

**BEFORE THE DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION**

Application Docket No. \_\_\_\_\_

Application of New Wave Energy, LLC, d/b/a (“doing business as”)

\_\_\_\_\_ for approval to offer, render, furnish, or supply electricity or electric generation services as a(n) Supplier, [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** New Wave Energy, LLC

Current Mailing Address: 410 Main Street

Buffalo, NY 14202

Street Address (if different): \_\_\_\_\_

Telephone Number: 855-998-9283

Website URL: www.nwaveenergy.com

Other States, including District of Columbia, in which the Applicant is now or has been engaged in the retail sale of electricity and the names under which the Applicant is engaged or has been engaged in such business(es) Applicant may limit response to the last three (3) years:

New Wave Energy, LLC was formerly known as New Wave Energy Corp. and is currently licensed in the following states: PA, OH, NJ, MD and NY  
Name: \_\_\_\_\_

Business Address: 410 Main Street

Buffalo, NY 14202

License # State of Issuance: \_\_\_\_\_  
PA (Lic. No. A-2017-2626376), OH (Cert. No. 17-1185(E)), NJ (Lic. ESL-0262), MD (Lic. No. IR-4180), NY

Other states in which the Applicant has applied to provide retail electric service but has been rejected. Applicant may limit response to the last three (3) years:

State(s): NONE

Date of Application: N/A

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.a.):

Trade Name: N/A

- c.** The District of Columbia and other states, in which the Applicant has provided retail electric under the current Applicant name or in a different name but has voluntarily or involuntarily surrendered its license. Describe reasons for license surrender. With regard to a voluntary or involuntary license surrender in the District of Columbia only, state whether any previously outstanding assessments and/or penalties imposed by the Commission and the Office of the People's Counsel have been paid. If any previous assessments and/or penalties are unpaid, provide a date certain when those assessments and/or penalties will be paid. Applicant may limit response to the last five (5) years:

State(s): None

Date of License Surrender and Reasons for License Surrender:  
N/A

In the District of Columbia, Amount of Paid Assessments and Unpaid Assessments/Penalties Following License Surrender and to Whom Owed (If Applicable)

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Attach additional sheets to the application if necessary.

**2.**

- a. CONTACT PERSON-REGULATORY CONTACT:**

Name and Title: James Schuster, Director of Operations

Address: 410 Main Street  
Buffalo, NY 14202

Telephone: ( ) 716-887-9700, ext 105  
Fax: ( ) N/A  
E-mail: jschuster@nwaveenergy.com

**b. CONTACT PERSON-CUSTOMER SERVICE and CONSUMER COMPLAINTS (not required for Aggregators who do not take title and/or Brokers):**

Name and Title: James Schuster, Director of Operations

Address: 410 Main Street

Telephone: ( ) 716-887-9700, ext 105  
Fax: ( ) N/A  
E-mail: Jschuster@nwaveenergy.com

**3. RESIDENT AGENT:**

Name and Title: Corporation Service Company

Address: 1090 Vermont Ave., NW, Washington, DC 20005

Telephone: ( ) 800-927-9800  
Fax: ( ) \_\_\_\_\_  
E-mail: \_\_\_\_\_

**4. PRIMARY COMPANY OFFICIALS**

President/General Partners: Name(s) John Ludtka

Business Address: 410 Main Street

Buffalo, NY 14202

CEO/Managing Partner: Name Nick Jerge

Business Address: 410 Main Street

Buffalo, NY 14202

Secretary Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Treasurer Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

**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 Delaware**

**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.**

See Attached as Exhibit 1

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

- 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 in the Applicant's voting securities, or who otherwise have the power to control ten percent (10%) or more of the Applicant. See Attached as Exhibit 2

5. **AFFILIATES, OR PRECEDECESSOR(S), ENGAGED IN THE SALE OR TRANSMISSION OF ELECTRICITY AT WHOLESALE OR RETAIL TO THE PUBLIC:** (select and complete appropriate statement) (Applicant may limit responses to the last five (5) years).

a. The Applicant has no such Affiliate(s) or Predecessors(s).

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b. The Applicant is an Affiliate of a regulated utility. Please provide regulated utility's Name and the jurisdictions in which it operates:

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c. The Affiliate(s), or Predecessor(s), other than a regulated utility that provides, or provided, sale or transmission of electricity at wholesale or retail to the public:

**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 transmission of electricity at wholesale or retail to the public. (Applicant may limit responses to the last five (5) years).

- Identify all actions against the Licensee, Predecessor or any regulated or unregulated affiliate(s) such as Suspensions/Revocations/Limitations/Reprimands/Fines and describe the action in an 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 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 license are identified below:

**State(s):** None \_\_\_\_\_

**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:  
16-509 \_\_\_\_\_
- Not Applicable.

### **OPERATIONAL CAPABILITY**

**8. ISO/RTO AFFILIATION:** Provide evidence that the Applicant has met all applicable requirements of any ISO and/or RTO for its use by the Applicant. Indicate the evidence provided (not required for aggregators who do not take title and/or brokers). See Proof of PJM Membership (Exhibit 3)

Evidence of having met all applicable requirements of the PJM Interconnection, L.L.C. or another RTO or ISO (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.
- x Applicant contracts for generation.
- x Applicant obtains generation on the spot market.
- Other – Applicant must attach a statement detailing its source of Generation.

