

NEW APPLICATION



0000140844

ORIGINAL

November 21, 2012

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AZ CORP COMMISSION  
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2012 DEC 4 AM 11 19

Sent Via Federal Express

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix AZ 85007

E-20868A-12-0486

Re: Application for Broker/Marketer License – State of Arizona  
Applicant: Incite Energy L.L.C.

Arizona Corporation Commission  
DOCKETED

DEC - 4 2012

DOCKETED BY	nr
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Dear Sir/Madam:

Please find the following items enclosed:

1. Original application, with original signatures;
2. Thirteen (13) copies of the original application;

Please file the application according to the outlined PUC process and provide confirmation of receipt. If there should be any questions in regard to the application, please do not hesitate to contact me at your convenience.

Thank you in advance for your time spent on this filing.

Yours Truly,

Jared Crane  
Managing Director

**ORIGINAL NEW APPLICATION**

Arizona Corporation Commission

**DOCKETED**

DEC - 4 2012

**ARIZONA CORPORATION COMMISSION**

DOCKET CONTROL CENTER

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**APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR COMPETITIVE RETAIL ELECTRIC SERVICES**

**General Information**

E-20868A-12-0486

The Arizona Corporation Commission (Commission) is the agency that regulates providers of electric service in Arizona. The Commission regulates the rates these electric service providers charge their customers, the quality of the service provided and the terms under which service is provided.

The attached application form has been prepared by the Utilities Division of the Arizona Corporation Commission to assist Applicants filing for a Certificate of Convenience and Necessity (CC&N). The information requirements of this application are designed to comply with the requirements of Arizona Revised Statutes Section 40-101 et. seq., and A.A.C. R14-2-1603.

**When To File Your Application**

All electric service providers as defined in A.A.C. Rule R14-2-1601(15), supplying services as described in A.A.C. R14-2-1605 must obtain a Certificate of Convenience and Necessity from the Commission. If you plan to provide competitive services, you must apply for a CC&N. The application and the procedures described in this packet are to be used to apply for a certificate to provide services under bilateral or multilateral contracts with retail consumers.

**Where To File Your Application**

Please mail or deliver the original plus 13 copies of your completed application to:

DOCKET CONTROL CENTER  
ARIZONA CORPORATION COMMISSION  
1200 WEST WASHINGTON STREET  
PHOENIX AZ 85007

If you choose to file by mail and would like to receive a date-stamped copy of your application as receipt, please mail 13 copies of your application, plus the original, and a self-addressed stamped envelope to the above address.

## **Application Instructions**

1. Complete the form accurately and attach all required documents. This will expedite the processing of the application.
2. Complete all the items that apply to your company. If an item requested does not apply, mark it "not applicable" (N/A). If you do not complete an item, your application could be delayed.
3. Label all Attachments according to the instructions provided in the application.
4. If an item is to be filed at a later date, mark the item "to be later filed by" and give the date by which it will be filed.
5. Have the application notarized.
6. Submit an original and thirteen copies of this application to the address provided above.
7. The Hearing Officer will specify any public notice publication requirements in the Procedural Order.
8. Provide written notice that you have complied with A.A.C. R14-2-1603(E): At the time of filing for a Certificate of Convenience and Necessity, each Applicant shall notify the Affected Utilities, Utility Distribution Companies, or an electric utility not subject to the jurisdiction of the Arizona Corporation Commission in whose service territories it wishes to offer service of the application by providing a copy of the application to the Affected Utilities, Utility Distribution Companies, or an electric utility not subject to the jurisdiction of the Arizona Corporation Commission no later than 10 days after filing the application. The Attachment to the CC&N application should include a listing of the names and addresses of the notified Affected Utilities, Utility Distribution Companies, or an electric utility not subject to the jurisdiction of the Arizona Corporation Commission.

## **Public, Non-Confidential Information Required in CC&N Filings**

One of the criteria used to determine if an entity is "fit and proper" is that the utility's current and projected financial health must be sound. Also, a determination of a fair return on fair value rate base must be made. Staff believes that the information necessary to make these determinations should be open for public inspection and that it is in the public interest to do so. The information would be helpful to potential customers in their efforts to choose a utility service provider. Just as a potential home buyer has access to the financial statements of the utility providing service to his or her prospective home, a potential customer of the "competitive" utilities should have access to similar information.

The Arizona Corporation Commission conducts public hearings and meetings to consider approval of Certificates of Convenience and Necessity (CC&Ns) and “fair value” findings concerning tariffs. These hearings are open, public and, often, contested proceedings. All members of the public and interested parties have the right to review and comment on the information provided by the applicant. For this reason, all information filed in these proceedings must be available to the public for review and comment.

### **Whom to Contact If You Have Questions**

If you have any questions about completing this application, please contact the Commission’s Utilities Division at (602) 542-4251 or toll-free within Arizona at 1-800-222-7000. If you have questions about the hearing process, please call the Hearing Division at (602) 542-4250 or call the toll-free number and ask for the Hearing Division.

