

**Interim Application for License to
Supply Electricity or Electric Generation Services to the Public in
the District of Columbia**

You may use the attached form to submit your application. **(Please remove this instruction sheet prior to filing.)** If you need more space than is provided on this form or if you are attaching exhibits, all attachments must be labeled or tabbed to identify the application item to which they respond. You are also required to file an electronic version of this document (excluding "confidential" information) using any version of Microsoft Word 7.0 (or higher) or Word Perfect software. One three and one half inch diskette must accompany the paper copies to be filed with the District of Columbia Public Service Commission.

To file an application with the District of Columbia Public Service Commission, **file a signed and verified original and 14 copies**, an electronic version of your application and attachments, and a nonrefundable license fee of \$400.00 (payable to "Public Service Commission") with the Commission's Secretary in Washington, D.C.:

**Ms. Dorothy Wideman
Secretary
Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor-West Tower
Washington, D.C. 20005**

Questions pertaining to completion of this application may be directed to the Public Service Commission at the above address or you may call the Commission at the following number: 202.626.5100. You may reach the Public Service Commission electronically at www.dcpssc.org.

If your answer to any of these items changes during the pendency of your application, or if the information relative to any item herein changes while you are operating within the District of Columbia, you are under a duty to so inform the Commission immediately. If you receive a license from the Commission, certain information provided in this application must be updated on different time schedules. Within 30 days of a change, Section 1-3, 6, 14, 15, 18 and the averment regarding any civil, criminal or regulatory penalties, etc. imposed on Applicant, *et al.* must be updated. A licensee must inform the Commission of a change to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily immediately. Also, a licensee/supplier must provide annual updates of all items that have changed in the application. The annual update should be provided to the Commission within 120 days of the end of the licensee/supplier's fiscal year. A licensee/supplier also is required to officially notify the Commission if it plans to cease doing business in the District of Columbia 60 days prior to ceasing operations.

Confidentiality: Sections 4d and 14 of this Application related to ownership of the Applicant's corporation (to the extent such information is not already public) and financial information, respectively, will be treated as confidential information by the Commission to the extent permitted by law if the Applicant requests such treatment by stamping or marking the materials in question as "CONFIDENTIAL". Any interested person may request, however, release of this information by filing such a request with the Commission.

If such a request is made, Applicant shall have the burden of proving the confidential nature of the information. The Commission will notify the Applicant of any request for release of this information, and will permit the Applicant the opportunity to respond to the request through written motion filed with the Commission prior to the Commission's determination on the request.

If you are applying to provide service as an aggregator (as defined in the "Retail Electric Competition and Consumer Protection Act of 1999" at Section 101(2) and as defined in Commission regulations) who does not take title to electricity as a part of providing that service or if you are providing service as a broker (as defined in the "Retail Competition and Consumer Protection Act of 1999" at Section 101(7) and as defined in Commission regulations), you do not need to fill out certain questions in this Application. The exempted questions are marked.

Applicable law: The provisions set forth in this application related to licensing of electric suppliers and the provisions of electricity supply and electricity supply services are addressed in detail in the "Retail Electric Competition and Consumer Protection Act of 1999," and in the Commission's regulations.

Statements made in the Application are made under penalty of perjury (D.C. Code Section 22-2511), false swearing (D.C. Code Section 22-2513), and false statements (D.C. Code Section 22-2514). Perjury is punishable by a fine of up to \$5,000 or imprisonment for up to 10 years, or both. False swearing is punishable by a fine of up to \$2,500 and imprisonment for up to 3 years, or both. False statements are punishable by a fine of up to \$1,000 or imprisonment for up to 180 days, or both. Further amendments to these Code sections shall apply. If the Commission has reliable information that an Applicant has violated any or all of these sections of the D.C. Code, the Commission will forward the information to the appropriate law enforcement agency. Statements made in this Application are also subject to Commission regulations, which require the Applicant to certify the truthfulness of the contents of the Application. Any Applicant in violation of these regulations is subject to the penalties found in the "Retail Electric Competition and Consumer Protection Act of 1999", Section 108.

ATTACHMENT B

BEFORE THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION

Application Docket No. _____

Application of _____, d/b/a ("doing business as")

_____ for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) _____, [as specified in item 10 below] to the public in the District of Columbia.

