

DIS Case Number: 18-1791-GA-AGG

Section A: Application Information

A-1. Provider type:

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

Legal Name: Open Market Energy, LLC **Country:** United States

Phone: 2404824729 Extension (if Street: 7625 WISCONSIN AVE Suite 200

applicable):

Website (if any): City: BETHESDA Province/State: MD

www.openmarketenergy.net

Postal Code: 20814

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	Туре	Address	Active?	Proof
Open Market Energy, LLC	Official Name	7625 WISCONSIN AVE Suite 200 BETHESDA, MD 20814	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	Туре	Address	Active?	Proof
Open Market Energy, LLC	Official Name	7625 WISCONSIN AVE Suite 200 BETHESDA, MD 20814	Yes	File



A-5. Contact person for regulatory matters

John Gardiner 7625 wisconsin ave ste 200 bethesda, MD 20814 US john@openmarketenergy.net 2404824738

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

CONSUMER COMPLAINT- Open Market Energy, LLC 7625 WISCONSIN AVE Suite 200 BETHESDA, MD 20814 US licensing@openmarketenergy.net 2404824738

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

Phone: 240-482- Extension (if Country: United States

4729 applicable):

Fax: 240-599- Extension (if applicable): Street: 7625 Wisconsin Avenue Suite 200

1111

Email: john@openmarketenergy.net City: Bethesda Province/State: MD

Postal Code: 20814

A-8. Applicant's federal employer identification number

26-0428080

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

Dominion Energy Ohio

Class of customer selection

Small Commercial Large Commercial

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 05-17-2016

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
Matt Gardiner	matt@openmarketenergy.n et		7625 Wisconsin Ave Bethesda, MD 20814 US
John Gardiner	john@openmarketenergy.ne t	President	7625 wisconsin ave ste 200 bethesda, MD 20814 US
Amy Gardiner	amy@openmarketenergy.ne t		7625 Wisconsin Avenue Suite 200 Bethesda, MD 20814 US

A-13. Company history

Open Market Energy LLC, a State of Maryland LLC, formed in 2007. OME has developed a supplier network consisting of WGL, Constellation Energy, Talen Energy, Direct Energy, UGI and others to ensure the very best competitive pricing and products for our clients.

OME has grown to over a dozen energy brokers in 13 years with a client base in over 8 states. OME is currently licensed as a broker/aggregator in the 8 states with most of our business located in the Mid-Atlantic region.



We currently manage over 5,000 natural gas meters, serving over 7,500,000 dth. Our clients include MGM Casino, Panera Bread, Washington Properties, Associated Press, CSPAN and Matan Development. Open Market Energy has developed significant relationships with the major property managers, industrial customers and government agencies in the Washington Metropolitan Area

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 4929.22of the Ohio Revised Code. List the designated Ohio employee's name, Ohio office address, telephone number and web site address

Employee Name: Christa House 50 West Broad Street Suite 1330 Columbus, OH 43215 US christa.house@cscglobal.com 8009279801

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: Open Market Energy LLC is licensed to operate as an gas or electric energy aggregator/broker under the name Open

Market Energy LLC in the following States: Maryland: July 2010 • Washington, D.C.: April 2011 • Pennsylvania: July 2015 • Delaware: August

2017 • New Jersey: September 2017 Massachusett: June 2018 Virginia: December 2019, New York: July 2018,

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: Open Market Energy LLC does not supply or take title to electricity and does not enter into any contract with

customers. As electrical service brokers, the only contract is between the suppliers and the customers. We do

not bill the customer for any energy procurement services and we are entirely compensated by the suppliers

we represent. OME assists and advocates for our customers with any issues (billing, usage, taxation or energy

related) that they may have with the utility or supplier as it relates to energy procurement. Customers can

reach out to their account manager at any time for assistance, either contacting them directly or using our

toll-free number. OME defers to existing fair dispute resolution procedures that utilities/suppliers have in

place. Steve Pritchett, our VP of Business Development, will be responsible for the operations conducted in

Ohio. Mr. Pritchett has over 30 plus years of experience in the energy business. His experience includes 10

years of work for a utility company in the DC metropolitan area where he analyzed tariff classes and

managed natural gas procurement for large interruptible gas accounts. Pritchett's experience also includes 20

years as a broker/account manager at WGES(now WGL) for both electric and natural gas customers.

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: N/A Open Market Energy LLC has no Liabilities and Investigations to disclose.



B-4. Disclosure of consumer protection violations

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted orheld 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 <u>two most recent years</u> 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.

File(s) attached

C-3. Forecasted financial statements

Provide two years of forecasted income statements based <u>solely</u> 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.

File(s) attached

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

Section D: Applicant Technical Capacity

D-1. Operations

<u>Retail natural gas brokers/aggregators:</u> Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of natural gas to retail customers.

<u>Retail natural gas brokers/aggregators:</u> Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of natural gas to retail customers.

