

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
 Emporia Renewable Energy Corp.)
)
) APPLICATION FOR
) COMPETITIVE NATURAL GAS
 seeking authority to operate as a)
 Competitive Natural Gas) PROVIDER AUTHORITY
 Provider State of Nebraska.)
)

Pursuant to Neb. Rev. Stat. §§ 66-1848 and 66-1849, and 291 Neb. Admin. Code § 9-011, **Emporia Renewable Energy Corp.** ("Applicant") seeks authority from the Nebraska Public Service Commission ("Commission") to operate as a Competitive Natural Gas Provider ("CNGP") within the State of Nebraska. In support of its application, Applicant provides the following information:

Neb. Rev. Stat. § 66-1848

The Applicant intends to conduct the following type of business in Nebraska, for which it is seeking certification:

- CNGP only
- CNGP and Aggregator
- Aggregator only

291 Neb. Admin. Code § 9-011.02A

1. The Applicant's full legal name, and any trade names under which the Applicant will operate in Nebraska, are as follows:
 Emporia Renewable Energy Corp.

RECEIVED

AUG-23-2018

Commission Use Only

Natural Gas Dept.

2. The Applicant is (check one):

A publically owned corporation and a copy of its most recent Annual Report to Shareholders is attached as an Exhibit to this application.

A privately held corporation.

3. The name of the Parent Company of the Applicant is:
N/A

4. Insert a description of the business structure of the Applicant. An organizational chart is attached to this application as Exhibit Number 1.

For questions about business structure, please contact Shawn McLaughlin at 303-921-9301 or SmcLaughlin@emporiaenergy.com

5. The Applicant is legally certified to conduct business in the State of Nebraska. Evidence of the Applicant's registration and authority to conduct business in Nebraska by the Nebraska Secretary of State for all trade names under which Applicant will operate is attached to this application as Exhibit Number 2.

6. The Applicant is incorporated in the following state:
Colorado

7. The address of Applicant's headquarters is:
7901 Shaffer Pkwy.

Littleton, CO 80127

VIII 2 5 2018 1

NOTE: THIS DOCUMENT IS FOR REFERENCES PURPOSES ONLY AND IS NOT INTENDED TO BE FILED WITHOUT ADDITIONAL EDITING.

8. The individual to which any questions regarding this application should be addressed is:

Austin Hostetler
Name: _____
Title: **Analyst**
7901 Shaffer Pkwy.
Address: _____

Littleton, CO 80127

720-600-2176
Phone number: _____
ahostetler@emporiaenergy.com
Email address: _____

291 Neb. Admin. Code § 9-011.02B

9. A document listing the names, business addresses, business telephone numbers, and business email addresses of the principal officers of the Applicant who can be contacted regarding its operations in Nebraska is attached as Exhibit Number 3.
10. A telephone number(s) at which the Applicant can be contacted 24 hours a day is as follows:
720-600-2176

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291 Neb. Admin. Code § 9-011.02C

11. Applicant hereby lists the names and addresses of all the Applicant's affiliates (including parent entities) engaged in the provision of Competitive Natural Gas and/or Aggregator Service in any other state or jurisdiction and indicate which, if any, are duly certificated in Nebraska:
N/A

12. The following is a complete and accurate list of the jurisdictions in which the Applicant or one of its affiliates are certificated to operate as a competitive natural gas provider and/or aggregator:
Emporia Energy currently transports gas as a supplier to some of Xcel Energy's customers in Colorado.

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291 Neb. Admin. Code § 9-011.02D

13. The following is an complete and accurate list of all legal actions and/or formal complaints pertaining to the provision of competitive natural gas services filed against the Applicant or its affiliates in a court or public utility regulatory body, other than the Nebraska Commission, that were pending in the 12 months prior to the date of this application.

Note: Please include number of such proceedings, the type of proceeding, the jurisdiction where such action occurred, and the current status of any applicable proceeding(s).
N/A

14. A copy of each of the final orders in the above-listed proceedings are attached to this application as Exhibit Number N/A.

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291 Neb. Admin. Code § 9-011.02E

15. The following is a complete and accurate list of the states and jurisdictions in which the Applicant or an affiliate has had a license or certificate to supply competitive natural gas service suspended, revoked, or denied, or where the Applicant or affiliate voluntarily withdrew from providing CNGP or aggregator service.

Note: Applicant must include identification of the title and number of any applicable proceedings.
N/A

16. A copy of any final orders in such proceedings or the citation to the website where the text of the orders can be found is attached as Exhibit Number N/A.

