

CAPTION SHEET

UTILITY MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: FUS	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 03/31/06
8. DOCKET NO: A-110169	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: ENERGY SAVERS, INC

COMP/APP COUNTY:

UTILITY CODE: 110169

ALLEGATION OR SUBJECT

APPLICATION OF ENERGY SAVERS, INC., FOR APPROVAL TO OFFER, RENDER, FURNISH OR SUPPLY ELECTRIC GENERATION SERVICES AS AN INTERMEDIARY AS A CONSULTANT, BROKER OR MARKETER, NOT TAKING TITLE TO ELECTRIC ENERGY.

##

DOCUMENT
FOLDER

DOCKETED
APR 07 2006

ENERGY SAVERS, INC.

306 McKnight Park Drive
Pittsburgh, PA 15237-6534
(412) 364-6468 • FAX: 364-6503

March 31, 2006

RECEIVED

MAR 31 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

A-110169

Pennsylvania Public Utility Commission
Keystone Building, 2nd Floor Room N201
Harrisburg, PA 17120
Attn: James J. McNulty, Secretary

DOCUMENT
FOLDER

RE: EGS License

Dear Secretary McNulty:

Please find attached ESI's original executed "EGS" License Application to act as an intermediary as a Consultant, Broker or Marketer, not taking title to electric energy along with the required three copies plus one 3½ inch diskette containing all information not considered confidential.

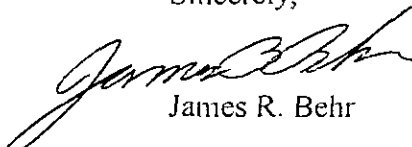
Three items have been noted "Privileged And Confidential" and included with the original application. These items are not included with the three copies accompanying the original nor included with copies detailed on the service list or on the diskette. The first item is ESI's Balance sheet, the second item is the Credit Report and the third item is the Tax Certification Statement. ESI is a Subchapter "S" Corporation and, therefore, financial and credit information are not published nor made available to the general public or our competitors. The Tax Statement contains our personal Social Security numbers and is also considered confidential.

Additionally, it is my understanding that testing the EDI system will not be required as we will not be transmitting billing information with any EDCs per my conversation with Annunciata Marino approximately two weeks ago.

Please forward a Docket Number to my attention, as soon as possible allowing us to publish the required "Legal Notices" necessary to complete the process. Proof of service receipts and proof of legal notice will be forwarded under separate cover as they become available.

Should you have questions or require additional information, please feel free to contact me at your convenience.

Sincerely,


James R. Behr

Attachments

1 ORIGINAL

89

cc: James L. McNulty, Secretary
Keystone Building, 2nd Floor, Room N201
Harrisburg, PA 17120

Original w/ Confidential Information
plus 3 copies and disk

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

Copy w/o Confidential Information

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

Copy w/o Confidential Information

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

Copy w/o Confidential Information

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

Copy w/o Confidential Information

Frank M. Nadolny, General
Manager of Regulatory Affairs Unit
Duquesne Light Company
411 Seventh Street
P. O. Box 1930
Pittsburgh, PA 15230-1920

Copy w/o Confidential Information

Proof of service will be delivered under separate cover after receipt

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of **Energy Savers, Inc., 306 McKnight Park Drive, Pittsburgh, PA 15237-6534**, for approval to offer, render, furnish, or supply electricity or electric generation services as a **Consultant, Broker or Marketer, not taking title to electric energy** to the public in the Commonwealth of Pennsylvania.

A 110169

To the Pennsylvania Public Utility Commission:

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

**Energy Savers, Inc.
306 McKnight Park Drive
Pittsburgh, PA 15237-6534
Attn: James R. Behr, President
(412) 364-6468
(412) 364-6503, fax**

**DOCUMENT
FOLDER**

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.

None

- 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:

**James R. Behr, President
Energy Savers, Inc.
306 McKnight Park Drive
Pittsburgh, PA 15237-6534
(412) 364-6468
(412) 364-6503, 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:

**James R. Behr, President
Energy Savers, Inc.
306 McKnight Park Drive
Pittsburgh, PA 15237-6534
(412) 364-6468
(412) 364-6503, fax**

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

For Information Only Do Not Address Correspondence To:

**Richard Bliss
Margolis, Edelestein
1500 Grant Building
Pittsburgh, PA 15219-2203
(412) 281-4256
(412) 642-2380, fax**

DOCKETED

APR 07 2006

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:

N/A

4. 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

- 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 **Domestic Sub-Chapter "S" Corporation**

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.

