

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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

Pursuant to Neb. Rev. Stat. §§ 66-1848 and 66-1849, and 291 Neb. Admin. Code § 9-011, **KALM Energy, LLC** ("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:

KALM Energy, LLC

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Commission Use Only

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:

\_\_\_\_\_

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

KALM Energy is a Limited Liability Company that as a partnership for income tax purposes. The owners are Kirk McClymont 50% and Mike Hoelscher 50%

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:

Nebraska.

7. The address of Applicant's headquarters is:

5900 N. 58th St Unit 3

Lincoln, NE 68507

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: THIS DOCUMENT IS FOR REFERENCE 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:

Name: Mike Hoelscher

Title: Manager

Address: 5900 N. 58th St Unit 3  
Lincoln, NE 68507

Phone number: 402-304-3614

Email address: mike@kalmenergy.com

**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:  
402-304-3614

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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:  
4CNG, LLC 5900 N. 58th St. Unit 3 Lincoln, NE 68507  
KALM Energy owns 15% of 4CNG, LLC and it is filied as a CNGP in Iowa for delivery of Compressed Natural Gas (CNG) at its CNG station at Sapp Bros. Travel Center in Council Bluffs IA
  
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:  
Iowa

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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).*

None

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

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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.*

None

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 \_\_\_\_.

**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:

KALM Energy will sell natural gas to 3 chicken houses operated by Gallus Capital and S&S Broilers. Currently, the houses are provided Liquefied Natural Gas (LNG) by KALM Energy but Black Hills Energy intends to install a pipeline to serve the houses in the near future. KALM wants to keep providing the gas supply when the pipeline is completed and therefore would like to become CNGP. It our intention to only serve these customers but Black Hills comtemplates expanding the pipeline to serve 3 other chicken houses and we would want to serve them. The facilities serving our customer would be owned and operated by Black Hills. We would purchase natural gas off of Northern Natural Gas company's interstate pipeline for delivery into the Black Hills distribution for final delivery to our customer. We would bill the customer under our contracted price and pay Black Hills for the distribution and our gas supplier for the commodity.

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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

Printed Name: Mike Hoelscher

Title: Manager

Mailing Address: 5900 N. 58th St Unit 3

Phone Number: (402) 304-3614

Email Address: mike@kalmenergy.com

Date: 4/9/2020

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STATE OF Nebraska )  
 ) ss.  
COUNTY OF Lancaster )

I, Austin Ligenza, a notary duly commissioned in  
Lancaster County, Nebraska, hereby swear  
and acknowledge that on the 9th day of April, 2020,  
Michael Hoelscher, 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 9th day of  
April, 2020.

Austin Ligenza  
Notary Public



[Seal]

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INTENDED TO BE FILED WITHOUT ADDITIONAL EDITING.**

Organization Chart for KALM Energy

Kirk McClymont, owner

Gas supply

Mike Hoelscher, owner

Customer sales and liaison

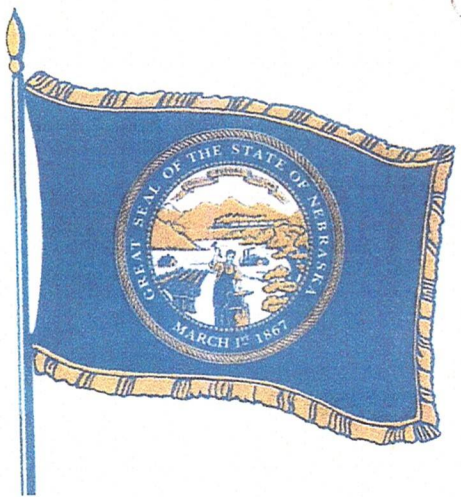
Katy Drake, office administrator

Billing and customer relations

Exhibit 2

STATE OF

NEBRASKA



United States of America, } ss.  
State of Nebraska

Department of State  
Lincoln, Nebraska

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

the attached is a true and correct copy of Articles of Amendment to  
the Articles of Organization of

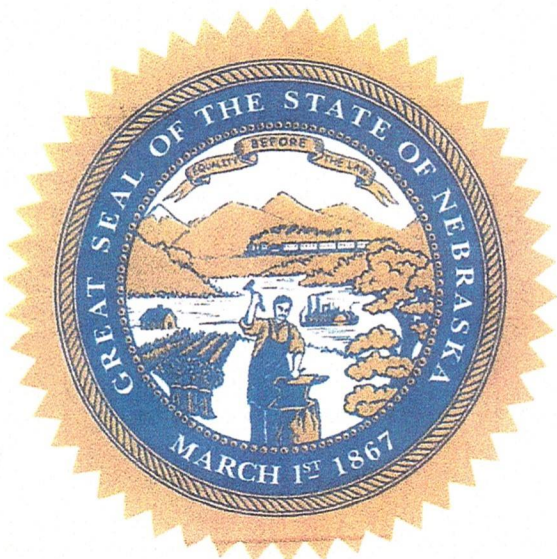
**KALM ENERGY, LLC**

with registered office located in **HOLDREGE, Nebraska**, as filed in  
this office on April 2, 2003.

In Testimony Whereof,

I have hereunto set my hand and  
affixed the Great Seal of the State  
of Nebraska on April 2, in the year  
of our Lord, two thousand three.

*John A. Gale*  
SECRETARY OF STATE



## KALM Energy, LLC Contact Information

Kirk McClymont, Member- 5900 N. 58<sup>th</sup> St. Unit 3 Lincoln, NE 68507; Phone number 308-991-3811; email address [kirk@stirkcng.com](mailto:kirk@stirkcng.com)

Melisa Hoelscher, Member- 5900 N. 58<sup>th</sup> St Unit 3 Lincoln, NE 68507; Phone number 402-450-0031; [melisa@kalmenergy.com](mailto:melisa@kalmenergy.com)

Mike Hoelscher, Operations Manager- 5900 N. 58<sup>th</sup> Unit 3 Lincoln, NE 68507; Phone number 402-304-3614; email address [mike@kalmenergy.com](mailto:mike@kalmenergy.com)

# Exhibit 5

## KALM Energy, LLC Members and Staff's Operational Ability

Kirk McClymont- Managing Member Kirk has been actively involved in natural gas marketing since 1994. He has held ownership in several natural gas marketing companies including Natural Gas Transport, KALM Energy, Nebraska Gas Transport, Post Rock Gas, and Seminole Energy services. He has over 20 years' experience in all phases of natural gas marketing from buying gas supply, nominating it on the pipeline, hedging commodity, dealing with local utilities, overseeing the billing, and managing the needed staff to serve the customer.

Melisa Hoelscher- Member- Melisa has vast experience in business management, purchasing, record keeping, establishing budgets, and overall business savvy. Is a key decision maker on the future direction of KALM Energy.

Mike Hoelscher- head of Operations- Mike has over 13 years of experience in the commodity hedging and customer relations as marketing director at AgWest Commodities in Holdrege Nebraska. For the past 7 years he has been head of operations for KALM Energy. His duties include but are not limited to managing staff, design and build CNG and LNG facilities, implement marketing programs, keep financial records, pay invoices, schedule natural gas deliveries, manage account receivables and payables. He has a CDL with a hazmat endorsement and oversees our trucking operations.

Katy Drake- office administrator- has over 15 years' experience in office operations and customer relations from various positions she has held. Katy has been instrumental in organizing and running KALM Energy's day to day operations. Mike and Katy currently serve as the primary customer contact with Gallus and S&S Broilers for KALM Energy