

# ATTACHMENT A

# State of New Jersey



## Board of Public Utilities

44 S. Clinton Ave., P.O. Box 350, Trenton, New Jersey 08625

### HEREBY REGISTERS

#### **Progressive Energy Consultants, LLC**

1548 S. Missouri Avenue, #321  
Clearwater, Florida 33756

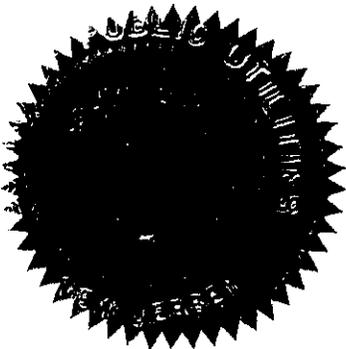
To conduct business in the State of New Jersey as an

#### **Energy Agent**

A handwritten signature in black ink that reads "Kristi Izzo".

Kristi Izzo  
Secretary of the Board

Registration No. EA-0246  
Effective Date: August 21, 2013  
Expiration Date: August 20, 2014



W. KEVIN HUGHES  
CHAIRMAN

HAROLD D. WILLIAMS  
LAWRENCE BRENNER  
KELLY SPEAKES-BACKMAN



## PUBLIC SERVICE COMMISSION

#10, 8/14/13 AM; ML#s 147963 and 148496  
License Reference No.: IR-3128

August 14, 2013

Lisa Berry  
Progressive Energy Consultants, LLC  
1548 S. Missouri Avenue, #321  
Clearwater, FL 33756

Dear Ms. Berry:

On June 12, 2013, Progressive Energy Consultants, LLC ("Company") filed an Application for a license to supply electricity or electric generation services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on July 15, 2013.

After considering this matter at the August 14, 2013 Administrative Meeting, the Commission granted the Company a license to supply electricity or electric generation services in Maryland in accordance with its Application (License Reference Number IR-3128). The license granted by the Commission under this Letter Order is limited solely to electricity supplier broker services to residential, commercial, and industrial customers.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "David J. Collins".

David J. Collins  
Executive Secretary

DJC/st  
cc: Phil VanderHeyden, Electricity Division

## PUBLIC UTILITIES COMMISSION OF OHIO

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

13-708E (1)

Issued Pursuant to Case Number(s):

13-1331-EL-AGG

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **Progressive Energy Consultants, LLC** whose office or principal place of business is located at **1548 S. Missouri Avenue, #321, Clearwater, FL 33756** to provide aggregation and power broker services within the State of Ohio effective **July 06, 2013**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

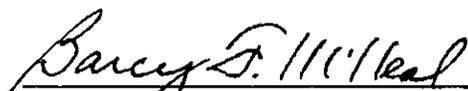
Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: 7/9/2013

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO



Barcy F. McNeal, Secretary  
Betty McCauley, Acting Secretary  
Tanowa M. Troupe, Acting Secretary

Certificate Expires: July 06, 2015

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held September 12, 2013

Commissioners Present:

Robert F. Powelson, Chairman  
John F. Coleman, Jr., Vice Chairman  
Wayne E. Gardner  
James H. Cawley  
Pamela A. Witmer

Docket No: A-2013-2359823

License Application of Progressive Energy  
Consultants, LLC for Approval to Offer, Render,  
Furnish or Supply Electricity or Electric Generation  
Services as a Broker/Marketer

**ORDER**

**BY THE COMMISSION:**

On April 25, 2013, Progressive Energy Consultants, LLC (PEC) filed an application seeking to become a licensed electric generation supplier (EGS) in the electric distribution company (EDC) service territories of Metropolitan Edison Company, Pennsylvania Power Company, West Penn Power, Pennsylvania Electric Company, PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §§ 54.31-54.43, which became effective on August 8, 1998, and which were established under section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809.

Section 2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. §2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. § 2803.

PEC is a foreign limited liability company organized in the State of Florida as of January 1, 2013, and registered to do business in Pennsylvania as of February 20, 2013. By its application, PEC proposes to act as a broker/marketer of retail electric power to residential, small commercial (25kW and under demand), large commercial (over 25kW demand), industrial and governmental customers. PEC has indicated that it will not be taking title to electric power, nor paying customers' bills in its broker/marketer role.

Since PEC will be providing marketer services to residential customers, it shall be required to comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. § 2807(d)*, and

*Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)* at Docket No. M-00960890F0011, Order entered July 11, 1997. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa. Code Chapter 56) is applicable to residential accounts. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service rates in accordance with the utility's obligations under section 2807(e), 66 Pa. C.S. § 2807(e). The customer would only be disconnected from the electricity grid pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

PEC has provided proof of publication in Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission.

