

Control Number: 42812



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42819

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PUBLIC UTILITY COMMISSION  
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**AGGREGATOR REGISTRATION FORM**  
*For the Texas Retail Electric Market*

PROJECT NO. 42819 (Assigned by Central Records when registration is initially filed)

**Registering Party:**

Padre Energy and Associates LLC

**Authorized Representative or Attorney to contact about this application:**

NAME: Braden Smith TITLE: \_\_\_\_\_

ADDRESS: 150 Grand Street, 4th Floor

TELEPHONE: (800) 292-0909 FAX: (212) 672-1105

EMAIL ADDRESS: bsmith@licenselogix.com

**Agent for Service of Process:**

NAME: United States Corporation Agents, Inc. TITLE: Commercial Registered Agent

ADDRESS: 9900 Spectrum Drive, Austin, TX 78717

TELEPHONE: 888-664-6263 FAX: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**Check the most appropriate box to describe the submission of this document:**

- This submission opens a new aggregator registration.
- This submission supplies additional information for a pending aggregator registration.
- This submission amends an existing, completed aggregator registration.

Review the *Instructions*. Fill out Parts A through C of this Registration Form and the Affidavit according to the aggregator classification(s) desired:

- Class I: Parts A, B, C, and Affidavit.
- Class II.A: Parts A, B, C, and Affidavit
- Class II.B: Part A and Affidavit.
- Class II.C: Part A and Affidavit.
- Class II.D: Parts A, B, C, and Affidavit.

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## PART A – GENERAL INFORMATION

### APPLICABLE TO ALL REGISTERING PARTIES

1. **Legal Name of Registering Party:** Padre Energy and Associates LLC

2. **Type of registering party.** Review the definitions in the *Instructions* and check appropriate box:

- Person
- Political subdivision
- Political subdivision corporation

3. **Types of aggregator registrations sought.** Review the required eligibility and operational parameters listed in the *Instructions* and check appropriate box or boxes:

- Class I:** Private entity that aggregates private customers to buy electricity from REPs.
- Class II.A:** Person that aggregates municipalities, political subdivisions, or both.
- Class II.B:** Political subdivision corporation aggregating political subdivisions.
- Class II.C:** Public body that aggregates its citizens.
- Class II.D:** Administrator of citizen aggregation.

4. **Other Names.** List any trade, commercial, and doing-business-as (d/b/a) names, other than the legal name listed in #1 above, under which the registering party intends to operate (Class I, II.A and II.B aggregators are limited to 5 operating names.):

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**5. Address.** List the registering party's Texas business address, telephone number and fax number. Provide the same details for the principal place of business, if different from the Texas business address.

202 N. 25th Avenue, Edinburg, TX 78541

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**6. Officers.** Provide, as **Attachment A**, the names, business addresses, and phone numbers of the registering party's officers, directors, or partners.

**7. Affiliates.** Provide, as **Attachment B**, the names of the registering party's affiliates and subsidiaries that provide utility-related services, such as telecommunications, electric, gas, water or cable (if any).

**8. Customer Service Contact.** List the telephone number of the customer service department.

(956) 330-5795

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**9. Regulatory contact person.** List the name, physical business address, telephone number, fax number, and e-mail address for a regulatory contact person – and for the agent for service of process, if different.

Rakesh Patel

202 N. 25th Avenue, Edinburg, TX 78541

(956) 330-5795

info@padreenergy.com

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**10. Customers.** Circle all of the electricity customer classes in the following list that the registering party intends to aggregate:

**RESIDENTIAL**   **COMMERCIAL**   **INDUSTRIAL**   MUNICIPALITIES   POLITICAL SUBDIVISIONS

Please provide further detail regarding the classes you have selected:

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**CLASS II.B AND CLASS II.C REGISTERING PARTIES MAY STOP HERE.  
COMPLETE THE AFFIDAVIT AND SUBMIT ALL MATERIALS, INCLUDING  
SUPPORTING ATTACHMENTS A AND B, TO THE COMMISSION.**

## PART B – TECHNICAL AND CUSTOMER PROTECTION INFORMATION

### **APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A, AND CLASS II.D**

Review the attached *Instructions*. Select one of the following two options for registration by checking the appropriate box. By separate attachment, provide the information required for the option chosen.

