

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

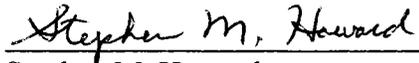
<b>In the Matter of the 2011 Annual Report</b>	)	
<b>Filings for Competitive Retail Electric</b>	)	<b>Case No. 12-03-GE-RPT</b>
<b>Service Providers, Natural Gas Suppliers,</b>	)	
<b>and Governmental Aggregators.</b>	)	

**APPLICATION FOR REHEARING**

Pursuant to Section 4903.10, Revised Code and Rule 4901-1-35 of the Ohio Administrative Code, Sustainable Star, LLC (“Sustainable Star”) respectfully submits this application for rehearing from the December 19, 2012 Finding and Order which revoked and cancelled Sustainable Star’s Certificate No. 402(E)(1) which was issued on October 25, 2011 in Case No. 11-5227-EL-CRS. Sustainable Star alleges that under the circumstances of this case, it was unreasonable and unlawful for the Commission to revoke the authority of Sustainable Star and to cancel its certificate. Sustainable Star has both filed its 2011 annual report and paid the \$100.00 fee. The accompanying memorandum in support sets forth the reasons why the Commission’s December 19, 2012 Finding and Order was unreasonable and unlawful with respect to Sustainable Star.

WHEREFORE, Sustainable Star respectfully requests that the Commission grant rehearing and reinstate Certificate No. 11-402(E)(1) issued on October 25, 2011 in Case No. 11-5227-EL-CRS and to reinstate its authority to provide power broker, power marketer and aggregation services in Ohio.

Respectfully submitted,



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Stephen M. Howard

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Attorneys for Sustainable Star, LLC

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the 2011 Annual Report</b>	)	
<b>Filings for Competitive Retail Electric</b>	)	<b>Case No. 12-03-GE-RPT</b>
<b>Service Providers, Natural Gas Suppliers,</b>	)	
<b>and Governmental Aggregators.</b>	)	

**MEMORANDUM IN SUPPORT**

On December 19, 2012, the Commission issued a Finding and Order in a series of cases including Case No. 12-03-GE-RPT in which it revoked the authority of several entities including Sustainable Star, for failure to file its 2011 annual report. Sustainable Star has now filed its annual report and paid the \$100.00 fee. Because of the circumstances as set forth below, Sustainable Star respectfully submits that the Commission’s Finding and Order was unreasonable and unlawful as it relates to Sustainable Star and respectfully requests that the Commission reinstate Sustainable Star’s authority to operate in Ohio and to reinstate Certificate No. 11-402(E)(1) issued on October 25, 2011 in Case No. 11-5227-EL-CRS.

On April 11, 2011, Sustainable Star filed an application seeking to become an electric broker and aggregator in Ohio in Case No. 11-2395-EL-AGG. It was subsequently issued Certificate No. 11-358E (1) on May 17, 2011.<sup>1</sup>

On September 21, 2011, Sustainable Star filed another application in Case No. 11-5227-EL-CRS to become certified as a competitive retail electric service provider providing power broker, power marketer and aggregation services. Sustainable Star’s application in this case was automatically approved and Certificate No. 11-402E (1) was issued on October 25, 2011. Up

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<sup>1</sup> This certificate should be cancelled.

until 2011, Sustainable Star had never filed an application and had no experience or familiarity with this Commission.

Sustainable Star transacted no business in the state of Ohio in 2011. Being new to the process in Ohio, Sustainable Star did not anticipate the need to file an annual report. Notices were received from this Commission, but due to an administrative oversight and being new to the process and having had no previous business relationships in the state during 2011, Sustainable Star was late in filing its annual report. Compounding this problem, Sustainable Star submitted the wrong paperwork to the Commission.

Sustainable Star has now submitted its 2011 annual report (see attached) and has sent a \$100.00 check pursuant to the Commission's Finding 11 in its December 19, 2012 Finding and Order in Case No. 12-03-GE-RPT. Sustainable Star had no intent to circumvent the process or frustrate the wishes of the Commission by Sustainable Star; the failure to file the annual report was due to the unfamiliarity with the process and administrative oversight. After having communicated with the members of the Commission Staff, the CEO of Sustainable Star is now familiar with the process for 2012 and will complete the annual report for 2012 in early 2013. Sustainable Star sincerely regrets the circumstances that led to the December 19 Finding and Order and will take steps to ensure no recurrence.

Sustainable Star respectfully requests that the Commission recognize these facts and grant rehearing so as to restore the authority and Certificate No. 11-402(E) to Sustainable Star so that it can maintain its authorization to provide service in Ohio.

Respectfully submitted,

*Stephen M. Howard*

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Attorneys for Sustainable Star, LLC

# COMPETITIVE RETAIL ELECTRIC SERVICE

(check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> AGGREGATOR              | <input type="checkbox"/> RETAIL ELECTRIC GENERATION PROVIDER |
| <input type="checkbox"/> GOVERNMENTAL AGGREGATOR | <input type="checkbox"/> POWER BROKER                        |
| <input type="checkbox"/> POWER MARKETER          | <input checked="" type="checkbox"/> CRES                     |

## INTRASTATE ANNUAL REPORT OF

(Exact legal name of respondent)

If name was changed during the year, show also the previous name and date of change.

