

# **Application for License to Operate as a Curtailment Service Provider in the State of Maryland**

## Submission Guidelines

You must use the attached form to submit your Application. (For paper or hardcopy submissions, please remove this instruction sheet prior to filing.) If you need more space than is provided on this form or if you are attaching exhibits, all attachments must be labeled or tabbed to identify the Application item to which they correspond. You are also required to file an electronic version of this document **(excluding confidential information)** using Microsoft Word or Adobe PDF. A compact disk (or other appropriate electronic storage device) must accompany the paper copies to be filed with the Maryland Public Service Commission.

To file an Application with the Maryland Public Service Commission, submit:

- ☐ A signed and verified original
- ☐ 17 copies of the Application
- ☐ An electronic version of the Application and attachments
- ☐ A nonrefundable license fee of \$400.00 (payable to "Public Service Commission").

Send all material to:

**Executive Secretary  
Maryland Public Service Commission  
6 Saint Paul St.  
Baltimore, MD 21202**

Concurrently with the filing of the Application with the Executive Secretary, a paper copy of the Application shall be submitted to the Office of People's Counsel, 6 St. Paul St., 21<sup>st</sup> Floor, Baltimore, MD 21202.

Questions pertaining to completion of this Application may be directed to the Public Service Commission Staff, Energy Analysis and Planning Division, at the above address or you may call the Division at (410) 767-8085.

If your answer to any of the Application items changes pending Application review, or while you are operating within the State of Maryland, you are under a duty to inform the Commission. An Applicant is also required to officially notify the Commission 60 days prior to ceasing operations in Maryland. The notice must be sent to the Commission's Executive Secretary at the address above.

**Confidentiality:** Sections 16 and 18 of this Application related to financial information will be treated as confidential information by the Commission to the extent permitted by law, and shall be marked as confidential. The remainder of the document is considered public information.

**Applicable law:** The provisions set forth in this Application related to the licensing of electricity suppliers and the provision of electricity supply and electricity supply services are addressed in detail in the Maryland Annotated Code, Public Utilities Article, § 7-507 et seq., and in the Code of Maryland Regulations, Title 20, Subtitle 51.

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A Curtailment Service Provider that already has an electricity supplier license does not need to apply for a new license, but may file a request to amend its existing license. If the Curtailment Service Provider applicant already has a \$10,000 broker bond or a \$250,000 supplier bond on file, no additional bond is required. The bond must, however, be updated to include the applicant's intent to provide Curtailment Service Provider services on any existing bond for electricity supplier services.

A Curtailment Service Provider that already has an electricity supplier license but *does not* have a current bond on file, regardless of its financial integrity review status as an electricity supplier, must submit a \$10,000 bond along with its request to amend its existing electricity supplier license.

A Curtailment Service Provider seeking a license in Maryland for the first time must meet the financial integrity requirements by filing a financial statement and a \$10,000 bond as described in Code of Maryland Regulations ("COMAR") 20.51.02.02 C.

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**1. a. Identity of the Applicant:**

(Must match the entity listed on the certificate issued by the State Department of Assessments and Taxation of Maryland)

Legal Name: \_\_\_\_\_

Current Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Street Address (if different than above): \_\_\_\_\_

Website URL<sup>1</sup>: \_\_\_\_\_

**1. b. Transfer of Existing License:**

- ☐ Attachment of attestation of transfer
- ☐ Letter used to notify customers of transfer

**2. Service Territories and Type of customer the Applicant intends to serve:**

**Baltimore Gas and Electric Company**

☐ Residential      ☐ Commercial      ☐ Industrial

**Choptank Electric Cooperative, Inc.**

☐ Residential      ☐ Commercial      ☐ Industrial

**Delmarva Power and Light Company**

☐ Residential      ☐ Commercial      ☐ Industrial

**The Potomac Edison Company**

☐ Residential      ☐ Commercial      ☐ Industrial

**Potomac Electric Power Company**

☐ Residential      ☐ Commercial      ☐ Industrial

**Southern Maryland Electric Cooperative**

☐ Residential      ☐ Commercial      ☐ Industrial

**3. a. Customer Restrictions:**

- ☐ Restrictions on the number of end-use customers. (Describe in attachment.)
- ☐ Applicant has no restrictions on the number of end-use customers.

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<sup>1</sup> PUA 7-507(j). An electricity supplier shall post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.

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3. b. ☐ Restrictions on the size of end-use customers. (Describe in attachment.)  
☐ Applicant has no restrictions on the size of end-use customers.  
☐ Other restrictions regarding customers. (Describe in attachment.)