- 1. STANDARD REGISTRATION.** To exercise the Standard Registration option, check the box at left and provide as **Attachment C** the following additional information:
- (a) **Texas Secretary of State records.** Any applicable information on file with the Texas Secretary of State, such as copies of the registering party's endorsed certificate of incorporation certified by the Texas Secretary of State, the registering party's certificate of good standing, or other business registration on file with the Texas Secretary of State. Include any information under d/b/a (doing-business-as) names.
  - (b) **Tax delinquency disclosure.** Disclose any delinquency with taxing authorities in the state of Texas, including the Comptroller's Office.
  - (c) **Prior experience.** Describe prior experience, if any, of the registering party or one or more of the registering party's principals or employees in the retail electric industry or a related industry.
  - (d) **Affiliate and agency relationships.** Disclose any affiliate or agency relationships and the nature of any affiliate or agency agreements with REPs or transmission and distribution utilities. If such a relationship or agreement exists, explain how the registering party will disclose this information to its customers and to the REPs with whom it does business.
  - (e) **Activities in other states.** List the other states, if any, in which the registering party, and/or its affiliates and subsidiaries providing utility-related services, currently conduct business, or have previously conducted business, within the past 3 calendar years.
  - (f) **Compensation sources.** Disclose the registering party's known or anticipated sources of compensation for aggregation services, and provide an explanation of its plans for disclosure of those compensation sources to its customers.
  - (g) **Bankruptcy disclosure.** Disclose any bankruptcy or liquidation proceedings of the registering party, any predecessors in interest, or its affiliates, within the past 3 calendar years.
  - (h) **Disclosure of fraud or liability.** List any convictions or liability findings of fraud, theft or larceny, deceit, or violations of any customer protection or deceptive trade laws in any state against the registering party, a predecessor, its principals, or its affiliates.
  - (i) **Investigation status.** Provide a statement indicating whether the registering party is currently under criminal or civil investigation, either in this state or in another state or jurisdiction for violation of any customer protection law or regulation.

- (j) **Complaint history.** Provide a complete complaint history list for the past 3 calendar years as required by the Aggregator Rule (*see Instructions* for exact rule requirements).
  - (k) **Pending authorizations (Class II.A or II.D aggregators only).** List pending authorizations, if any, from public entities for the registering party to aggregate their loads or that of their citizens.
- 2. ALTERNATIVE LIMITED REGISTRATION.** To exercise the Alternative Limited Registration described in the Instructions, which limits the size of customers that may be served, check the box at left so that the statement (a) below is incorporated into the Affidavit, and then provide as **Attachment D** the information specified in (b) below.
- (a) By executing the Affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. §25.111(f)(2), which applies to entities that aggregate only customers who seek to contract individually for 250 kilowatts or more of peak demand electricity. Specifically, the registering party swears and affirms that it possesses a written consent from each customer it plans to serve, authorizing the registering party to provide aggregation for that customer.
  - (b) Provide as **Attachment D** the information required by paragraphs (a), (b), (c), (g), (h), (i), and (k) of the Standard Registration requirements.<sup>1</sup>

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## PART C – FINANCIAL RESOURCE INFORMATION

### **APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A, AND CLASS II.D.**

1. **Intention to take deposits or other advance payments.** Check only one of the following two statements of intention:

- YES, THE REGISTERING PARTY WILL COLLECT DEPOSITS OR OTHER ADVANCE PAYMENTS FROM ELECTRIC CUSTOMERS IN ADVANCE OF DELIVERING AGGREGATION SERVICES.**

By executing the Affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. §25.111(g)(1)(A)-(D), which applies to any entities that aggregate electricity customers and intend to take any deposits or other advance payments from electricity customers for aggregation services.

If the "YES" box above is selected, proceed to Item No. 2 below to indicate the method of meeting the financial qualifications required by the Aggregator Rule.

<sup>1</sup> Parties registering by means of the Alternative Limited Registration option are exempted from the information required by paragraphs (d), (e), (f) and (j) of the Standard Registration and from the affiliate disclosure required by No. 7 of *Part A*.

**NO, THE REGISTERING PARTY WILL NOT COLLECT DEPOSITS OR OTHER ADVANCE PAYMENTS FROM CUSTOMERS IN ADVANCE OF DELIVERING AGGREGATION SERVICES.**

By executing the Affidavit attached hereto, the registering party swears and affirms that, if it later decides to take prepayments, it shall amend its registration in advance of accepting such deposits or other advance payments for aggregation services. That amended registration shall demonstrate compliance with P.U.C. SUBST. R. §25.111(g) within 90 days of receiving the first payment for aggregation services and before those services are rendered.

If the "NO" box above is selected, stop here and proceed to the *Affidavit*.

**2. Method of financial qualification.** Check only one of the two boxes below to select one of the two methods for financial qualification to collect deposits and advance payments. The "standard" qualifications are available to any registering party, but the "alternative" qualifications are limited to those parties who have selected the Alternative Limited Registration in Part B. Provide the respective documentation materials indicated for the method selected:

**STANDARD FINANCIAL QUALIFICATIONS.** This method of qualification is the only option for parties registering under the Standard Registration in Part B.