**SCOPE OF OPERATIONS**  
(Check all that apply)

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

- Generator of electricity in the wholesale or retail market.
- 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? No

Is the Applicant proposing to offer any other services? no  
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 Electric Company's service territory in which Applicant's services will be offered.

- Applicant intends to offer service throughout the Potomac Electric Power Company 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 (check all that apply):

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

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

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

**FINANCIAL INTEGRITY**

**14. REQUIRED DOCUMENTATION OF FINANCIAL INTEGRITY:**

Check that the documents listed below are attached to the Application.

The Applicant shall provide the most recent versions of the following documents to the extent they are available:

- Credit reports or ratings prepared by established credit bureaus or agencies regarding the Applicant's payment and credit history.

- Balance sheets, income statements and statements of cash flow for the two (2) most recent twelve (12)-month periods for which information is available. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any financial statements subsequent to the most recent annual financial statements. See Attached Confidential Exhibit 4
- In the event that a parent or other company, person or entity has undertaken to guarantee the financial integrity of the Applicant, the Applicant must submit such entity's balance sheet, income statement and statement of cash flow, together with documentation of such guarantee to insure the financial integrity of the Applicant. Audited financial statements must be provided if they exist. In addition, the Applicant shall provide any available quarterly financial statements subsequent to the most recent annual financial statements.
- If the Applicant, parent, or guarantor entity has not been in existence for at least two (2) twelve (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.
- Organizational structure of Applicant. Include Applicant's parent, affiliate(s), and subsidiary(ies) if any. See attached Confidential Exhibit 2
- Evidence of general liability insurance. See Confidential Exhibit 4
- If the Applicant has engaged in the retail supply of electricity supply services in any other jurisdiction, evidence that the Applicant is a licensed supplier in good standing in those jurisdictions. See Exhibit 5
- A current long-term bond rating, or other senior debt rating.
- Any other evidence of financial integrity such as an unused line of bank credit or parent guarantees.

## **15. BONDING REQUIREMENTS**

### **Integrity Bond**

An Applicant who cannot provide credible evidence that it meets the financial integrity standards listed in Section 4605 of Chapter 46 of Title 15 DCMR must submit a bond on the form attached to this Application ("Integrity Bond"). The Applicant, if licensed by the Commission as an electricity supplier, may be required to update/revise this initial Integrity Bond, by revising the initial Integrity Bond or posting an additional Integrity Bond, as set forth in Section 4605.

However, an Applicant who can provide credible evidence that it meets the financial integrity standards listed in Section 4605 will not be required to submit an Integrity Bond. (The Applicant may still be required to submit a separate Customer Payments Bond, as discussed below.).

### **Customer Payments Bond**

A separate bond on the appropriate form attached to this Application is mandatory if an Applicant requires prepayments and/or deposits from residential or small commercial customers (“Customer Payments Bond”). Please check one of the boxes below to state whether you, the Applicant, intend to charge, collect, or hold prepayments and/or deposits, as such terms are defined in the Bonding Requirements Addendum attached to this Application:

- Applicant will not accept prepayments or deposits from residential and small commercial customers.
- Applicant intends to accept prepayments or deposits and/or deposits from residential and small commercial customers. Applicant must comply with Bonding Requirements Addendum governing the Customer Payment Bond.

Further details regarding the District of Columbia’s bonding requirements are included in Sections 4604 and 4605 of Chapter 46 of Title 15 DCMR.

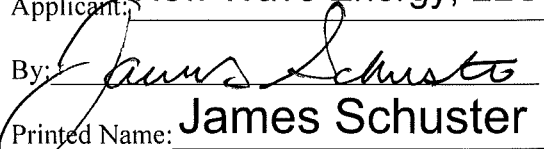
- 16. NOTICE OF REQUIRED COMPLIANCE:** The Applicant is hereby notified that it is required to comply with the following:
- a. The Applicant may be required to submit bond(s), as applicable as described in Section 15 herein.
  - b. The Applicant must update this application with the Commission immediately if any of the information provided in this Application changes or an error or inaccuracy is noted during the pendency of the Application. After an Application has been approved, a Licensee must inform the Commission of changes to all parts of the application and the averment regarding any civil, criminal, or regulatory penalties, etc. imposed on applicant, *et al.* within thirty days of the change or an error or inaccuracy is noted. A Licensee must inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within one business day of the institution of such proceedings.
  - c. Supplement this application in the event the Commission modifies the licensing requirements, or request further information.

