

**STEVENS & LEE**  
**LAWYERS & CONSULTANTS**

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September 17, 2010

**(VIA HAND DELIVERY)**

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
2010 SEP 17 PM 3:10  
PA PUC  
SECRETARY'S BUREAU

**Re:** Application of Dash Energy, LLC for Approval to Offer, Render, Furnish  
or Supply Electric Generation Services as a Broker/Marketer  
**Docket No. A-\_\_\_\_\_**

Dear Secretary Chiavetta:

Enclosed for filing please find an original plus three (3) copies of the Application of Dash Energy, LLC for Approval to Offer, Render, Furnish or Supply Electric Generation Services as a Broker/Marketer, along with all required affidavits and attachments. **Please note that Attachment 5 to this filing contains Highly Confidential and Proprietary Information. Therefore, the Applicant requests that Attachment 5 to the Application be filed under Seal.**

A check in the amount of \$350.00 is enclosed for payment of the filing fee. Copies of the Application have been served in accordance with the attached Certificate of Service. If you have questions, please do not hesitate to contact me.

Very truly yours,

STEVENS & LEE

  
Michael A. Grain

Encl.

cc: Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton  
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Dash Energy, LLC for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) Broker/Marketer engaged in the business of supplying electricity to the public in the Commonwealth of Pennsylvania.

To the Pennsylvania Public Utility Commission:

1. **IDENTITY OF THE APPLICANT:** The name, address, telephone number, and FAX number of the Applicant are:

Dash Energy, LLC  
P.O. Box 131204  
The Woodlands, TX 77393-1204  
713-364-3274 (Phone)  
713-583-1034 (Fax)

Please identify any predecessor(s) of the Applicant and provide other names under which the Applicant has operated within the preceding five (5) years, including name, address, and telephone number.

N/A

2. a. **CONTACT PERSON:** The name, title, address, telephone number, and FAX number of the person to whom questions about this Application should be addressed are:

Kelsay Yerian  
CEO  
P.O. Box 131204  
The Woodlands, TX 77393-1204  
713-364-3274 (Phone)  
713-583-1034 (Fax)

- b. **CONTACT PERSON-PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY:** The name, title, address telephone number and FAX number of the person with whom contact should be made by PEMA:

Kelsay Yerian  
CEO  
P.O. Box 131204  
The Woodlands, TX 77393-1204  
713-364-3274 (Phone)  
713-583-1034 (Fax)

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PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

3.a. **ATTORNEY:** If applicable, the name, address, telephone number, and FAX number of the Applicant's attorney are:

Paul S. Roslyn  
Nathan Sommers Jacobs  
2800 Post Oak Boulevard  
61st Floor  
Houston, Texas 77056-6102  
713.892.4841 - Direct  
713.892.4800 – Fax

b. **REGISTERED AGENT:** If the Applicant does not maintain a principal office in the Commonwealth, the required name, address, telephone number and FAX number of the Applicant's Registered Agent in the Commonwealth are:

Corporation Service Company  
2595 Interstate Drive, Suite 103  
Harrisburg, PA 17110  
800-622-23004.

**FICTITIOUS NAME:** (select and complete appropriate statement)

The Applicant will be using a fictitious name or doing business as ("d/b/a"):

Attach to the Application a copy of the Applicant's filing with the Commonwealth's Department of State pursuant to 54 Pa. C.S. §311, Form PA-953.

**or**

The Applicant will not be using a fictitious name.

5. **BUSINESS ENTITY AND DEPARTMENT OF STATE FILINGS:** (select and complete appropriate statement)

The Applicant is a sole proprietor.

If the Applicant is located outside the Commonwealth, provide proof of compliance with 15 Pa. C.S. §4124 relating to Department of State filing requirements.

**or**

The Applicant is a:

- domestic general partnership (\*)
- domestic limited partnership (15 Pa. C.S. §8511)
- foreign general or limited partnership (15 Pa. C.S. §4124)
- domestic limited liability partnership (15 Pa. C.S. §8201)

- foreign limited liability general partnership (15 Pa. C.S. §8211)
- foreign limited liability limited partnership (15 Pa. C.S. §8211)

Provide proof of compliance with appropriate Department of State filing requirements as indicated above.

Give name, d/b/a, and address of partners. If any partner is not an individual, identify the business nature of the partner entity and identify its partners or officers.

- \* If a corporate partner in the Applicant's domestic partnership is not domiciled in Pennsylvania, attach a copy of the Applicant's Department of State filing pursuant to 15 Pa. C.S. §4124.

**or**

x The Applicant is a :

- domestic corporation (none)
- foreign corporation (15 Pa. C.S. §4124)
- domestic limited liability company (15 Pa. C.S. §8913)
- foreign limited liability company (15 Pa. C.S. §8981)
- Other \_\_\_\_\_

Provide proof of compliance with appropriate Department of State filing requirements as indicated above. Additionally, provide a copy of the Applicant's Articles of Incorporation.

See Texas Certificate of Formation of Dash Energy, LLC ,Attachment 1, hereto.

See Registration of Foreign LLC, filed with the PA Department of State, Attachment 2 hereto.

Give name and address of officers.

Kelsay Yerian  
P.O. Box 131204  
The Woodlands, TX 77393-1204  
713-364-3274 (Phone)  
713-583-1034 (Fax)

The Applicant is incorporated in the state of TEXAS

6. **AFFILIATES AND PREDECESSORS WITHIN PENNSYLVANIA:** (select and complete appropriate statement)

- Affiliate(s) of the Applicant doing business in Pennsylvania are:

Give name and address of the affiliate(s) and state whether the affiliate(s) are jurisdictional public utilities.

