	☑	☑

FirstEnergy – Ohio Edison ☑

FirstEnergy – Toledo Edison ☑

Class of customer selection:

Commercial ☑ Industrial ☑ Mercantile ☑ Residential ☑

A-11. Start Date.

Indicate the approximate start date the applicant began/will begin offering services.

Date: 06/13/2016

A-12. Principal officers, directors and partners.

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

A-13. Company history.

Provide an attachment with a concise description of the applicant's company history and principal business interests.

A-14. Secretary of State.

Provide evidence that the applicant is currently registered with the Ohio Secretary of State.

B. Managerial Capability

Provide a response or attachment for each of the sections below.

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.

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.

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.

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? If yes, attach a document detailing the information.

Yes ☐ 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? If yes, attach a document detailing the information.

Yes ☐ No ☑

B-6. Environmental disclosure.

This section is only applicable if power marketer or retail electric generation provider has been selected in A-1.

Provide a detailed description of how the applicant intends to determine its generation resource mix and environmental characteristics, including air emissions and radioactive waste. Include the annual projection methodology and the proposed approach to compiling the quarterly actual environmental disclosure data. See 4901:1-21-09 of the Ohio Administrative Code for additional details of this requirement.

C. Financial Capability

Provide a response or attachment for each of the sections below.

C-1. Financial reporting.

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or attach a copy of 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.

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.

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

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".

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.

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? If yes, attach a document detailing the information.
Applicant
Parent company of the applicant
Affiliate company that guarantees the financial obligations of the applicant
Any owner or officer of the applicant

Yes	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? If yes, attach a document detailing the information.

Yes	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.

C-9. Financial arrangements.

This section is only applicable if power marketer or retail electric generation provider has been selected in A-1.

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 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).

D. Technical Capability

Provide an attachment for each of the sections below.

D-1. Operations.

Power brokers/aggregators: Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of electricity to retail customers.

Power Marketers/Generators: Describe the operational nature of the applicant's business, specifying whether 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.

D-2. Operations expertise and key technical personnel.

Provide evidence of the applicant's experience and technical expertise in performing the operations described in this application. Include the names, titles, e-mail addresses, telephone numbers and background of key personnel involved in the operational aspects of the applicant's business. If vendors or third parties are or will be utilized for any activities listed in this application, provide the name, contact information for each, and list which activities they will perform. Also, indicate which activities will be performed directly by the company. Please note that this information is required to be updated within 30 days of any changes.

D-3. FERC power marketer authorization.

This section is only applicable if power marketer or retail electric generation provider has been selected in A-1.

Provide the FERC docket granting the applicant power marketer authority.

As authorized representative for the above company/organization, I certify that all the information contained in this application is true, accurate and complete. I also understand that failure to report completely and accurately may result in penalties or other legal actions.

Signature

5/23/22
Date

MANAGING PARTNER
Title

Competitive Retail Electric Service Affidavit

County of Franklin :

State of Ohio :

Rob Myers, 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, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.

2. The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Sections 4905.10(A), 4911.18(A), and 4928.06(F), Ohio Revised Code.

3. The applicant will timely pay any assessment made pursuant to Sections 4905.10, 4911.18, and 4928.06(F), Ohio Revised Code.

4. The 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. The applicant 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 will fully comply with Section 4928.09, Ohio Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.

7. The applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.

8. The applicant will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.

9. The applicant 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, 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.

11. The Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating consumer complaints.

12. The facts set forth above are true and accurate 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.

13. Affiant further sayeth naught.

Signature of Affiant & Title

Sworn and subscribed before me this 23rd day of May, 2022
Month Year

Signature of official administering oath

Jonathan Mainers Banker
Print Name and Title

My commission expires on 06/09/2026

NOTARY PUBLIC STATE OF OHIO

JONATHAN MAINERS
Notary Public, State of Ohio
My Comm. Expires 06/09/2026

Exhibit A-12

Principal Officers, Directors & Partners

Rob Myers
Managing Partner
1231 Cambridge Blvd.,
Columbus, OH 43212
Telephone 614.298.0800

John Myers
Managing Partner
1231 Cambridge Blvd.,
Columbus, OH 43212
Telephone 614.298.0800

Exhibit A-13

Company History

In the 1980's as the former national manager of the Columbia Gas System's Industrial Development Department, John Myers founded two companies, Energy Management Concepts and Interstate Gas Marketing - both extremely successful facilitators of deregulated natural gas to commercial and industrial customers.

Prior to deregulation of electric supply in Ohio, John helped pioneer the concept of establishing municipal electric and gas companies (along with the associated pipeline construction) that enabled municipalities to directly serve their constituents.