Articles Of Incorporation, Certificate Of Incorporation and EIN Notification are attached as: 5-A, 5-B & 5-C.

Give name and address of officers.

**James R. Behr, President
226 Alcott Drive
Sewickley, PA 15143**

**Sandra, J. Behr, Secretary
226 Alcott Drive
Sewickley, PA 15143**

The Applicant is incorporated in the state of **Pennsylvania**

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

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

**Behr, Inc., Not a jurisdictional public utility
226 Alcott Drive
Sewickley, PA 15143**

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

ARTICLES OF INCORPORATION
(PREPARE IN TRIPLICATE)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE - CORPORATION BUREAU
308 NORTH OFFICE BUILDING, HARRISBURG, PA 17120

PLEASE INDICATE (CHECK ONE) TYPE CORPORATION:

- DOMESTIC BUSINESS CORPORATION
- DOMESTIC BUSINESS CORPORATION
A CLOSE CORPORATION - COMPLETE BACK
- DOMESTIC PROFESSIONAL CORPORATION
ENTER BOARD LICENSE NO.

5-A

FEE
\$75.00

010 NAME OF CORPORATION (MUST CONTAIN A CORPORATE INDICATOR UNLESS EXEMPT UNDER 15 P.S. 2908 B)
Energy Savers, Inc.

011 ADDRESS OF REGISTERED OFFICE IN PENNSYLVANIA (P.O. BOX NUMBER NOT ACCEPTABLE)
15 Alcott Circle

012 CITY	033 COUNTY	013 STATE	064 ZIP CODE
Sewickley	Allegheny	Pennsylvania	15143

050 EXPLAIN THE PURPOSE OR PURPOSES OF THE CORPORATION

The unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law of May 5, 1933, P.L. 364 as amended.

(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)

The Aggregate Number Shares, Classes of Shares and Par Value of Shares Which the Corporation Shall have Authority to Issue:

040 Number and Class of Shares	200 shares same class	041 Stated Par Value Per Share if Any	none	042 Total Authorized Capital	\$12,000.00	031 Term of Existence	Perpetual
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The Name and Address of Each Incorporator, and the Number and Class of Shares Subscribed to by each Incorporator

060 Name	061, 062 063, 064 Address (Street, City, State, Zip Code)	Number & Class of Shares
James Behr	15 Alcott Circle, Sewickley, PA 15143	100 shares
(ATTACH 8 1/2 x 11 SHEET IF NECESSARY)		

IN TESTIMONY WHEREOF, THE INCORPORATOR (S) HAS (HAVE) SIGNED AND SEALED THE ARTICLES OF INCORPORATION
THIS 18th DAY OF April 19 84.

James R. Behr
James Behr

- FOR OFFICE USE ONLY -

030 FILED APR 20 1984	002 CODE <i>ALB</i>	003 REV BOX	SEQUENTIAL NO. <i>24343</i>	100 MICROFILM NUMBER <i>8426 850</i>
	REVIEWED BY <i>TES</i>	004 SICC	AMOUNT \$ <i>75</i>	001 CORPORATION NUMBER <i>807274</i>
	DATE APPROVED APR 20 1984	CERTIFY TO <input checked="" type="checkbox"/> REV. <input checked="" type="checkbox"/> L & I <input type="checkbox"/> OTHER	INPUT BY <i>EBR</i>	LOG IN <i>4/20</i>
	DATE REJECTED		LOG OUT	LOG IN (REFILE)
MAILED BY	DATE	VERIFIED BY <i>EBR</i>	LOG OUT (REFILE)	

William R. Davis
Secretary of the Commonwealth
Department of State
Commonwealth of Pennsylvania

Commonwealth of Pennsylvania

Department of State



CERTIFICATE OF INCORPORATION

Office of the Secretary of the Commonwealth

To All to Whom These Presents Shall Come, Greeting:

Whereas, Under the provisions of the Laws of the Commonwealth, the Secretary of the Commonwealth is authorized and required to issue a "Certificate of Incorporation" evidencing the incorporation of an entity.

