



DIS Case Number: 17-1327-EL-CRS

Section A: Application Information

A-1. Provider type:

☐ Power Broker ☐ Aggregator ☐ Retail Generation Provider ☒ Power Marketer

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

Legal Name: South Bay Energy Corp. **Country:** United States
Phone: 6317249010 **Extension (if applicable):** **Street:** 54 State Street Suite 804 #7818
Website (if any): www.southbayenergy.com **City:** Albany **Province/State:** NY
Postal Code: 12207

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
South Bay Energy Corp.	Official Name	54 State Street Suite 804 #7818 Albany, NY 12207	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

Brittany Hirson
54 State Street Suite 804 #7818



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Albany, NY 12207

US

brittany@southbayenergy.com

6317249010

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

Brittany Hirson

54 State Street Suite 804 #7818

Albany, NY 12207

US

brittany@southbayenergy.com

6317249010

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

Phone: 877-724-
9010

**Extension (if
applicable):**

Country: United States

Fax: 631-724-
9011

Extension (if applicable):

Street: 54 State Street Suite 804 #7818

Email: brittany@southbayenergy.com

City: Albany

Province/State: NY

Postal Code: 12207

A-8. Applicant's federal employer identification number

451760711

A-9. Applicant's form of ownership

Form of ownership: Corporation

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

Duke Energy Ohio

American Electric Power (AEP)

Class of customer selection

Commercial
Industrial
Mercantile
Residential

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 07-07-2017

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
Stephen Mellis	steve@southbayenergy.com		54 State Street Suite 804 #7818 Albany, NY 12207 US

A-13. Company history

South Bay Energy Corp. was formed in April of 2011 under the laws of the state of New York as a Corporation. South Bay Energy Corp.'s principal business interest is being a Competitive Retail Electric Supplier (CRES) and Competitive Retail Natural Gas Supplier (CRNGS) to residential and commercial customers. South Bay Energy Corp. is currently operating as a power and gas supplier in the states of New York, Pennsylvania, New Jersey, Illinois, Maryland and Ohio.

A-14. Secretary of State

Secretary of State Link:

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: South Bay Energy Corp. is licensed to provide retail electricity and natural gas services in New York, Pennsylvania, New Jersey, Illinois, Maryland and Ohio.

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: South Bay Energy Corp. currently operates as a retail electricity supplier. Personnel handles all aspects of the customer experience in-house and has existing relationships with legal and regulatory partners who can assist

in addressing customer inquiries and complaints when necessary. South Bay Energy Corp. will use direct

solicitation, internet, and mailings to contact and enroll customers. Customers' enrollment by means of direct

solicitation, internet, and mailings will be conducted under the Commission rules Section 4901: 1-21-06.

Billing statements to the customer are contracted to be sent directly to the customer by the incumbent EDU.

South Bay Energy Corp. has contracted with EC Infosystems as an EDI provider and this will be the primary

means of exchanging billing information, between South Bay Energy Corp. and the incumbent EDU. In

addition, South Bay Energy Corp. has contracted with Genscape, Inc. (Woodmac/GP Energy Management) of New York, a consultancy with over

30 years of energy industry experience, to manage all wholesale business processes. Genscape, Inc. is tasked

with creating retail supply forecasts, scheduling energy into PJM, as well as managing all settlement data and hedging activities.

B-3. Disclosure of liabilities and investigations



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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: South Bay Energy Corp. does not have any existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact its financial or operational status or ability to provide the services it is seeking to be certified to provide.

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

B-6. Environmental disclosures

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.

PJM disclosure option chosen

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 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.



Preferred to file this information confidentially

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 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

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.

Operations Description: South Bay Energy Corp., in conjunction with its agents and consultants, will continue to perform all



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functions of a Competitive Retail Electric Supplier, including the scheduling of power for transmission and delivery, the provision of ancillary services as well as other services in arranging for purchase and delivery to

retail customers.

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

Operations Expertise & Personnel Description: South Bay Energy Corp. has an unblemished record with the regulatory authorities in New York, Pennsylvania, New Jersey, Illinois, Maryland and Ohio. South Bay Energy Corp. will continue to maintain high standards of service in every market and jurisdiction where it serves customers. Key Technical Personnel includes Stephen Mellis as President (Steve@SouthBayEnergy.com; 631-724-9010), Greg Blume as President (Greg@SouthBayEnergy.com; 631-724-9010) and Brittany Hirson as COO (Brittany@SouthBayEnergy.com; 631-724-9010).

D-3. FERC Power Marketer and License Number

Provide a statement disclosing the applicants FERC Power Marketer License Number (Power Marketers Only).

Docket 14-494-000



Public Utilities
Commission

Application Attachments



DATE	DOCUMENT ID	DESCRIPTION	FILING	OVER PAYMENT	EXPED	CERT	COPY
05/19/2017	201711704094	FOREIGN FOR PROFIT CORPORATION - LICENSE (FLF)	99.00	0.00	0.00	0.00	0.00

Receipt

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

SOUTH BAY ENERGY CORP.
ATTN: STEPHEN MELLIS OR BRITTANY HIRSON
700 VETERANS MEMORIAL HIGHWAY #210
HAUPPAUGE, NY 11788

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

4030867

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

SOUTH BAY ENERGY CORP.

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

Document(s)

FOREIGN FOR PROFIT CORPORATION - LICENSE

Effective Date: 05/18/2017

Document No(s):

201711704094

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



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

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
19th day of May, A.D. 2017.

Ohio Secretary of State

Credit Card Authorization Form
Form Must Be Printed Or Typed

Cardholder Name

South Bay Energy/Brittany Hirson

Address

Street

15 Jeanette Drive

City

Massapequa

State

New York

ZIP Code

11758

Credit Card Information

Credit Card Type

American Express

Card Number

372326435522015

Expiration Month

09

Expiration Year

2020

CVV/Security Code

8632

Competitive Retail Electric Service Affidavit

County of Suffolk :

State of New York :

Greg Blume, 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]
Signature of Affiant & Title President

Sworn and subscribed before me this 19th day of May, 2023
Month Year

[Signature]

PATRICIA FLEETHAM
Notary Public, State of New York
No. 01FL6011534
Qualified in Suffolk County
Commission Expires ~~February 24, 2019~~
1/2/27

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

Case No(s). 17-1327-EL-CRS

Summary: In the Matter of the Application of South Bay Energy Corp.