- d. Agree that it will not present itself as a licensed retail supplier of electricity in the District of Columbia, sell or market services, accept deposits, prepayments, or contract with any end-use Customers without a license from the Commission.
- e. Pay all fees imposed by the Commission and any applicable taxes.
- f. Ensure that a copy of each service agreement entered into with Potomac Electric Power Company is provided to the Commission.
- g. Attend an Electricity Suppliers Education Workshop sponsored by the Commission.
- h. If certified, the Applicant shall institute a Privacy Protection Policy to protect against the unauthorized disclosure or use of information about a Customer or a Customer's use of service. A copy of that Policy shall be made available once a year, including any updates or changes, through electronic means or a hardcopy to the Customer and posted in a prominent place on each company's website.
- i. Abide by 15 DCMR § 308 and refrain from disclosing information about a Customer or the Customer's use of electricity or electric generation services without the Customer's written consent.
- j. Agrees to comply with 15 DCMR § 4602.12 Electric Company and Licensee Responsibilities in the event of a default after certification, and with the District of Columbia Electricity Supplier Coordination Tariff.

**17. AFFIDAVITS REQUIRED.** The Applicant must supply Affidavits of Tax Compliance and General Compliance to the Commission with the completed Application. The affidavits are included with this Application packet and must be executed by the Applicant or representative with authority to bind the Applicant in compliance with District of Columbia laws.

**18. 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.

**19. FEE:** The Applicant has enclosed the required fee of \$400.00.

Applicant: New Wave Energy, LLC  
 By:   
 Printed Name: James Schuster  
 Title: Director of Operations

**AFFIDAVIT OF TAX COMPLIANCE**

State of New York :  
 : SS  
County of Erie :

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

That he/she is the <sup>Director of Operations</sup> \_\_\_\_\_ (office of Affiant) of <sup>New Wave Energy, LLC</sup> \_\_\_\_\_ (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant:

That <sup>New Wave Energy, LLC</sup> \_\_\_\_\_, the Applicant herein, certifies to the Public Service Commission of the District of Columbia ("Commission") that it is subject to, will pay, and in the past has paid, the full amount of District of Columbia and Federal taxes imposed by applicable statutes and ordinances, as may be amended from time to time. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of the District of Columbia, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall provide to the Commission its jurisdictional Gross Receipts and revenues from retail sales in the District, for the previous year or as otherwise required by the Commission.

As provided by applicable Law, Applicant, by filing of this application waives confidentiality with respect to its tax information in the possession of the (appropriate taxing authority), regardless of the source of the information, and shall consent to the (appropriate taxing authority) providing that information to the Commission. The Commission shall retain such information confidentially. This does not constitute a waiver of the confidentiality of such information with respect to any party other than the Commission.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

Signature of Affiant

Sworn and subscribed before me this 19<sup>th</sup> day of July, 2023

Jessica Rauth  
Signature of official administering oath

My commission expires 4-20-2024.



The Applicant agrees to comply with power pool, control area, regional transmission operator, and/or ISO standards and requirements, as applicable.

The Applicant agrees that it shall neither disclose nor resell customer data provided to the Applicant by Potomac Electric Power Company.

The Applicant agrees, if the Commission approves its Application, to post an appropriate bond or other form of financial guarantee as required by the Commission and its regulations.

If the Applicant is certified, but later defaults, the Licensee/Supplier agrees to comply with 15 DCMR § 4602.12, Electric Company and Licensee Responsibilities in the event of a default, and with the District of Columbia Electricity Supplier Coordination Tariff.

The Applicant agrees, pursuant to the requirements of § 4603, to complete the Electricity Supplier Education Workshop sponsored by the Commission. Successful completion of the Workshop by the Licensee shall be evidenced by a certificate issued by the Commission.

The Applicant, including any of its Predecessor(s) and/or affiliate that engages in or engaged in the sale or transmission of electricity at wholesale or retail to the public, the general partners, company officials, corporate officers or directors, or limited liability company managers or officers of the Applicant, its predecessor(s) or its affiliates:

1. Has had no civil, criminal or regulatory sanctions or Penalties imposed against it within the previous five (5) years pursuant to any state or federal consumer protection law or regulations, has not been convicted of any fraud-related crime (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud) within the last five (5) years; and has not ever been convicted of a felony; or alternatively.
2. Has disclosed by attachment all such sanctions, penalties or convictions.

The Applicant further certifies that it:

1. Is not under involuntary bankruptcy/insolvency proceedings including but not limited to, the appointment of a receiver, liquidator, or trustee of the supplier, or a decree by such court adjudging the supplier bankrupt or insolvent or sequestering any substantial part of its property or a petition to declare bankruptcy as to reorganize the supplier; and
2. Has not filed a voluntary petition in bankruptcy under any provision of any Federal or state bankruptcy law, or its consent to the filing of any bankruptcy or reorganization petition against it under any similar law; or without limiting the generality of the foregoing, a supplier admits in writing its inability to pay its debt

generally as they become due to consent to the appointment of a receiver, trustee or liquidator of it or of all or any part of its property.

That Applicant possesses the requisite managerial and financial fitness to provide service at retail in the District of Columbia.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 19<sup>th</sup> day of July, 2023

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires 4-2024.