**ARIZONA CORPORATION COMMISSION**

**Application for Certificate of Convenience and Necessity (CC&N) to Provide  
Competitive Retail Electric Services**

Mail original plus 13 copies of completed application to:

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

For Docket Control Only:  
(Please Stamp Here)

If you have current applications pending or have a  
CC&N in Arizona as a competitive retail electric  
service provider, list:

Type of Service: \_\_\_\_\_  
Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_  
Decision No. \_\_\_\_\_ (if applicable)

Type of Service: \_\_\_\_\_  
Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_  
Decision No. \_\_\_\_\_ (if applicable)

The Applicant is applying for approval to provide the following competitive retail services:

- Electric Generation
- Aggregation
- Brokering
- Meter Service Provider
- Meter Reading Service Provider
- Reseller of Meter Service
- Reseller of Meter Reading Service
- Other \_\_\_\_\_

**SECTION A**

**Applicant Information**

(A-1) The exact legal name of Applicant, current address, and telephone number (including area code). Include any other business address and telephone number of the principal place of business if different from current address and telephone number: (Include E-mail addresses and fax numbers.)

**Legal name of Applicant:**

Incite Energy L.L.C.

**Applicant's headquarters:**

Address: 20 E Greenway Plaza, Suite 400 Houston, TX 77046

Main telephone: 888-313-9654

Fax: 832-413-4654

Web site: [www.inciteenergy.com](http://www.inciteenergy.com)

**Contact person for regulatory matters:**

Name: Jason Gunderson

Address: 20 E Greenway Plaza, Suite 400 Houston, TX 77046

Telephone: 832-413-4797

Fax: 832-413-4788

E-mail Address: [jgunderson@inciteenergy.com](mailto:jgunderson@inciteenergy.com)

(A-2) If doing business under a name other than the Applicant name listed above, specify all names and addresses of business activity:

N/A

(A-3) The name, address, telephone number, fax number, and e-mail address of the management contact:

Name: Jason Gunderson

Address: 20 E Greenway Plaza, Suite 400 Houston, TX 77046

Telephone: 832-413-4797

Fax: 832-413-4788

E-mail Address: [jgunderson@inciteenergy.com](mailto:jgunderson@inciteenergy.com)

(A-4) The name, address, telephone number, fax number, and e-mail address of the attorney, if any, representing the Applicant:

N/A

(A-5) What type of legal entity is the Applicant?

Sole proprietorship

- Partnership: \_\_\_ limited, \_\_\_ general, \_\_\_ Arizona, \_\_\_ foreign
- Limited liability company**
- Corporation: \_\_\_ S, \_\_\_ C, \_\_\_ non-profit, \_\_\_ Arizona, \_\_\_ foreign
- Other, specify:

Describe any affiliate or subsidiary interest the Applicant has and include the parent company's name and address.

N/A

(A-6) Submit as Attachment "A" the names of all owners, partners, limited liability company managers, or corporate officers and directors and indicate the percentages of ownership of each. If the Applicant is a corporation, list the names and addresses of all persons or entities which directly or indirectly own, control, or hold the power to vote 10% or more of the Applicant's outstanding voting securities. Include the most recent report required by the Securities and Exchange Commission that details such information.

**See Attachment "A" Hereto**

(A-7) Does the Applicant plan to sell retail electric services in Arizona? If "yes", provide the anticipated service date(s). Submit as Attachment "B" a copy of all relevant tax licenses from lawful taxing authorities within the State of Arizona. You may contact the Dept. of Revenue at 602-542-4576 to obtain information.

**No. Applicant is a Broker.**

(A-8) The Applicant must comply with the tariff filing requirements of A.A.C. R14-2-1611. The maximum rates specified in any tariff shall not be less than the Applicant's marginal cost of providing the service. Any changes in the maximum rates or in the terms and conditions of service are not effective until approved by the Commission. Submit as Attachment "C" the Applicant's proposed tariff that must include a description of each service to be provided, the maximum rate for each service, and any other terms and conditions that apply to each service to be provided.

**See Attachment "C" Hereto**

(A-9) The CC&N may permit statewide provision of each service except for areas determined by the Commission not to be open to competition. Describe the geographic areas in which the Applicant will provide each service.

**All of Arizona**

(A-10) List the states in which the Applicant currently provides retail electric services similar to those it proposes to sell in Arizona. Submit as Attachment "E" a copy of any authority given to the Applicant to provide electric services.

**Applicant currently offers brokerage services in TX, NY, MD, MA, PA CT, OH**

**See Attachment "E" Hereto**

(A-11) Provide a list of states in which the Applicant sought authority to provide retail electric services and in which the state denied the authority or granted authority with major changes or conditions for those services. For each state listed, submit as Attachment "F" a copy of the decision modifying the application for authority to provide retail electric services.

**None**

(A-12) Has the Applicant been granted authority to provide retail electric services in any state where such authority was later revoked? If "yes", submit as Attachment "G" a copy of each decision revoking the authority.

**No**

(A-13) Has the Applicant been involved in any formal complaint proceedings before any state or federal regulatory body? If "yes", list the regulatory body, the nature of the complaint, and submit as Attachment "H" a copy of the order resolving the complaint.

**No**

(A-14) Has the Applicant been involved in any civil or criminal investigations related to any state or federal consumer protection laws or regulations within the last five years? If "yes", submit as Attachment "I" the state and the nature of each investigation, and when such investigation occurred.

