

# **ILLUSTRATIVE PART 1 APPLICATION FORM**

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This Part 1 Application Form is the application form to become a Qualified Bidder in the New Jersey Basic Generation Service Residential Small Commercial Pricing (“BGS-RSCP”) Auction, or the New Jersey Basic Generation Service Commercial and Industrial Energy Pricing (“BGS-CIEP”) Auction, or both. The Application process is online and the format of this “paper” Part 1 Application is illustrative only. The requirements of this “paper” Part 1 Application Form are the same as the requirements of the online Form that interested parties use to become Qualified Bidders.

Before completing this Part 1 Application Form, please review both the Auction Rules and the Supplier Master Agreement for the auction(s) for which you are applying (the BGS-RSCP Auction, or the BGS-CIEP Auction, or both) so that you understand the conditions under which the BGS Auctions will be conducted. Please see the Final BGS-RSCP Auction Rules and Final BGS-CIEP Auction Rules, which are posted at <https://bgs-auction.com/bgs.bidinfo.ar.asp> when they become available, and the Final BGS-RSCP Supplier Master Agreement and Final BGS-CIEP Supplier Master Agreement, which are posted at <https://bgs-auction.com/bgs.bidinfo.cc.asp> when they become available.

By completing this Part 1 Application Form, you agree to the Auction Rules [see Docket No. ER22030127] for the auction(s) for which you are applying, and you agree to accept the provisions contained in the Supplier Master Agreement [see Docket No. ER22030127] for the service(s) that you are applying to provide (BGS-RSCP, or BGS-CIEP, or both).

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***Any information in this application will be provided on a confidential basis to the BGS Auction Manager Team and representatives from the New Jersey Board of Public Utilities (“Board”). Any information that you provide in this application, except for information regarding bidding agreements provided in Section 10, can be provided on a confidential basis to a committee of the Electric Distribution Companies (“EDCs”). If you become a Qualified Bidder for an auction, your name will be provided to other Qualified Bidders for that auction on a confidential basis and you will be provided with a list of names of other Qualified Bidders participating in that auction. As part of this application, you are required to certify that you will keep this list of Qualified Bidders confidential.***

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## **Application Review**

### Confirmation

An email confirming receipt will be sent to you once your Part 1 Application is submitted. This confirmation of receipt will be sent after an initial review, either with a confirmation that your application is complete, or with a deficiency notice (see below).

### Incomplete Applications

If your Part 1 Application is incomplete or requires clarification, you will receive a deficiency notice. You will have until noon on the Part 1 Application Date, or until 6 PM on the business day following the business day during which a deficiency notice is sent to you, whichever comes later, to respond. If you do not correct or adequately explain the deficiency within the time allowed, your Part 1 Application may be rejected and you may be unable to participate in the BGS-RSCP Auction, or the BGS-CIEP Auction, or both.

### Late Applications

No late Part 1 Applications will be accepted under any circumstances.

### Notification of Qualification

If you become a Qualified Bidder for the BGS-RSCP Auction, or for the BGS-CIEP Auction, or for both auctions, you will receive a Notification of Qualification for each auction no later than three (3) business days after the Part 1 Application Date. The Notification of Qualification will include instructions that detail the Pre-Auction Security that you will be required to post when you submit your Part 2 Application to become a Registered Bidder in the BGS-RSCP Auction or the BGS-CIEP Auction.

### Method of Delivery and Receipt

You will receive any notices and acknowledgments by email. You will receive any Notification of Qualification along with supporting documents by email or by secure file transfer. You will be required to respond to any deficiency notices by amending or completing your Part 1 Application Form online. You may otherwise communicate with the BGS Auction Manager regarding your Part 1 Application via email.

### Inserts and Documents

Inserts are separate forms in Microsoft Word format posted to the BGS Auction website. Applicants complete all applicable Inserts in accordance with the instructions provided therein. Applicants upload the Inserts to the online Part 1 Application Form or provide them via email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com). Other documents required to support the Part 1 Application are also uploaded to the online Part 1 Application Form.

## **Guide to the Illustrative Form**

The content of the Inserts are provided in red boxes. These boxes are illustrative and the wording in the actual Inserts may vary.

The content in the blue boxes appear only if the Applicant makes the indicated selection. Greyed out text denotes optional items.

# PART 1 APPLICATION FORM

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## 1. Basic Applicant Information

Name of Applicant

Is the Applicant name the same as the legal or trade name?

