

Control Number: 43514



Item Number: 1

Addendum StartPage: 0

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

PROJECT NO. 49514 (Assigned by Central Records when registration is initially filed)

Registering Party:

Texas Energy Consultants

Authorized Representative or Attorney to contact about this application:

NAME: Robert Pena Jr. TITLE: Owner

ADDRESS: 2516 West Freddy Gonzalez Drive

TELEPHONE: (956) 386-9387 FAX: 877-341-4474

EMAIL ADDRESS: robjrpena@texas-kwh.com

Agent for Service of Process:

NAME: Robert Pena Jr. TITLE: Owner

ADDRESS: 2516 West Freddy Gonzalez Drive

TELEPHONE: (956) 386-9387 FAX: 877-341-4474

EMAIL ADDRESS: robjrpena@texas-kwh.com

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.

PART A – GENERAL INFORMATION

APPLICABLE TO ALL REGISTERING PARTIES

1. **Legal Name of Registering Party:** Robert Pena Jr. dba Texas Energy Consultants

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.):

dba Texas Energy Consultants

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.

2516 West Freddy Gonzalez Dr.

Edinburg, TX 78539

(956) 386-9387 office

877-341-4474 fax

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

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). N/A

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

(956) 386-9387

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.

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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:

Commercial: Multiple Shopping Centers

Municipalities: City of La Joya, TX; City of Pearsall; City of Palmview, TX

Pol. Subd.: School Districts

**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.

ATTACHMENT

Public Utility Commission of Texas

AGGREGATOR REGISTRATION, PURSUANT TO PUC SUBSTANTIVE RULE §25.111

1. Standard Registration: Attachment C, ANSWERS to (a) – (i)
 - (a) Tx SOS records – Assumed name certificate is attached.
 - (b) Tax Delinquency disclosure – Applicant has NO tax delinquency at this time.
 - (c) Prior Experience: Applicant has worked for retail energy group for 8 years. As part of applicants employment, applicant has assisted municipal, school & public entities, as well as private business customers in the acquisition of retail energy. As an employee, applicant has contracted well over 200 MWhrs of electricity for various customers.
 - (d) Affiliate/Agency Relationships: Applicant has attained broker agreements with State of Texas GLO/Cavallo Energy, Champion Energy, Hudson Energy, Gexa Energy, and Suez Energy to promote & market the sale of retail energy. As most public entities are required, under state law, to follow RFP process, the applicant will dully fully disclose any relationships in the RFP process as well as in writing to the public entities.
 - (e) Activities in Other States: None. Applicant does not intend to conduct business in other states.
 - (f) Compensation Sources: The applicants anticipated sources of compensation for aggregation services, will primarily derive from reatail energy providers only after having been selected by the public entitiy. This would be disclosed in the RFP process, whereby the applicant would make known the expected rate to be paid by the retail provider, if selected by the public entity.
 - (g) Bankruptcy Disclosure: Applicant has not/does not have any bankruptcy proceedings.
 - (h) Disclosure of Fraud or Liability: Applicant does not have any convictions, nor liabilities of fraud, theft, larceny, deceit, or violations of trade laws.
 - (i) Investigation Status: Applicant is NOT under any criminal or civil investigation.

- (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.¹

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.

¹ 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.

- 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.

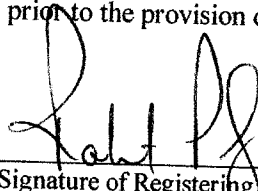
AFFIDAVIT

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

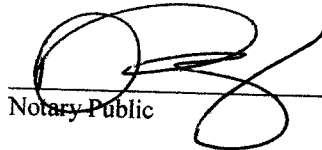
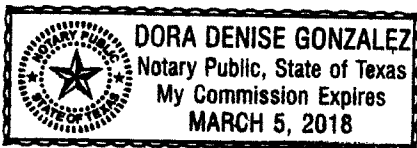
Robert Pent Jr.

