

## **ATTACHMENT A**

### **DESCRIPTION OF APPLICANT'S BUSINESS**

Onyx Power & Gas was formed February 2009 as a Delaware Limited Liability Partnership. By request, November 2011 the partnership received its Certificate of Cancellation from the State of Delaware.

Onyx Power & Gas Consulting was formed as a Texas Limited Liability Company Sole Proprietorship under President Kevin Gooden and made effective October 7, 2011 - File Number 801490896. Since 2009, Onyx began serving the needs of consumers from its headquarters in Dallas, TX. Having observed massive industry changes since 2004, Onyx client commitment to educate and to mitigate risk remained steadfast.

When Texas deregulation occurred early 2000, there was a general belief that competitive and open market structures would lead to lower prices. The deregulation of a number of markets occurred during a fundamental shift in the energy industry. As a result, over the past decade the rapid volatility in wholesale energy costs has significantly altered the pricing environment for every individual and business in the United States.

Onyx recognized the need for the development of objective risk management strategies and large-scale hedging programs for natural gas. Over time Onyx has built an impressive client list that includes many of the US largest utility providers.

Today Onyx remains focused on continuing its expertise in energy risk management for both utility and retail industrial/commercial customers.

#### **Full Suite Of Energy Management Services**

- Energy procurement
- Energy supplier bid analysis and comparison
- Contract evaluation
- Energy audits
- Bill auditing
- Market analysis
- Reverse Auction Platform
- Efficiency programs, and more

#### **Proposed Operations In Illinois**

Onyx is applying for an electricity broker license in the State of Illinois to provide procurement plan consulting and electricity brokerage services to commercial and industrial consumers

## **ATTACHMENT B**

### **APPLICANTS PROPOSED OPERATIONS**

*A statement to disclose whether the Applicant operates as an agent, broker, or consultant in any other jurisdictions in a manner similar to that contemplated under Section 16-115C of the Act. Additionally, regardless of whether Applicant operates as an agent, broker, or consultant in Illinois or any other jurisdiction, the Applicant is directed to disclose whether it has had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. If any such complaints exist, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution.*

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Onyx Power & Gas Consulting LLC is applying for an electricity broker license in the State of Illinois. Onyx seeks to provide procurement plan consulting and electricity brokerage services to commercial and industrial consumers.

Onyx currently acts as an Energy Consultant/Broker in Texas and Ohio for both electricity and natural gas commodities.

Accredited by the Better Business Bureau with an A rating, no complaints have been filed against Onyx Power & Gas Consulting for its provision of any service in the electric or gas industry in Illinois or any other jurisdiction.

## **ATTACHMENT C**

### **STATEMENT OF TECHNICAL & MANAGERIAL COMPETENCY**

In order to demonstrate Onyx Power & Gas Consulting's technical and managerial competency, Onyx has provided scope of work summaries and references for companies Onyx has provided electricity brokerage supply.

Client References:

Vallourec  
Clarcor  
InfoCision



In September 2013, Onyx designed and implemented a dual phase project to correct facility Power Factor for Vallourec. Building on this relationship, Vallourec has since utilized Onyx to engineer Power Quality correction work.

### **Initial Project**

#### **Policy & Procedure Development**

- Assisted in Identification of Goals and Objectives
- Outlined Responsibilities of Relevant Staff Members
- Defined Tools Utilized in the Program
- Created Disciplined Purchasing and Budget Setting Methodology

### **Execution**

- Identified strategies and equipment recommended to correct Power Factor
- Projected cost, savings, and calculated ROI
- Designed project cost equipment cost based on utility data

Project Manager Reference:  
Joe Klun, *Facilities Manager*  
6300 Navigation Blvd  
Houston, TX 77011  
(713) 844-3700

## CLARCOR

Onyx was hired March 2010 by the most diverse filter company in the world, Clarcor. With 80% of its revenues recurring aftermarket revenue, Clarcor realized the impact that energy costs could have to the company's bottom line. For this reason, Clarcor contracted Onyx for assistance with energy procurement to a number of its operating sites. Onyx has worked with Clarcor to streamline the energy initiatives beginning with the development of a procurement plan to on-going position target and tracking analysis to timely execution of contracts.