JESSICA E. RAUTH  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RA6406900  
Qualified in Erie County  
My Commission Expires 04-20-2024

**VERIFICATION**

State of New York :  
 : SS  
County of Erie :

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

He/she is the Director of Operations (Officer/Affiant) of New Wave Energy, LLC  
(Name of Applicant);

That he/she is authorized to and does make this affidavit for said corporation;

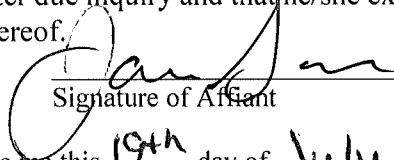
The Applicant understands that the making of a false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to all applicable sections of the District of Columbia Code as may be amended from time to time relating to perjury and falsification in official matters.

That the Applicant will supplement this Application in the event the Public Service Commission of the District of Columbia ("Commission") modifies the licensing requirements, or requests further information.

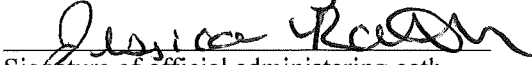
That the Applicant agrees that it will not present itself as a licensed retail supplier of electricity in the District of Columbia, sell or market electricity, accept deposits, prepayments, or contract with any end-use customers without a license from the Commission.

That the Applicant agrees to update information contained in this Application in accordance with the schedule set forth in the Application.

That the facts above set forth are true and correct to the best of his/her present knowledge, information, and belief after due inquiry and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 19<sup>th</sup> day of July, 2023

  
\_\_\_\_\_  
Signature of official administering oath

My commission expires 04-20-2024

**APPLICANT'S GENERAL AUTHORIZATION FOR VERIFICATION OF  
FINANCIAL INFORMATION, ETC.**

**TO WHOM IT MAY CONCERN:**

I/We have applied to the District of Columbia Public Service Commission (the "Commission") for a license to be an Electricity Supplier, or to provide certain Electricity Supply related services, and authorize you to release to the Staff of the Commission and its authorized representatives and agents any information or copies of records requested concerning:

MY COMPANY OR BUSINESS AND ITS HISTORY, PERFORMANCE, OPERATIONS, CUSTOMER RELATIONS, FINANCIAL CONDITION, INCLUDING BANK ACCOUNT TRANSACTIONS AND BALANCES, PAYMENT HISTORY WITH SUPPLIERS AND OTHER CREDITORS, VERIFICATION OF NET WORTH AND OTHER INFORMATION AND RECORDS WHICH THE COMMISSION REQUIRES TO VERIFY OR MAKE INQUIRY CONCERNING MY/OUR FINANCIAL INTEGRITY AND THE INFORMATION CONTAINED IN MY/OUR LICENSE APPLICATION OR OTHER INFORMATION PROVIDED BY ME/US TO THE COMMISSION OR, STAFF OF THE COMMISSION OR ITS REPRESENTATIVES OR AGENTS.

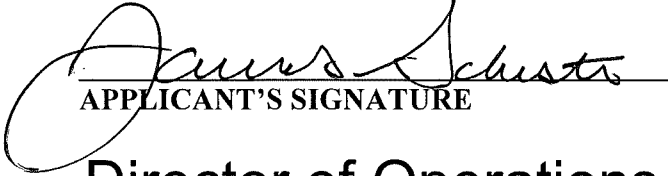
This Authorization is continuing in nature and includes release of information following issuance of a license, for reverification, quality assurance, internal review, etc. The information is for the confidential use of the Commission and the Staff of the Commission in determining my/our financial integrity for being a licensee or to confirm information I/We have supplied and may not be released by order of the Commission or by order of a court of competent jurisdiction.

A photographic or fax copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original. The original signed form is maintained by the Staff of the Commission.

APPLICANT'S AUTHORIZATION TO RELEASE INFORMATION:

New Wave Energy, LLC

APPLICANT (please print)

  
APPLICANT'S SIGNATURE

7/19/2023  
DATE

Director of Operations

TITLE

**EXHIBIT 1 (addressing Application Item 4c)**

**Delaware Certificate of Good Standing**

**District of Columbia Certificate of Registration and  
Good Standing**

# Delaware

Page 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "NEW WAVE ENERGY, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FOURTH DAY OF JULY, A.D. 2023.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "NEW WAVE ENERGY, LLC" WAS FORMED ON THE EIGHTH DAY OF DECEMBER, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



7175428 8300

SR# 20233062029

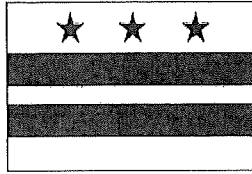
You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 203806356

Date: 07-24-23

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
DEPARTMENT OF LICENSING AND CONSUMER PROTECTION  
CORPORATIONS DIVISION



**C E R T I F I C A T E**

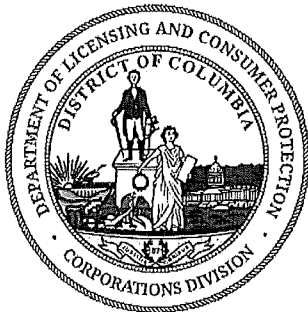
**THIS IS TO CERTIFY** that all applicable provisions of the District of Columbia Business Organizations Code (Title 29) have been complied with and accordingly, this **CERTIFICATE OF GOOD STANDING** is hereby issued to

New Wave Energy, LLC

**WE FURTHER CERTIFY** that the foreign entity is registered to do business in the District on 07/24/2023 ; that all fees, and penalties owed to the District for entity filings collected through the Mayor have been paid and Payment is reflected in the records of the Mayor; The entity's most recent biennial report required by § 29-102.11 has been delivered for filing to the Mayor; and the entry's registration has not been terminated. This office does not have any information about the entity's business practices and financial standing and this certificate shall not be construed as the entity's endorsement.