4. **The Applicant proposes to begin providing services:**

- ☐ Upon approval of the Application and license  
☐ Other approximate date of commencement: \_\_\_\_\_  
☐ The Applicant is currently operating in the state of Maryland

4. **Affiliates Engaged in the Retail Sale of Electricity or Natural Gas:**

- ☐ The Applicant has no such Affiliate(s).  
☐ Applicant is an Affiliate of a regulated electricity or natural gas utility. Describe in attachment.  
☐ Affiliate(s) other than a regulated electricity or natural gas utility engaged in the retail sale of electricity, or electricity supply services, or natural gas are:

**Name:** \_\_\_\_\_

**Business Address:** \_\_\_\_\_  
\_\_\_\_\_

**License Number/State of Issuance:** \_\_\_\_\_

5. **States in which the Applicant is now or has been operating as a curtailment service provider:**

State:	_____	License No:	_____
State:	_____	License No:	_____
State:	_____	License No:	_____
State:	_____	License No:	_____
State:	_____	License No:	_____
State:	_____	License No:	_____

*If additional space is required, please attach additional sheets of paper to the Application as necessary.*

6. **Regulatory Contact:**

**Name and Title:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Telephone:** \_\_\_\_\_  
**Fax:** \_\_\_\_\_  
**E-Mail:** \_\_\_\_\_

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**7. Customer Service Contact:**

**Name and Title:**

**Address:**

**Telephone:**

**Fax:**

**E-Mail:**

**8. Maryland Resident Agent:** (Agent currently on file with the State Department of Assessments and Taxation.)

**Name:**

**Business Address:**

**9. Primary Corporate Officers/General Partners/Managing Partners**

**President/General Partner/Managing Partner:**

**Name:**

**Business Address:**

**CEO:**

**Name:**

**Business Address:**

**Do either of the parties above have any other business arrangements that would conflict with your duties?**

- ☐ Yes. (If checked, provide an attachment describing the arrangement.)  
☐ No.

**10. Applicant's Business Form:**

- ☐ Proprietorship  
☐ Corporation  
☐ Partnership

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- ☐ Limited Partnership
- ☐ Limited Liability Company
- ☐ Limited Liability Partnership
- ☐ Other: \_\_\_\_\_

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**11. Certificate of Status:**

- a. Provide a certificate issued by the state of formation within the past 6 months certifying that the Applicant is in good standing and qualified to do business in the state of formation.
- b. If formed under the laws of a state other than Maryland, provide the certificate issued by the State Department of Assessments and Taxation of Maryland (SDAT) within the past 6 months certifying that the Applicant is registered or qualified, and in good standing, to do business in Maryland. For more information about the certificate of good standing, go to the SDAT website at <http://www.dat.state.md.us/> or the Business License Information System at <http://www.blis.state.md.us/>.
- c. If applicable, provide a certificate of compliance with the provisions of Labor and Employment Article, Title 9, Annotated Code of Maryland relating to Maryland Workers' Compensation.

**12. Ownership and Control:** Provide on a separate sheet the names and addresses of all persons and entities that directly or indirectly own ten percent (10%) or more of the ownership interests in the Applicant, have the right to vote ten percent (10%) or more of the Applicant's voting securities, or who otherwise have the power to control the Applicant.

**13. Actions Against Licenses:** Provide the following information for the Applicant and any Affiliate that engages in the sale at retail of electricity or natural gas.

- ☐ Actions such as Suspensions/Revocations, Limitations, Reprimands, Fines, Consent Decrees, or other similar actions have been taken or are pending against the Applicant or unregulated affiliate(s). If checked, provide an attachment describing the action; and include docket numbers, offense dates, and case numbers, if applicable.
- ☐ No such action has been taken.

**14. Financial Requirements:** An Applicant must demonstrate financial integrity by filing its financial information in the form of its most recent audited financial statements (unaudited statements are acceptable if no audited statements are available) and providing the Commission with security in the form of the bond shown in Attachment A, as required under the Code of Maryland Regulations (COMAR) 20.51.02.02.C, unless the applicant has previously supplied a security under COMAR 20.51.02.02C (\$10,000 bond) or under COMAR 20.51.02.07 G3, in the amount of \$250,000.00. The bond must include all service approvals (e.g., electricity supplier or Curtailment Service Provider) received from, or under current application at, the Commission.