Yes

No

Legal Name of Applicant (If Different from Above)

Place of Incorporation (If Applicable)

State

Federal Tax I.D.

D&B DUNS #

(Please Insert N/A if a  
D&B # is not available)

Please State Whether the Applicant  
Is a Corporation, Partnership, etc.

Years in Business

URL for Applicant's Website

Is the legal or trade name provided above for the Applicant expected to change from now until the Board renders a decision on the results of the BGS-RSCP Auction or the BGS-CIEP Auction (whichever comes later)?

Yes

No

New Name of Applicant

Expected Date of Name Change

**Please be advised** that if the Applicant becomes a Qualified Bidder, the Applicant will be required to notify the BGS Auction Manager when the change to its name, as disclosed above, has been effected, and to provide evidence of the change. The Applicant is also required to advise the BGS Auction Manager if the change to the Applicant's name, as disclosed above, does not occur on the expected date.

## 2. Authorized Representative and Nominees

### First Item: Authorized Representative

The Authorized Representative is authorized by an officer or director of the Applicant to represent the Applicant in the auction or auctions for which the Applicant is applying. The Authorized Representative is the only person authorized to designate a person other than himself or herself to submit bids in the BGS-RSCP Auction, or the BGS-CIEP Auction, or both. The Authorized Representative may designate Nominees in the Part 1 Application, or at any point during the Auction Process, who will also represent the Applicant. The Auction Manager sends all correspondence regarding the Auction Process to the Authorized Representative as well as to the Nominees designated by the Authorized Representative. Before the auctions take place, the Authorized Representative (and any Nominees) will receive all documentation related to the auction or auctions for which the Applicant becomes a Registered Bidder, including auction procedures manuals and confidential information required to submit bids in the trial auction and in the auction or auctions themselves. The integrity of the Auction Process depends upon the Authorized Representative and the Nominees designated by the Authorized Representative safeguarding confidential information and passwords used in one or both of the auctions. It is the responsibility of the Authorized Representative to ensure that only authorized persons act on behalf of the Applicant in the Auction Process.

**PLEASE PROVIDE THE CONTACT INFORMATION FOR THE AUTHORIZED REPRESENTATIVE BELOW.**

<i>Given Name(s)</i>	<i>Last Name</i>	
<input type="text"/>	<input type="text"/>	
<i>Title</i>		
<input type="text"/>		
<i>Street Address</i>		
<input type="text"/>		
<i>Street Address 2</i>		
<input type="text"/>		
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Telephone No.</i>	<i>Cell Phone No.</i>	<i>Email Address</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>

The Applicant acknowledges that any notification or other communication sent by the BGS Auction Manager to the Applicant shall be deemed received by the Applicant at the time of delivery or transmission, provided that where delivery or transmission occurs after 6 PM on a business day or occurs on a day which is not a business day, receipt shall be deemed to occur at 9 AM on the following business day. Any notices by the BGS Auction Manager shall be sent by email to the Authorized Representative and its designated Nominees. Any Notification or documents necessary for the Applicant's continued participation in the Auction Process shall be sent either: (i) by email to the Authorized Representative and its designated Nominees; or: (ii) by a secure electronic method to the Authorized Representative and its designated Nominees. Any communication sent by the BGS Auction Manager to the Applicant on or after the start date of the auction or auctions may be sent using the bidding procedure or using email.

**THE AUTHORIZED REPRESENTATIVE MUST CERTIFY THAT HE/SHE IS AUTHORIZED TO REPRESENT THE APPLICANT AND THAT HE/SHE WILL BE RESPONSIBLE FOR ENSURING THAT ONLY AUTHORIZED PERSONS ACT ON BEHALF OF THE APPLICANT BY COMPLETING THE REPRESENTATIVE INSERT. The Representative Insert is also labelled INSERT #P1-1.**

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE OR A NOTARIZED SIGNATURE FOR THIS INSERT.**

**This Insert may be completed as follows:**

- *Signed by the Authorized Representative with the signature notarized;*

*or:*

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory. Digital signatures are not required to be notarized.*

**This Insert and any accompanying document or information may be submitted as follows:**

- *Uploaded to the online Part 1 Application Form;*

*or:*

- *Sent by email to the BGS Auction Manager at [BGS-Auction@nera.com](mailto:BGS-Auction@nera.com).*

 **AUTHORIZED REPRESENTATIVE INSERT (#P1-1)**

I,  (the Authorized Representative), hereby certify that I am authorized by the Applicant to serve as Authorized Representative, to represent the Applicant in general in the BGS-RSCP Auction, in the BGS-CIEP Auction, or in both auctions, and to represent the Applicant for purposes of this Part 1 Application in particular.