(Address of principal business office at end of year)

TO THE  
PUBLIC UTILITIES COMMISSION OF OHIO



FOR THE  
YEAR ENDED DECEMBER 31, 20\_\_

Name, title address and telephone number (including area code) of the person to be contacted concerning this report.

703 272 8041 Eric Akunda, VP, Operations

314 852 5000 Ray Dunbar, CEO

## TABLE OF CONTENTS

<b>Title</b>	<b>Page</b>
Identity of Respondent.....	1
Important Changes During the Year.....	2
Statement of Intrastate Gross Receipts and kWh Sales.....	3
Name, Address and Phone Number of the Company's Contact Persons and Invoice Recipient.....	4
Verification.....	5

**IDENTITY OF RESPONDENT**

1. State whether respondent is a corporation, a joint stock association, a firm or partnership, or an individual.

United Liability Corporation

2. Identify names of affiliate and subsidiary companies of the respondent.

None.

3. Date when respondent began operations in Ohio.

Have not operated in Ohio

4. If a consolidated or merged company, give names of each such incident, date, and Commission authority. If a reorganized company, give name of original corporation.

N/A

5. If incorporated specify (a) Date of filing articles of incorporation, (b) State in which incorporated.

June 16, 2010  
Maryland.

6. Ohio certificate number, case number granting authority and date issued.

Active 11-402 E, Case # 11-5227-EL-CRS - PUCO  
Inactive 11-358 E, Case # 11-2395-EL A99. May 17 2011

7. State whether or not the respondent during the year conducted any part of its business under a name or names other than that shown on Title Page. If so, give full particulars.

No.

8. Description of Ohio service territory served by respondent.

None in 2011.

## IMPORTANT CHANGES DURING THE YEAR

Report important changes of the types listed. Except as otherwise indicated, data furnished should apply to the same period the report covers. Answers should be numbered in accordance with the inquiries and if "none" states the fact, it should be used. If information, which answers an inquiry, is given elsewhere in the report, identification of the other answer will be sufficient.

1. Changes in ownership or control (shareholders holding 5% or more of outstanding stock).

None

2. Other important changes: Give brief particulars of each other important change, which is not disclosed elsewhere in this report.

None

\*Please note any material changes that occurred during the year are also required to be filed in the respective CRES case docket (EL-CRS, EL-AGG, EL-GAG) pursuant to CRES Rule 4001:1-14-20.

**STATEMENT OF INTRASTATE  
GROSS RECEIPTS AND KWH SALES**

Customer Class	Sales (kWh)	Earnings(\$)
Residential	0	0
Commercial	0	0
Industrial	0	0
Other	0	0
<b>Total</b>		

**Instructions:**

This information is used for PUCO annual assessment purposes pursuant to Section 4905.10, Revised Code. The reporting company shall report its intrastate gross earnings for the provision of retail services (e.g. Retail Electric Generation, Broker, Marketer, Governmental Aggregator) for which it is subject to certification by the PUCO under Section 4928, Revised Code. In addition, power providers please provide all corresponding sales of kilowatt hours of electricity. Sales of kilowatt hours of electricity are deemed to occur at the meter of the retail customer.

The reporting company shall maintain supporting and/or subsidiary records to separately record receipts and sales of electricity derived from operations other than in Ohio. Information presented herein is subject to audit by the PUCO.

COMPANY CONTACTS

IN ORDER TO ENSURE THAT PUCO CORRESPONDENCE IS DIRECTED TO THE APPROPRIATE PERSON AT THE CORRECT ADDRESS, PLEASE COMPLETE THE FOLLOWING.

Name, Title, Address, and Phone Number of the Company's Contact Persons  
To Receive Entries and Orders from the Docketing Division

Ray Dunbar CEO  
Name Title  
1028 Towlston Rd, McLean, VA 22102  
Address  
703-537 0887 , 314 852 5000  
Phone Number (Including Area Code)  
Ray@Sustainablestar.com  
E-Mail Address

Name, Title, Address, and Phone Number of Person to whom Invoice  
Should be directed

As above  
Name Title  
Address  
Phone Number (Including Area Code)

Name and Address of the President

As above  
Name President  
Address

VERIFICATION

The President or Chief Officer of the company must verify the foregoing report. The oath required may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

OATH

State of Virginia

County of Fairfax

Ray Dunbar makes oath and says that  
(Insert here the name of the affiant)

he is CEO  
(Insert here the official title of deponent)

of Sustainable Star LLC  
(Insert here the exact legal title or name of the respondent)

that he has examined the foregoing report; that to the best of his knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including 20, 2012, to and including 20, 2012.

[Signature]  
(Signature of affiant)

MIKE TAFTI  
Notary Public  
Commonwealth of Virginia  
7514942  
My Commission Expires Feb 29, 20

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/21/2012 1:31:39 PM**

**in**

**Case No(s). 12-0003-GE-RPT**

Summary: App for Rehearing Application for Rehearing electronically filed by Mr. Stephen M Howard on behalf of Sustainable Star, LLC