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- 15. Technical and Managerial Competency:** The Applicant must submit, in an attachment, a statement of technical and managerial competency. This must include owner and key employee resumes. The attachment should also include a description of the Applicant and current operations, intended operations in Maryland, past work experience, business plans, and other items or information that demonstrate technical and managerial competency.
- 16. Training and Marketing Materials:** The Applicant must provide copies of the training materials offered to the Applicant's sales personnel/representatives; as well as the marketing materials that the Applicant will use to advertise to Maryland customers. If training material or marketing material is not available at the time of application, provide such material before commencing business in Maryland.
- 17. Notice of Required Compliance:** The Applicant is hereby notified that it is required to comply with the following:
- a. The Applicant may be required to submit bonds, as applicable, as described in COMAR 20.51.02.02, in order to ensure financial integrity or the payment of taxes.
  - b. The Applicant must update this Application with the Commission within 30 days of a change to 1, 13, or 15, or a change in the responses to the Affidavit of General Compliance.
  - c. Except as set forth in paragraph (b) above, provide annual updates of all items that have changed in the Application. The annual update should be provided to the Commission within 120 days of the end of the supplier's fiscal year.
  - d. Supplement this Application in the event the Commission modifies the licensing requirements, or requests further information.
  - e. Pay all fees imposed by the Commission and any State and local taxes.
  - f. Acknowledge that the license to sell electricity and electricity supply services is not transferable without prior Commission approval.
- 18. Affidavits Required:** The Applicant must supply Affidavits of Tax Compliance and General Compliance to the Commission with the completed Application. The affidavits are included with this Application packet and must be executed by the Applicant or representative with authority to bind the Applicant in compliance with Maryland law.
- 19. Further Developments:** Applicant is under a continuing obligation to amend its Application if substantial changes occur in the information upon which the Commission relied in approving the original filing.
- Pursuant to COMAR Title 20, Subtitle 51, Chapter 2, Section .03 – An Applicant shall immediately inform the Commission of any material change in the information provided in the Application during the Application review process.
- Pursuant to COMAR Title 20, Subtitle 51, Chapter 3, Section .01 – within 30 days of a material change, a licensed supplier must update or supplement the information required in the Application under COMAR 20.51.02.02B(1), (4) and (5).
- 20. Annual Filing Requirements:** Applicant is under an obligation to file with the Commission the following annual reports.



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- a. RPS Supplier Annual Report: COMAR 20.61.04.02.
- b. CSP Annual Report. COMAR 26.11.36.04.<sup>2</sup>

**21. Application Fee:** The Applicant must enclose the required licensing fee of \$400.

**Applicant:** Company Name Here

**By:** \_\_\_\_\_

Print Name Here (Sign line above)

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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<sup>2</sup> For more information see:  
<http://www.mde.maryland.gov/programs/air/climatechange/documents/response%20to%20comments%20csp%2005.16.2011.pdf>

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**AFFIDAVIT OF TAX COMPLIANCE**

State of \_\_\_\_\_ :  
County of \_\_\_\_\_ : ss.

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

That he/she is the \_\_\_\_\_ (office of Affiant) of \_\_\_\_\_ (Name of  
Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That \_\_\_\_\_, the Applicant herein, certifies to the Commission that it is subject to, will pay, and in the past has paid, the full amount of taxes imposed by applicable state and local statutes and ordinances, as may be amended from time to time. In addition, the Applicant certifies that it will pay the full amount of all taxes and/or surcharges imposed by any local jurisdiction within the State of Maryland upon the services provided by the Applicant on a timely basis. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Maryland or any local jurisdiction within Maryland, shall be cause for the Commission to revoke the license of the Applicant. [The Applicant acknowledges that it shall provide to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission.]

That \_\_\_\_\_, the Applicant herein, further certifies that the failure to pay the full amount of all taxes to the State of Maryland and any local jurisdiction within Maryland in an timely fashion may result in the forfeiture by the Applicant of all or a part of any bond required by the Commission or local jurisdiction to ensure the payment of such obligations.

As provided by State Law, Applicant, by filing of this Application waives confidentiality with respect to its state tax information in the possession of the Comptroller of the State of Maryland, regardless of the source of the information, and shall consent to the Comptroller of the State of Maryland providing that information to the Maryland Public Service Commission. The Commission shall retain such information confidentially. This does not constitute a waiver of the confidentiality of such information with respect to any party other than the Maryland Public Service Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of official administering oath

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My Commission expires \_\_\_\_\_

# **CURTAILMENT SERVICE PROVIDER APPLICATION BEFORE THE MARYLAND PUBLIC SERVICE COMMISSION**

## **AFFIDAVIT OF GENERAL COMPLIANCE**

State of \_\_\_\_\_ :  
County of \_\_\_\_\_ : ss.