**No**

(A-15) Has the Applicant had judgment entered against it in any civil matter or been convicted of criminal acts related to any state or federal consumer protection laws or regulations within the last five years? If "yes", list the states where judgment or conviction was entered and submit as Attachment "J" a copy of each applicable court order.

**No**

## **SECTION B**

### **Applicant Technical Information**

(B-1) Submit as Attachment "K":

- (a) A description of the Applicant's computer capabilities to store and process large volumes of customer account data. Include a resource list, e.g., modem with dedicated telephone line and facsimile machine;
- (b) A description of the Applicant's capabilities to exchange data with other market participants, i.e., Utility Distribution Company and Independent Scheduling Administrator; and
- (c) Identification of Applicant's staff who will prepare the reports to the Commission required by the retail electric competition rules.

**See Attachment "K" Hereto**

(B-2) Submit as Attachment "L" :

- (a) A description of the specific services that Applicant will offer, the customer classes to be served, the expected number customers in each class, and the average number of kWhs which the Applicant will market each month; and
- (b) A description of the Applicant's technical ability to provide the services described in (B-2). Identify the Applicant's key technical and operational personnel including their names, titles, and length of experience in the sale, procurement, metering, and billing of energy services or similar products. If some entity other than the Applicant will provide the metering or billing for the Applicant, identify the company and describe its experience in providing these services.

**See Attachment "L" Hereto**

(B-3) If the Applicant is an Electric Service Provider (excluding a Meter Service Provider or Meter Reading Service Provider), it must provide a copy of its Service Acquisition Agreement with a Scheduling Coordinator as required in R14-2-1603(G)(3). Submit a copy of the Service Acquisition Agreement as Attachment "M". If the Applicant has been authorized to act as a Scheduling Coordinator, submit a copy of that authorization in Attachment "M". (Note: This requirement is contingent upon the existence of a Scheduling Coordinator at the time of application.) A copy of the service agreement will be required prior to providing service.

**N/A - Applicant is a broker**

(B-4) The Applicant must provide its service agreement with each Utility Distribution Company in whose territory the Applicant plans to do business as required in R14-2-1603(G)(3).. Submit a copy of that service agreement as Attachment "N". A copy of the service agreement will be required prior to providing service.

**N/A - Applicant is a broker**

(B-5) If the Applicant will provide Meter Service, but not Meter Reading Service, submit as Attachment "O":

- (a) Identification of the meter class to be served;
- (b) Proof of current liability insurance in the amount of \$2,000,000 per incident;
- (c) A detailed description of each of the Applicant's employees' electric meter testing, installation, maintenance, repair, and removal experience including their Meter Worker Class level. (Note: The Applicant must have at least one employee who is a Class 3 Meter Worker who is available at all times the function is performed by the MSP);
- (d) A detailed description of the Applicant's training program and procedures and policies regarding testing, installation, maintenance, repair, or removal of electrical devices. (Note: The Applicant's policies must provide that its employees wear uniforms and carry proper identification while on site to perform any of these functions);
- (e) If the Applicant also will provide incidental or backup meter servicing, include a detailed description of its training programs, procedures and policies regarding meter servicing. (Note: The Applicant's policies must provide that its employees wear uniforms and carry proper identification while on site for meter servicing); and
- (f) A detailed description of the educational and training in electrical work and electrical safety required by the Applicant of its employees before they are allowed to install, maintain, repair, or remove electrical meters or metering devices.

By responding to (B-5), the Applicant agrees to comply with:

- (a) The Meter Services Provider standards approved by the Commission, including *Meter Testing, Calibration and Installation* and *Meter Worker Qualifications*. An Applicant's failure to comply shall be grounds for revocation of its Certificate for Convenience and Necessity;
- (b) All of the Commission's Meter Service Provider filing and reporting requirements; and
- (c) The meter services safety requirements of the American Public Power Association (APPA) *Safety Manual For an Electric Utility*.

**N/A - Applicant is a broker**

(B-6) If the Applicant will perform Meter Reading Service Provider (MRSP) functions, submit the following as Attachment "P":

- (a) A description of the Applicant's training program or means to ensure that its employees are properly trained to perform MRSP functions;
- (b) A description of the Applicant's processes and standard operating procedures to ensure that meter data is processed accurately and audit records are maintained;
- (c) The Applicant's disaster recovery plan, covering a "minor" disaster, such as a computer failure, and a "major disaster," such as a facility fire;
- (d) An Applicant's plan for obtaining back-up meter reads in the event of communications failure, if the Applicant uses remote communications to read meters;
- (e) A description of the Applicant's security measures, including restricting physical and electronic access to data and data servers;
- (f) A description of the Applicant's procedures for identifying potential energy theft and reporting it to the Utility Distribution Company and the Electric Service Provider; and
- (g) Identification of the employee whom the Applicant is requesting take a Commission approved and administered data test. (Note: The Applicant is required to pass a test that includes retrieving raw data, performing validation, editing and estimation, posting data to a server, and exchanging data with other market participants including at least one Utility Distribution Company via a Commission approved format.)

**N/A - Applicant is a broker**

## SECTION C

### Financial Information

(C-1) Submit as Attachment "Q" the applicant must submit the following audited financial information for the most recent two years that the Applicant has been in business: balance sheets, income statements, cash flow statements, and other financial information evidencing financial resources.