Operations Description: OME provides electric and gas account procurement services and account management for a client profile, which is mainly comprised of commercial businesses and mid-size real estate developers. Open Market Energy LLC does not supply the natural gas and does not enter into any contract with customers. As natural gas brokers, the only contract is between the suppliers and the customers. We do not bill the customer for any services and we are entirely compensated by the suppliers we represent.

Open Market Energy assists and advocates for our customers with any issues (billing, usage, taxation or energy related) that they have with the utility or supplier as it relates to energy procurement. Customers can reach out to their account manager at any time for assistance, either contacting them directly or using our toll-free number. OME defers to existing fair dispute resolution procedures that utilities/suppliers have in place.

D-2. Operations Expertise & Key Technical Personnel



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, email addresses, and background of key personnel involved in the operations of the applicant's business.

Operations Expertise & Personnel Description: OME provides electric and gas account procurement services and account management for a client profile, which is comprised of commercial businesses and mid-size real estate developers. The clients' energy usage is anywhere from 1 to 50 million kWh per year over multiple accounts. We currently manage over 3,000 electric meters and over 5,000 natural gas meters, serving over 1,000,000,000 kWhs and 7,500,000 dth. Our clients include MGM Casino, Panera Bread, Washington Properties, Associated Press, CSPAN and Matan Development. Open Market Energy has developed significant relationships with the major property managers, industrial customers and government agencies in the Washington Metropolitan Area.



Application Attachments

Open Market Energy, LLC Ohio Financial Forecast - Gas

_	2022	2023	2024
Ordinary Income/Expense			
Income			
Energy Sales Commissions			
Total Energy Sales Commissions	0.00	2,500.00	2,500.00
Total Income	0.00	2,500.00	2,500.00
Expense			
Dues and Subscriptions	100.00	100.00	100.00
Licenses and Permits	200.00	200.00	200.00
Total Expense	300.00	300.00	300.00
Net Income	-300.00	2,200.00	2,200.00



DATE 06/23/2016 DOCUMENT ID 201617402194

DESCRIPTION
REGISTRATION OF FOREIGN FOR PROFIT LLC
(LFP)

FILING EXPED 99.00 0.00

PENALTY 0.00 0.00 C

COPY 0.00

Receipt

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

OPEN MARKET ENERGY LLC 7625 WISCONSIN AVE BETHESDA, MD 20814

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted
3914859

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

OPEN MARKET ENERGY LLC

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

Document(s)

Document No(s):

201617402194

REGISTRATION OF FOREIGN FOR PROFIT LLC

Effective Date: 06/14/2016

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 23rd day of June, A.D. 2016.

Ohio Secretary of State

Open Market Energy, LLC Profit and Loss Standard

January through December 2021

	Jan – Dec '21	Jan - Dec '20
Ordinary Income/Expense		
Income		
Energy Efficiency Income	12,392.50	59,552.47
Consulting Income	14,199.60	14,199.60
Energy Sales Commissi	4308453.78	4356968.76
Grant Income	0.00	10,000.00
Rent Income	6,600.00	0.00
Total Income	4341645.88	4440720.83
Cost of Goods Sold		
Energy Efficiency COGS	636.61	0.00
Customer Refunds	11,772.60	0.00
Total COGS	12,409.21	0.00
6		
Gross Profit	4329236.67	4440720.83
Expense		
Salary and Commissions	2828906.91	2993295.30
Advertising	52,183.32	2,817.35
Bank Service Charges	1,659.21	915.77
Contributions	500.00	0.00
Donations	800.00	1,000.00
Dues and Subscriptions	10,645.57	7,241.93
Insurance	124,642.72	77,057.93
Interest Expense	15,048.82	12,798.16
Licenses and Permits	10,318.97	12,033.85
Marketing	37,331.80	9,639.06
Miscellaneous	210.00	0.00
Office Equipment	6,468.79	6,845.71
Office Supplies	22,070.48	15,491.15
Parking	2,978.67	323.40
Postage and Delivery	601.09	459.65
Printing and Reproducti	393.92	503.31
Professional Fees	245,141.50	246,176.00

Open Market Energy, LLC Profit and Loss Standard

January through December 2021

	Jan - Dec '21	Jan - Dec '20
Rent	83,396.88	80,967.85
Software	23,659.01	22,023.77
Surety Bond Fee	1,000.00	600.00
Taxes	47,100.00	57,719.00
Telephone	6,717.47	14,976.92
Travel & Ent	97,891.77	32,388.03
Total Expense	3619666.90	3595274.14
Net Ordinary Income	709,569.77	845,446.69
Other Income/Expense Other Income		
Interest Income	0.00	0.49
Other Income	0.00	231,200.00
Total Other Income	0.00	231,200.49
Other Expense		
Consultants	151,882.83	137,873.86
Other Expenses	1,405.94	0.00
Total Other Expense	153,288.77	137,873.86
Net Other Income	-153,288.77	93,326.63
Net Income	556,281.00	938,773.32