(a) **Calculation methodology.** The amount of required financial resources equals the registering party's cumulative obligations to customers arising from deposits or other advance payments for aggregation services made by customers prior to the delivery of aggregation services. Provide as **Attachment E** the registering party's methodology for calculating the required amount of financial resources.

(b) **Financial evidence.** From the following list, indicate which financial instruments are used to demonstrate the registering party's compliance with the Aggregator Rule's financial requirements. Then provide the applicable supporting documentation as required by (c), (d), (e), and (f) below (supply only the applicable attachments).

A certificate of deposit with a bank or other financial institution;

A letter of credit issued by a bank or other financial institution, irrevocable for a period of at least 15 months;

A line of credit or other loan issued by a bank or other financial institution, including a bond in a form approved by the commission, irrevocable for a period of at least 15 months;

A loan issued by a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant, irrevocable for a period of at least 15 months;

A guaranty issued by a shareholder or principal of the applicant; a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant; irrevocable for period of at least 15 months.

PUBLIC UTILITY COMMISSION OF TEXAS  
AGGREGATOR REGISTRATION, PURSUANT TO PUC SUBSTANTIVE RULE § 25.111

- An investment grade credit rating.
- Other financial evidence approved in advance by the commission \_\_\_\_\_

- (c) **Financial integrity of loans or guarantees.** If applicable, provide as **Attachment F** the financial evidence showing that the lender or guarantor possesses the financial resources needed to fund the loan or guaranty.
- (d) **Unencumbered resources.** Provide as **Attachment G** evidence of cash and other instruments listed as financial resources unencumbered by pledges for collateral.
- (e) **Credit ratings.** If applicable, provide as **Attachment H** evidence of investment grade credit rating.
- (f) **Disclosure to financial backers.** Provide as **Attachment I** evidence that a copy of P.U.C. SUBST. R. 25.111 (the Aggregator Rule) has been provided to any party providing, either directly or indirectly, financial resources necessary to protect customers pursuant to this paragraph.

- ALTERNATIVE FINANCIAL QUALIFICATIONS FOR LIMITED REGISTRATION.** This method of qualification is available only to parties who register by means of the Alternative Limited Registration, specifically those that aggregate customers that individually contract for at least 250 kilowatts of peak demand electricity. Check the box at left to exercise this option and incorporate into the Affidavit the statement below:

By executing the affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. 25.111(g)(2), which applies to entities that aggregate only customers that individually contract for 250 kilowatts or more of peak demand electricity. Specifically, the registering party swears and affirms that it possesses a written consent from each customer it wishes to serve, authorizing the registering party to provide aggregation for that customer *without* establishing the cash and credit resources normally required of aggregators who take deposits or other advance payments from customers.




## AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who, after being duly sworn, stated on their oath that they are entitled to make this Affidavit, and that the statements contained below and in the foregoing are true and correct.

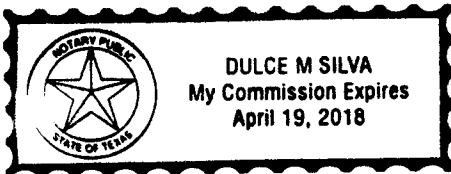
Check one of the following boxes:

- I am an owner, partner, or officer of the registering party, which is registering as a Class II.B or Class II.C aggregator.
- I am an owner, partner, or officer of the registering party, which is registering as a Class I, Class II.A, and/or a Class II.D aggregator.

I swear or affirm that I have personal knowledge of the facts stated in the attached registration, that I am competent to testify to them, and that I have the authority to submit this application form on behalf of the registering party. I further swear or affirm that all statements made in the Registration Form are true, correct and complete and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner. I swear or affirm that the registering party understands and will comply with all requirements of the applicable law and rules, including any required submission of additional information by sworn affidavit prior to the provision of electric service.

  
\_\_\_\_\_  
Signature of Registering Party's Owner, Partner, or Officer  
**Rakesh Patel**  
\_\_\_\_\_  
Printed Name  
**Padre Energy and Associates LLC**  
\_\_\_\_\_  
Name of Registering Party

Sworn and subscribed before me this 2<sup>nd</sup> day of August, 2014.  
Month Year



  
\_\_\_\_\_  
Notary Public

## Attachment A

### SECTION 1. List of Officers

Name	Title	Business Address	Phone Number
Rakesh Patel	Sole Owner/CEO	202 N. 25 <sup>th</sup> Avenue Edinburg, TX 78541	956-330-5795

RB

## **Attachment B**

### **SECTION 1. List of Affiliates**

The Applicant does not have any affiliates or subsidiaries that provide utility-related services.

## Attachment C

### SECTION 1. Texas Secretary of State Records

Please refer to attached documents.

### SECTION 2. Tax Delinquency Disclosure

Applicant is not delinquent with any taxing authorities in the State of Texas.