- If the Applicant or an affiliate has a predecessor who has done business within Pennsylvania, give name and address of the predecessor(s) and state whether the predecessor(s) were jurisdictional public utilities.

or

- x The Applicant has no affiliates doing business in Pennsylvania or predecessors which have done business in Pennsylvania.

7. **APPLICANT'S PRESENT OPERATIONS:** (select and complete the appropriate statement)

- The Applicant is presently doing business in Pennsylvania as a
  - vertically-integrated provider of generation, transmission, and distribution services.
  - municipal electric corporation providing service outside its municipal limits.
  - electric cooperative
  - local gas distribution company
  - nonintegrated provider of electric generation, transmission or distribution services.
  - Other. (Identify the nature of service being rendered.)

or

- x The Applicant is not presently doing business in Pennsylvania.

8. **APPLICANT'S PROPOSED OPERATIONS:** The Applicant proposes to operate as a:

- Generator and supplier of electric power.
- Municipal generator and supplier of electric power.
- Electric Cooperative and supplier of electric power
- x Broker/Marketer engaged in the business of supplying electricity.
- Aggregator engaged in the business of supplying electricity
- Other (Describe):

9. **PROPOSED SERVICES:** Generally describe the electric services or the electric generation services which the Applicant proposes to offer

Dash Energy LLC will provide electricity broker services, acting on behalf of customers in the purchase of electricity from suppliers. At no time will Dash Energy LLC take title to electricity or receive payments from end user customers for electricity. Dash Energy LLC will also provide periodic consulting services to its customers to assist them in understanding and selecting service offerings from third party electricity suppliers.

10. **SERVICE AREA:** Generally describe the geographic area in which Applicant proposes to offer services.

All areas of the Commonwealth of PA

11. **CUSTOMERS:** Applicant proposes to initially provide services to:

- Residential Customers

- Commercial Customers - (25 kW and Under)
- Commercial Customers - (Over 25 kW)
- Industrial Customers
- Governmental Customers
- All of above
- Other (Describe):

12. **FERC FILING:** Applicant has:

- Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.
- Received approval from FERC to be a Power Marketer at Docket or Case Number \_\_\_\_\_.
- Not applicable

13. **START DATE:** The Applicant proposes to begin delivering services on Nov. 1<sup>st</sup>, 2010, or upon approval by the Commission

14. **NOTICE:** Pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14, serve a copy of the signed and verified Application with attachments on the following:

Inwin A. Popowsky  
Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

William R. Lloyd, Jr.  
Commerce Building, Suite 1102  
Small Business Advocate  
300 North Second Street  
Harrisburg, PA 17101

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

Any of the following Electric Distribution Companies through whose transmission and distribution facilities the applicant intends to supply customers:

Gary A. Jack, Assistant General Counsel  
**Duquesne Light Company**  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

John P. Litz, Division Controller  
**UGI Utilities, Inc.**  
**Electric Division**  
400 Stewart Road  
P.O. Box 3200  
Hanover Industrial Estates  
Wilkes-Barre, PA 18773-3200

(Metropolitan Edison Company or Pennsylvania Electric Company)  
Blaine W. Uplinger, Jr., Director of Governmental and Regulatory Affairs  
**FirstEnergy**  
100 APC Building  
800 North third Street  
Harrisburg, PA 17102-2025

Paul E. Russell, Associate  
General Counsel  
**PPL**  
Two North Ninth Street  
Allentown, PA 18108-1179

Carol C. Reilly, Manager, Energy Acquisition  
**PECO Energy Company**  
2301 Market Street  
Philadelphia, PA 19101-8699  
215.841.4512  
[carol.reilly@peco-energy.com](mailto:carol.reilly@peco-energy.com)

Stephen L. Feld, Attorney  
**Pennsylvania Power Company**  
**First Energy Corporation**  
76 South Main Street  
Akron, OH 44308

John L. Munsch, Attorney  
**Allegheny Power**  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Pursuant to Sections 1.57 and 1.58 of the Commission's Regulations, 52 Pa. Code §§1.57 and 1.58, attach Proof of Service of the Application and attachments upon the above named parties. Upon review of the Application, further notice may be required pursuant to Section 5.14 of the Commission's Regulations, 52 Pa. Code §5.14.

15. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix B to this application.

See Tax Certification Statement, attachment 3 hereto.

16. **COMPLIANCE:** State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings, by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a respondent. Provide a statement as to the resolution or present status of any such proceedings.

Neither the Applicant nor anyone identified in this application has been convicted of a crime involving fraud or any similar activity in the last five years.

17. **STANDARDS, BILLING PRACTICES, TERMS AND CONDITIONS OF PROVIDING SERVICE AND CONSUMER EDUCATION:** Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be used. All consumer contracts or sales agreements should be written in plain language with any exclusions, exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated. Penalties and procedures for ending contracts should be clearly communicated.

- a. **Contacts for Consumer Service and Complaints:** Provide the name, title, address, telephone number and FAX number of the person and an alternate person responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with Applicant, the Electric Distribution Company, the Pennsylvania Public Utility Commission or other agencies.