Whereas, The stipulations and conditions of the Law have been fully complied with by

ENERGY SAVERS, INC. (A CLOSE CORPORATION)

Therefore, Know Ye, That subject to the Constitution of this Commonwealth, and under the authority of the Laws thereof, I do by these presents, which I have caused to be sealed with the Great Seal of the Commonwealth, declare and certify the creation, erection and incorporation of the above in deed and in law by the name chosen hereinbefore specified.

Such corporation shall have and enjoy and shall be subject to all the powers, duties, requirements, and restrictions, specified and enjoined in and by the applicable laws of this Commonwealth.

Given under my Hand and the Great Seal of the Commonwealth,
at the City of Harrisburg, this 20th day
of APRIL in the year of our
Lord one thousand nine hundred and eighty-four
and of the Commonwealth the two hundred eighth



William R. Davis

Secretary of the Commonwealth

Department of the Treasury
Internal Revenue Service
PHILADELPHIA, PA 19255

In reply refer to: 28081872
AUG. 30, 1985 LTR 385C
25-1464683

00703

ENERGY SAVERS INC
15 ALCOTT CIRCLE
SEWICKLEY, PA 15143

Employer Identification Number: 25-1464683

Dear Taxpayer:

Your election to be treated as an S corporation with an accounting period of Dec. 31, 1986 is accepted beginning Jan. 01, 1986, subject to verification if we examine your return.

When you file your business returns, or if you write to us, please include your employer identification number shown above.

Your name is now on our mailing list so that you will receive the necessary tax forms.

Please keep this letter in your permanent records as proof of acceptance as an S corporation.

If you have any questions, please write to us at the address shown on this letter. If you prefer, you may call the IRS telephone number listed in your local directory. An employee there may be able to help you, but the office at the address shown on this letter is most familiar with your case.

If you write to us with questions about this letter, please provide your telephone number and the most convenient time for us to call in case we need additional information. Attach this letter to any correspondence to help us identify your case. Keep the copy for your records.

Thank you for your cooperation.

Sincerely yours,

Chief, Taxpayer Assistance Section

Enclosure:
Copy of this letter

- 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

- 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.) **Licensed Natural Gas Supplier, A-125064 and Energy Consultant.**

See Attachment 7-A

or

- 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
- Broker/Marketer engaged in the business of supplying electricity.
- Aggregator engaged in the business of supplying electricity
- Other (Describe): **Consultant, Broker or Marketer, not taking title to electric energy**

Energy Savers originally began supplying a broad menu of services relative to the consumption and conservation of energy as it relates to residential customers, commercial real estate and industrial complexes. After incorporating in 1984 residential projects were replaced with commercial projects and ESI focused on the commercial and industrial markets. Services include:

- A. Design, installation and maintenance of Energy Management and Facility Automation systems specifically designed to reduce the cost of electrical power and natural gas. Design strategies include load shedding and load rotation to reduce electrical demand, scheduling to reduce KWH and natural gas consumption and load shifting to take advantage of "off peak" rates. The primary goal is to interface a central microprocessor based control system, effectively matching a facilities heating and/or air-conditioning equipment to the heat gain or loss of a specific building. This approach utilizes state of the art microprocessors and custom tailored software.
- B. Design, installation and maintenance of dedicated systems to reduce energy consumption by controlling a specific area or piece of equipment within a facility.
- C. Power factor studies to assess power factor penalties imposed by electric utilities.
- D. Power factor correction utilizing capacitors to correct a facilities power factor to near unity, thereby, reducing or completely eliminating power factor penalties.
- E. Energy audits to determine exactly where and when energy is consumed.
- F. Energy rate studies to insure a facility is receiving the most economical rate.
- G. Pre planning site evaluations to determine utility costs prior to a client developing a new facility. This service essentially compares utility costs between two sites chosen by a customer for development. We then recommend the lowest cost energy sources for each individual site and project operating costs as they pertain to energy consumption.
- H. Pre purchase evaluation of existing facilities energy costs as part of a clients due-diligence program before purchasing new real estate

Starting in 1988 after extensive research, ESI began offering transportation gas to our larger commercial clients and successfully arranged for the first apartment buildings to utilize transportation service on the Peoples Gas system. This was accomplished at a time when the Peoples Gas tariff required a buyer group to consume a minimum of 50,000 Mcf per year. This success pioneered the use of transportation service for the commercial real estate market in the Pittsburgh area.