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

That he/she is the \_\_\_\_\_ (office of Affiant) of \_\_\_\_\_ (Name of  
Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

That the Applicant herein certifies to the Commission that:

The Applicant agrees to comply with the terms and conditions of all applicable electricity  
company tariffs and agreements with electricity companies.

The Applicant agrees to comply with all applicable requirements of the Federal Energy  
Regulatory Commission and PJM Interconnection, LLC.

The Applicant agrees to comply with all applicable Federal and state consumer  
protection and environmental laws and regulations, and Maryland PSC regulations, fees,  
assessment, and requirements.

The Applicant has obtained all the licenses and permits required to operate the  
proposed business in the State of Maryland.

The Applicant agrees that it shall neither disclose nor resell individual residential  
customer data provided to the Applicant by any Maryland electricity company. Disclosure or  
resale of individual non-residential customer data provided to the Applicant by a Maryland  
electricity company will be governed by customer contract.

The Applicant, including any of its affiliates engaged in the sale of electricity or related  
services, the general partners, corporate officers or directors, or limited liability company  
members, managers or officers of the Applicant or its affiliates:

1. Has had no civil, criminal or regulatory sanctions or  
penalties imposed against it within the previous ten  
years pursuant to any State or Federal consumer  
protection law or regulation; and has not ever been  
convicted of a felony; or, alternatively
2. Has disclosed by attachment all such sanctions,  
penalties or convictions.

The Applicant further certifies that it:

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1. Is not under involuntary bankruptcy/insolvency proceedings including but not limited to, the appointment of a receiver, liquidator, or trustee of the supplier, or a decree by such court adjudging the supplier bankrupt or insolvent or sequestering any substantial part of its property or a petition to declare bankruptcy as to reorganize the supplier; and
2. Has not filed a voluntary petition in bankruptcy under any provision of any Federal or State bankruptcy/insolvency law, or its consent to the filing of any bankruptcy or reorganization petition against it under any similar law; or without limiting the generality of the foregoing, a supplier admitted in writing its inability to pay its debts generally as they became due, or consents to the appointment of a receiver, trustee or liquidator of it or of all or any part of its property.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of official administering oath

My Commission expires \_\_\_\_\_

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**VERIFICATION**

State of \_\_\_\_\_ :  
County of \_\_\_\_\_ : ss.

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law,  
deposes and says that:

That he/she is the \_\_\_\_\_ (office of Affiant) of \_\_\_\_\_ (Name of  
Applicant);

That he/she is authorized to and does make this affidavit for said Applicant;

The Applicant understands that the making of false statement(s) herein may be grounds for denying the Application or, if later discovered, for revoking any authority granted pursuant to the Application. This Application is subject to all applicable sections of the Annotated Code of Maryland as may be amended from time to time relating to perjury and falsification in official matters.

That the Applicant will supplement this Application in the event the Commission modifies the licensing requirements, or requests further information.

That the Applicant agrees that a license issued pursuant to this Application may not be transferred without Commission approval.

That the Applicant agrees to update information contained in this Application in accordance with the schedule otherwise set forth in the Application.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of official administering oath

My Commission expires \_\_\_\_\_

# **CURTAILMENT SERVICE PROVIDER APPLICATION BEFORE THE MARYLAND PUBLIC SERVICE COMMISSION**

## **APPLICANT'S GENERAL AUTHORIZATION FOR VERIFICATION OF FINANCIAL INFORMATION, ETC.**

TO WHOM IT MAY CONCERN:

I/We have applied to the Maryland Public Service Commission ("the Commission") for a license to be an Electricity Supplier, or to provide certain Electricity Supply related services, and authorize you to release to the Commission and its Staff, authorized representatives and agents any information or copies of records requested concerning:

MY/OUR COMPANY OR BUSINESS AND ITS HISTORY, PERFORMANCE, OPERATIONS, CUSTOMER RELATIONS, FINANCIAL CONDITION, INCLUDING BANK ACCOUNT TRANSACTIONS AND BALANCES, PAYMENT HISTORY WITH SUPPLIERS AND OTHER CREDITORS, VERIFICATION OF NET WORTH AND OTHER INFORMATION AND RECORDS WHICH THE COMMISSION OR ITS STAFF REQUIRES TO VERIFY OR MAKE INQUIRY CONCERNING MY/OUR FINANCIAL INTEGRITY AND THE INFORMATION CONTAINED IN MY/OUR LICENSE APPLICATION OR OTHER INFORMATION PROVIDED BY ME/US TO THE COMMISSION OR, STAFF OF THE COMMISSION, OR ITS REPRESENTATIVES OR AGENTS.