**Primary Contact:**

Kelsay Yerian

CEO

P.O. Box 131204

The Woodlands, TX 77393-1204

713-364-3274 (Phone)

713-583-1034 (Fax)

**Secondary Contact:**

Al Padron

27 Cedarwing Lane

The Woodlands, TX 77380

(832) 818-4858 (Phone)

- b. Provide a copy of all standard forms or contracts that you use, or propose to use, for service provided to residential customers.

N/A. At this time, Dash Energy does not intend to provide services to residential customers.

- c. If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a disclosure statement. A sample disclosure statement is provided as Appendix C to this Application.

Not applicable. As noted in this application, the Applicant provides only broker/marketer services. It does not, at any time, take title to electricity. It does not set the rates that end user customers pay, nor does it establish, maintain or enforce terms and conditions of service.

18. **BONDING:** In accordance with 66 PA. C.S. Section 2809(C) (1)(I), the Applicant is:

- Furnishing a copy of initial bond , letter of credit or proof of bonding to the Commission in the amount of \$250,000.
- Furnishing proof of other initial security for Commission approval, to ensure financial responsibility.
- Filing for a modification to the \$250,000 and furnishing a copy of an initial bond, letter of credit or proof of bonding to the Commission for the amount of \$ 10,000. Applicant is required to provide information supporting an amount less than \$250,000.

Dash Energy respectfully requests a modification to the \$250,000 initial bond requirement and requests that the Commission reduce its security requirement from \$250,000 to \$10,000. In support of this request, Dash Energy notes 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. Dash will not take title to electricity. Dash's operations will make it similar to other brokers that obtained approval for a reduced bond amount (e.g., Prospect Resources at Docket No. A-2010-2170869, Co-eXprise, Inc., at Docket No. A-110166, and Affiliated Power Purchasers, Inc. at Docket No. A-110041). A copy of a proposed Letter of Credit in the amount of \$10,000 is attached hereto (Attachment 4).

At the conclusion of Applicant's first year of operation it is the intention of the Commission to tie security bonds to a percentage of Applicant's gross receipts resulting from the sale of generated electricity consumed in Pennsylvania. The amount of the security bond will be reviewed and adjusted on an annual basis.

19. **FINANCIAL FITNESS:**

- A. Applicant shall provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:
  - Actual (or proposed) organizational structure including parent, affiliated or subsidiary companies.  
Dash Energy
  - Published parent company financial and credit information.



- Applicant's balance sheet and income statement for the most recent fiscal year. Published financial information such as 10K's and 10Q's may be provided, if available.
- Evidence of Applicant's credit rating. Applicant may provide a copy of its Dun and Bradstreet Credit Report and Robert Morris and Associates financial form or other independent financial service reports.  
Dun and Bradstreet #-034588536,
- A description of the types and amounts of insurance carried by Applicant which are specifically intended to provide for or support its financial fitness to perform its obligations as a licensee.
- Audited financial statements  
Such other information that demonstrates Applicant's financial fitness.

Dash Energy's Dun and Bradstreet Number is #-034588536. Dash Energy is a 100% women owned business, managed by owner Kelsay Yerian.

Dash Energy is a startup company, and as such does not have audited financial statements, or a credit rating. However, Dash Energy has done thorough revenue and cost projections for its operations, and has firm estimates of its expected sales for Fiscal Year 2011. Dash Energy's proposed P&L statement for Fiscal Year 2011 is attached hereto as **Confidential Attachment 5**. Dash Energy expects revenues from its services to fully fund its operations by the end of its first year in business.

B. Applicant must provide the following information:

- Identify Applicant's chief officers including names and their professional resumes.

Al Padron - Director of Energy Consulting  
Ron Yerian – Director, Regulated Utility Services  
Kelsay Yerian -CEO

See Resumes, at Attachment 6 hereto.

- Provide the name, title, address, telephone number and FAX number of Applicant's custodian for its accounting records.

Kelsay Yerian  
CEO  
P.O. Box 131204  
The Woodlands, TX 77393-1204  
713-364-3274 (Phone)  
713-583-1034 (Fax)

20. **TECHNICAL FITNESS:** To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided. Examples of such information which may be submitted include the following:

- The identity of the Applicant's officers directly responsible for operations, including names and their professional resumes.

Leading our retail market experience is our Director of Energy Consulting, Al Padron. Prior to joining Dash Energy, Mr. Padron served in an executive role at I3 Energy, an ERCOT brokerage that he founded. This built upon the experience he gained over 16 years ranging from Generation to Wholesale and Retail markets. Al's

career included leadership positions with many top firms such as Dynegy, Calpine Energy, Acclaim Energy (formerly The Legacy Group), and Choice Energy.

Ron Yerian leads our Regulated Utility Services arm. Mr. Yerian's experience includes leadership positions at the Public Utilities Commission of Ohio, where he most recently served as Chief of the Office of Technical Evaluation for the Ohio Power Siting Board (OPSB). Ron's thorough grasp of the regulated side of a customer's bill will allow Dash Energy to provide its customers with opportunities to minimize costs around the areas of transmission and distribution charges, congestion management, tariffs, line losses, and risk management.

Copies of Mr. Padron's and Mr. Yerian's resumes are attached hereto

- Proposed staffing and employee training commitments
- Business plans

Dash Energy is dedicated to using the best technology available and providing customers with timely, accurate and thorough data analysis. Dash is already under contract with Entrance Software to use CORE (Collaborative Operations for Retail Energy), the leading software tool to help manage the full lifecycle of a retail energy transaction. CORE will help customers analyze their meter-level data: both consumption and demand. Dash Energy will also use CORE to manage tariff and product price comparative analyses by supplying customers with custom energy reports. The customer reports produced will also consider energy savings, budget impact, and price comparison. CORE will help Dash Energy ensure customers have the most information to help select the best product structure to meet their energy needs.