ESI has continued to offer transportation service to commercial real estate as the buyer group requirements decreased and were eventually eliminated. As the minimum flow

decreased we continued to offer service to smaller and smaller end users. Our services are offered in several ways.

1. ESI operates as an independent agent arranging contracts for larger marketers. At this time we are writing contracts for large marketers: UGI Energy Services, Enspire Energy Services, Snyder Brothers, Inc, Texon LLC, Volunteer Energy, Inc., Exelon Energy and Agway Energy Products, Inc. These services are offered on the three major LDCs servicing the Pittsburgh metropolitan area, Dominion/Peoples Gas, Equitable Gas and Columbia Gas of Pennsylvania.
2. Smaller commercial accounts on the equitable Gas system were originally supplied directly through a pool operated by Energy Savers, Inc. However, these smaller customers have been moved to larger pools and the ESI Equitable Gas Pool eliminated.
3. ESI also markets transportation gas outside the Commonwealth of Pennsylvania on a limited basis.
4. ESI also evaluates the competitive nature of natural gas supply for each customer and where available conducts negotiations on the customer's behalf to obtain lower transportation rates from the current LDC or change to a competing LDC at lower rates.

The sale of transportation gas to commercial real estate currently represents approximately 75 to 80% of Energy Savers, Inc's. total business.

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

To act as an intermediary as a Consultant, Broker or Marketer, not taking title to electric energy, assisting Commercial, Industrial and Governmental entities in obtaining and/or arranging for third party suppliers of electrical power and to assist licensed Aggregators, Electric Generation Suppliers and other entities who are third party suppliers to increase market share.

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

That portion of Western Pennsylvania serviced by the Duquesne Light Company a local jurisdictional utility.

Services are also provided outside the Commonwealth of Pennsylvania including Southwestern New York, Ohio and West Virginia.

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 **April 15, 2006**.

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:

Irwin 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:

Frank M. Nadolny, General
Manager of Regulatory Affairs Unit
Duquesne Light Company
411 Seventh Street
P.O. Box 1930
Pittsburgh, PA 15230-1930

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
GPU Energy
100 APC Building
800 North third Street
Harrisburg, PA 17102-2025

Paul E. Russell, Associate
General Counsel
Pennsylvania Power & Light
Company
Two North Ninth Street
Allentown, PA 18108-1179

Thomas P. Hill, Vice President and Controller
PECO Energy Company
2301 Market Street
Philadelphia, PA 19101-8699

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.

Application of Energy Savers, Inc.**Service List**

James L. McNulty, Secretary
Keystone Building, 2nd Floor, Room N201
Harrisburg, PA 17120

Original w/ Confidential Information
plus three copies and electronic version on disk

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

One copy w/o Confidential Information

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

One copy w/o Confidential Information

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

One copy w/o Confidential Information

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

One copy w/o Confidential Information

Frank M. Nadolny, General
Manager of Regulatory Affairs Unit
Duquesne Light Company
411 Seventh Street
P. O. Box 1930
Pittsburgh, PA 15230-1920

One copy w/o Confidential Information

Proof of service will be delivered under separate cover after receipt

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

**Privileged And Confidential Information not otherwise available to the public.
"Appendix B" attached**

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.

None

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.

Shirley Bosilavic, Administrative Assistant

Or

James R. Behr, President

Energy Savers, Inc.

306 McKnight Park Drive

Pittsburgh, PA 15237-6534

(412) 364-6468

(412) 364-6503, fax

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

Residential Service Will Not Be provided.

b. 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.

N/A

Applicant will be acting as a intermediary as a Consultant, Broker or Marketer, not taking title to electric energy. The Disclosure Statements and Contracts used will be supplied by the actual supplier(s).

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 **\$10,000.00**. Applicant is required to provide information supporting an amount less than \$250,000.

See Attachment 18-A.

