



NEW JERSEY BOARD OF PUBLIC UTILITIES

ELECTRIC POWER and/or GAS SUPPLIER INITIAL APPLICATION INSTRUCTIONS

- All applications submitted to the New Jersey Board of Public Utilities must be completed and include all fees, documents, schedules and attachments. One original and two copies must be submitted.
- Type or print all answers. Do not leave any questions unanswered. If a question is not applicable to you or if the answer is none, please type or print N/A or NONE.
- Any question which is answered "yes" requires a detailed explanation. Attach a separate schedule providing details. Failure to provide adequate information will cause a delay in processing the application.
- Insert on line 1 complete name of the corporation, or limited liability company (LLC) exactly as it appears on the Certificate of Incorporation or Formation papers filed with the New Jersey Secretary of State. If a sole Proprietor or Partnership, insert the person's name or the name of the partnership.
- Attach a copy of the Certificate of Incorporation or Certificate of Formation bearing the New Jersey Secretary of State's dated filing stamp. Foreign (out-of-state) corporations must attach a copy of the Certificate of Authority to Do Business in New Jersey bearing the New Jersey Secretary of State's dated filing stamp. An entity utilizing a trade name must attach a copy of their trade name certificate bearing the dated filing stamp of the County Clerk's Office in the county of which their business is to be located.
- Attach a copy of the registration of fictitious corporate name bearing the New Jersey Secretary of State's dated filing stamp if the entity uses a "doing-business as/alternate" name. If such a name is used, it must be included on line 1 of the application.
- No special consideration can be given to applicants who may have payroll, leases or other obligations to satisfy while the application is being processed. Therefore, all applications should be submitted well in advance of any date the applicant intends to commence business.

- Application must be properly sworn to, signed and dated by:
 - Corporate president and secretary if a corporation;
 - Member of the partnership and a witness if a partnership; or
 - The sole proprietor and a witness if a sole proprietorship, in the spaces provided for attestation.
- Corporate seal or a facsimile of same must be affixed in the case of a corporate applicant. Signatures must be witnessed by a notary or attorney.
- Provide original perfected surety bond in the minimum amount of \$250,000. If applying for both gas and electric licenses, provide two perfected surety bonds, each in the amount of \$250,000.
- Applicant may be required to complete a criminal history request form for all key operating personnel, officers, directors, partners or owners. The Board will notify applicants when such a form is required.
- Enclose certified checks or money orders made payable to Treasurer, State of New Jersey, c/o the New Jersey Board of Public Utilities, in the amount of:
 - Electric License Fees (Returnable if application is rejected) \$1,000
 - Gas License Fees (Returnable if application is rejected) \$ 800
 - Application Fee (Non-refundable) \$ 250

Return completed application to:

**New Jersey Board of Public Utilities
 Attn: Licensing and Registration Unit
 Division of Audits
 44 S. Clinton Ave., 9th Fl.
 P.O. Box 350
 Trenton, NJ 08625**

***The following information is provided to answer common inquiries which the agency has received from prospective applicants.
If you have a specific question regarding an application which has not yet been submitted, please call (609) 292-1681 or (609) 292-0637.***

New Jersey Principal Business Office Requirement - N.J.S.A. 48:3-78 c (3) and /or N.J.S.A. 48:3-79 c (3); N.J.A.C. 14: 4-5.2(b)

Pursuant to the Electric Discount and Energy Competition Act and the licensing standards adopted by the Board, third party suppliers (electric and/or natural gas) must maintain an office within New Jersey. The licensee must acquire and maintain office space through ownership by the licensee, or through a lease, in its name. The purpose of this office is for accepting service of process, maintaining the summary records related to energy contracts or transactions entered into with New Jersey customers or services provided by the supplier to New Jersey customers and ensuring the licensee's accessibility to State agencies, consumers and electric and gas public utilities. The records related hereto may be kept in electronic form; including electronic access for records maintained out of state.

Payment of Application and License Fees

Separate certified or cashiers checks must be submitted for the application fee and each type (electric/and/or natural gas) license fee(s).

Certification under Oath N.J.A.C. 14:4-5.3(b) 14

The certification under oath shall be signed by a corporate officer, partner, sole proprietor, or other authorized legal representative of the applicant.

Surety Bonds N.J.S.A. 48:3-78 c(4) and/or N.J.S.A. 48:3-79 c(4); N.J.A.C. 14:4-5.4(f)

1

A Surety bond, in the name of the licensee, is the **only acceptable form** of financial guaranty accepted (required form of bond provided below).