Regarding the financial and technical requirements of the license application PEC has supplied balance sheets and income statements as well as tax returns for 2010 and 2011 on behalf of its supporting company. PEC has also provided historical employment information for several executive, management and staff personnel indicating that they have the necessary consulting, utility and/or regulatory experience. PEC's affiliate business under the name of American Power and Gas of Pennsylvania, LLC, Docket numbers A-2013-2364337 and A-2013-2355561 was recently approved for natural gas supplier and electric generation supplier licenses respectively. Sufficient information has been provided by PEC demonstrate its financial and technical fitness in order to be licensed as a broker/marketer in the Commonwealth of Pennsylvania.

PEC did not provide a \$250,000 bond as required by the license application; however, it did provide a bond in the amount of \$10,000 and requests that the Commission reduce its security requirement from \$250,000 to \$10,000. In support of this request, PEC explains that it will not be collecting any gross receipts from its customers or generating electricity. Its services include analyzing client electricity loads and negotiating the purchase of electricity for its clients.

The Commission believes that the reasoning on which PEC bases its request for a bond reduction from \$250,000 to \$10,000 is similar to that offered by the other EGSs that have successfully petitioned the Commission for a bonding level of \$10,000. Two of the EGSs are Co-eXprise, Inc. (Co-eX), at Docket No. A-110166, whose request was granted January 20, 2006, and Premier Energy Solutions (Premier), at Docket No. A-110170, whose request was granted July 26, 2006. In the case of Co-eX, the

company explained that, as a consultant, it will provide its customers with an evaluation and selection process from which to select the best positioned licensed electricity supplier/generator and award business. In the case of Premier, the company explained that it requested an EGS license to become EDI certified with the utilities, in order to be able to efficiently and effectively obtain electricity usage information for the customers to whom it provides consulting services. Premier intended to utilize the information to help its customers reduce their overall spending for electricity. Premier also stated that it will not take title to power.

The Commission believes that PEC operates in a similar manner and therefore should be granted similar relief and be permitted to provide a bond or other approved security in the reduced amount of \$10,000. However, PEC's bonding level is contingent upon the company's business model as described in this Order. If PEC takes title to generation supply for its customers, and/or charges customers directly for that generation supply, a \$10,000 level of bonding may not be appropriate. Therefore, we will direct PEC to notify the Commission 45 days prior to a change in its business model, whereby PEC takes title to generation supply and/or bills its customers directly for that generation supply. This will provide the Commission with an opportunity to review and adjust PEC's approved bonding level prior to PEC implementing those changes.

As of September 3, 2013 no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

2. Has agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

We further find that the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:**

1. That the application Progressive Energy Consultants, LLC is hereby approved, consistent with this Order.
2. That Progressive Energy Consultants, LLC's request for a reduction in the bond level from \$250,000 to \$10,000 is hereby granted.
3. That the security amount of \$10,000 shall remain in effect for Progressive Energy Consultants, LLC as long as Progressive Energy Consultants, LLC does not make a change to its business model in Pennsylvania, whereby it would take title to generation supply and/or bill its customers directly for generation supply.

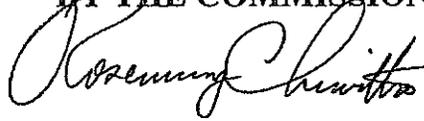
4. That a license be issued authorizing Progressive Energy Consultants, LLC to begin to offer, render, furnish or supply electric generation supplier services as a broker/marketer to residential, small commercial (25kW and under demand), large commercial (over 25kW demand), industrial and governmental customers in the electric distribution company service territories of Metropolitan Edison Company, Pennsylvania Power Company, West Penn Power, Pennsylvania Electric Company, PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania, as specified in the Order.

5. That if Progressive Energy Consultants, LLC proposes to change its business model as described in Ordering Paragraph No. 3, it must notify the Commission at least 45 days prior to the changes. With the notice, the Company must provide an update to the nature and scope of business information that was required by Pa. Code § 54.40(c) to justify the modification granted in Ordering Paragraph No. 3. This will provide the Commission the opportunity to review Progressive Energy Consultants, LLC's bonding level and adjust as appropriate, prior to Progressive Energy Consultants, LLC implementing the proposed changes to its business model.

6. That if Progressive Energy Consultants, LLC changes its business model without providing to the Commission the notice and information required in Ordering Paragraph No. 5, then the reduced bonding level permitted by Ordering Paragraph No. 2 shall cease effective with the date of the change in the business model. The level of bonding effective at that time shall be \$250,000 or the level required by 52 Pa. Code § 54.40, whichever is greater.

7. That this proceeding at Docket No. A-2013-2359823 be closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", written in a cursive style.

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: September 12, 2013

ORDER ENTERED: September 12, 2013