Modification of bonding from \$250,000 to \$10,000 is requested, based on several conversations with PUC staff members. *Energy Savers, Inc.* license request is limited to acting as an intermediary as a Consultant, Broker or Marketer, not taking title to electric energy, assisting Commercial, Industrial and Governmental entities in obtaining and/or arranging for third party suppliers of electrical power and to assist licensed Aggregators, Electric Generation Suppliers and other entities who are third party suppliers to increase market share. Therefore, ESI will not be purchasing or billing any type of commodity to end users.

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.
- 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.

**Privileged And Confidential Information not otherwise available to the public.
See Attachment 19-A**

- 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.

**Privileged And Confidential Information not otherwise available to the public.
See Attachment 19-B & 19-C**

- 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.

B. Applicant must provide the following information:

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

See Attachment 19-D

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

Custodian of accounting tax records:

**Michael D. Sulkoske, CPA, MST
Smith, Lewis, Chess & Company, LLP
105 Bradford Road
Suite 300
Wexford, PA 15090
(724) 940-9444, ext 101
(724) 940-9452, fax**

Custodian of day to day accounting records:

**Sandra J. Behr
Energy Savers, Inc.
306 McKnight Park Drive
Pittsburgh, PA 15237-6534
(412) 364-6468
(412) 364-6503, fax**

Resume of
James R. Behr

226 Alcott Drive
Sewickley, PA 15143
412/364-4755, fax 364-6503

Experience

December 1982 to present
Energy Savers, Inc.
306 McKnight Park Drive.
Pittsburgh, PA 15237-6534

President and General Manager responsible for overall management and marketing relative to day-to-day activities associated with the sale of building automation systems, domestic hot water controllers, power factor correction, natural gas and consulting services relative to energy management and electrical power.

Major accomplishments include pioneering the introduction of transportation gas to the commercial real estate market within the Pittsburgh Metropolitan market during the mid 1980s.

November 1989 thru May 1997
Small Transportation Interveners

Executive Director who successfully organized a coalition of commercial real estate owners and managers intervening in numerous cases before the Pennsylvania PUC against proposed rate changes by the Equitable Gas Company relative to transportation gas service. The coalition ultimately defeated Equitable's attempt to charge customers for remote reading devices and maintained monthly meter fees at reasonable levels. The largest victories involved persuading the Pennsylvania PUC to investigate Equitable Gas' practices relative to offering predatory pricing to customers in an attempt to eliminate transportation service and investigation of transportation rates.

June 1979 thru December 1982
Babcock Contractors
915 Penn Avenue
Pittsburgh, PA 15222

Senior Project Manager for a British owned engineering and construction company responsible for turnkey projects involving multi-disciplined engineering and construction projects for power generation plants, pipelines and coal handling facilities.

May 1973 thru May 1979
American Air Filter Company
Louisville, KY

Manager of Construction responsible for all aspects of construction relative to pollution control systems for the power generation, chemical and steel industries.

February 1971 thru May 1973
Allied Maintenance Corporation
Pittsburgh, PA 15233

Director of Maintenance responsible for maintenance and security personnel for a multi-building campus including high rise apartments and a large indoor office and shopping complex.

February 1996 thru February 1971
Westinghouse Electric Corporation
Chatham Center
Pittsburgh, PA 15219

Field Service Engineer responsible for startup and testing of computerized control systems for the steel production, energy generation, chemical and pipeline transportation industries.

Education

Gateway Polytechnical Institute
Pittsburgh, PA

Associates Degree in Industrial Electronics

Published Articles and Papers

"The True Story Behind Transportation Gas"Published, July 29, 1988, Tri-State Real Estate Journal.

"It Could Reduce Utility Costs By 20 To 30 Percent"Published, July 29, 1988, Tri-State Real Estate Journal.

"Cost-effective Energy Conservation"Published, April 1987, Building Operation Management.

"Avoiding Pitfalls When Selecting And Installing energy Management Systems"Published, November 1986, Tri-State Real estate Journal.

"Oversized Heating Equipment Can Be Costly"Published, January 1985, Pittsburgh News

Record.

"Startup of The Green River Sulphur Dioxide Removal System for Kentucky Utilities Co."

Written, published and presented to The International Conference on Flue Gas Desulphurization, New Orleans, LA, April 1976.