**IN TESTIMONY WHEREOF I** have hereunto set my hand and caused the seal of this office to be affixed as of 7/24/2023 1:34 PM

Business and Professional Licensing Administration



*Rebecca Janovich*

REBECCA JANOVICH  
Superintendent of Corporations,  
Corporations Division

Muriel Bowser  
Mayor

Tracking #: w5huiolT



**District of Columbia Government**  
**Corporations Division**

**Foreign Registration Form Statement FN-1, Ver. 3, February 2020.**

**Under the provisions of the Title 29 of D.C. Code (Business Organizations Act), the foreign filing entity listed below hereby applies for a Certificate of Registration to transact business in the District of Columbia, and for that purpose submits the statement below.**

**First:** Entity Name:  
New Wave Energy, LLC

**Second:** Entity Type: Foreign Limited Liability Company

**Third:** Entity's Alternate Name (if true legal name is not available):  
New Wave Energy, LLC

**Fourth:** Organized under the laws of which state or country:  
Delaware, United States

**Fifth:** Date of Organization: 12/8/2022 12:00 AM

**Sixth:** Date entity started or will start transacting business in the District of Columbia: 7/24/2023

**Seventh:** Principal Address:  
410 Main St.  
Buffalo, New York 14202

**Eighth:** Registered Agent's name and address of registered office in District of Columbia:  
CORPORATION SERVICE COMPANY  
1090 VERMONT AVE. NW  
Washington, District of Columbia 20005  
Email: info@cscglobal.com

**Ninth:** Briefly describe the proposed activity company will transact in the District of Columbia:  
Other  
Retail Energy Supplier

**Tenth:** State the names and addresses of all beneficial owners (member, manager, officer, director, shareholder, partner, trustee, etc.) that have interest or control over this entity (review instruction sheet for more information).

Name	Address
Nicholas Jerge	410 Main St., Buffalo, New York 14202
John Ludtka	410 Main St., Buffalo, New York 14202

**Eleventh:** Attach an original Certificate of Good Standing (Certificate of Existence) from Registration Authority in the State/Province/Country of Incorporation that is not over 90 days old.

**If you sign this form you agree that anyone who makes a false statement can be punished by criminal penalties of a fine up to \$1000, imprisonment up to 180 days, or both, under DCOC § 22-2405;**

**Twelfth:** Name of the Governor or Authorized Person:  
Nicholas Jerge

Amount Paid: \$320.00

Date: 7/24/2023 12:15 PM

E-Signed

**EXHIBIT 3 (Addressing Application Item 8)**

**Proof of PJM Membership**

SCHEDULE 4

STANDARD FORM OF AGREEMENT TO BECOME A MEMBER OF THE LLC

Any entity which wishes to become a Member of the LLC shall, pursuant to Section 11.6 of this Agreement, tender to the President an application, upon the acceptance of which it shall execute a supplement to this Agreement in the following form:

Additional Member Agreement

1. This Additional Member Agreement (the 'Supplemental Agreement'), dated as of 8/04/2017, is entered into among New Wave Energy, LLC (f/k/a "New Wave Energy Corp") (referred to herein as "New Wave Energy, LLC") and the President of the LLC acting on behalf of its Members.
2. New Wave Energy, LLC has demonstrated that it meets all of the qualifications required of a Member to the Operating Agreement. If expansion of the PJM Region is required to integrate New Wave Energy, LLC facilities, a copy of Attachment J from the PJM Tariff marked to show changes in the PJM Region boundaries is attached hereto. New Wave Energy, LLC agrees to pay for all required metering, telemetering and hardware and software appropriate for it to become a member.
3. New Wave Energy, LLC agrees to be bound by and accepts all the terms of the Operating Agreement as of the above date.
4. New Wave Energy, LLC hereby gives notice that the name and address of its initial representative to the Members Committee under the Operating Agreement shall be:
5. The President of the LLC is authorized under the Operating Agreement to execute this Supplemental Agreement on behalf of the Members.
6. The Operating Agreement is hereby amended to include New Wave Energy, LLC as a Member of the LLC thereto, effective as of August 04, 2015, the date the President of the LLC countersigned this Agreement.

IN WITNESS WHEREOF, New Wave Energy, LLC and the Members of the LLC have caused this Supplemental Agreement to be executed by their duly authorized representatives.