**See Attachment "Q" Hereto**

(C-2) If the Applicant will collect funds, including deposits or advances, from customers prior to providing services, submit as Attachment "R" one of the following:

- (1) A credit evaluation from Moody's of "Baa2" or higher or an evaluation from Standard and Poor's, Fitch, or Duff and Phelps of "BBB" or higher; or
- (2) A security deposit sufficient to cover one half of the expected sales price of the kWhs that the Applicant forecasts it will sell to small customers over a 12 month period (# of kWhs per month \* # of customers \* 12 months \* price per kWhs / 2); or
- (3) A financial guarantee bond in an amount sufficient to provide adequate recourse for customers in the event of fraud or nonperformance by Applicant. The bond amount could be based upon sales value and any amounts that the Applicant collects by way of deposits or advance payments.

Attachment "R" must indicate which method will be used and include the appropriate documentation, if currently available.

**N/A - Applicant is a broker**

(C-3) Prior to certification the Commission will require the Applicant to procure a bond or insurance coverage in an amount sufficient to protect customers in the event of the Applicant's default or non-performance. Check which of the following methods the Applicant intends to use:

- \_\_\_\_\_ The Applicant will obtain a bond. The amount of the bond will be based on the number of customers expected to be served and number of kWhs of electricity that the Applicant expects to provide.
- \_\_\_\_\_ The Applicant will obtain insurance. The amount of the insurance policy will be based on the number of customers the Applicant expects to be served and number of kWhs of electricity that the Applicant expects to provide.
- \_\_\_\_\_ The Applicant will provide proof that it has been found creditworthy by the Utility Distribution Company (UDC) under the credit terms imposed by the UDC. Is this a method to procure a bond or insurance coverage?

**N/A - Applicant is a broker**

## SECTION D

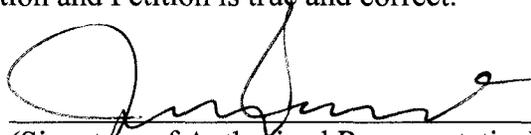
### Customer Protection

(D-1) Submit as Attachment "S":

- (1) The name, address, and telephone number of the Applicant's customer complaint contact person; and
- (2) An explanation of the Applicant's plan to ensure that the electric service provided to its customers will not be interrupted in the event that the Applicant fails to provide the competitive services set forth in its application.

**See Attachment "S" Hereto**

I certify that if the Applicant is an Arizona corporation, a current copy of the Articles of Incorporation is on file with the Arizona Corporation Commission and the Applicant holds a Certificate of Good Standing from the Commission. If the company is a foreign corporation or partnership, I certify that the company has authority to transact business in Arizona. I certify that all appropriate city, county and/or State agency approvals have been obtained. Upon signing of this application, I attest that I have read the Commission's rules and regulations relating to the regulations of electric energy services and that the company will abide by Arizona State Law including the Arizona Corporation Commission Rules and Regulations. I agree that the Commission's rules apply in the event there is a conflict between those rules and the company's tariff, unless otherwise ordered by the Commission. I certify that to the best of my knowledge the information provided in this Application and Petition is true and correct.

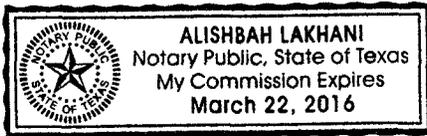
  
\_\_\_\_\_  
(Signature of Authorized Representative)

11/20/2012  
\_\_\_\_\_  
(Date)

JAMES CRANE  
\_\_\_\_\_  
(Print Name of Authorized Representative)

MANAGING DIRECTOR  
\_\_\_\_\_  
(Title)

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of November, 20 12



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires March 22, 2016

# Attachment A

List the names of all owners, partners, limited liability company managers, or corporate officers and directors and indicate the percentages of ownership of each. If the Applicant is a corporation, list the names and addresses of all persons or entities which directly or indirectly own, control, or hold the power to vote 10% or more of the Applicant's outstanding voting securities. Include the most recent report required by the Securities and Exchange Commission that details such information.

## Owner

**Jared Crane – Managing Director**

**Address: 20 E Greenway Plaza, Suite 400, Houston, TX 77046**

**Email: [jcrane@inciteenergy.com](mailto:jcrane@inciteenergy.com)**

**Phone: 713-815-1535**

## Officers

**Jared Crane – Managing Director**

**Address: 20 E Greenway Plaza, Suite 400, Houston, TX 77046**

**Email: [jcrane@inciteenergy.com](mailto:jcrane@inciteenergy.com)**

**Phone: 713-815-1535**

**Jason Gunderson – VP Operations**

**Address: 20 E Greenway Plaza, Suite 400, Houston, TX 77046**

**Email: [jgunderson@inciteenergy.com](mailto:jgunderson@inciteenergy.com)**

**Phone: 832-285-6797**

## **Attachment C**

The Applicant must comply with the tariff filing requirements of A.A.C. R14-2-1611. The maximum rates specified in any tariff shall not be less than the Applicant's marginal cost of providing the service. Any changes in the maximum rates or in the terms and conditions of service are not effective until approved by the Commission. Submit as Attachment "C" the Applicant's proposed tariff that must include a description of each service to be provided, the maximum rate for each service, and any other terms and conditions that apply to each service to be provided.