- Bond(s) must be submitted with application.
- A separate bond is required for electric license applications and gas license applications.
- Bond must clearly state whether it is to provide "generation services" or "gas supply services," not both.
- Bonds should be dated to coincide with the period of licensing (1 year)
- Obligee is "Treasurer, State of New Jersey"

SURETY BOND – REQUIRED LANGUAGE

STATE OF _____

COUNTY OF: _____

Bond required by N.J.S.A. 48:3-78 c (4) and/or N.J.S.A. 48:3-79 c (4)

KNOW ALL PEOPLE BY THIS DOCUMENT, that we _____

_____ hereinafter referred to as the Principal, with principal offices and place of business located at _____ and

_____ a corporation organized and existing under the laws of the State of _____, and authorized to do business in the State of New Jersey, hereinafter referred to as Surety, are held and firmly bound unto TREASURER, STATE OF NEW JERSEY, hereinafter referred to as Obligee, for the use and benefit of all persons establishing legal rights hereinunder, in the sum of TWO HUNDRED FIFTY THOUSAND AND NO/100 (\$250,000) lawful money of the United States of America, to the payments of which sum, well and truly to be made, we bind ourselves, our executors, administrators, successors, and assigns, firmly by this document.

WHEREAS, the Principal has made application to the New Jersey Board of Public Utilities for a license to provide electric generation service and/or gas supply service to retail customers in the State of New Jersey, and

WHEREAS, pursuant to the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., the Principal is required to maintain a bond to ensure against certain failures.

NOW, THEREFORE, if the Principal shall faithfully pay taxes and assessments and shall faithfully and truly fulfill all of its service or product contracts and other contractual commitments to deliver ("electric generation services" or "gas supply services"), and not file for bankruptcy or for similar protection under law, then this obligation shall be void, otherwise to remain in full force and effect as security for the use of the State of New Jersey and/or the Board of Public Utilities for failure to pay taxes or assessments and/or of any person or entity, who after entering into a service or product contract or third party supplier agreement for service in the State of New Jersey with the above named principal is damaged or suffers any loss by reason of failure to pay taxes or assessments or by breach of contract or bankruptcy by this principal.

The aggregate liability of the Surety is limited to the foregoing sum which sum shall be reduced by any payment made in good faith hereunder.

The term of this bond is for the period beginning (_____) and terminating (_____), and may be continued for an annual period by a Continuation Certificate signed by the Principal and Surety, a copy of which must be served by registered mail upon the Secretary of the Board of Public Utilities.

In order to draw funds on this Bond, the Secretary of the New Jersey Board of Public Utilities shall present the following document to the Surety:

Affidavit sworn to and signed by the Secretary of the New Jersey Board of Public Utilities, stating that at its public agenda meeting of _____(date) _____, the Board of Public Utilities determined that _____(principal)

_____ has not satisfactorily performed its obligations to a person or entity, who has been damaged or suffered a loss by means of failure to pay taxes or assessments, as required by law, or by reason of breach of contract or violation of N.J.S.A. 48:3-49 et seq. and/or regulations, rules or standards promulgated pursuant thereto.

SIGNED, SEALED AND DATED this _____ day of _____

(Principal)

By:

(Surety)

(Address of Surety)

By:

Notarization Required

APPLICATION – FINANCIAL AND BUSINESS INFORMATION

SEC Filings (Item K)

- It is necessary only to submit most recent 10K and 10Q

CUSTOMER ASSISTANCE INFORMATION

Pursuant to N.J.A.C. 14:4-5.2(c), the applicant shall document that it will make itself available to customers and regulators by maintaining the following:

1. An internet website and e-mail address,
2. A customer service representative, who is available by toll-free telephone number during normal New Jersey business hours to respond to customer inquiries or complaints,
3. A regulatory affairs representative, who is available during normal New Jersey business hours, to
 - (i) Assist Board Staff in pursuing investigations on behalf of the Board and/or the New Jersey Division of Consumer Affairs.
 - (ii) Facilitate the resolution of billing complaints and other problems.

NOTE: Automated telephone service shall not, by itself, satisfy these requirements. The applicant shall make it possible for customers, Board Staff, and/or the New Jersey Division of Consumer Affairs, to speak with an authorized individual within 24 hours, if necessary to resolve a problem. These individuals need not be located in New Jersey.

In accordance with N.J.A.C. 14:4-7.9(c), a TPS shall maintain a record of complaints received related to their New Jersey operations, how complaints were resolved, as well as those still pending, for review by the Board Staff. Complaint information shall be made available to Board Staff, upon request, within three days notice.