Open Market Energy, LLC Balance Sheet Standard

As of December 31, 2021

	Dec 31, '21	Dec 31, '20
ASSETS Current Assets Checking/Savings		
United Bank	6,537.75	136,193.60
Total Checking/Savings	6,537.75	136,193.60
Other Current Assets Commission Advances	36,000.00	13,596.15
Total Other Current Assets	36,000.00	13,596.15
Total Current Assets	42,537.75	149,789.75
Other Assets OME Solar LLC 1851 South Club Solar	200,000.00 250,000.00	50,000.00 250,000.00
Total Other Assets	450,000.00	300,000.00
TOTAL ASSETS	492,537.75	449,789.75
LIABILITIES & EQUITY Liabilities Current Liabilities Other Current Liabilities		
Commissions Payable	49,056.00	54,589.00
Loans	275,000.00	175,000.00
Total Other Current Liabil	324,056.00	229,589.00
Total Current Liabilities	324,056.00	229,589.00
Total Liabilities	324,056.00	229,589.00
Equity John Gardiner Equity Matt Gardiner Equity	-1445095.93 -1666610.70	

11/02/22

Open Market Energy, LLC Balance Sheet Standard

As of December 31, 2021

	Dec 31, '21	Dec 31, '20
Retained Earnings Net Income	2,723,907.38 556,281.00	1,785,134.06 938,773.32
Total Equity	168,481.75	220,200.75
TOTAL LIABILITIES & EQUITY	492,537.75	449,789.75



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TransUnion_®

763 Great As of: N

As of: November 2, 2022

How are my scores calculated? ()



Your Personal Information

JOHN GARDINER

Also known as:

Current Address:

BETHESDA, MD 20816

5507 ALBIA RD

ADOBE SYSTEMS 2016

2021

Employer History:

OPEN MARKET ENERGY - GARD

Date of Birth:

1965

Address History:

4905 BERKLEY ST BETHESDA, MD 20816

5448 NEVADA NW AV WASHINGTON, DC 20015

Accounts Summary

Total Balances: \$807,565

Total Payments: \$9,319



Revolving Credit

Balance Payment

\$247,314 \$1,143



Real Estate

Balance Payment \$558,611 \$6,536



Installment Loans

Balance **Payment** \$1,640 \$1,640



Other Accounts

Balance **Payment**

\$0

\$0



scoresense!!!

Experian_™

762 Great
As of: November 2, 2022

How are my scores calculated? ()



Your Personal Information



JOHN GARDINER

Also known as:

Current Address:

5507 ALBIA RD

BETHESDA, MD 20816-3302

Employer History:

ADOBE SYSTEMS 2016

ORACLE CORPORATION

Date of Birth:

1965

Address History:

4015 OLIVER ST

BETHESDA, MD 20815-3432

4423 35TH ST NW

WASHINGTON, DC 20008-4203

Total Balances: \$807,565

Total Payments: \$9,319



Accounts Summary

Revolving Credit

Balance **Payment**

\$247,314 \$1,143



Real Estate

Balance Payment

\$558,611 \$6,536



Installment Loans

Balance **Payment**

\$1,640 \$1,640



Other Accounts

Balance **Payment**

\$0

\$0



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Equifax

762 Great As of: N

As of: November 2, 2022

How are my scores calculated? (>)



Your Personal Information



JOHN GARDINER

Also known as:

Date of Birth:

Current Address:

5507 ALBIA RD BETHESDA, MD 20816

1965

Address History: 4015 OLIVER ST

CHEVY CHASE, MD 20815

4423 35TH ST NW WASHINGTON, DC 20008

4905 BERKLEY ST BETHESDA, MD 20816 5448 NEVADA AVE NW WASHINGTON, DC 20015 **Employer History:**

ADOBE SYSTEMS

ORACLE CORPORATION

Accounts Summary

Total Balances: \$807,565

Total Payments: \$9,319

Competitive Retail Natural Gas Service Affidavit

County of Montgomery:

State of Maryland:

John P Gardiner, 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 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 Sections 4905.10 and 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 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. 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 comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
- 8. 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.
- 9. 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.

and that hershe expects said applicant to or	c abic to prove the same at any nearing nervol.
10. Affiant further sayeth naught. Signature of Affiant & Title John P Gardiner, leading to the sayeth naught.	President
Sworn and subscribed before me this 7th day of Signature of official administering oath	f November, 2022 Month Year Mark H Railey, Notary Print Name and Title
Mark Hitlock Reliey NOTARY PUBLIC Montgomery County MARYLAND MY COMMISSION EXPIRES February 17	My commission expires on February 17, 2024

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Mark Hilock Railey
NOTARY PUBLIC
Montgomery, County
MARYLAND
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This foregoing document was electronically filed with the Public Utilities Commission of Ohio Docketing Information System on

11/7/2022 1:06:03 PM

in

Case No(s). 18-1791-GA-AGG

Summary: In the Matter of the Application of Open Market Energy, LLC