**Margins can range from \$1/MWh - \$ 5 / MWh**

## **Attachment E**

- (A-10) List the states in which the Applicant currently provides retail electric services similar to those it proposes to sell in Arizona. Submit as Attachment "E" a copy of any authority given to the Applicant to provide electric services.

**Applicant state license numbers and certificates as follows:**

**TX – No license is required and started serving customers 2/2012**

**NY – No license is required and started serving customers 2/2012**

**MD - IR-2628**

**MA – EC-225**

**PA – A-2012-2293653**

**CT – 12-04-03**

**OH – 12-53E(1)**

**IL – 16-115C**

**DC - 11796**



# STATE OF CONNECTICUT

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
PUBLIC UTILITIES REGULATORY AUTHORITY  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

DOCKET NO. 12-04-03 APPLICATION OF INCITE ENERGY L.L.C. FOR A  
CERTIFICATE OF REGISTRATION FOR ELECTRIC  
AGGREGATOR

June 28, 2012

By the following Directors:

Arthur H. House  
John W. Betkoski, III

## DECISION

### I. INTRODUCTION

#### A. SUMMARY

In this Decision, the Public Utilities Regulatory Authority grants Incite Energy L.L.C. an Electric Aggregator Certificate of Registration to serve residential, commercial and industrial customers in Connecticut.

#### B. BACKGROUND OF THE PROCEEDING

By application filed on April 2, 2012 (Application), pursuant to §16-245(l) of the General Statutes of Connecticut (Conn. Gen. Stat.), Incite Energy L.L.C. (Incite or

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Company) applied to the Public Utilities Regulatory Authority (Authority) for a certificate of registration to operate as an electric aggregator within Connecticut.

**C. CONDUCT OF THE PROCEEDING**

No interested person requested a hearing pursuant to Conn. Gen. Stat. §16-245(l)(4). The Authority determined that a hearing was not necessary in this matter, thus, none was held.

**D. PARTICIPANTS IN THE PROCEEDING**

The Authority recognized Incite Energy L.L.C., 20 E Greenway Plaza, Suite 400, Houston, TX 77046; and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as Participants in the proceeding.

**II. AUTHORITY ANALYSIS**

Incite proposes to serve residential, commercial and industrial customers throughout Connecticut. Application, p. 3. The Company's headquarters are located at 20 E Greenway Plaza, Suite 400, Houston, TX 77046. The Company's main telephone number is 888-313-9654. Application, p. 1. Incite is a foreign limited liability company formed on January 9, 2012, in the State of Delaware. Its contact person for regulatory matters is Jason Gunderson.

Pursuant to Conn. Gen. Stat. §16-245(l)(3), the Company disclosed that neither Incite nor any of its officers are currently under investigation or have ever been fined, sanctioned or penalized in any state for violation of any consumer protection law or regulation. Application, Exhibits A-14 and A-15. Further, Incite affirmed that it will comply with the National Labor Relations Act, the Connecticut Unfair Trade Practices Act and applicable regulations. Application, Affidavit No. 2.

**III. CONCLUSION AND ORDERS**

**A. CONCLUSION**

The Authority grants Incite a Certificate of Registration to provide electric aggregation services to residential, commercial, industrial customers in the state. Incite is reminded that it is under continuing obligation to notify the Authority of any changes to the information provided in the Application.

**B. ORDERS**

For the following Orders, submit one original of the required documentation to the Executive Secretary, 10 Franklin Square, New Britain, CT 06051, and file an electronic version through the Authority's website at [www.ct.gov/pura](http://www.ct.gov/pura). Submissions filed in compliance with the Authority Orders must be identified by all three of the following: Docket Number, Title and Order Number.

1. Incite shall provide the Authority with any changes to its customer service practices, procedures, or policies in writing, at least ten (10) business days prior to the effective date of such changes.
2. Incite shall maintain its customer complaint records to indicate: (1) the date of the complaint; (2) the name and address of the complainant; (3) the address or location cited in the complaint; (4) a description of the complaint; and (5) a description of the resolution of the complaint.

**The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. Any person with a disability who may need information in an alternative format may contact the agency's ADA Coordinator at 860-424-3194, or at [deep.hrmed@ct.gov](mailto:deep.hrmed@ct.gov). Any person with limited proficiency in English, who may need information in another language, may contact the agency's Title VI Coordinator at 860-424-3035, or at [deep.aaooffice@ct.gov](mailto:deep.aaooffice@ct.gov). Any person with a hearing impairment may call the State of Connecticut relay number – 711. Discrimination complaints may be filed with DEEP's Title VI Coordinator. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.**

**DOCKET NO. 12-04-03 APPLICATION OF INCITE ENERGY L.L.C. FOR A  
CERTIFICATE OF REGISTRATION FOR ELECTRIC  
AGGREGATOR**

This Decision is adopted by the following Directors:

Arthur H. House

John W. Betkoski, III

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Public Utilities Regulatory Authority, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

*K. Santopietro*

June 29, 2012

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Kimberley J. Santopietro  
Executive Secretary  
Department of Energy and Environmental Protection  
Public Utilities Regulatory Authority

---

Date

COMMISSIONERS

STATE OF MARYLAND

DOUGLAS R. M. NAZARIAN  
CHAIRMAN

HAROLD D. WILLIAMS  
LAWRENCE BRENNER  
KELLY SPEAKES-BACKMAN  
W. KEVIN HUGHES



PUBLIC SERVICE COMMISSION

#14, 5/30/12; ML#s 138000 and 138399  
License Ref. No.: IR-2628

May 30, 2012

Jared Crane  
Incite Energy L.L.C.  
20 E. Greenway Plaza, Suite 400  
Houston, TX 77046

Dear Mr. Crane:

The Commission has reviewed the Application for a License to Supply Electricity or Electric Generation Services in Maryland filed on March 30, 2012 by Incite Energy L.L.C.