### **Consulting**

- Develop and Update Natural Gas, Electricity & Fuel Surcharges Procurement Plan and Price Matrix
- Develop & Update Natural Gas, Electric Electricity & Fuel Surcharges Quantitative Budget as needed.
- Daily, Weekly, & Monthly Market Reports & Market Intelligence
- Phone Consultation & Presentations to Senior Management & Staff as needed

### **Pricing Analysis**

- Natural Gas & Electricity Basis & Cash Point Historical Forward Price Curves and Data Analysis
- Charitable Historical Price Models, Quantitative Savings & Budget Calculations

### **Execution**

- Assist & Facilitate Basis Contract Terms in regard to pricing
- Assist in the Development of a Competitive Supplier List
- Execution of all NYMEX - Traded Energy Products
- Execution of Natural Gas Basis Contracts

### **Project Manager Reference:**

David Price, *Director of Supply Chain Management*  
840 Crescent Centre Drive, Suite 600  
Franklin, TN 37067  
(615) 771-2670



December 2013 Onyx assisted #2 Akron, OH employer, Infocision Management Corporation with the development of procedures for their energy procurement operations that included a price plan for their power purchases. Since that time, Onyx has provided on-going procurement support for counterparties, contract negotiation, and execution of power transactions. To date Onyx has assisted with the procurement of over 32,000 MWh for InfoCision.

### **Initial Project**

#### **Policy & Procedure Development**

- Assisted in Identification of Goals and Objectives
- Outlined Responsibilities of Relevant Staff Members
- Defined Tools Utilized in the Program
- Created Disciplined Purchasing and Budget Setting Methodology

### **Execution**

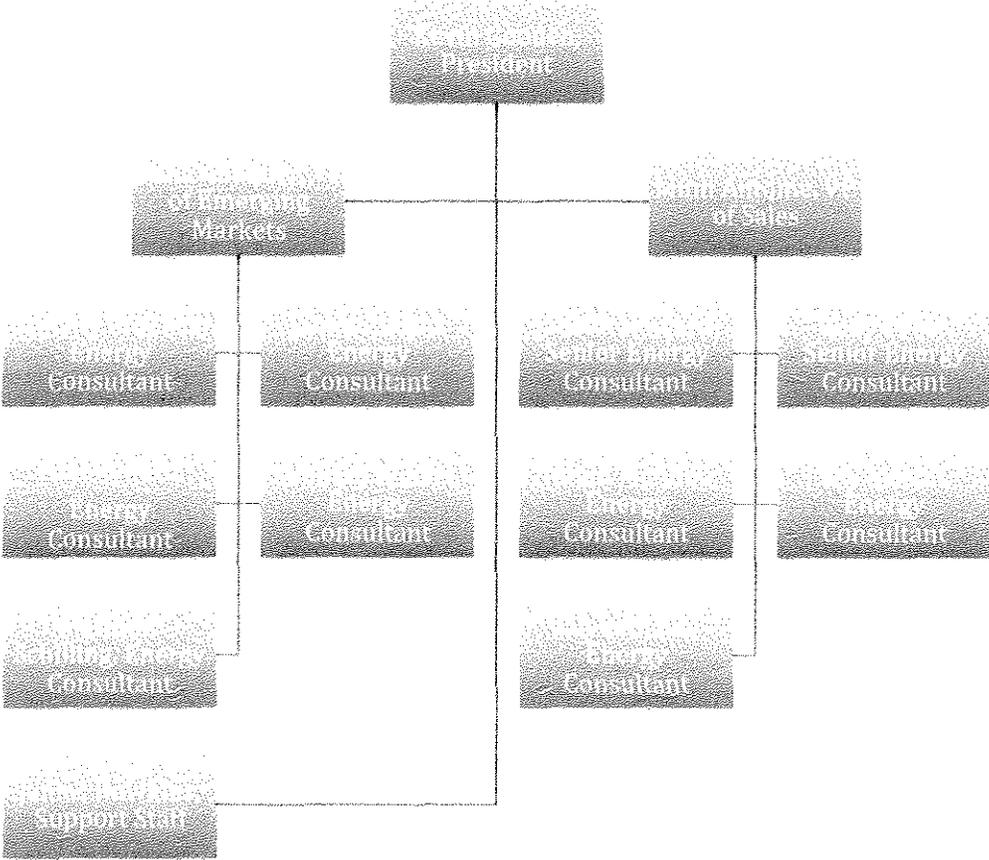
- Assist & Facilitate Basis Contract Terms in regard to pricing
- Assist in the Development of a Competitive Supplier List
- Execution of all NYMEX – Traded Energy Products
- Execution of Natural Gas Basis Contracts

### **Project Manager**

William Morris, *Purchasing Agent & Software Licensing Coordinator*  
325 Springside Drive  
Akron, OH 44333  
(330) 670-5076