This Authorization is continuing in nature and includes release of information following issuance of a license, for re-verification, quality assurance, internal review, etc. The information is for the confidential use of the Commission and the Staff of the Commission in determining my/our financial integrity for being a licensee or to confirm information I/We have supplied and may not be released except by order of the Commission or by order of a court of competent jurisdiction.

A photographic or fax copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original. The original signed form is maintained by the Staff of the Commission.

APPLICANT'S AUTHORIZATION TO RELEASE INFORMATION:

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APPLICANT (Please print)

By: \_\_\_\_\_

APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

---

TITLE

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**Attachment A**

---\$10,000 FINANCIAL INTEGRITY BOND TEMPLATE---

**[Electricity Supplier and] Curtailment Service Provider Bond <sup>3</sup> (Insurer Name)**

Bond No. \_\_\_\_\_

**KNOWN ALL MEN BY THESE PRESENTS:**

That we, **Company Name**, as Principal(s) and **Insurance Co.**, a company authorized to transact surety business in the State of **Maryland**, as Surety, are held and firmly bound unto **Maryland Public Service Commission**, as Obligee, in the penal sum of **Ten Thousand (\$10,000.00) DOLLARS**, lawful money of the United States of America, for payment of which, well and truly be made, we hereby bind ourselves, our heirs, executors, administrators, legal representatives and successors, jointly and severally, firmly by these presents.

WHEREAS, the Principal has obtained or is about to obtain, from the Obligee, a license to do business as an **[Electricity Supplier and] Curtailment Service Provider** in Maryland under the Maryland Annotated Code, Public Utilities Article, § 7-507 et seq. and Code of Maryland Regulations, Title 20.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that if the said Principal shall comply with the provisions of the said Code, licenses, all applicable Ordinances, Rules and Regulations, and any Amendments thereto, then this obligation shall not be payable, but shall otherwise remain in full force and effect, subject to the payment as set forth below.

This obligation shall become effective on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and shall remain in force until cancelled.

PAYMENT under this bond shall be due if the Commission determines that **Company Name** is financially insolvent or unable to meet its obligations as a licensed **[Electricity Supplier and] Curtailment Service Provider** in Maryland. **Insurance Co.** will permit the Commission to direct that the proceeds of this bond be paid or disbursed to satisfy the **[Electricity Supplier's and] Curtailment Service Provider's** financial obligations to the Commission or other Maryland governmental entity. **Insurance Co.** will permit a Maryland court to direct proceeds of the bond be paid to a person that has obtained a judgment against the licensed **[Electricity Supplier and] Curtailment Service Provider** and has previously attempted to collect the judgment through all other means available through the Court.

PROVIDED, that the Surety may terminate its liability hereunder as to future acts of the Principal at any time by giving sixty (60) days written notice of such termination to the Obligee.

SIGNED AND SEALED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

<sup>3</sup> Brackets indicate optional language. If you are an electricity supplier, that also performs a curtailment service provider function, your bond must reference both functions. If you are only a curtailment service provider, only that function must be referenced in your bond.



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(Electricity Supplier Name \_\_\_\_\_)

BY: (Principal Signature \_\_\_\_\_)  
Principal Name, Title

(Insurer/Bond Company \_\_\_\_\_)  
BY: (Signature of Insurer \_\_\_\_\_)

Insurer Name, Attorney-in-fact

# **CURTAILMENT SERVICE PROVIDER APPLICATION BEFORE THE MARYLAND PUBLIC SERVICE COMMISSION**

## **Checklist for Curtailment Service Providers Applications**

1. Certificate of good standing from the state of formation.
2. Certificate of good standing from the state of Maryland (Maryland State Department of Assessments and Taxation, [www.dat.state.md.us/](http://www.dat.state.md.us/)).
3. Statement of technical and managerial competency (this should include a description of the Applicant and current operations, intended operations in Maryland, past work experience, owner and employee resumes, business plans, and other items or information that demonstrate technical and managerial competency).
4. Maryland specific training material provided to company sales personnel/representatives. If training material is not available, provide such material when prepared.
5. Maryland specific marketing material. The Applicant must provide copies of the training materials offered to the Applicant's sales personnel/representatives. If marketing material is not available, provide such material when prepared.
6. All other financial information as described in this application.
7. Bond, as specified in application and instructions, is required for electricity suppliers and/or Curtailment Service Providers.
8. Verification of PJM membership (suppliers that intend to take title to electricity)
9. \$400 Application fee
10. Completed, signed and verified original application
11. 17 copies of the completed application
12. One electronic version of the application and all attachments
13. One paper copy of the application submitted to the Office of People's Counsel