Finally, in addition to being a woman owned business, Dash Energy is committed to providing professionally trained sales executives and energy consultants. This will differentiate Dash Energy from other firms which utilize untrained outsiders to market products without full knowledge of the cost implications to their customers. Dash is committed to educate its customers on the wide range of retail energy product structures to help them select a product which best suits their business goals. Led by its Manager and CEO, Kelsay Yerian, a veteran of professional business development, procurement, marketing of new products, business to business networking, and product education, Dash is well prepared to advocate for its customers and negotiate with suppliers to procure the best possible product for the end user. Having recently finished a professional sales executive position with a fortune 500 company to start Dash, she leads the team in partnering with end users to help them develop the most cost effective energy strategy which provides the right balance between price, reliability, and customer satisfaction. Supporting Kelsay in her leadership role is a staff of administrative and back office professionals who help Customers troubleshoot any issues that arise along the way, maximizing the Dash client experience. Customer satisfaction is top priority to Dash Energy, and we will treat each customer with the highest respect.

Combining industry experience, leading edge technology, and a commitment to customer education and advocacy will differentiate Dash in the retail energy marketplace, creating long term growth opportunities for both Dash and its clientele.

- Documentation of membership in ECAR, MAAC or other regional reliability councils shall be submitted if applicable to the scope and nature of the applicant's proposed services.
- An affidavit stating that you will adhere to the reliability protocols of the North American Electric Reliability Council, the appropriate regional reliability council(s), and the Commission, and that you agree to comply with the operational requirements of the control area(s) within which you provide retail service.

21. **TRANSFER OF LICENSE:** The Applicant understands that if it plans to transfer its license to another entity, it is required to request authority from the Commission for permission prior to transferring the license. See 66 Pa. C.S. Section 2809(D). Transferee will be required to file the appropriate licensing application.

The Applicant hereby confirms its understanding of the above

22. **ASSESSMENT:** The Applicant acknowledges that Title 66, Chapter 5, Section 510 grants to the Commission the right to make assessments to recover regulatory expenses and that as a supplier of electricity or an electric generation supplier it will be assessed under that section of the Pennsylvania Code. The Applicant also acknowledges that the continuation of its license as a supplier of electricity or an electric generation supplier will be dependent upon the payment of all prior years assessments.

The Applicant hereby confirms its acknowledgement of the above

23. **UNIFORM STANDARDS OF CONDUCT AND DISCLOSURE:** As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission.

The Applicant Agrees

24. **REPORTING REQUIREMENTS:** Applicant agrees to provide the following information to the Commission or the Department of Revenue, as appropriate:
- a. Reports of Gross Receipts: Applicant shall report its Pennsylvania intrastate gross receipts to the Commission on a quarterly and year to date basis no later than 30 days following the end of the quarter.
  - b. The Treasurer or other appropriate officer of Applicant shall transmit to the Department of Revenue by March 15, an annual report, and under oath or affirmation, of the amount of gross receipts received by Applicant during the prior calendar year.
  - c. Applicant shall report to the Commission the following information on an annual basis:
    - the percentages of total electricity supplied by each fuel source

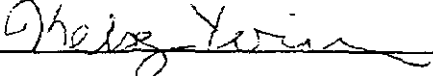
**Applicant will be required to meet periodic reporting requirements as may be issued by the Commission to fulfill the Commission's duty under Chapter 28 pertaining to reliability and to inform the Governor and Legislature of the progress of the transition to a fully competitive electric market.**

25. **FURTHER DEVELOPMENTS:** Applicant is under a continuing obligation to amend its application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
26. **FALSIFICATION:** The Applicant understands that the making of false statement(s) herein may be grounds

for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to 18 Pa. C.S. §§4903 and 4904, relating to perjury and falsification in official matters.

27. **FEE:** The Applicant has enclosed the required initial licensing fee of \$350.00 payable to the Commonwealth of Pennsylvania.

Applicant: Dash Energy, LLC

By:   
Title: CEO

# AFFIDAVIT

State of Texas :  
 :  
 : SS.  
County of Montgomery :

I, Kelsay Yerian, Affiant, being duly sworn according to law, deposes and says that:

I am the Chief Executive Officer of Dash Energy, LLC;

That I am authorized to and does make this affidavit for said Applicant;

That Dash Energy, LLC, the Applicant herein, acknowledges that it may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations 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.

That Dash Energy, LLC, the Applicant herein, asserts that the Applicant possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That Dash Energy, LLC, the Applicant herein, certifies to the Commission that it is subject to , will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2 ), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 28 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Chapter 28, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

As provided by 66 Pa. C.S. §2810 (C)(6)(iv), Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

That Dash, LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

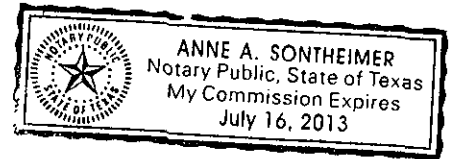
That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

Meloy Yemi  
Signature of Affiant

Sworn and subscribed before me this 31 day of August, 2010

A Sontheimer  
Signature of official administering oath

My commission expires 7-16-13



**AFFIDAVIT**

[Commonwealth/State] of Texas :

SS.