### SECTION 3. Prior Experience

Applicant has been managing Padre Energy & Associates LLC since the company was founded on June 6, 2013. The company has been actively engaged in handling client's energy brokering need in the State of New York. In addition, applicant has extensive management experience owning and operating several hospitality companies.

### SECTION 4. Affiliate and Agency Relationships

Applicant does not have any affiliate or agency relationships. Applicant does not have any affiliate or agency agreements.

### SECTION 5. Activities in Other States

Applicant has been providing energy broker services to clients in the State of New York since June 2013.

### SECTION 6. Compensation Sources

Applicant anticipates receiving an estimated \$100,000 in anticipated revenue from commercial sources. Applicant will make every effort to advertise its sources of compensation to potential customers on its website.

### SECTION 7. Bankruptcy Disclosure

Applicant has no history of any bankruptcy or liquidation proceedings. Applicant does not have any predecessors in interest or affiliates.

**SECTION 8. Disclosure of Fraud or Liability**

Applicant has never been convicted or found liable for any fraud, theft, larceny, deceit, or violations of any customer protection or deceptive trade laws in any state. Applicant does not have any predecessors in interest or affiliates.

**SECTION 9. Investigation Status**

Applicant is not currently under criminal or civil investigation, either in this state or in any other state for violation of any customer protection law or regulation.

**SECTION 10. Complaint History**

Applicant has no history of any complaints filed against it in any jurisdiction.

**SECTION 11. Pending Authorizations**

Applicant has no pending authorizations from any public entity to aggregate loads, or aggregate the loads of the public entity's citizens.

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Nandita Berry  
Secretary of State

## Office of the Secretary of State

The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

Padre Energy & Associates LLC  
Filing Number: 801797026

Certificate of Formation  
Change of Name or Address by Registered Agent

June 06, 2013  
November 08, 2013

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on August 06, 2014.



*Nandita Berry*

Nandita Berry  
Secretary of State

Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709



Filed in the Office of the  
Secretary of State of Texas  
Filing #: 801797026 06/06/2013  
Document #: 484432480020  
Image Generated Electronically  
for Web Filing

**Certificate of Formation  
Limited Liability Company**

Filing Fee: \$300

**Article 1 - Entity Name and Type**

The filing entity being formed is a limited liability company. The name of the entity is:

**Padre Energy & Associates LLC**

**Article 2 - Registered Agent and Registered Office**

A. The initial registered agent is an organization (cannot be company named above) by the name of:

**United States Corporation Agents, Inc.**

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

C. The business address of the registered agent and the registered office address is:

Street Address:

**12301 Research Park Blvd  
Bldg. 4, Suite 200 Austin TX 78759**

**Consent of Registered Agent**

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

**Article 3 - Governing Authority**

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members.

The names and addresses of the governing persons are set forth below:

Managing Member 1: **Rakesh Patel**

Title: **Managing Member**

Address: **202 N 25th Avenue Suite 102 Edinburg TX, USA 78541**

**Article 4 - Purpose**

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

**Supplemental Provisions / Information**

*RP*

[The attached addendum, if any, is incorporated herein by reference.]

**Organizer**

The name and address of the organizer are set forth below.

**Miranda Wideman**      **101 N. Brand Blvd., 11th Floor, Glendale, CA 91203**

**Effectiveness of Filing**

A. This document becomes effective when the document is filed by the secretary of state.

**OR**

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**Execution**

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

**Miranda Wideman**

Signature of Organizer

FILING OFFICE COPY

RR





Office of the Secretary of State  
Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697  
(Form 408)

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 801797026 11/08/2013  
Document #: 514588586817  
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**STATEMENT OF CHANGE OF  
ADDRESS OF REGISTERED AGENT**

1. The name of the entity represented is  
Padre Energy & Associates LLC

The entity's filing number is 801797026

2. The address at which the registered agent has maintained the registered office address for such entity is: (Please provide street address, city, state and zip code presently shown in the records of the Secretary of State.)

12301 Research Blvd., Bldg. 4, Suite 200 Austin, TX 78759-2369

3. The address at which the registered agent will hereafter maintain the registered office address for such entity is: (Please provide street address, city, state and zip code. The address must be in Texas.)

9900 Spectrum Dr., Austin, TX 78717

4. Notice of the change of address has been given to said entity in writing at least 10 business days prior to the submission of this filing.

Date: 11/08/2013

United States Corporation Agents, Inc.

**Name of Registered Agent**

Cheyenne Moseley

**Signature of Registered Agent**

**FILING OFFICE COPY**

RB



## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for Padre Energy & Associates LLC (file number 801797026), a Domestic Limited Liability Company (LLC), was filed in this office on June 06, 2013.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on August 06, 2014.



*NANDITA BERRY*

Nandita Berry  
Secretary of State