To the District of Columbia Public Service Commission:

BUSINESS INFORMATION

1. IDENTITY OF THE APPLICANT:

a. Legal Name: _____

Current Mailing Address: _____

Street Address (if different): _____

Website URL: _____

Other States, including District of Columbia, in which the Applicant is now or has been engaged in the retail sale of electricity or natural gas and the names under which the Applicant is engaged or has been engaged in such business(es):

Name: _____

Business Address: _____

License #/State of Issuance: _____

ATTACHMENT B

Other States in which the Applicant has applied to provide retail electric or natural gas service but has been rejected. Applicant may limit response to the last

ATTACHMENT B

three (3) years:

State(s): _____

Date of Application: _____

Attach additional sheets to the application if necessary.

b. Trade name (If Applicant will not be using a trade name, skip to question no. 2):

Trade Name: _____

2. a. CONTACT PERSON-REGULATORY CONTACT:

Name and Title: _____

Address: _____

Telephone: () _____

Fax: () _____

e-mail _____

b. CONTACT PERSON-CUSTOMER SERVICE (not required for aggregators who do not take title and/or brokers):

Name and Title: _____

Address: _____

Telephone: () _____

Fax: () _____

e-mail _____

3. RESIDENT AGENT:

Name and Title: _____

ATTACHMENT B

Address: _____

Telephone: () _____
Fax: () _____
e-mail _____

4. PRIMARY CORPORATE OFFICERS/GENERAL PARTNERS:

President/General Partners: Name(s): _____

Business Address: _____

CEO: Name: _____

Business Address: _____

Secretary: Name: _____

Business Address: _____

ATTACHMENT B

Treasurer: Name: _____

Business Address: _____

ATTACHMENT B

a. APPLICANT'S BUSINESS FORM: (select and complete appropriate statement)

- Proprietorship
- Corporation
- Partnership
- Limited Partnership
- Limited Liability Company
- Limited Liability Partnership
- Other: _____

b. STATE OF FORMATION: Applicant's business is formed under the laws of the State of _____

c. STATUS: Provide a certificate issued by the state of formation certifying that the Applicant is in good standing and qualified to do business in the state of formation.

If formed under the laws of other than the District of Columbia, provide a certificate issued by the Department of Consumer and Regulatory Affairs certifying that the applicant is registered or qualified, in good standing, to do business in the District of Columbia.

d. OWNERSHIP: Provide on a separate sheet the names and addresses of all persons and entities that directly or indirectly own ten percent (10%) or more of the ownership interests in the Applicant, or have the right to vote ten percent (10%) or more of the Applicant's voting securities, or who otherwise have the power to control the Applicant.

5. AFFILIATES, OR PREDECESSOR(S), ENGAGED IN THE SALE OR TRANSPORTATION/TRANSMISSION OF ELECTRICITY OR NATURAL GAS AT WHOLESALE OR RETAIL OR THE PROVISION OF RETAIL TELEPHONE OR CABLE SERVICES TO THE PUBLIC: (select and complete appropriate statement) (Applicant may limit responses to the last five years)

The Applicant has no such Affiliate(s) or Predecessor(s).

Applicant is an Affiliate of a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland. Please provide regulated utility's name:

Affiliate(s), or Predecessor(s), other than a regulated utility in Pennsylvania, Virginia, Delaware, New Jersey or Maryland that provides, or provided, sale or

ATTACHMENT B

transportation/transmission of electricity or natural gas at wholesale or retail or of retail telephone or cable services to the public:

Name: _____

Business Address: _____

License #/State of Issuance: _____

Location of Operations (Utility Service Territory): _____

Name: _____

Business Address: _____

License #/State of Issuance: _____

Location of Operations (Utility Service Territory): _____

Attach additional sheets to the application if necessary.

6. **ACTIONS AGAINST LICENSEES:** Provide the following information for the Applicant, any Predecessor(s), and any unregulated Affiliate that engages in or engaged in the sale or transportation/transmission of electricity or natural gas at wholesale or retail or the provision of retail telephone or cable services to the public. (Applicant may limit responses to the last five years).

- Actions such as Suspensions/Revocations/Limitations/Reprimands/Fines or other similar actions have been taken against the Applicant, Predecessor(s), or unregulated affiliate(s), and are described in the attached statement, including docket numbers, offense dates, and case numbers, if applicable. Formal investigations (defined as those investigations formally instituted in a public forum by way of the filing of a complaint, show cause order, or similar

ATTACHMENT B

pleading) instituted by any regulatory agency or law enforcement agency relating to the Applicant, Predecessor(s), or unregulated affiliate(s) if, as a result of the investigation, Applicant's/ Predecessor's/or affiliate's license to provide service to the public was in jeopardy are also listed. The license number, state of issuance, and name of licensee are identified below:

State(s): _____

Name(s): _____

License Number(s)(or other applicable identification): _____

No such action has been taken.

7 **FERC FILING:** Applicant has:

Filed an Application with the Federal Energy Regulatory Commission ("FERC") to be a Power Marketer.

Received approval from FERC to be a Power Marketer at Docket or Case Number:

Not Applicable.