Other Accomplishments

Received ***"Pennsylvania Governor's Energy Award"*** for 1989

Received ***"Pennsylvania Governor's Energy Award"*** for 1990

Awarded ***"President's Citation for Private Sector Initiative"*** for 1988

Listed in ***"WHO's WHO"*** Worldwide for Achievements in Energy Conservation

Pittsburgh Business Times, March 16, 1992: Reported on expanded markets for transportation gas opened by J. R. Behr

Pittsburgh Business Times, January 26, 1987: reported on a energy management system designed by J. R. Behr

Pittsburgh Business Times, May 11, 1987: reported on an energy management system designed by J. R. Behr

Energy User News, September, 29, 1986: reported on a energy management system designed by J. R. Behr

Energy User News, September, 15, 1986: reported on a energy management system designed by J. R. Behr

Energy User News, August 31, 1987: reported on energy conserving design by J. R. Behr

Organizations

Member: Association of Energy Engineers
Combustion Institute

Arbitrator and Mediator, Better Business Bureau of Western PA

Past District Governor, Rotary International District 7300, 1997/98

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.

James R. Behr, President is responsible for operations, resume is enclosed as "Attachment 19-D"

- Proposed staffing and employee training commitments

James R. Behr, President

Sandra J. Behr, Secretary

Shirley Bosilivac, Administrative Assistant

Michael R. Behr, IT Manager

Operations

Accounting

Customer Service

Computer Services

- Business plans
- 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.

• **N/A**

- 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.

N/A Applicant will be acting as a intermediary as a Consultant, Broker or Marketer, not taking title to electric energy.

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.

N/A

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.

Agreed

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.

Agreed

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.

Agreed

- 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.

Energy Savers, Inc. check #2260 In The Amount of \$350.00 Is Enclosed.

Applicant: **Energy Savers, Inc.** _____
By: James R. Behr 3/31/06
James R. Behr
Title: **President** _____

AFFIDAVIT

[Commonwealth/State] of PA :

ss.

County of Allegheny :

James R. Behr, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President (Office of Affiant) of Energy Savers, Inc. (Name of Applicant);]

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

That the Applicant herein James R. Behr 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 James R. Behr has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein James R. Behr 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 James R. Behr 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.

James R. Behr
Signature of Affiant

Sworn and subscribed before me this 15 day of March, 2006.

Joanne E. Braunlich
Signature of official administering oath

My commission expires _____
Notarial Seal
Joanne E. Braunlich, Notary Public
Ross Twp., Allegheny County
My Commission Expires Sept. 7, 2006
Member, Pennsylvania Association Of Notaries

AFFIDAVIT

[Commonwealth/State] of PA :

ss.

County of Allegheny :

James R. Behr, Affiant, being duly [sworn/affirmed] according to law, deposes and says t

[He/she is the President (Office of Affiant) of Energy savers, Inc. (Name of Applic

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

That Energy Savers, Inc., the Applicant herein, acknowledges that [Applicant] 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 James R. Behr, the Applicant herein, asserts that [he/she/it] 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 Energy Savers, Inc., 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.

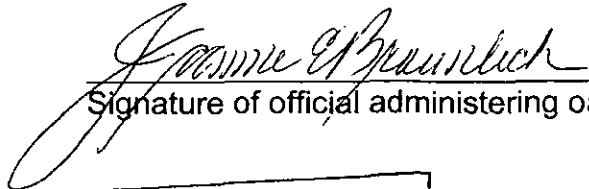
That Energy Savers, Inc., the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

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.


Signature of Affiant

Sworn and subscribed before me this 15 day of March 2006.


Signature of official administering oath

My commission expires _____

Notarial Seal
Joanne E. Braunlich, Notary Public
Ross Twp., Allegheny County
My Commission Expires Sept 7, 2006
Member, Pennsylvania Association Of Notaries

National City

GLOBAL TRADE SERVICES #7537
STANDBY LETTER OF CREDIT DEPARTMENT
P.O. BOX 5101
CLEVELAND, OH 44101-0101 U.S.A.

