

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
WoodRiver Energy Agriculture LLC)
seeking authority to operate as a)
Competitive Natural Gas)
Provider in the State of)
Nebraska.)

APPLICATION FOR
COMPETITIVE NATURAL GAS
PROVIDER AUTHORITY

RECEIVED
By Deena Ackerman at 8:31 am, Jun 02, 2020

Pursuant to Neb. Rev. Stat. §§ 66-1848 and 66-1849, and 291 Neb. Admin. Code § 9-011, **WoodRiver Energy Agriculture 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:

WoodRiver Energy Agriculture LLC

Commission Use Only

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

Name: Marc Peter

Title: President

Address: 3300 E 1st., Ave Suite 600
Denver, CO 80206

Phone number: 720-306-9530

Email address: marc.peter@woodriverenergy.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 2.
10. A telephone number(s) at which the Applicant can be contacted 24 hours a day is as follows:
888-510-9315

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: Marc Peter

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888-510-9315

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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:

WoodRiver Energy LLC, 3300 E 1st Ave., Suite 600, Denver, CO 80206
(CO,WY,NE,KS,IA,SD,WI,MI)

Connect Energy Partnership, Suite 201, 203 Stonebridge Boulevard,
Saskatoon, SK S7T 0G3 (SK)

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:

NE, IA

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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 _____.

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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 ____.

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 3.

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 4.

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

WoodRiver Energy LLC ("WRE") is a CPNG in NE and currently participates in the the Res/Com/Ind & Ag markets. Upon approval, WRE will be assigning ownership of WRE's AG Choice business to WREA. Despite the fact that contractually Res/Com and AG are 2 separate programs, BHE manages the 2 Choice programs as 1 program. The transport associated with Res/Com program impacts the economics of the AG program. By moving the AG business to a new entity, BHE will setup the AG program under the new entity and manage the two programs separately.

WREA will only participate in the BHE AG choice program. It will have no employees, only allocated expenses.

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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: **Marc Peter**

Title: **President**

Mailing Address: **3300 E 1st Ave., Suite 600**

Denver, CO 80209

Phone Number: **(720) 306-9530**

Email Address: **marc.peter@woodrivenergy.com**

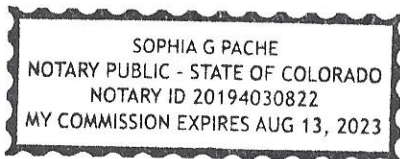
Date: **5/19/2020**

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STATE OF Colorado)
) ss.
COUNTY OF Denver)

I, Sophia Paché, a notary duly commissioned in
Denver County, Colorado, hereby swear
and acknowledge that on the 17th day of May, 2020,
Marc Ernest Peter, 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 19th day of
May, 2020.



Sophia Paché
Notary Public

[Seal]

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

APPLICATION FOR CERTIFICATE OF AUTHORITY FOREIGN LIMITED LIABILITY COMPANY

Submit in Duplicate

Robert B. Evnen, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
(402) 471-4079
www.sos.ne.gov

An original certificate of existence from the appropriate authority in the jurisdiction or state under whose laws the limited liability company was organized must be filed with this document.

NOTE: A certified copy of the company's certificate of organization may not be filed in lieu of a certificate of existence.

Name of Limited Liability Company WoodRiver Energy Agriculture LLC

Alternate Name _____
(complete only if actual name is unavailable for use or does not comply with Nebraska law)

Name and address of registered agent in Nebraska:

Registered Agent Name: CT Corporation System

Registered Agent Address:

5601 South 59th Street, Suite C	Lincoln	NE	68516
Street and Mailing Address	City	State	Zip

Address of Principal Office:

3300 E. 1st Avenue, Suite 600	Denver	CO	80206
Street and Mailing Address	City	State	Zip

If required by state or jurisdiction of organization, office maintained in that jurisdiction;

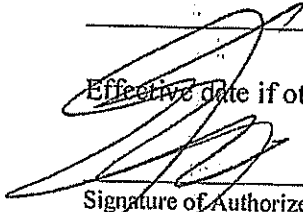
Street and Mailing Address	City	State	Zip
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Organized under the laws of the State or Jurisdiction of Colorado

Nature of the Business, purposes to be conducted or promoted in this state or professional services being rendered:

Natural gas marketing

Effective date if other than the date filed 11/2/19



Signature of Authorized Representative

Marc Peter
Printed name of Authorized Representative

FILING FEE: \$120.00

Revised 01/10/2019

Neb. Rev. Stat. §21-156

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

WoodRiver Energy Agriculture LLC

is a

Limited Liability Company

formed or registered on 09/23/2019 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20191759192 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/06/2019 that have been posted, and by documents delivered to this office electronically through 11/07/2019 @ 11:41:04 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/07/2019 @ 11:41:04 in accordance with applicable law. This certificate is assigned Confirmation Number 11900281 .



Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."

CONSENT FOR USE OF DECEPTIVELY SIMILAR NAME

Robert B. Eynen, Secretary of State
P.O. Box 94608
Lincoln, NE 68509
(402) 471-4079
www.sos.ne.gov

Please file this consent with new business formation document or amendment to change business name where a name conflict exists for a trade name or an entity other than a business corporation.

CONSENT FOR USE OF DECEPTIVELY SIMILAR NAME

Consenting Entity: WOODRIVER ENERGY LLC

Account Number of Entity Giving Consent: 10190659

Gives Consent To: WOODRIVER ENERGY AGRICULTURE LLC

To Use the Name: WOODRIVER ENERGY AGRICULTURE LLC

By signing and submitting this form to the Nebraska Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document. Consent form must be signed by an authorized representative of the consenting entity.


Signature

MARC PETER
Printed Name

Note: For Business Corporation, submit the Application for Use of Deceptively Similar Name found at:
http://www.sos.ne.gov/business/corp_serv/corp_form.html.

Exhibit 2

WoodRiver Energy Agricultural LLC Officers

Marc Peter
3300 E 1st. Ave. Suite 600
Denver, CO 80206
720-306-9530

President

Don Krattenmaker
3300 E 1st. Ave. Suite 600
Denver, CO 80206
720-306-9531

Vice-President

Stacci Urbom
1112 17th Ave
Holdrege, NE 68949
308-991-3911

Secretary

Starr McNamara
3300 E 1st. Ave. Suite 600
Denver, CO 80206
720-617-0401

Treasurer