Members of the LLC

By: [Signature]  
Name: Asim Haque  
Title: VP, State & Member Services  
Date of Signature: \_\_\_\_\_

New Wave Energy, LLC  
(f/k/a "New Wave Energy Corp")

By: [Signature]  
Name: James Schuster  
Title: Director of Operations  
Date of Signature: 1/24/2023

## **EXHIBIT 5**

### **(Addressing Application Item 14)**

#### **License Approvals from**

- **New York Public Service Commission**
- **New Jersey Board of Public Utilities**
- **Public Utilities Commission of Ohio**
- **Maryland Public Service Commission**
- **Pennsylvania Public Utility Commission**



PHIL MURPHY  
GOVERNOR

SHEILA OLIVER  
LT. GOVERNOR

State of New Jersey  
BOARD OF PUBLIC UTILITIES  
44 South Clinton Avenue  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)  
(609)777-3300

Joseph L. Fiordaliso  
President

Mary-Anna Holden  
Commissioner

Dr. Zenon Christodoulou  
Commissioner

June 7, 2023

Jim Schuster  
Director of Operations  
New Wave Energy, LLC  
49 Paysan Ave.  
Audubon, NJ 08106

Re: **Electric Power and Natural Gas Supplier Initial Licenses**  
Dkt. Nos. EE23030135L & GE23030136L

Dear Jim Schuster:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its June 7, 2023 Agenda meeting, the New Jersey Board of Public Utilities ("Board") voted to issue Electric Power Supplier and Natural Gas Supplier Licenses, numbers ESL-0262 and GSL-0228, to New Wave Energy, LLC. Pursuant to N.J.A.C. 14:4-5.6, these licenses shall not expire so long as a license renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the annual **anniversary date of June 7<sup>th</sup>**.

These licenses are effective June 7, 2023. These licenses and the rights thereunder are **Non-Transferable**.

***This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the licensee. Licensees shall comply with all applicable law, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.***

If you have any questions, please contact Sandra Perez at (609) 913-6297.

Sincerely,

*Sherri L. Golden*

Sherri L. Golden  
Board Secretary

SLG/sgp



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120  
March 1, 2023

Docket No. A-2015-2503679  
Utility Code: 1218064

MICHAEL GRUIN  
STEVENS & LEE PC  
17 N SECOND ST 16<sup>TH</sup> FL  
HARRISBURG PA 17101

Re: Natural Gas Supplier License of New Wave Energy, LLC

Dear Mr. Gruin:

On January 27, 2023, New Wave Energy Corp filed a request with the Commission to change the name on its license to provide natural gas services, as a supplier, to New Wave Energy, LLC.

Currently, New Wave Energy Corp is licensed as a supplier to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), and industrial customers in the natural gas distribution company service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC – Peoples Natural Gas Division<sup>1</sup>, Peoples Natural Gas Company, LLC – Peoples Gas Division, Philadelphia Gas Works, and UGI Utilities, Inc., within the Commonwealth of Pennsylvania.

New Wave Energy, LLC has provided the proper Pennsylvania Department of State documentation and has provided proof of service to the interested parties as required by the Commission.

Therefore, the Commission approves, by this Secretarial Letter, the change of New Wave Energy Corp's name on its license for the provision of natural gas services as a supplier.

**The Secretary's Bureau will issue a new license to New Wave Energy, LLC the right to begin to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), and industrial customers in the natural gas distribution company service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC – Peoples Natural Gas Division, Peoples Natural Gas Company, LLC – Peoples Gas Division, Philadelphia Gas Works, and UGI Utilities, Inc., within the Commonwealth of Pennsylvania.**

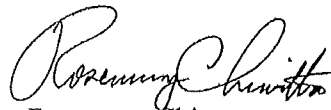
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<sup>1</sup> New Wave Energy Corp was licensed for Peoples Natural Gas Company, LLC and Peoples Gas Company, LLC that have merged into Peoples Natural Gas Company, LLC – Peoples Natural Gas Division and Peoples Natural Gas Company, LLC – Peoples Gas Division.

**The Secretary's Bureau and the Bureau of Administration, Financial and Assessments will update the company's name in their computer systems and lists, as appropriate, to be New Wave Energy, LLC.**

If you have any questions in this matter, please contact Jeff McCracken of the Bureau of Technical Utility Services at [jmccracken@pa.gov](mailto:jmccracken@pa.gov) or 717-783-6163.

Sincerely,

A handwritten signature in cursive script that reads "Rosemary Chiavetta".

Rosemary Chiavetta  
Secretary

Cc: Amy Zuvich, Bureau of Administration, Financial and Assessments

**LICENSE ENCLOSED**

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2015-2503679

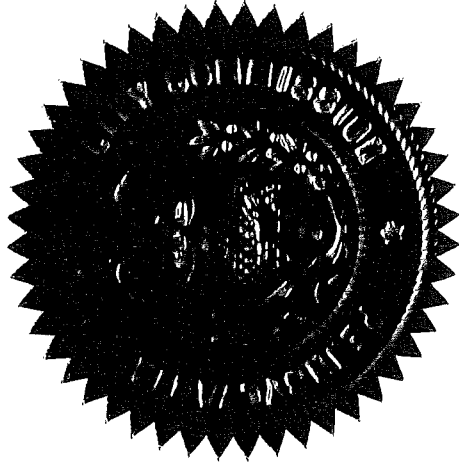
*Authorizing New Wave Energy, LLC the right to begin to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), and industrial customers in the natural gas distribution company service territories of Columbia Gas of Pennsylvania, Inc., National Fuel Gas Distribution Corporation, PECO Energy Company, Peoples Natural Gas Company, LLC – Peoples Natural Gas Division, Peoples Gas Division, Philadelphia Gas Works, and UGI Utilities, Inc., within the Commonwealth of Pennsylvania.*


EFFECTIVE DATE: March 1, 2023

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR NATURAL GAS SUPPLIER

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 1<sup>st</sup> of March, 2023.