County of Montgomery :

Kelsay Yerian, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the CEO (Office of Affiant) of Dash Energy LLC (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That the Applicant herein Dash Energy LLC has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein Dash Energy LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein Dash Energy acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein Dash Energy acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

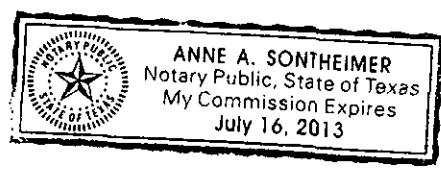
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

Kelsay Yerian  
Signature of Affiant

Sworn and subscribed before me this 31 day of August, 2010

ASontheimer  
Signature of official administering oath

My commission expires 7-16-13



**ATTACHMENT 1**

**DASH ENERGY, LLC  
TEXAS CERTIFICATE OF FORMATION**





## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for DASH ENERGY, LLC (file number 801281710), a Domestic Limited Liability Company (LLC), was filed in this office on June 14, 2010.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on September 02, 2010.



A handwritten signature in black ink, appearing to read "Hope Andrade".

Hope Andrade  
Secretary of State

Phone: (512) 463-5555  
Prepared by: SOS-WEB

*Come visit us on the internet at <http://www.sos.state.tx.us/>*

Fax: (512) 463-5709  
TID: 10264

Dial: 7-1-1 for Relay Services  
Document: 324990100003

**ATTACHMENT 2**

**DASH ENERGY, LLC  
PENNSYLVANIA REGISTRATION OF FOREIGN LLC**

PENNSYLVANIA DEPARTMENT OF STATE  
CORPORATION BUREAU

Application for Registration - Foreign  
(15 Pa.C.S.)

- Registered Limited Liability General Partnership (§ 8211)
- Registered Limited Liability Limited Partnership (§ 8211)
- Limited Partnership (§ 8582)
- Limited Liability Company (§ 8981)

Name	Melissa Zeiders, Paralegal		
Address	Stevens & Lee		
	17 N. 2 <sup>nd</sup> Street, 16 <sup>th</sup> Floor		
City	Harrisburg, PA	State	Zip Code
	17101		

Document will be returned to the name and address you enter to the left.

Fee: \$250

In compliance with the requirements of the applicable provisions (relating to registration), the undersigned, desiring to register to do business in this Commonwealth, hereby states that:

1. The name to be registered is:  
Dash Energy, LLC

2. (If the name set forth in paragraph 1 is not available for use in this Commonwealth, complete the following):  
The name under which the limited liability company/limited liability partnership/limited partnership proposes to register and do business in this Commonwealth is:  
\_\_\_\_\_

3. The name of the jurisdiction under the laws of which it was organized and the date of its formation:  
Jurisdiction: Texas Date of Formation: 6/14/2010

4. The (a) address of its initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) Number and street	City	State	Zip	County
_____				
(b) Name of Commercial Registered Office Provider	County			
<u>CSC</u>	<u>Dauphin</u>			

2010 SEP 15 PM 4:09  
PA. DEPT. OF STATE

5. Check and complete one of the following:

The address of the office required to be maintained by it in the jurisdiction of its organization by the laws of that jurisdiction is:

Number and street	City	State	Zip
-------------------	------	-------	-----

It is not required by the laws of its jurisdiction of organization to maintain an office therein and the address of its principal office is:

34 S. Peaceful Canyon Circle	Spring	TX	77381
Number and street	City	State	Zip

6. For Restricted Professional Limited Liability Company Only. Strike out if inapplicable: The company is a restricted professional company organized to render the following professional service(s):

---

**Limited Liability Partnership and Limited Partnership: Complete paragraphs 7 and 8**

7. The name and business address of each general partner:

Name	Business Address

8. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contribution is:

Number and street	City	State	Zip	County
-------------------	------	-------	-----	--------

The registered partnership hereby undertakes to keep those records until its registration to do business in the Commonwealth is canceled or withdrawn.

IN TESTIMONY WHEREOF, the undersigned has caused this Application for Registration to be signed by a duly authorized officer/member or manager thereof of this

15 day of Sept., 2010.

Dash Energy, LLC  
 Name of Partnership/Company

Michael Termin  
 Signature

CEO  
 Title

Docketing Statement DSCB:15-134A (Rev 2001)  
Departments of State and Revenue

One (1) copy required

**BUREAU USE ONLY:**

Dept. of State Entity # \_\_\_\_\_

Dept. of Rev. Box # \_\_\_\_\_

Filing Period \_\_\_\_\_ Date 3 4 5 \_\_\_\_\_

SIC/NAICS \_\_\_\_\_ Report Code \_\_\_\_\_

**Check proper box:**

*Pennsylvania Entities*

business stock  
 business non-stock  
 professional  
 nonprofit stock  
 nonprofit non-stock  
 statutory close  
 management  
 cooperative  
 insurance  
 limited liability company  
 restricted professional  
 limited liability company  
 business trust

*Foreign Entities*

State/Country Texas, USA Date Sept 7, 2010

business  
 nonprofit  
 limited liability company  
 restricted professional  
 limited liability company  
 business trust

*Other*

domestication  
 division  
 consolidation

1. Entity Name: Dash Energy, LLC

2. Individual name and mailing address responsible for initial tax reports:  
Kelsay Verian 345. Peaceful Canyon Circle Spring, TX 77381  
Name Number and street City State Zip