**ATTACHMENT D**

**CORPORATE ORGANIZATIONAL CHART**



## ATTCHMENT E

### OCCUPATIONAL BACKGROUND INFORMATION

#### **Kevin Gooden**

Three Galleria Tower • 3155 Noel Rd, Ste. 900 • Dallas, TX 75240 • (972) 530-3013 • keving@onyxpg.com

#### **Profile**

*Motivated, personable business professional with college degrees and a successful 8-year track record of profitable business management. Talent for quickly mastering technology. Diplomatic and tactful with professionals and non-professionals at all levels. Accustomed to handling sensitive, confidential records. Demonstrated history of producing accurate, timely reports meeting stringent guidelines.*

*Flexible and versatile able to maintain a sense of humor under pressure. Poised and competent with demonstrated ability to easily transcend cultural differences. Thrive in deadline-driven environments. Excellent team-building skills.*

#### **Professional Experience**

**President** 2009-Present  
Onyx Power & Gas Consulting, LL Dallas, TX

- Ensure ongoing programmatic excellence, rigorous program evaluation, and consistent quality of finance and administration, fundraising, communications, and systems; recommend timelines and resources needed to achieve strategic goals
- Lead, coach, develop, and retain Onyx management team Ensure effective systems to track scaling progress
- Design the national expansion and complete the strategic business planning process
- Build partnerships in new markets, establishing relationships with retail electric suppliers

**Director of Business Development** 2004-2011  
GSE Consulting, LP Dallas, TX

- Vertically promoted twice in first 6 months
- Wrote complex sales report template for Senior Management, ensuring expectations are exceeded
- Author and Developer of professional correspondence to prospects and clients
- Design and deliver training curriculum, educating employees on proper marketing techniques
- Conduct small-group sessions on lead generation and energy consulting
- Communicate energy deregulation and hedging strategies to internal and external customers using laymen terms to facilitate understanding
- Defined, wrote, and perfected reporting process for productivity, commissions, and revenues
- Created and administer divisional quality improvement practice
- Proficiently perform Human Resource functions: screening and recruiting, interviewing and staffing, benefits enrollment and training, performance evaluations, and employee termination
- Defined and mastered lead distribution process for 20 Consultants among 5 offices
- Generated over 6,000 new leads yielding 1,200 new clients in 4 years
- Grew division's revenue from \$2M in '05 to \$4M in '08
- Produced 40% of company's total revenue in '08
- Produced 53% of company's total revenue in '09
- Simultaneously manage and retain 6 large clients effectively having never lost a personal client to competition

## Professional Experience, continued

**Virtual Sales Executive** 1999-2004  
Xerox Corporation Irving, TX

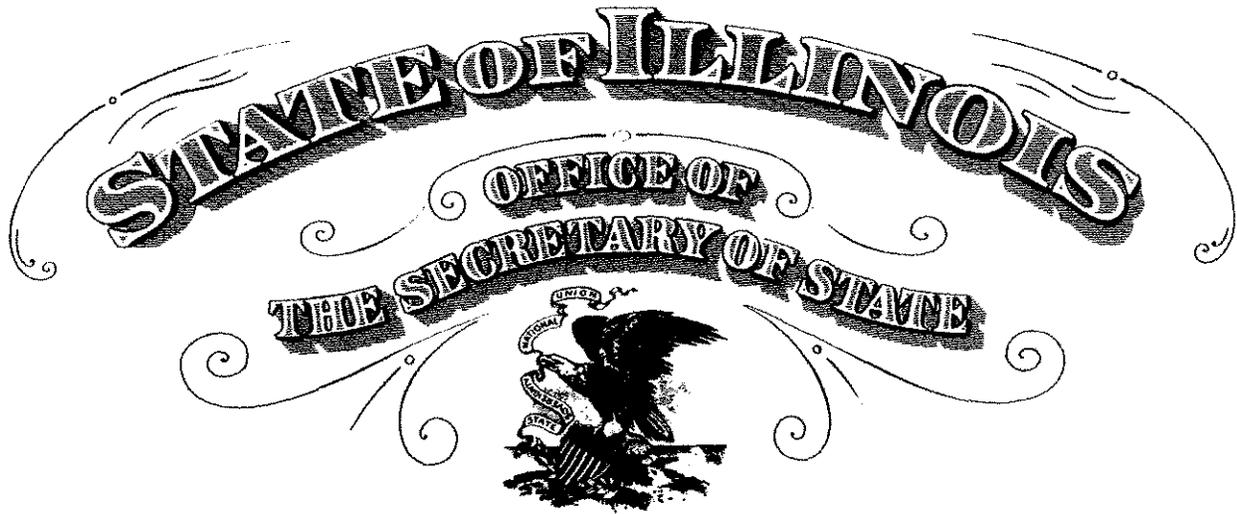
- Consistently exceeded annual budget by 175%
- Doubled annual budget first year in territory
- Won highest sales award twice over a three year period
- Convincingly utilized company administered "Client Centered Selling" techniques to satisfy customer requirements
- Trainer and Mentor for new hires