  
Secretary



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120  
March 1, 2023

Docket No. A-2017-2626376  
Utility Code: 1120266

MICHAEL GRUIN  
STEVENS & LEE PC  
17 N SECOND ST 16<sup>TH</sup> FL  
HARRISBURG PA 17101

Re: Electric Generation Supplier License of New Wave Energy, LLC

Dear Mr. Gruin:

On January 27, 2023, New Wave Energy Corp filed a request with the Commission to change the name on its license to provide electric generation services, as a supplier, to New Wave Energy, LLC.

Currently, New Wave Energy Corp is licensed as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers in the electric distribution company service territories of Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation, and West Penn Power Company in the Commonwealth of Pennsylvania.

New Wave Energy, LLC has provided the proper Pennsylvania Department of State documentation and has provided proof of service to the interested parties as required by the Commission. Furthermore, New Wave Energy, LLC has provided an update to its financial security instrument reflecting its new name.

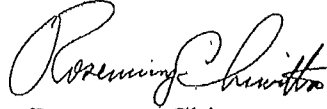
Therefore, the Commission approves, by this Secretarial Letter, the change of New Wave Energy Corp's name on its license for the provision of electric generation services as a supplier.

**The Secretary's Bureau will issue a new license to New Wave Energy, LLC the right to begin to offer, render, furnish, or supply electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers in the electric distribution company service territories of Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation, and West Penn Power Company in the Commonwealth of Pennsylvania.**

**The Secretary's Bureau and the Bureau of Administration, Financial and Assessments will update the company's name in their computer systems and lists, as appropriate, to be New Wave Energy, LLC.**

If you have any questions in this matter, please contact Jeff McCracken of the Bureau of Technical Utility Services at [jmccracken@pa.gov](mailto:jmccracken@pa.gov) or 717-783-6163.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary

Cc: Amy Zuvich, Bureau of Administration, Financial and Assessments

**LICENSE ENCLOSED**

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2017-2626376

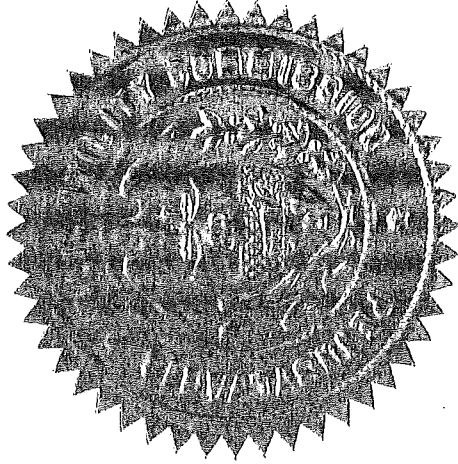
EFFECTIVE DATE: March 1, 2023


*Authorizing New Wave Energy, LLC the right to begin to offer, render, furnish, or supply electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers in the electric distribution company service territories of Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, PPL Electric Utilities Corporation, and West Penn Power Company in the Commonwealth of Pennsylvania.*

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR ELECTRIC GENERATION SUPPLIER

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 1<sup>st</sup> day of March, 2023.



  
Secretary



**Public Utilities  
Commission**

Jenifer French, Chair

Commissioners

Daniel R. Conway  
Dennis P. Deters  
Lawrence K. Friedeman  
John D. Williams

## Competitive Retail Electric Service Provider Certificate

Certified Entity:

New Wave Energy LLC

2805 East Oakland Park Boulevard #351  
Fort Lauderdale, FL 33306

Certificate Number: **17-1185E**

**Effective Date: May 18, 2023**

**Expiration Date: May 18, 2025**

Issued Pursuant to Case Number(s):

**17-0061-EL-CRS**

The above referenced entity is hereby certified to provide competitive retail electric **Power Broker; Power Marketer; Retail Electric Generation Provider** services within the State of Ohio.