After considering this matter at the May 30, 2012 Administrative Meeting, the Commission granted the Company a license to operate as an electricity supplier in Maryland consistent with Staff's recommendation and directed the Company to file marketing materials specific to its Maryland operations when materials become available and to file notice with the Commission within 30 days of any change to the information in the application.

By Direction of the Commission,

A handwritten signature in cursive script that reads "David J. Collins".

David J. Collins  
Executive Secretary

DJC/gjd

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000

Toll Free: 1-800-492-0474

FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice)

Website: [www.psc.state.md.us/psc/](http://www.psc.state.md.us/psc/)

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**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF: A-2012-2293653

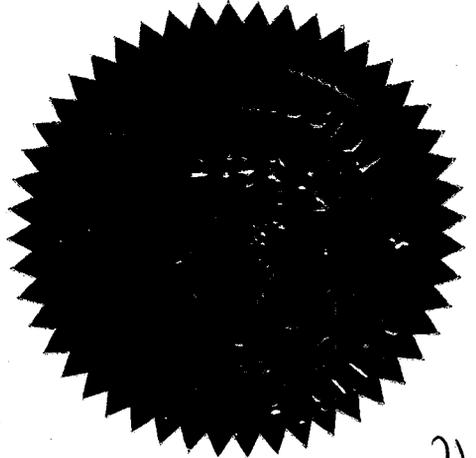
The Application of Incite Energy L.L.C. for to begin to offer, render, furnish or supply electric generation supplier services to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), and industrial customers in the electric distribution company service territories throughout the Commonwealth of Pennsylvania.

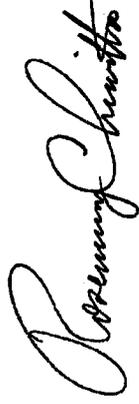
EFFECTIVE DATE: May 24, 2012

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

**LICENSE FOR ELECTRIC GENERATION SUPPLIER.**

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 24<sup>TH</sup> DAY OF MAY 2012.





Secretary



**Public Utilities  
Commission**

John Kasich, Governor  
Todd A. Snitchler, Chairman

**Commissioners**

Cheryl Roberto  
Steven D. Lesser  
Andre T. Porter  
Lynn Slaby

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

**12-513E (1)**

Issued Pursuant to Case Number(s):

**12-1174-EL-AGG**

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **Incite Energy, LLC** whose office or principal place of business is located at **20 E. Greenway Plaza, Suite 400, Houston, TX 77046** to provide **aggregation and power broker** services within the State of Ohio effective **May 07, 2012**.

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.

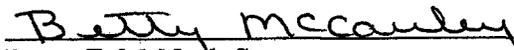
Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

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

Dated: **5/7/2012**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO



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

Certificate Expires: **May 07, 2014**

Applicant reports that it has not had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction.

### III. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115C

Applicant is required by Section 454.60 to demonstrate that it meets the managerial qualifications necessary to provide services as an ABC. Applicant must further provide an organizational chart that indicates the position of persons which satisfy the managerial qualification. Applicant has demonstrated that it meets the managerial qualifications set forth in Section 454.60, as demonstrated in Attachments A and B and the response to the Administrative Law Judge ruling. Attachment A and the response to the ruling identifies the occupational background information of the persons being used to meet the requirements of Section 454.60(a) and Attachment B contains a corporate organizational chart.

Applicant is required by Section 454.70 to demonstrate that it meets the technical qualifications necessary to provide services as an ABC. Applicant has demonstrated that it meets the technical qualifications set forth in Section 454.70 with the information provided in Attachment A and the response to the Administrative Law Judge ruling. Attachment A and the response to the ruling contain occupational background information on the persons being used to meet the requirements of Section 454.70(a).

Pursuant to the requirements of Section 454.80 of Part 454, Applicant provided a surety bond in the amount of \$5,000 issued by a qualifying surety authorized to transact business in Illinois. Applicant further agrees to comply with the Code of Conduct for ABCs contained in Section 454.90.