OPERATIONAL CAPABILITY

8. **ISO/RTO AFFILIATION:** Provide evidence that the Applicant has met all applicable requirements of any ISO and/or RTO to be used by the Applicant. Indicate the evidence provided (not required for aggregators who do not take title and/or brokers)

Evidence of having met all applicable requirements of the PJM Interconnection, L.L.C.
(Attach evidence of being a signatory to all applicable agreements)

9. **SOURCE OF SUPPLY:** (Check all that apply) (not required for aggregators who do not take title and/or brokers)

Not applicable. Applicant will not be supplying retail electricity.

Applicant owns generation.

ATTACHMENT B

- Applicant contracts for generation.**
- Applicant obtains generation on the spot market.**
- Other -- Applicant must attach a statement detailing its source of generation.**

ATTACHMENT B

SCOPE OF OPERATIONS

(Check all that apply)

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

- Marketer of electricity purchasing and taking title to electricity as an intermediary for sale to customers.
- Aggregator acting on behalf of customers to purchase electricity.
- Broker acting as an agent or intermediary on behalf of customers in the sale and purchase of electricity and who does not take title to electricity.

Does Applicant intend to offer competitive billing services?: _____

Is the Applicant proposing to offer any other services? If so, please provide information regarding the proposed service in an attached statement.

11. **AREA OF OPERATION:** If the Applicant does not intend to offer services throughout the Potomac Electric Power Company territory in the District of Columbia, Applicant must, in an attached statement, describe in detail the area within the Utility's service territory in which Applicant's services will be offered.

- Applicant intends to offer service throughout the Potomac Electric Power Company service territory in the District of Columbia.
- Applicant intends to offer services in only a portion of Potomac Electric Power Company's service territory in the District of Columbia. Please see attached statement.

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

- Residential Customers
- Commercial Customers
- Industrial Customers
- Other (Describe in attachment)

Also, Applicant proposes:

- Restrictions upon the number of end use customers. (Describe in attachment)
- No restrictions on the number of end use customers.

ATTACHMENT B

- Restrictions upon the size of end use customers. (Describe in attachment)
- No restrictions on the size of end use customers.
- Other restrictions regarding customers. (Describe in attachment)

13. **START DATE:** The Applicant proposes to begin delivering services:

- Upon approval of the Application and license.
- Other approximate date of commencement

FINANCIAL INTEGRITY

14. **REQUIRED DOCUMENTATION OF FINANCIAL INTEGRITY:** To the extent available, Applicant shall provide the most recent versions of the following documents. Check each that is attached:

- Balance sheets, income statements and statements of cash flow for the two most recent 12 month periods for which information is available. Balance sheets, income statements and statements of cash flow must be for the Applicant, and not a parent corporation in the event one exists. Audited financial statements must be provided if they exist. Applicant should provide 10Ks and 10Qs if available.
- If the Applicant has not been in existence for at least two-12 month periods, it must provide balance sheets, income statements and statements of cash flow for the life of the business. Audited financial statements must be provided if they exist.
- In the event that a parent or other corporation or company has undertaken to guarantee the financial integrity of the Applicant, Applicant must submit such parent's, other corporation's or company's balance sheets, income statements and statements of cash flow, together with documentation of such undertaking to insure the financial integrity of the Applicant.
- Evidence that the Applicant is a licensed supplier in good standing or has engaged in the retail supply of electricity or electricity supply services in and/or other jurisdictions.
- Credit reports or ratings prepared by established credit bureaus or agencies regarding the Applicant's payment and credit history.

ATTACHMENT B

- A current long-term bond rating, or other senior debt rating, if available.
- Organizational structure of Applicant. Include Applicant's parent, affiliate(s), and subsidiary(ies) if applicable.
- Evidence of general liability insurance.
- Other evidence of financial integrity (Please attach additional information to application).
- Applicant will not accept prepayments or deposits from customers.
- Applicant intends to accept prepayments and/or deposits from customers.

15. **BONDING REQUIREMENTS:** A bond, parent guarantee, or some other form of financial instrument ("bond") may be required if the Commission determines that such bond is necessary in order to ensure that the Applicant has sufficient financial integrity to be granted a License. The Commission shall determine the Bonding requirement on a case-by-case basis.

A bond, if required, shall be in the amount of \$50,000.00.

16. **NOTICE OF REQUIRED COMPLIANCE:** The Applicant is hereby notified that it is required to comply with the following:

- a. The Applicant may be required to submit bond(s), as applicable, as described Section 16 herein.
- b. The Applicant must update this application with the Commission immediately if any of the information provided in this Application changes during the pendency of the Application. If the Applicant receives a license from the Commission, licensee/supplier must, within 30 days of a change, update Sections 1-3, 6, 14, 15, 18 and the averment regarding any civil, criminal or regulatory penalties, etc. imposed on Applicant, et al.. Licensee/supplier must immediately update any change to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily.
- c. If the Applicant receives a license from the Commission, licensee/supplier must provide annual updates of all items that have changed in the application. The annual update should be provided to the Commission within 120 days of the end of the supplier's fiscal year.