The certification of competitive retail electric service providers is governed by Chapters 4901:1-24 and 4901:1-21 of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code. This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

The certified entity is subject to all rules and regulations of the Public Utilities Commission of Ohio now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **18 day of May, 2023.**



By Order of  
The Public Utilities Commission of Ohio

Tanowa M. Troupe, Secretary  
Michelle Green, Acting Secretary  
Gail Young, Acting Secretary  
Susan Patterson, Acting Secretary



## Competitive Retail Natural Gas Service Provider or Governmental Aggregator Certificate

Certified Entity:  
New Wave Energy LLC

2805 East Oakland Park Boulevard #351  
Fort Lauderdale, FL 33306

Certificate Number: **17-579G**

**Effective Date: May 18, 2023**

**Expiration Date: May 18, 2025**

Issued Pursuant to Case Number(s):  
**17-0060-GA-CRS**

The above-referenced entity is hereby certified to provide competitive retail natural gas Retail Natural Gas Broker;Retail Natural Gas Marketer services within the State of Ohio.

The certification of competitive retail natural gas service providers is governed by Chapters 4901:1-27, 4901:1-28, and 4901:1-29 of the Ohio Administrative Code, and Section 4929.20 of the Ohio Revised Code. This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

The certified entity is subject to all rules and regulations of the Public Utilities Commission of Ohio now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **18 day of May, 2023.**



By Order of  
The Public Utilities Commission of Ohio

Tanowa M. Troupe, Secretary  
Michelle Green, Acting Secretary  
Gail Young, Acting Secretary  
Susan Patterson, Acting Secretary

## Listing of ESCO Companies Regulated by the NY PSC

Power To Choose

Search :

<input type="text" value="New Wave"/>	<input type="text" value="Search"/>	<input type="text" value="Search"/>	<input type="text" value="All"/>	<input type="text" value="All"/>	<input type="text" value="All"/>	<input type="text" value="Search"/>
ESCO Company Name	Address	Contact	Commodity	Territory	Service Class	Compliance
New Wave Energy, LLC	410 Main St., 4th Floor, Buffalo, NY 14202	Phone: 7168879700 Fax: 866-316-9366 Email: <a href="mailto:support@nwwaveenergy.com">support@nwwaveenergy.com</a> Website: <a href="https://newwaveenergy.com/">https://newwaveenergy.com/</a>	Electric Gas	National Fuel Gas Distribution Corporation New York State Electric & Gas Corporation Niagara Mohawk Power Corporation d/b/a National Grid Rochester Gas and Electric Corporation	Commercial/Industrial - Serving Residential - Serving Small Commercial - Serving	07-JUN-10 HEPPA 20-JAN-11 EDI Phase I 28-JAN-11 Initial Eligibility

Show  entries

Showing 1 to 1 of 1 entries (filtered from 159 total entries)

COMMISSIONERS

JASON M. STANEK  
CHAIRMAN

MICHAEL T. RICHARD  
ANTHONY O'DONNELL  
ODOGWU OBI LINTON  
MINDY L. HERMAN

STATE OF MARYLAND



## PUBLIC SERVICE COMMISSION

#6, 3/27/19 AM; ML#s 223113 and 224350  
License Reference No.: IR-4179

March 27, 2019

Nicholas Jerge  
Executive Vice President  
New Wave Energy Corporation  
410 Main Street  
Buffalo, NY 14202

Dear Mr. Jerge:

On November 30, 2018, New Wave Energy Corp ("Company") filed an Application for a License to Supply Natural Gas or Natural Gas Supply Services in Maryland under COMAR 20.54. The Company proposes to provide natural gas supply services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on March 19, 2019.

After considering this matter at the March 27, 2019 Administrative Meeting, the Commission granted the Company a license to supply natural gas or natural gas supply services in Maryland (License Reference Number IR-4179). The license granted by the Commission under this Letter Order is limited solely to natural gas supplier services for the customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to utilization of the materials in Maryland.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

*/s/ Terry J. Romine*

Terry J. Romine  
Executive Secretary

TJR/st

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000 • Toll Free: 1-800-492-0474 • FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice) • Website: [www.psc.state.md.us](http://www.psc.state.md.us)

COMMISSIONERS

JASON M. STANEK  
CHAIRMAN

MICHAEL T. RICHARD  
ANTHONY J. O'DONNELL  
ODOGWU OBI LINTON  
MINDY L. HERMAN

STATE OF MARYLAND



CORRECTED

PUBLIC SERVICE COMMISSION

#8, 2/27/19 AM, ML# 223112  
License Reference No.: IR-4180

February 27, 2019

Nicholas Jerge  
Executive Vice President  
New Wave Energy Corporation  
410 Main Street  
Buffalo, NY 14202

Dear Mr. Jerge:

On November 30, 2018, New Wave Energy Corporation ("Company") filed an Application for a License to Supply Electricity or Electric Generation Services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier services in Maryland for residential, commercial and industrial customers as described in the application.

After considering this matter at the February 27, 2019 Administrative Meeting, the Commission granted the Company a license to supply electricity or electric generation services in Maryland (License Reference Number IR-4180). The license granted by the Commission under this Letter Order is limited solely to electricity supplier services for all customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to utilization of the materials in Maryland.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "Terry J. Romine".

Terry J. Romine  
Executive Secretary

TJR/st

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000 • Toll Free: 1-800-492-0474 • FAX: 410-333-6495  
MDRS: 1-800-735-2258 (TTY/Voice) • Website: [www.psc.state.md.us/psc/](http://www.psc.state.md.us/psc/)