

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
N THERM, LLC,)	Case No. U-17980
for a license as an alternative gas supplier.)	
_____)	

At the August 23, 2016 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Sally A. Talberg, Chairman
Hon. Norman J. Saari, Commissioner
Hon. Rachael A. Eubanks, Commissioner

ORDER GRANTING LICENSE

On May 17, 2016, nTherm, LLC, (nTherm), applied for a license to operate as an alternative gas supplier (AGS) within Michigan pursuant to 2002 PA 634, MCL 460.9 *et seq.* (Act 634). As part of its application, nTherm provided information to demonstrate compliance with the AGS license requirements set forth in Act 634 and the Commission’s March 12, 2003, order in Case No. U-13694 establishing the AGS licensing procedure (March 12 order).

Act 634 requires an AGS to have the necessary financial, managerial, and technical capabilities to serve customers within the state of Michigan.¹ In accordance with the March 12 order, the Commission Staff (Staff) must review the application of the AGS licensure for conformance with Act 634 and with the Commission’s orders. The Staff then must recommend appropriate action regarding that application to the Commission.

¹ See, 2002 PA 634, MCL 460.9b(3).

The Staff reviewed nTherm's license application and information and has recommended this company be granted a license to operate as an AGS in Michigan.

The application indicated that nTherm is a wholly-owned privately held company headquartered in Denver, Colorado. nTherm was organized in Delaware on October 20, 2015, and was originally formed as Aurora NG, LLC, but changed its name to nTherm, LLC, on January 6, 2016. nTherm registered with the Michigan Corporations Division on January 26, 2016, ID Number D94392.

nTherm is licensed and currently serves approximately 4 billion cubic feet (Bcf) of natural gas to transportation customers in Colorado, Kansas, and Oklahoma. It has pending retail gas licensing applications in New Jersey and Pennsylvania and was recently licensed in Ohio. Its principal partners were the former minority owners of Asgard Energy, LLC, which started in May 2007 and was successfully sold to Houston-based Fortune 500 electric and natural gas utility, CenterPoint Energy Inc., in October 2011. Asgard was engaged in the same business and operated in five states serving approximately 14,000 gas choice and transportation customers with 12 Bcf of annual load.

Upon review of nTherm's personnel descriptions and histories, the Staff observed that its key personnel have over 100 combined years of experience in the energy industry from managing and overseeing operations to marketing, sales, and customer service. nTherm will respond to customer inquiries and complaints during regular business hours in a timely manner through its current customer call center. Based on its review, the Staff has determined that nTherm is well qualified with sufficient experience and expertise to serve customers in Michigan's Gas Customer Choice Program.

Based upon the information provided by nTherm and the recommendation of the Staff, the Commission finds that nTherm possesses the appropriate managerial and technical capabilities to serve customers within the state of Michigan.

nTherm has provided the Staff with a surety bond in the amount of \$100,000. Based on its review of the financial documents and the satisfied bond requirement, the Staff determined that nTherm's financial capabilities and availability meet Act 634 requirements. The Commission agrees.

Act 634 requires nTherm to maintain an office within the state of Michigan.² nTherm has an established office in Farmington Hills, Michigan. The Staff determined that nTherm has met the office requirements for licensing. The Commission agrees.

Based on nTherm's submissions and the Staff's review, the Commission finds that nTherm's request to be licensed as an AGS is reasonable and in the public interest, and that it should be approved. However, the grant of the license is conditioned upon compliance with all of the applicable provisions of Act 634, the Commission's orders and administrative rules, and each of the delivering natural gas utilities' tariffs. Failure to comply with any of these provisions may result in revocation of the license or other penalties.

THEREFORE, IT IS ORDERED that:

- A. nTherm, LLC, is granted a license as an alternative gas supplier.
- B. nTherm, LLC, shall comply with the regulatory requirements specified in 2002 PA 634, MCL 460.9 *et seq.*; the Commission's orders and administrative rules approved by the Commission; and each of the delivering natural gas utilities' tariffs.

² See, 2002 PA 634, MCL 460.9b(2).

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, under MCL 462.26. To comply with the Michigan Rules of Court's requirement to notify the Commission of an appeal, appellants shall send required notices to both the Commission's Executive Secretary and to the Commission's Legal Counsel.

Electronic notifications should be sent to the Executive Secretary at mpscdockets@michigan.gov and to the Michigan Department of the Attorney General - Public Service Division at pungp1@michigan.gov. In lieu of electronic submissions, paper copies of such notifications may be sent to the Executive Secretary and the Attorney General - Public Service Division at 7109 W. Saginaw Hwy., Lansing, MI 48917.

MICHIGAN PUBLIC SERVICE COMMISSION

Sally A. Talberg, Chairman

Norman J. Saari, Commissioner

Rachael A. Eubanks, Commissioner

By its action of August 23, 2016.

Kavita Kale, Executive Secretary

PROOF OF SERVICE

STATE OF MICHIGAN)

Case No. U-17980

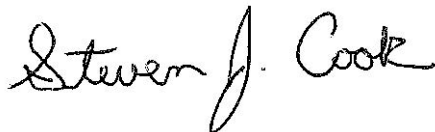
County of Ingham)

Lisa Felice being duly sworn, deposes and says that on August 23, 2016 A.D. she served a copy of the attached Commission order by first class mail, postage prepaid, or by inter-departmental mail, to the persons as shown on the attached service list.



Lisa Felice

Subscribed and sworn to before me
This 23rd day of August 2016



Steven J. Cook
Notary Public, Ingham County, Michigan
As acting in Eaton County
My Commission Expires: April 30, 2018

Service List U-17980

NTherm, LLC
Zaher Jabr
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Farmington Hills MI 48335

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Welborn Sullivan Meck & Tooley, P.C.
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Denver CO 80202