### IV. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant regarding the technical, managerial, and financial requirements and all other requirements of the Act and Part 454 and finds that the Applicant sufficiently demonstrates compliance with the requirements. The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ABC in Illinois should be granted and should include the following authority:

#### CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Incite Energy L.L.C. is granted service authority to operate as an agent, broker, or consultant for the procurement or sale of retail electricity supply for third parties in the State of Illinois.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1333 H STREET N.W., 2ND FLOOR, WEST TOWER  
WASHINGTON, D.C. 20005

ORDER

June 6, 2012

FORMAL CASE NO. EA 12-7 IN THE MATTER OF THE APPLICATION OF  
INCITE ENERGY L.L.C. D/B/A INCITE ENERGY FOR AN ELECTRICITY  
LICENSE, Order No. 16805

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") grants a license to Incite Energy, L.L.C. d/b/a Incite Energy ("Incite Energy" or "Applicant") to function as an electricity supplier in the District of Columbia.<sup>1</sup> Specifically, Incite Energy intends to operate as a broker of electricity for residential, commercial and industrial customers in the District of Columbia, pursuant to Section 34-1505 of the "Retail Electric Competition and Consumer Protection Act of 1999 ("Act")."<sup>2</sup>

2. (On April 5, 2012, Incite Energy filed its license application.<sup>3</sup> Pursuant to the Commission's licensing requirements as set forth in Order No. 11796,<sup>4</sup> Incite Energy has provided the following information:

- a) Proof of technical and managerial competence;
- b) An affidavit of compliance with applicable Federal and District of Columbia environmental laws and regulations dated April 4, 2012;
- c) Proof of financial integrity to include financial statements;
- d) Proof that Incite Energy has registered with the Department of Consumer and Regulatory Affairs to do business in the District of Columbia;
- e) An affidavit that Incite Energy is subject to all applicable taxes;

<sup>1</sup> D.C. Official Code § 34-1501(17) (2010 Repl.) defines, in part, an electricity supplier as "a person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers."

<sup>2</sup> D.C. Official Code § 34-1505; see generally §§ 34-1501-1520.

<sup>3</sup> *Formal Case No. EA 12-7, In the Matter of the Application of Incite Energy, L.L.C. d/b/a Incite Energy for an Electricity License*, Application of Incite Energy, L.L.C. filed April 5, 2012. Incite Energy, L.L.C. filed supplemental information regarding its application on May 7, 2012.

<sup>4</sup> *Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices*, Order No. 11796 at Attachment C, rel. September 20, 2000.

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**THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES**

**DEVAL L. PATRICK**  
GOVERNOR

**TIMOTHY P. MURRAY**  
LIEUTENANT GOVERNOR

**RICHARD K. SULLIVAN, JR.**  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

**ANN G. BERWICK**  
CHAIR

**JOLETTE A. WESTBROOK**  
COMMISSIONER

**DAVID W. CASH**  
COMMISSIONER

August 24, 2012

Jared Crane, Managing Director  
Incite Energy, LLC  
20 E Greenway Plaza, Suite 400  
Houston, Texas 77046

Re: Electricity Broker License Application

Dear Mr. Crane:

The Department of Public Utilities ("Department") has reviewed the application of Incite Energy, LLC ("Incite Energy") for an Electricity Broker license in the Commonwealth of Massachusetts and is pleased to inform you that the Department has approved the application. The Incite Energy license number is EB-225.

Consistent with the information included in Incite Energy's August 3, 2012 amendment to its application, the activities that Incite Energy is licensed to provide are limited to commercial and industrial customers. If, at a later date, Incite Energy seeks to provide electricity broker services to other customers, it must seek and obtain Department approval.

As a condition of maintaining this license, Incite Energy must file updated information within 30 days of any material change in the information required by 220 C.M.R. § 11.05(2), and must comply with all relevant requirements of G.L. c. 164 and the regulations

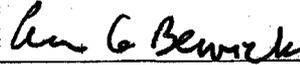
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Mr. Jared Crane, Managing Director  
Incite Energy, LLC

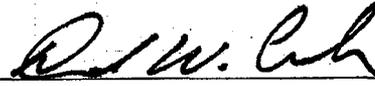
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promulgated thereunder, including 220 C.M.R. §§ 11.00, 12.00 et seq. If Incite Energy decides to request renewal of its license next year, please submit the renewal application no later than **September 1, 2013.**

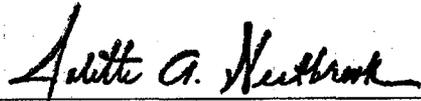
By Order of the Department,



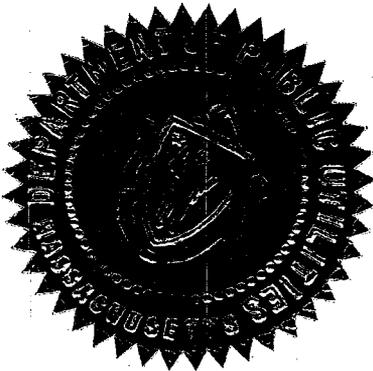
Ann G. Berwick, Chair



David W. Cash, Commissioner



Jolette A. Westbrook, Commissioner



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# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

ONE SOUTH STATION, 2<sup>ND</sup> FLOOR

BOSTON, MA 02110

617-305-3500

### Competitive Supplier and Electricity Broker License Application Pursuant to 220 C.M.R. § 11.00 et seq.

#### REQUIRES ANNUAL FEE and ANNUAL RENEWAL

Please submit an original, two copies, and an electronic copy on diskette or CD-ROM formatted for Microsoft Word to the address above along with a \$100.00 annual fee.

Application Type:

- New
- Renewal

Applying For:

- Competitive Supplier License
- Electricity Broker License

1. Legal Name of Applicant: **Incite Energy L.L.C.**  
Doing business as (D/B/A):

2. Business Address: **20 E Greenway Plaza, Suite 400**  
**Houston, TX 77046**

3. If a corporation, association, or partnership:

(a) Organized under the laws of which state: **Delaware**

(b) Date of organization: **January 9, 2012 -**

(c) Attach a copy of the articles of incorporation, association, partnership agreement or other document regarding legal organization.