SWIFT: NATCUS33
1-800-NCC-INTL
(622-4685)
FAX: (216) 488-7550
FAX: (216) 488-7552

STREET ADDRESS:
23000 MILLCREEK BLVD.
CLEVELAND, OH 44122

A-110169

CLEAN IRREVOCABLE STANDBY LETTER OF CREDIT NO. SCL012290

DATE: MARCH 29, 2006

BENEFICIARY:
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
KEYSTONE BUILDING
2ND FLOOR ROOM N201
HARRISBURG, PA 17120

APPLICANT:
ENERGY SAVERS, INC.
306 MCKNIGHT ROAD
PITTSBURGH, PA 15237

WE HAVE ESTABLISHED THIS CLEAN, IRREVOCABLE, AND UNCONDITIONAL LETTER OF CREDIT NUMBER SCL012290 IN YOUR FAVOR AS BENEFICIARY FOR DRAWINGS UP TO TEN THOUSAND DOLLARS AN 00/100 ONLY (USD 10,000.00) EFFECTIVE IMMEDIATELY. THIS LETTER OF CREDIT IS ISSUED, PRESENTABLE AND PAYABLE AT 23000 MILLCREEK BLVD., CLEVELAND, OHIO 44122 AND EXPIRES WITH OUR CLOSE OF BUSINESS ON MARCH 31, 2007. EXCEPT WHEN THE AMOUNT OF THIS LETTER OF CREDIT IS INCREASED, THIS CREDIT CANNOT BE REDUCED, MODIFIED OR REVOKED WITHOUT YOUR CONSENT.

PARTIAL DRAWINGS ARE PERMITTED.

ALL DRAFT(S) DRAWN UNDER THIS LETTER OF CREDIT MUST BE ENDORSED HEREON AND MUST BEAR THE CLAUSE "DRAWN UNDER NATIONAL CITY BANK OF PENNSYLVANIA, LETTER OF CREDIT NO. SCL012290, DATED MARCH 29, 2006" AND MUST BE PRESENTED AT OUR OFFICE AS SPECIFIED IN PARAGRAPH ONE ON OR BEFORE THE ABOVE STATED EXPIRATION DATE OR ANY FUTURE EXPIRATION DATE.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT WILL BE DULY HONORED BY US AS SPECIFIED HEREIN AND PAYMENT WILL BE REMITTED AS PER YOUR INSTRUCTIONS.

EXCEPT AS EXPRESSLY STATED HEREIN, THIS UNDERTAKING IS NOT SUBJECT TO ANY AGREEMENT, CONDITION, REQUIREMENT, QUALIFICATION OR ENTITY. THE CREDIT IS THE OBLIGATION OF NATIONAL CITY BANK OF PENNSYLVANIA AND IS NO WAY CONTINGENT UPON REIMBURSEMENT WITH RESPECT THERETO, OR UPON OUR ABILITY TO PERFECT ANY LIEN, SECURITY INTEREST OR ANY OTHER REIMBURSEMENT.

THE LETTER OF CREDIT IS DEEMED TO BE AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR ONE (1) YEAR FROM THE EXPIRATION DATE OR ANY FUTURE EXPIRATION DATE, UNLESS NOT LESS THAN SIXTY (60) DAYS PRIOR TO SUCH EXPIRATION DATE, WE NOTIFY YOU BY REGISTERED MAIL THAT THIS LETTER OF CREDIT WILL NOT BE EXTENDED FOR ANY SUCH ADDITIONAL PERIOD.

National City.

GLOBAL TRADE SERVICES #7537
STANDBY LETTER OF CREDIT DEPARTMENT
P.O. BOX 5101
CLEVELAND, OH 44101-0101 U.S.A.

SWIFT: NATCUS33

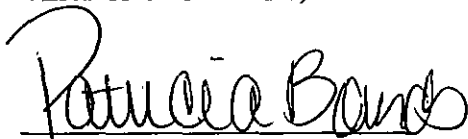
1-800-NCC-INTL
(622-4685)
FAX: (216) 488-7550
FAX: (216) 488-7552

STREET ADDRESS:
23000 MILLCREEK BLVD.
CLEVELAND, OH 44122


PAGE 2 OF 2
L/C NO. SCL012290

THIS LETTER OF CREDIT IS SUBJECT TO AND GOVERNED BY THE 1993 REVISION OF THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS OF THE INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NO. 500 (OR SUBSEQUENT UPDATES) AND THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AND IN THE EVENT OF ANY CONFLICT, THE LAWS OF THE STATE OF PENNSYLVANIA WILL CONTROL. IF THIS LETTER OF CREDIT EXPIRES DURING AN INTERRUPTION OF BUSINESS AS DESCRIBED IN ARTICLE 17 OF SAID PUBLICATION 500, THE BANK HEREBY SPECIFICALLY AGREES TO EFFECT PAYMENT IF THIS CREDIT IS DRAWN AGAINST WITHIN THIRTY (30) DAYS AFTER THE RESUMPTION OF BUSINESS.

