

DM13-129

April 30, 2013

New Hampshire Public Utilities Commission  
Debra Howland, Executive Director  
21 South Fruit Street, Suite 10  
Concord, N.H. 03301-2429



Re: Initial Aggregator Registration Application

Dear Ms. Howland:

L5E, LLC d/b/a "5 – The Energy Advisory and Brokerage Firm" (the "Company" or "5") is pleased to file an Initial Aggregator Registration Application in the State of New Hampshire. As required by the instructions, we have included in this cover letter summary information on the Company and its principals. I can also confirm that, in accordance with the rules of the Commission, we have not commenced work in New Hampshire and will not do so before this application is approved.

Enclosed please find:

- (i) An original, two copies, and an electronic copy (on the attached dvd) of our answers to the questions set forth in PUC 2006.01(a)(1)-(9) as required by PUC 2003.04(c), as well as this cover letter.
- (ii) A copy of the Company's Authorization to do Business in New Hampshire; and
- (iii) A filing fee in the amount of \$250.00.

The Company acknowledges its obligations under PUC 2003.04.

Please do not hesitate to contact me if you have any questions on this filing or need additional information.

Regards,

Jonathan S. Moore  
Member

## **A Brief Description of the Company and its Relevant Experience**

### Overview

The Company plans to provide energy brokerage and advisory services to all customer classes throughout the State of New Hampshire. As noted on the Company's website, the services include: (i) energy procurement and risk management, (ii) market advice and analytical support, (iii) infrastructure improvements, and (iv) sustainability related services. The initial focus of the Company's efforts are middle market customers, commercial and industrial users who generally purchase at least \$100,000/yr of electricity and/or natural gas. To accommodate the needs of its commercial customers, the Company will recommend products to residential customers; however, this is currently a small aspect of the Company's business.

The Company uses employees and independent contractors, together with referral partners and existing customers, to market its services to commercial and industrial customers. The Company also uses relationships developed over the many years the Company's founder partners have been working with active retail energy suppliers in this and other markets.

### Background

We formed the Company to manage energy purchases for commercial and residential customers. Organizations and homeowners realize they are exposed to increasingly volatile energy prices. There is a need to manage this exposure in the same way they manage other market based financial exposures. The challenge for consumers is the overabundance of suppliers and products combined with ever changing commodity prices.

### Other Markets

The Company is licensed as a broker in Illinois, Maryland, Ohio, Pennsylvania, New Jersey, Delaware, the District of Columbia and Ohio. 5 is also qualified to do business as a broker in Texas, New York, Connecticut and Michigan, and is in the process of applying for licenses to serve customers in Massachusetts and Maine.

## Management

The management team has extensive experience in all aspects of the deregulated energy industry throughout North America and has served many Fortune 500 companies in multiple markets. Summery bios on the management team are set forth below:

### ***Brian Hayduk***

Brian has been in the deregulated electricity market since it began in the late 1990s. His most recent role was as President of First Choice Power (FCP) where he had responsibility for all company operations and led the business to record growth and profit. His background includes corporate strategy, business development and marketing, M&A, portfolio management and development of retail business units in deregulated electricity markets throughout North America.

Prior to FCP, he served as co-founder and President of Juice Energy, Inc., a retail electric provider in three states, including Texas. He previously served as a Senior Vice President at Constellation NewEnergy where his responsibilities encompassed half of the company revenue (approx. \$2B) and he helped profitably grow its retail businesses throughout North America from 4,000 to 16,000 megawatts. Brian's on the board of Keep Lewisville Beautiful and encourages 5 to engage in sustainable practices. He's the only 5 partner who can claim pizza making and fishing boat mate on his resume.

M.S. Environmental Science, SUNY College of Environmental Science and Forestry; B.A. Economics, Lehigh University

### ***Jon Moore***

Jon Moore served as Executive Vice President at Beowulf Energy LLC from 2008-2011. Beowulf Energy is a private power and infrastructure company with expertise in the development, acquisition and long-term operation of power generation and infrastructure projects. Jon also recently served as a director of MX Holdings. In 2006, Jon co-founded Juice Energy, Inc., a green-focused energy retailer, where he served as CEO from 2006 until 2008. From 2002 until 2006, he was COO of Constellation NewEnergy ("NewEnergy"). Under Jon's leadership, NewEnergy grew into the nation's largest competitive supplier of electricity with over 16,000MW.

From 1994 until 2002, Jon worked for The AES Corporation ("AES"), where he was part of the senior management team that led AES's acquisition of NewEnergy Ventures, which was one of the first companies to offer electricity to commercial and industrial customers in deregulated markets. In 2002, Jon was part of the team that negotiated the sale of AES's retail electricity business to Constellation Energy Group. Mr. Moore worked as a transactional attorney with O'Melveny & Myers in Washington, D.C. from 1988 to 1994. Jon's also the only partner in 5 with two national championship rings.

JD from Yale Law School; Magna Cum Laude from Princeton University's Woodrow Wilson School

### ***Eric Plateis***

Eric has 30 years of experience in commodity trading and risk management. Eric's most recent experience was as Vice President of Portfolio Risk Management at First Choice Power, where he was responsible for all of the supply and risk management activities as well as retail pricing and load forecasting activities. Eric's previous roles include Senior Supply Officer for Juice Energy, Vice President

of fixed price Natural Gas Trading at Bank of Montreal and Vice President of Trading at Constellation where Eric was responsible for the West and ERCOT region structured portfolios. Eric has been interviewed on McNeil Lehrer Hour and presented to the Argentine Consulate on hedging and risk management. He's also held Board seats at the Commodity Exchange, Inc., NYMEX and was Vice Chair of the COMEX Governors Committee.