291 Neb. Admin. Code § 9-011.02F

17. Applicant presents the following to demonstrate it has the operational and financial capability to obtain and deliver the services it proposes to offer.

- a. Financial capability. A balance sheet, statement of income, statement of cash flow, and if applicable, a statement of shareholders' equity and the Applicant's debt structure, including bond rating are attached as Exhibit Number 4.

NOTE: A request for confidential treatment of these materials may be filed with the Commission pursuant to 291 Neb. Admin. Code § 9-006.

- b. Operational ability. A roster of officers and directors, a description of the professional backgrounds of the

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Applicant's principal managerial and technical personnel, and an operational flow chart are attached to this application as Exhibit Number 5.

18. The Applicant sets forth the following description of the Applicant's facilities and services it intends to render in Nebraska:

The mission of Emporia Energy is to engage customers in saving money and lowering carbon emissions through simple, cost effective energy management solutions. Emporia Energy is seeking to become a competitive natural gas supplier in Black Hills Energy's Choice Gas Program. Emporia Energy intends to supply natural gas at competitive rates to residential, commercial, and agricultural customers. Black Hills Energy Supplier Selection period will begin in April and Emporia Energy will begin supplying gas after the selection period has ended.

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ATTESTATIONS

- 19. Applicant hereby commits to comply with all applicable statutes, regulations, and orders in its provision of CNGP and aggregation services within the State of Nebraska. Applicant understands that if granted CNGP or aggregator authority, it will be required to file an annual report with the Commission.

- 20. Applicant hereby acknowledges that any inaccuracies, misstatements of fact, or falsehoods within this application may result in the denial and/or revocation of CNGP or aggregator authority by the Commission.

- 21. Applicant acknowledges that if it is granted CNGP or aggregator authority, a failure to comply with applicable statutes, regulations, and orders may result in fines and/or the revocation of the authority granted.

The Applicant respectfully requests that the Commission grant its Application for authority to provide CNGP services within the State of Nebraska.

Respectfully submitted,



Signature

Austin Hostetler

Printed Name

Analyst

Title

7901 Shaffer Pkwy.

Littleton, CO 80127

Mailing Address

720-284-4698

Phone Number

ahostetler@emporiaenergy.com

Email Address

8/21/2018

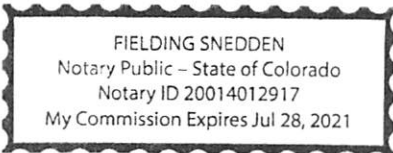
Date

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STATE OF Colorado)
) ss.
COUNTY OF Jefferson)

I, Fielding Snedden, a notary duly commissioned in Jefferson County, Colorado, hereby swear and acknowledge that on the 21st day of August, 2018, Austin Hostetter, who is personally known to me and who provided satisfactory identification pursuant to Neb. Rev. Stat. § 64-105, came under oath and signed the foregoing document in my presence.

SUBSCRIBED AND SWORN to before me this 21st day of August, 2018.



[Seal]

Fielding Snedden
Notary Public

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Exhibit 1 – Organizational Business Chart

Shawn McLaughlin – CEO

- **Retail Natural Gas**
 - Matt Brown – Operations Manager
 - Austin Hostetler – Analyst
 - Richard Hughes-Findley – VP of Business Development
- **Product Development**
 - Seth Terry – Head of Products and Solutions
 - Adam Jansons – Product Development Engineer
- **Software**
 - Richard Tolar – Head of Software Development

Exhibit 2 – Certification to Conduct Business in the State of Nebraska

Please see next page for certificate

Exhibit 3 – Principal Officers

Shawn McLaughlin – CEO
7901 Shaffer Pkwy. Littleton, CO 80127
smclaughlin@emporiaenergy.com
303-921-9301

APPLICATION FOR CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS

John A. Gale, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
<http://www.sos.ne.gov>

Attach a certificate of existence, or document of similar import, duly authenticated by the secretary of state or other official having custody of the corporate records in the state or country under whose law the corporation is incorporated. Such certificate shall not be more than sixty (60) days old. A certified copy of the articles of incorporation should not be submitted and is not acceptable in lieu of such certificate.

Name of Corporation Emporia Renewable Energy Corp.

Fictitious Name of Corporation* _____
(to be used only if actual corporate name is unavailable for use or does not comply with Nebraska law)

*Must provide a resolution from the Board of Directors signed by the Secretary adopting this fictitious name. Note: Fictitious name must contain one of the words incorporated, corporation, limited or an abbreviation thereof.