See Attachment A hereto

(d) Please, attach a copy of the by-laws.

See Attachment A hereto

APPROVED	
DATE:	<b>8/24/2012</b>
	<i>Gene G. Bennett</i>
	<i>Janith A. Neffbrook</i>
	<i>Paul W. Cook</i>
COMMISSIONERS, D.P.U.	

4. Name, Title, and Business Address of all Officers and Directors, Partners, or other similar Officials:

— Jared Crane – Managing Director – 20 E Greenway Plaza, Suite 400 Houston, TX 77046

— Jason Gunderson – VP Operations - 20 E Greenway Plaza, Suite 400 Houston, TX 77046

5. A statement (with appropriate citation to corporate articles or by-laws or other operative documents) that acting as a Competitive Supplier or Electricity Broker is not an *ultra vires* purpose (beyond the scope) of the entity:

**Applicant was formed as an electricity consulting company in Delaware, and since the formation has been actively consulting clients in the State of Texas.**

## Attachment K

(B-1) Submit as Attachment "K":

- (a) A description of the Applicant's computer capabilities to store and process large volumes of customer account data. Include a resource list, e.g., modem with dedicated telephone line and facsimile machine;

**Applicant stores all information in a datacenter in North Houston. We currently have our customer and market data (300GB) stored on a 1TB SAN within the datacenter.**

- (b) A description of the Applicant's capabilities to exchange data with other market participants, i.e., Utility Distribution Company and Independent Scheduling Administrator; and

**Applicant can exchange and transfer at any rate of speed due to our internet and server infrastructure being housed in a Datacenter.**

- (c) Identification of Applicant's staff who will prepare the reports to the Commission required by the retail electric competition rules.

**Jason Gunderson, Vice President of Applicant, will be primarily responsible for preparing the reports to the commission.**

# Attachment L

(B-2) Submit as Attachment "L" :

- (a) A description of the specific services that Applicant will offer, the customer classes to be served, the expected number customers in each class, and the average number of kWhs which the Applicant will market each month; and

**Applicant will work with all customers approved by the Commission to shop and compare electricity prices.**

- (b) A description of the Applicant's technical ability to provide the services described in (B-2). Identify the Applicant's key technical and operational personnel including their names, titles, and length of experience in the sale, procurement, metering, and billing of energy services or similar products. If some entity other than the Applicant will provide the metering or billing for the Applicant, identify the company and describe its experience in providing these services.

## **Management Bios-**

### **Jared Crane**

Jared Crane, Managing Director, is responsible for Incite Energy's corporate development, vision, and overall strategy. Prior to creating Incite Energy, Mr. Crane spent 4 years with Champion Energy Services working in sales and energy procurement for residential, commercial and industrial customers in deregulated markets across the country. As part of this role, he developed corporate cost savings plans and product structures. He also responded to requests for proposals from large corporations and negotiated contract terms and conditions. His experience spans deregulated markets in ERCOT, PJM, CAISO, and MISO. Mr. Crane is responsible for bringing in over \$40 million in business to Champion Energy. In addition, Mr. Crane has experience in structuring commercial loans, developing client relationships, and sales.

Mr. Crane has earned his BS in Business Administration from California Lutheran University.

### **Jason Gunderson**

Jason Gunderson, Vice President, is responsible for directing all operations within Incite Energy. Prior to his position at Incite Energy, Mr. Gunderson served as a Director of Risk Management at Champion Energy Services, where he managed all NE risk positions through trading and managed all market transactions. Mr. Gunderson was also responsible for building and auditing daily positioning reports

and forecasting. His experience spans deregulated markets in ERCOT, PJM, MISO, and NYISO.

Prior to his time at Champion Energy Services, Mr. Gunderson served as Director of Supply and Pricing at Potentia Energy where he captured HR, MCPE, NYMEX, and HSC curves, built internal pricing curves, and created products offered to the market. He was also responsible for establishing the pricing models, broker channel and contract documents. Mr. Gunderson also implemented a CRM system, coordinated all aspects of network management, and managed the implementation of IT outsourcing. Mr. Gunderson has also served at Reliant Energy where his responsibilities included leading the pricing desk, pricing, analyzing and structuring new prospects in the PJM, ERCOT, and NYISO markets.

Mr. Gunderson holds a BS in leadership and Development from Texas A&M University and a MBA from Houston Baptist University.

# Attachment Q

**Financial Statements of Applicant are CONFIDENTIAL and need to be  
filed as such.**

## Attachment S

(D-1) Submit as Attachment "S":

- (1) The name, address, and telephone number of the Applicant's customer complaint contact person; and

**Customer Service**  
**20 E Greenway Plaza, Suite 400**  
**Houston TX 77046**  
**Toll Free: 888-313-9654**  
**Phone: 832-413-4798**  
**Email: info@inciteenergy.com**

- (2) An explanation of the Applicant's plan to ensure that the electric service provided to its customers will not be interrupted in the event that the Applicant fails to provide the competitive services set forth in its application.

**N/A, Applicant is a broker.**