As successful and very active licensed industrial real estate brokers and developers, John and Rob Myers were increasingly asked to help their commercial and industrial real estate clients with both supply and demand side energy related matters. From this market demand, Ohio Industrial Energy was formed to assist commercial and industrial clients with their energy related needs. Today, Ohio Industrial Energy provides strategic, data driven energy advisory services to commercial and industrial customers. Those services include electricity and natural gas sourcing along with partnering with energy auditing and lighting companies to help customers manage their energy demand.

Ohio Industrial Energy plans to contract with many of its commercial and industrial real estate customers in order to provide added value advisory services such as helping them use less and procure energy at better rates and terms.

Ohio Industrial Energy does not provide a customer billing function since the energy suppliers and its demand side partners (auditing and lighting) provide this function.

Ohio Industrial Energy has helped facilitate the resolution of numerous customer complaints and inquiries. Many, if not all, complaints have concerned matters involving the local utility and/or the customer's energy supplier.

Exhibit A-14

Certificate of Good Standing

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 OHIO INDUSTRIAL ENERGY, LLC, an Ohio Limited Liability Company, Registration Number 2267279, was organized in the State of Ohio on February 7, 2014, 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 1st day of April, A.D. 2022.

Ohio Secretary of State

Validation Number: 202209101168

Exhibit B-1

Jurisdiction of Operations

Ohio Industrial Energy is certified, licensed, registered or otherwise authorized to provide services in the state of Ohio.

Exhibit B-2

Experience and Plans

Ohio Industrial Energy contracts with many of its commercial and industrial real estate customers in order to provide added value advisory services such as helping them use less and procure energy at better rates and terms.

Ohio Industrial Energy does not provide a customer billing function since the energy suppliers and its demand side partners (auditing and lighting) provide this function.

Ohio Industrial Energy has helped facilitate the resolution of numerous customer complaints and inquiries. Many, if not all, complaints have concerned matters involving the local utility and/or the customer's energy supplier.

Inquiries directed to Ohio Industrial Energy are typically commercial and industrial real estate customers seeking advice on energy related matters that include determining whether to accept a supplier offer or understanding their utility bill.

Customer complaints or inquiries to Ohio Industrial Energy can be made as follows:

- By phone at 614.298.0800
- By fax at 614.298.0700
- By email at rmyers@ohioindustrial.com
- Via Ohio Industrial Energy's website at www.ohioindustrialenergy.com

Exhibit B-3

Disclosure of Liabilities and Investigations

Ohio Industrial Energy does not have any existing, pending or past rulings, judgements, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact Ohio Industrial Energy's financial or operational status or ability to provide the services it is seeking to be certified to provide.

Exhibit C-1

Financial Reporting

Applicant is not required to make a filing of Form 10-K because it is not required to register with the Securities and Exchange Commission.

Exhibit C-2

Financial Statements

Financial statements have been filed under seal.

Exhibit C-3

Forecasted Financial Statements

The forecasted financial statements have been filed under seal.

Exhibit C-4

Credit Rating

Not Rated

Exhibit C-5

Credit Report

The credit report has been provided under seal.

Exhibit C-8

Corporate Structure

Applicant is a stand-alone entity with no affiliate or subsidiary company.

Exhibit C-9

Financial Arrangements

This application requirement is not applicable to the applicant.

Exhibit D-1

Operations

Ohio Industrial Energy contracts with many of its commercial and industrial real estate customers in order to provide added value advisory services such as helping them use less and procure energy at better rates and terms. As a broker, it assists its customers in identifying supply options that provide value. It does not contract for energy supply or provide aggregation services.

Exhibit D-2

Operations Expertise and Key Technical Personnel

In the 1980's as the former national manager of the Columbia Gas System's Industrial Development Department, John Myers founded two companies, Energy Management Concepts and Interstate Gas Marketing - both extremely successful facilitators of deregulated natural gas to commercial and industrial customers.

Prior to deregulation of electric supply in Ohio, John helped pioneer the concept of establishing municipal electric and gas companies (along with the associated pipeline construction) that enabled municipalities to directly serve their constituents.

As successful and very active licensed industrial real estate brokers and developers, John and Rob Myers were increasingly asked to help their commercial and industrial real estate clients with both supply and demand side energy related matters. From this market demand, Ohio Industrial Energy was formed to assist commercial and industrial clients with their energy related needs. Today, Ohio Industrial Energy provides strategic, data driven energy advisory services to commercial and industrial customers. Those services include electricity and natural gas sourcing along with partnering with energy auditing and lighting companies to help customers manage their energy demand.

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Exhibit D-3

FERC Power Marketer Authorization

This requirement is not applicable to the applicant.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/23/2022 2:44:31 PM

in

Case No(s). 16-1101-EL-AGG

Summary: Application Renewal Application of Ohio Industrial Energy, LLC electronically filed by Frank P. Darr on behalf of Ohio Industrial Energy, LLC