**Inside Sales Representative / Expeditor** 1997-1999  
Cadillac Plastics & Chemical Co. Coppell, TX

- Analyzed chemical, physical, and performance properties of plastics
- Identified cross selling opportunities for supporting sales channels
- Troubleshoot network for order entry delays

## Education

Texarkana College-Texarkana, TX  
Associate's Degree in Business Management, 1992  
Pursuing Certified Energy Procurement (CEP) Certification  
Texas Electricity Professionals Association Member  
Energy Professionals Association of Ohio Member



**To all to whom these Presents Shall Come, Greeting:**

*I, Jesse White, Secretary of State of the State of Illinois, do hereby certify that*

ONYX POWER & GAS CONSULTING LLC, A TEXAS LIMITED LIABILITY COMPANY HAVING OBTAINED ADMISSION TO TRANSACT BUSINESS IN ILLINOIS ON OCTOBER 03, 2014, APPEARS TO HAVE COMPLIED WITH ALL PROVISIONS OF THE LIMITED LIABILITY COMPANY ACT OF THIS STATE, AND AS OF THIS DATE IS IN GOOD STANDING AS A FOREIGN LIMITED LIABILITY COMPANY ADMITTED TO TRANSACT BUSINESS IN THE STATE OF ILLINOIS.



Authentication #: 1427901870

Authenticate at: <http://www.cyberdriveillinois.com>

***In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois, this 6TH day of OCTOBER A.D. 2014 .***

*Jesse White*

SECRETARY OF STATE

**COPY**

Illinois

# Western Surety Company

LICENSE BOND FOR RETAIL ELECTRICITY  
SUPPLY AGENTS, BROKERS AND CONSULTANTS  
(Ill. Admin. Code tit. 83, § 454.80)

Effective Date: October 2, 2014

Bond No. 71593280

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Onyx Power and Gas Consulting

\_\_\_\_\_, as Principal(s),  
and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the State of Illinois, as Surety, are held and firmly bound unto THE PEOPLE OF THE STATE OF ILLINOIS, as Obligee, in the sum of not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by

THE CONDITION of the above obligation is such that WHEREAS the Principal(s) has been or is about to be granted a license to do business to operate as an ABC (Agent, Broker, or Consultant) under 220 ILCS 5/16-115C, and is required to execute this bond pursuant to 83 Illinois Administrative Code Part 454.80.

NOW, THEREFORE, if the Principal(s) shall fully and faithfully perform all the duties and obligations as an ABC, then this obligation to be void; otherwise to remain in full force and effect. PROVIDED, this bond is continuous and may be cancelled by the Surety as to future acts of the Principal(s) by giving thirty (30) days notice in writing to the Obligee at 527 East Capitol Avenue, Springfield, Illinois 62701, and the Surety shall be relieved of any further liability under this bond thirty (30) days after such notice is sent by certified mail. Regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total liability for all claims exceed the amount set forth above. Any revision of the bond amount

Dated this 3rd day of October, 2014.

Onyx Power and Gas Consulting, Principal

By [Signature]

\_\_\_\_\_, Principal

By \_\_\_\_\_

WESTERN SURETY COMPANY, Surety

By [Signature]  
**COPY**  
Paul F. Bruffa, Vice President



# Illinois Business Authorization

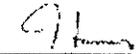
ONYX POWER & GAS CONSULTING LLC

THREE GALLERIA TOWER STE 900  
DALLAS TX 75240

## Certificate of Registration

Gas Revenue Tax

(G-00995)

  
Director  
DEPARTMENT OF REVENUE  
Issued Date: 06/10/2014

# Illinois Business Authorization

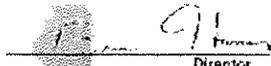
ONYX POWER & GAS CONSULTING LLC

THREE GALLERIA TOWER STE 900  
DALLAS TX 75240

## Certificate of Registration

Electricity Excise Tax

(E-02769)

  
Director  
DEPARTMENT OF REVENUE  
Issued Date: 06/10/2014