Incorporated under the laws
of Colorado


Date of Incorporation 2/22/2018 Period of Duration Perpetual

Address of Principal Office 7901 Shaffer Pkwy Littleton, CO 80127
Street Address City State Zip

Registered Agent Northwest Registered Agent Service, Inc

Registered Office 530 S. 13th St. STE 100 Lincoln NE 68508
Street Address and Post Office Box (if any) City Zip

Effective date if other than the date filed 8/17/2018


Signature

Shawn T Mrazek
Printed Name/Title CEO

The Model Business Corporation Act requires that every filing be signed by the chairperson of the board of directors, the president, or one of the officers of the corporation. If the corporation has not yet been formed or directors have not yet been selected, the filing shall be signed by an incorporator. If the corporation is in the hands of a receiver, trustee, or other court appointed fiduciary, the filing shall be signed by that fiduciary.

NOTE: To complete this filing you must provide a list of officers and directors names and street addresses.

FILING FEE: \$145.00 (if you have more than one page listing officers and directors please add \$5.00 a page for each additional page)

OFFICERS:

Shawn McLaughlin / CEO
Name/Title

7901 Shaffer Pkwy.
Street Address

LITTLETON CO 80127
City State Zip

Name/Title

Street Address

City State Zip

Name/Title

Street Address

City State Zip

Name/Title

Street Address

City State Zip

Name/Title

Street Address

City State Zip

Name/Title

Street Address

City State Zip

DIRECTORS:

Name

Street Address

City State Zip

Name

Street Address

City State Zip

Name

Street Address

City State Zip

Name

Street Address

City State Zip

Name

Street Address

City State Zip

Name

Street Address

City State Zip

Please Copy this page and submit additional pages if needed.

STATE OF NEBRASKA

United States of America, }
State of Nebraska }

Secretary of State
State Capitol
Lincoln, Nebraska

I, John A. Gale, Secretary of State of the
State of Nebraska, do hereby certify that

EMPORIA RENEWABLE ENERGY CORP.

a Colorado corporation is authorized to transact business in Nebraska;

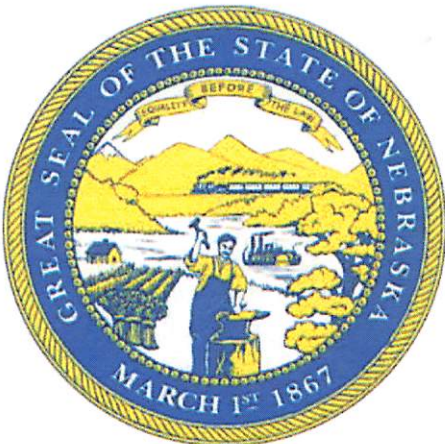
**that no occupation taxes due from and assessable against the Corporation are
unpaid and have become delinquent;**

**that no annual or biennial report required to be forwarded by the
Corporation to the Secretary of State has become delinquent;**

that a Certificate of Withdrawal has not been filed.

*This certificate is not to be construed as an endorsement,
recommendation, or notice of approval of the entity's financial
condition or business activities and practices.*

In Testimony Whereof,



I have hereunto set my hand and
affixed the Great Seal of the
State of Nebraska on this date of

August 21, 2018

John A. Gale
Secretary of State

b. **Exhibit 5 - Roster of officers and directors, and a description of their professional background and operational flow chart**

- **Shawn McLaughlin/CEO** - Mr. McLaughlin serves as Emporia's Chief Executive Officer. Prior to Emporia, Mr. McLaughlin was Chairman of the Board and CEO of Concord Energy Holdings LLC which he founded in 2002. Concord is a commodities marketing and trading firm specializing in North American Energy and they are considered first mile experts, focusing on managing oil and gas producers' production and transportation assets. Concord offers integrated water solutions, crude oil hauling, and product marketing, transportation and storage management. Over the last 15 years, Concord generated in excess of \$300m of EBITDA. Mr. McLaughlin began his career as a clerk on the floor of the Chicago Board of Trade. In 1993 he became a "local" floor trader in the 10yr note pit. In 1995 Shawn left his career in Chicago to move back to Denver, where he began work in the oil and natural gas business. In 1996 Shawn founded the energy marketing and trading company Enserco Energy LLC in partnership with Black Hills Power and Light out of Rapid City South Dakota. Over Mr. McLaughlin's six years as President and CEO of Enserco, Enserco generated in excess 100M in earnings. Mr. McLaughlin attended Colorado State University and earned a Bachelor's degree in Economics in 1991. Mr. McLaughlin is an executive board member of Colorado Uplift, Co-Chairman of Elevate USA and serves on the Board of Education at Valor Christian High School.
- **See Exhibit 1 for operation flow chart**