3. Description of business activity:  
Energy Brokerage

4. Specified effective date, if any:  
month/day/year hour, if any

5. EIN (Employer Identification Number), if any:  
27-2851079

6. Fiscal Year End:  
Dec. (Annual)

7. Fictitious Name (only if foreign corporation is transacting business in PA under a fictitious name):  
\_\_\_\_\_

**ATTACHMENT 3**

**DASH ENERGY, LLC  
TAX CERTIFICATION STATEMENT**

## APPENDIX B

**COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

## TAX CERTIFICATION STATEMENT

A completed Tax Certification Statement must accompany all applications for new licenses, renewals or transfers. Failure to provide the requested information and/or any outstanding state income, corporation, and sales (including failure to file or register) will cause your application to be rejected. If additional space is needed, please use white 8 1/2" x 11" paper. Type or print all information requested.

<b>1. CORPORATE OR APPLICANT NAME</b> Dash Energy, LLC	<b>2. BUSINESS PHONE NO.</b> ( 713 ) 364-3274 <b>CONTACT PERSON(S) FOR TAX ACCOUNTS:</b> Kelsay Yerian
---	--

**3. TRADE/FICTITIOUS NAME (IF ANY)**

**4. LICENSED ADDRESS** (STREET, RURAL ROUTE, P.O. BOX NO.) (POST OFFICE) STATE (ZIP)  
 34 S. Peaceful Canyon Circle , The Woodlands, TX 77381

**5. TYPE OF ENTITY**     SOLE PROPRIETOR                       PARTNERSHIP                       CORPORATION  
 Limited Liability Company

**8. LIST OWNER(S), GENERAL PARTNERS, OR CORPORATE OFFICER(S)**

NAME (PRINT) Kelsay Yerian, Manager	SOCIAL SECURITY NUMBER (OPTIONAL)  _ _ _ _  -  _ _  -  _ _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)  _ _ _ _  -  _ _  -  _ _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)  _ _ _ _  -  _ _  -  _ _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)  _ _ _ _  -  _ _  -  _ _ _ _ _
NAME (PRINT)	SOCIAL SECURITY NUMBER (OPTIONAL)  _ _ _ _  -  _ _  -  _ _ _ _ _

**9. LIST THE FOLLOWING STATE TAX IDENTIFICATION NUMBERS. (ALL ITEMS: A, B, AND C MUST BE COMPLETED)**

<b>A. SALES TAX LICENSE (8 DIGITS)</b> APPLICATION PENDING      N/A  _ _  -  _ _ _ _ _ _ _ _  <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>C. CORPORATE BOX NUMBER (7 DIGITS)</b> APPLICATION PENDING      N/A  _ _ _ _ _ _ _  <input checked="" type="checkbox"/> <input type="checkbox"/>
<b>B. EMPLOYER ID (EIN) (9 DIGITS):</b> APPLICATION PENDING      N/A 27 - 12181511079 <input type="checkbox"/> <input type="checkbox"/>	

**10. Do you have PA employees either resident or non-resident?**       YES       NO

**11. Do you own any assets or have an office in PA?**       YES       NO

**NAME AND PHONE NUMBER OF PERSON(S) RESPONSIBLE FOR FILING TAX RETURNS**

Kelsay Yerian PA SALES AND USE TAX 713-364-3274	Kelsay Yerian EMPLOYER TAXES 713-364-3274	Kelsay Yerian CORPORATE TAXES 713-364-3274
PHONE	PHONE	PHONE

Telephone inquiries about this form may be directed to the Pennsylvania Department of Revenue at the following numbers: (717) 772-2673, TDD# (717) 772-2252 (Hearing Impaired Only)

**ATTACHMENT 5**

**CONFIDENTIAL AND FILED UNDER SEAL**

**DASH ENERGY, LLC  
FY 2011 ESTIMATED PROFIT AND LOSS**



**ATTACHMENT 6**

**DASH ENERGY, LLC**

**EXECUTIVE RESUMES**

# Al Padron

27 Cedarwing Lane ■ The Woodlands, TX 77380  
Phone (832) 818-4858 ■ [padron@comcast.net](mailto:padron@comcast.net)

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## SENIOR MANAGEMENT ENERGY EXECUTIVE SALES / OPERATIONS / TRADING

- ◆ Professional Relationship Builder ◆ Operations Management ◆ Leadership Development
- ◆ Consultative & Solutions Sales ◆ Contract Negotiations ◆ Strategic Partnerships
- ◆ Energy Advisor ◆ Organic Business Growth

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High-energy team leader and proven professional with dynamic experience in the wholesale and retail energy industry. Accomplished executive offering more than 15 years of distinguished contributions, knowledge, experience, and energy management solutions. Articulate and persuasive presenter with polished negotiation skills. Customer-focused and performance driven. Views obstacles as opportunities and is committed to continued personal and professional growth.