Eric started his career in the "Pits" on the floor of the New York commodities exchanges where he traded for his own personal account; an experience he is always happy to share with anyone foolish enough to ask.

B.A. Accounting, Boston University

### ***Jeff Schiefelbein***

Jeff Schiefelbein has worked in the deregulated energy business for the past 8 years and most recently served as the Vice President of Sales at First Choice Power. Jeff has a proven track record of leadership and innovation through his extensive experience in sales, company start-up, technology development, personal coaching, and strategic management. He has also been recognized nationally for the creation and implementation of two highly successful nonprofit corporations.

While at First Choice Power, Jeff developed a unique multi-team approach to sales that led to 6 straight quarters of double-digit growth. Jeff also launched an industry-leading online pricing portal that increased scale while reducing overhead. He continues to impact thousands each year through his motivational speaking and guest lecturing activities. Jeff is the recipient of the national Daily Points of Light Award, the Texas Governor's Volunteer Service Award and has been featured on ABC's "Volunteers Across America". Also, ask him about his run on Broadway sometime.

B.B.A. Small Business and Entrepreneurship, Texas A&M University

### ***Josh Coleman***

Josh has worked in the energy business for his entire 27-year career as both a commercial/industrial energy manager, as well as in various operations leadership roles with retail electric providers. Most recently, Josh served as First Choice Power's Vice President of Operations during a period of unprecedented profitability and growth that was coupled with record levels of customer satisfaction. While at First Choice Power and TXU, Josh refined his expertise in all aspects of operations, customer care, billing, credit/collections and contracting in the deregulated energy market.

Prior to entering the retail electric business, Josh worked in a variety of energy management and facilities leadership roles at Invensys, Teccor Electronics and Texas Instruments. Josh is the Board Chair for Camp Summit, an organization that promotes personal growth and independence through outdoor experiences for people with disabilities. Josh also enjoys his status as the only member of the 5 leadership team that has been paid to swim with a pig.

B.S. Mechanical Engineering, Texas A&M University; Professional Engineer, State of Texas (inactive)

Aggregator Registration Form

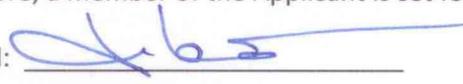
Puc 2006.02(a)(1)-(9)

Please find below and attached the Initial Registration of Aggregators pursuant to Puc 2006.02 (a) for L5E, LLC. Responses below are linked to the relevant sections of Puc 2006.02.

1. The legal name of the applicant is L5E, LLC (the "Applicant"). The Applicant does business under the trade name "5 – The Energy Advisory and Brokerage Firm".
2. Contact information for Applicant:
  - a. Address: 130 E. John Carpenter Freeway, Irving, Texas 75062
  - b. Telephone Number: 855-275-3483
  - c. Email: [email5@5-five.com](mailto:email5@5-five.com)
  - d. [www.5-five.com](http://www.5-five.com)
3. Contact Information for principals of Applicant:

Principals of Applicant				
Name	Title	Address	Phone #	Email
Jonathan Moore	Member	5320 Albemarle Street, Bethesda, MD 20816	202-422-2582	<a href="mailto:jon.moore@5-five.com">jon.moore@5-five.com</a>
Brian Hayduk	Member	130 E. John Carpenter Freeway, Irving, TX 75062	855-275-3483	<a href="mailto:brian.hayduk@5-five.com">brian.hayduk@5-five.com</a>
Josh Coleman	Member	130 E. John Carpenter Freeway, Irving, TX 75062	855-275-3483	<a href="mailto:josh.coleman@5-five.com">josh.coleman@5-five.com</a>
Eric Plateis	Member	130 E. John Carpenter Freeway, Irving, TX 75062	855-275-3483	<a href="mailto:eric.plateis@5-five.com">eric.plateis@5-five.com</a>
Jeff Schiefelbein	Member	130 E. John Carpenter Freeway, Irving, TX 75062	855-275-3483	<a href="mailto:jeff.schiefelbein@5-five.com">jeff.schiefelbein@5-five.com</a>

4. The head of customer services is Applicant's COO, Josh Coleman. He can be reached at 855-275-3483. His email address is [josh.coleman@5-five.com](mailto:josh.coleman@5-five.com).
5. Applicant's authorization to do business in New Hampshire is attached hereto.
6. Applicant intends to do business in all utility territories in the State of New Hampshire as permitted by the laws of the State of New Hampshire.
7. Applicant is not representing any particular supplier. Applicant has agreements in place with numerous suppliers active in the markets in which it provides brokerage and advisory services. Key suppliers licensed in New Hampshire and represented by Applicant include Constellation NewEnergy, Hess, Noble, Suez, and ConEdison Solutions.
8. A filing fee in the amount of \$250.00 is enclosed.
9. The signature of Jonathan Moore, a member of the Applicant is set forth below:

Signed:   
Print: Jonathan Moore  
Title: Member  
Date: April 30, 2013

# State of New Hampshire Department of State

## CERTIFICATE

I, William M. Gardner, Secretary of State of the State of New Hampshire, do hereby certify that L5E, LLC a(n) Texas limited liability company registered to do business in New Hampshire on April 17, 2013. I further certify that it is in good standing as far as this office is concerned, having paid the fees required by law.



In TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Seal of the State of New Hampshire, this 24<sup>th</sup> day of April, A.D. 2013

A handwritten signature in cursive script, appearing to read "William M. Gardner".

William M. Gardner  
Secretary of State