Printed Name

Robert Pent dba Texas Energy Consultants

Name of Registering Party

Sworn and subscribed before me this 5th day of October, 2014
Month Year



Notary Public

THE STATE OF TEXAS }
COUNTY OF HIDALGO }

KNOW ALL MEN BY THESE PRESENTS:

THAT Robert Pena, the undersigned, for the purpose of complying with Chapter 36, Title 4, Business and Commerce Code of the State of Texas, do hereby certify to the following facts:

- 1. Texas Energy Consultants is the assumed name under which the business or professional services is or is to be conducted or rendered.
- 2. Registrant: Individual
- 3. Names and Addresses: ²

Name Robert Pena
 Title Owner Address 2516 West Freddy Gonzalez Drive
 Name _____ Address Edinburg, Texas 78539
 Title _____ Address _____
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____
 Name _____ Address _____

Said Company was duly associated under the laws of Texas and its registered or similar office address there is

County or counties within the State of Texas where the business or professional services are being or are to be conducted or rendered under said assumed name: ALL Counties

4. The business or professional service is a: Retail Energy Consulting & Energy Development
The corporation is a: ⁴

5. The period, not to exceed ten (10) years, during which the assumed name will be used is from the First day of August, 2014, until the 31st day of July, 2024.
IN TESTIMONY WHEREOF, _____ have hereunto set hand this the 30th day of September, 2014.

Robert Pena, OWNER
TEXAS ENERGY CONSULTANTS
2516 West Freddy Gonzalez, Edinburg TX
78539

- 1. Indicate whether the registrant is an Individual; a Partnership; an Estate; a Real Estate Investment Trust; a Company; a Corporation.
- 2. If the registrant is:
 - a An individual, full name and residence address;
 - b A Partnership, the venture or partnership name, the venture or partnership office address, the full name of each joint venturer or general partner and their residence address if an individual, or its office address if not an individual;
 - c an Estate, the name of the estate, the estate's office address, if any, and the full name of each representative of the estate, residence address, if an individual, or its office address if not an individual;
 - d a Real Estate Investment Trust, the name of the trust, the address of the trust, the full name of each trustee manager, residence address, if an individual, or its office address if not an individual;
 - e a Company, other than a real estate investment trust, or a corporation, the name of the company or corporation, the state, county or other jurisdiction under the laws of which it was organized, incorporated or associated, and its office address,
 - f a Corporation, the name of the corporation as stated in its articles of incorporation or association or comparable document, the state, county, or other jurisdiction under the laws of which it was incorporated or associated and address of its registered or similar office in that state, county or jurisdiction, if required to maintain a registered office in this state, the address of such registered office and the name of its registered agent at such address, and the address of its principal office if not the same as that of its registered office in this state; if the corporation is not required to or does not maintain a registered office in this state, its office address in this state or if the corporation is not incorporated, organized or associated under the laws of this state, the address of its place of business in this state or its office address elsewhere, if any.
- 3. Insert titles as: individual, general partner, joint venturer, representative, trustee manager, company/corporate office, attorney in fact and registered agent and/or indicate registered office address, etc.
- 4. Strike if not applicable.
- 5. Insert form of business/corporation as proprietorship, sole practitioner, joint venture, general partnership, limited partnership, real state investment trust, joint-stock company, or some other form of unincorporated business or professional association or entity, or for corporations; business corporation, nonprofit corporation, professional corporation, or some other type of incorporated business, professional or other association, or legal entity.

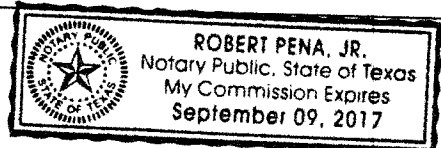
(Acknowledgment Under Oath)

THE STATE OF TEXAS }
COUNTY OF Hidalgo

BEFORE ME, the undersigned authority, on this day personally appeared ROBERT PENA
who having been by me first duly sworn upon oath, deposed and said: "I have been duly authorized in writing by my principal to execute and
acknowledge this legal instrument." Assumed Name Certificate

SUBSCRIBED AND SWORN TO BEFORE ME by ROBERT PENA JR
this the 30th day of SEPTEMBER, A.D. 2014

ROBERT PENA, Notary Public
Hidalgo County, Texas. My commission expires SEPTEMBER 9, 2017



THE STATE OF TEXAS }
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____

known to me to be the person _____ whose name _____ subscribed to the foregoing instrument, and acknowledged
to me that _____ he _____ executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ day of _____, A.D. 20 _____

_____, Notary Public
Hidalgo County, Texas. My commission expires _____

(Corporate/Partnership Acknowledgment)

THE STATE OF TEXAS }
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____
of _____

partnership: Known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the
a corporation: same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said partnership.
corporation.

Given under my hand and seal of office on this the _____ day of _____, A.D. 20 _____

_____, Notary Public
Hidalgo County, Texas. My commission expires _____