### SELECTED ACHIEVEMENT HIGHLIGHTS

- ◆ Designed and hired software firm to create the company's Sales and Analysis Verification for Energy automation application (SAVE) for ERCOT's commercial consumers
- ◆ Produced 50% of sales which equates to over \$1 million in the first year of "start-up" company
- ◆ Secured \$8 mm by selling ancillaries into other wholesale energy markets
- ◆ Created \$5 mm in profit by implementing the sale of "test power" for all new generation coming online
- ◆ Supervised and took personal initiative during Tropical Storm Allison to relocate the Real-Time & Dispatch teams of a Fortune 500 company to an alternate location and continued to operate successfully

### PROFESSIONAL EXPERIENCE

**I<sup>3</sup> ENERGY SOLUTIONS, LLC**, The Woodlands, TX 2007-Present  
*President*

Built the energy advisory firm organically and successfully managed the company's revenue and financial risk. Designed and created company logo, website, marketing material and weekly energy newsletter. Developed, coordinated, and facilitated the execution of complex structured power transactions. Created turnkey energy solution for customers needing demand and supply energy management. Managing the energy for the Port Terminal Railroad Association.

**CHOICE! ENERGY SERVICES RETAIL, LP**, Houston, TX 2005-2007  
*Director of Energy Solutions*

Inspired, trained, and motivated energy brokers on different commodity markets, pricing, products, agreements and Retail Electric Providers every week. Authored independent study on the electricity market and deregulation of Texas. Maximized the company's profits and increased sales by marketing the company's HUB and WMBE certification, supply diversity, and wholesale power. Established Demand Side Management to offer new services to existing clients to increase revenue. Successfully obtained the Houston Community College System

**THE LEGACY GROUP**, Houston, TX 2004-2005  
*Sr. Partner*

Developed business plan and successful marketing system to target specific industries. Created strategic partnerships to maximize sales and increase company recognition. Generated 90% of sales in 2005, and 80% of all new accounts through existing relationships. Aggregated over 150 Municipal Utility Districts after securing them from the General Land Office.

**PRIMERICA FINANCIAL SERVICES**, Houston, TX 2003-2004  
*Division Manager*

Nationally recognized for awards and achievements. Provided financial services and educated families in areas of investments, income protection, debt elimination, and home refinance. Prospected new clients by calling 300-500 calls

per day. Hired, trained, and coached new business associates on sales, mutual funds, financial tools, and to strive for excellence.

**CALPINE, Houston, TX**

2001-2003

*Director, Power Logistics*

Merchant operational responsibility for Calpine in North America, Fortune 500 company, including scheduling, dispatching, transmission, and Real-Time Trading. Portfolio management and optimization accountability for Calpine electricity assets consisting of 30 mm megawatt hours of monthly electricity, 3.5 mm megawatt hours of capacity, and 800,000 megawatts hours of transmission. Established and structured operations and Real-Time Trading groups for the North America electric markets. Wrote and implemented Standard Operating Procedures for transmission, scheduling and Real-Time trading groups to mitigate errors and improve effectiveness.

*Manager, Transmission Trading*

Earned more than \$2 million in revenue over the previous year. Structured and acquired transmission capacity to maximize a trade in Q3 and 4 markets worth \$432,000. Trained all Real-Time personnel in trading, scheduling, and asset optimization.

**DYNEGY, Houston, TX**

1993-2001

*Manager, West Real-Time Trading and Transmission*

Managed Western Real-Time trading and transmission resulting in margins in excess of \$90 million. Asset optimization and strategist for Dynegy's development, marketing, and origination groups. Profit & Loss responsibility for all hourly trades and transmission hedges. Trained all Real-Time and Transmission trading in all aspects of moving power physically, importing and exporting power into and out of ISO(s), and understanding transmission tariffs.

*Sr. Representative West Transmission Trading*

Increased profits by 20% by finding arbitrage amongst the utilities, the market, and transmission owners. Maximized revenue and spreads of trades by procuring capacity and moving power physically.

*Transmission Policy and Trading*

Represented Dynegy, a Fortune 500 company, at Market Issues Forum and Board of Director's meeting at CAISO during the California energy crisis. Extensive reading and understanding of FERC documents and filings 888 & 889. Captured unpublished transmission capacity with utilities to maximize our trades in the WECC resulting in millions in revenue. Generated an additional \$1 million by trading the market and procuring the capacity. Strategically developed and operated Dynegy's FTR auction purchases.

*Lead Scheduler/Real-Time Trader*

Designed and wrote Standard Operating Procedures for the Real-Time Trading Group. Traded power hourly in all FERC regions, and procured transmission utilizing OASIS. Dispatched power plants in CAISO, and managed hourly power cuts by redirecting or resupplying power.

**EDUCATION & LICENSES**

Liberal Arts, Degree - West Shore College, Scottsville, MI ♦ Phi Theta Kappa (Interscholastic Honor Society)

♦ Series 6 & 63 ♦ Loan Officer ♦ Life, Accident and Health Insurance ♦ TCLEOSE Certified

Attended Tom Hopkins, Brian Tracy & Jeffrey Gitomer's Sales Boot Camp

**MILITARY SERVICE**

United States Marine Corps, Corporal

Supported and defended the Constitution of the United States against all enemies, foreign and domestic

♦ Reactivated for Desert Storm in 1991

**COMMUNITY SERVICES**

Actively participate in mentoring youths in the Texas Scholars and Junior Achievement Programs in Greater Houston

References available upon request

Ronald A. Yerian  
3321 West Point Road, SE  
Lancaster, OH 43130

Phone: 740/746-8965  
FAX: 740/746-8960  
E-Mail: ronjudyyerian@gmail.com

Mr. Yerian retired in 1998 from the Public Utilities Commission of Ohio (PUCO), where he served as Chief of the Office of Technical Evaluation for the Ohio Power Siting Board (OPSB). In addition to other duties, Mr. Yerian was responsible for the preparation of the Staff Report for virtually every Application for a Major Utility Facility (MUF) to come before the OPSB from 1977 to his retirement. In his final year with the PUCO, Mr. Yerian was responsible for a major revision in the filing requirements for MUFs submitted to the OPSB.