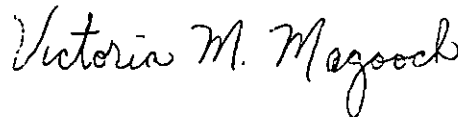
VERY TRULY YOURS,



AUTHORIZED SIGNATURE
NATIONAL CITY BANK
OF PENNSYLVANIA
MFA



AUTHORIZED SIGNATURE
NATIONAL CITY BANK
OF PENNSYLVANIA



VICTORIA M. MAGOOCH
STATE OF OHIO
My Commission Expires May 23, 2009

COMMONWEALTH OF PENNSYLVANIA

DATE: April 10, 2006
SUBJECT: A-110169
TO: Bureau of Fixed Utility Services
FROM: James J. McNulty, Secretary *ddt*

DOCUMENT
FOLDER

Application of Energy Savers, Inc

Attached is a copy of the Application of Energy Savers, Inc, for approval to offer, render, furnish or supply electricity or electric generation services as a Consultant, Broker or Marketer, not taking title to electric energy, to the public in the Commonwealth of Pa.

This matter is assigned to your Bureau for appropriate action.

Please note the applicant is requesting a reduction in the bonding requirements from \$250,000.00 to \$10,000.00.

Attachment

cc: Law Bureau

ddt

DOCKETED

APR 07 2006

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
717-772-7777
A-110169

April 10, 2006

JAMES R BEHR PRESIDENT
ENERGY SAVERS INC
306 MCKNIGHT PARK DRIVE
PITTSBURGH PA 15237-6534

DOCUMENT
FOLDER

Dear Mr. Behr:

The Application and \$350.00 filing fee of Energy Savers, Inc., received in this Office on March 31, 2006, for approval to supply electric generation services as a Consultant, Broker or Marketer, not taking title to electric energy, is hereby acknowledged.

Pursuant to the Commission's Final Order, entered February 13, 1997, at M-00960890F0004, Notice of filing of this Application must be published in newspapers of general circulation covering each county in which you intend to provide service.

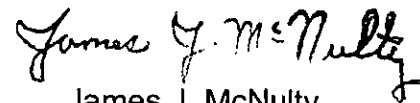
You have requested to do business in the service area of Duquesne Light Company. Attached is listed the newspaper in which you need to publish in order to meet the publication requirements.

This Application will not be considered complete until a notarized Certification of Publication, along with a photostatic copy of the notice, is filed with this Office.

Sincerely,

DOCKETED

APR 07 2006



James J. McNulty
Secretary

JJM:ddt

Enclosure

**ELECTRIC GENERATION SUPPLIER APPLICATIONS
LIST OF NEWSPAPERS FOR PUBLICATION**

Pittsburgh Post-Gazette
34 Boulevard of the Allies
Pittsburgh, PA 15222-1204
Telephone: (412) 263-1100
Fax: (412) 391-8452
Advertising Manager: Robert McCray - (412) 263-1252

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIPT

The addressee named here has paid the PA P.U.C. for the following bill:

DATE: 4/11/2006
RECEIPT NO: 250217

ENERGY SAVERS, INC.
306 MC KNIGHT PARK DRIVE
PITTSBURGH PA 15237-6534

IN RE: Electrical Generation fees for ENERGY SAVERS, INC.

Docket Number A-110169..... \$350.00

REVENUE ACCOUNT: 001780-017601-107

CHECK NUMBER: 2260
CHECK AMOUNT: \$350.00

Michael Sobolesky
(for Department of Revenue)

DOCKETED
APR 13 2006

**DOCUMENT
FOLDER**