Following his retirement, Mr. Yerian became an independent Siting Consultant for utility companies submitting applications for certificates to construct MUFs within Ohio. Mr. Yerian's services normally started with the initial Pre-Application Conference with the OPSB Staff and continued through the entire process. Areas addressed included a review of the preparation of the Application, overview during the certification process – public information meetings, filing requirements, completeness review, public notice requirements, staff information requests, Intervener's information requests, Staff Report recommendation and conditions, preparation for hearings, post-certification activities – and coordination with the OPSB Staff during construction.

Partial List of Projects:

98-1603-EL-BGN	Duke Madison Generating Station
99-0999-EL-BGN	Troy Energy Generating Station
99-1626-EL-BGN	Norton Energy Compressed Air Peaking Facility
00-0670-EL-BGN	Duke Washington Generating Station
00-0686-EL-BGN	Dominion Dresden Generating Station
00-1527-EL-BGN	Calpine Fremont Energy Center
01-0175-EL-BGN	Duke Hanging Rock Generating Station
01-1022-EL-BGN	Aquila Generating Station

Education: BS – Zoology, Ohio University, 1970. MPH – Environmental Health, University of Hawaii, 1975.

# Kelsay Yerian

34 S. Peaceful Canyon  
The Woodlands, TX 77381  
425.891.9952  
kelsay@dashenergy.com

## PROFESSIONAL EXPERIENCE

### **Dash Energy, LLC CEO**

**July 2010 - Present**

Founded Dash Energy, LLC an electricity and gas brokerage firm based out of Houston, TX. Dash Energy negotiates electrical and gas contracts for commercial/residential customers

- Provide customized business solutions to electric and gas contracts
- Educate customers on the deregulated energy market
- Analyze customer usage to decrease energy costs

### **Merck & Co., Inc – Pacific Northwest Region**

**June 04 – Dec. 2009**

#### **Vaccine Customer Representative II – Seattle, Washington**

Responsible for all Adult Vaccine sales within Primary Care and Internal Medicine offices, Pharmacy Accounts, and major integrated hospital systems in Seattle, WA and surrounding areas

- Top sales within District for Gardasil® and Zostavax® for **2009**
- Helped offices change protocols to increase vaccination rates
- Received Gardasil® monthly sales increase award for **June 2009**
- Top 20% sales for Vaccines promoted in **2008**
- Top 10% sales for Vaccines promoted in **2007** (Bellevue and Seattle Territories)
  - \* **Director's Award 2007**
- Represented Merck at American Academy of Dermatology Annual Meeting in Washington, D.C. **January 2007**
- Launched and marketed Gardasil® and Zostavax® in Bellevue, WA in **2006**
- Account development in **2006**: opened 25 new accounts, expanded existing accounts based on customer's need, helped offices create protocols to target appropriate patient types

### **SEI Investments**

**2003**

#### **Investment Operations Specialist – Mutual Fund Accounting Support**

Perform Daily Pricing Functions; work on special projects of the Investment Operations Team

- Created intranet in the effort to start a paperless environment initiative
- Process Corporate Actions through Invest One Accounting System
- Research stock splits, mergers, dividends, and rights issuances for securities held

### **Account Executive**

**2002**

#### **Novak Strategic Advisors – Strategic Government Consulting**

Formulating strategic plans; advising clients regarding the legislature and political process:

- In first year of operation; helped contract two new clients for the firm through business networking
- Monitoring legislation and regulations
- Building and maintaining relationships with Legislative and Executive members and staff, current clients, potential clients and other lobbyists

## EDUCATION

**BA Communication  
University of Maryland**

**2001**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Application of Dash Energy, LLC for :  
Approval to Offer, Render, Furnish :  
or Supply Electric Generation Services as a : Docket No. A-  
Broker/Marketer :  
:

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of September, 2010, copies of the foregoing Application have been served upon the persons listed below via First Class U.S. Mail in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55.

Irwin A. Popowsky  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1921

William R. Lloyd, Jr.  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Office of Attorney General  
*Bureau of Consumer Protection*  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120  
Gary A. Jack, Assistant General Counsel  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Commonwealth of Pennsylvania  
*Department of Revenue*  
Bureau of Compliance  
Harrisburg, PA 17128-0946  
Paul E. Russell,  
Associate General Counsel  
PPL  
Two North Ninth Street  
Allentown, PA 18108-1179

Blaine W. Uplinger, Jr., Director of Governmental and  
Regulatory Affairs  
FirstEnergy  
100 APC Building  
800 North third Street  
Harrisburg, PA 17102-2025

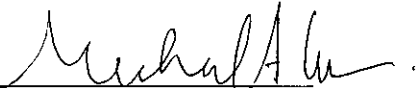
John P. Litz, Division Controller  
UGI Utilities, Inc.  
Electric Division  
400 Stewart Road  
P.O. Box 3200  
Wilkes-Barre, PA 18773-3200

Carol C. Reilly, Manager, Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699  
215.841.4512

Stephen L. Feld, Attorney  
Pennsylvania Power Company  
First Energy Corporation  
76 South Main Street  
Akron, OH 44308

John L. Munsch, Attorney  
Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

DATE: September 17, 2010



Michael A. Guin, Esq.