I further certify that I will be responsible for all Confidential Information regarding the Auction Process and I will distribute confidential information only to other individuals who are authorized to act on behalf of the Applicant.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Seal from Notary Public

\_\_\_\_\_  
Date

**(OMIT this line if the Insert is digitally signed.** Digital signatures are not required to be notarized.)

Second Item: Nominees

The Authorized Representative may designate up to three (3) Nominees in the Part 1 Application or at any point during the Auction Process. The Nominees are individuals who are authorized to represent the Applicant in the Auction Process. The Auction Manager sends all correspondence regarding the Auction Process to the Authorized Representative as well as to the Nominees designated by the Authorized Representative.

*Does the Authorized Representative wish to designate Nominees at this time?*

- Yes       No

**THE AUTHORIZED REPRESENTATIVE DESIGNATES NOMINEES BY COMPLETING THE NOMINEE INSERT.** The Nominee Insert is also labelled INSERT #P1-2.

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

**This Insert may be completed as follows:**

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory.*

**If completed with a digital signature, this Insert and accompanying document or information may be uploaded to the online Part 1 Application Form or may be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com).**

**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*

*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here the Authorized Representative) or with the signatory on copy.**

**NOMINEE INSERT (#P1-2)**

I,  (the Authorized Representative), authorize the individual(s) whose contact information is immediately below to receive all communications from the BGS Auction Manager.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**PLEASE NOTE THAT IF THE CONTACT INFORMATION FOR ANY NOMINEE(S) CHANGES, THE AUTHORIZED REPRESENTATIVE MUST PROVIDE AN UPDATED NOMINEE INSERT VIA EMAIL TO THE AUCTION MANAGER AT [BGS-AUCTION@NERA.COM](mailto:BGS-AUCTION@NERA.COM).**

**Contact Information for Nominee #1**

*Given Name(s)*

*Last Name*

*Title*

*Telephone No.*

*Cell Phone No.*

*Email Address*

**Contact Information for Nominee #2**

*Given Name(s)*

*Last Name*

*Title*

*Telephone No.*

*Cell Phone No.*

*Email Address*

**Contact Information for Nominee #3**

*Given Name(s)*

*Last Name*

*Title*

*Telephone No.*

*Cell Phone No.*

*Email Address*



### 3. Applicant's Legal Representative in New Jersey

The Applicant's Legal Representative in New Jersey:

- must be either legal counsel or a representative agent;
- must have an address in New Jersey; and
- must be authorized and agree to accept service of process on the Applicant's behalf.

**THE APPLICANT MUST PROVIDE INFORMATION REGARDING ITS LEGAL REPRESENTATIVE BY COMPLETING THE LEGAL REPRESENTATIVE INSERT.** The Legal Representative Insert is also labelled INSERT #P1-3.

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE OR A NOTARIZED SIGNATURE FOR THIS INSERT.**

**This Insert may be completed as follows:**

- *Signed by the Applicant's legal counsel or a representative agent with the signature notarized;*

*or:*

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory. Digital signatures are not required to be notarized.*

**This Insert and any accompanying document or information may be submitted as follows:**

- *Uploaded to the online Part 1 Application Form;*

*or:*

- *Sent by email to the BGS Auction Manager at [BGS-Auction@nera.com](mailto:BGS-Auction@nera.com).*

#### **LEGAL REPRESENTATIVE INSERT (#P1-3)**

**PLEASE PROVIDE THE CONTACT INFORMATION FOR THE LEGAL REPRESENTATIVE BELOW.**

*Given Name(s)*

*Last Name*

*Company*

*Street Address*

*Street Address 2*

*City*

*State*

*Zip Code*

*Telephone No.*

*Email Address*

**THE CERTIFICATION BELOW MUST BE SIGNED BY THE LEGAL REPRESENTATIVE. IF A COMPANY AGREES TO ACCEPT SERVICE OF PROCESS ON BEHALF OF THE APPLICANT, AN INDIVIDUAL FROM THAT COMPANY MUST SIGN BELOW. THE NAME OF THE INDIVIDUAL AND CONTACT INFORMATION MUST BE PROVIDED.**

I agree to serve as Legal Representative of the Applicant or I am authorized to agree to receive service of process on the Applicant's behalf.

\_\_\_\_\_  
Signature of Individual Named Above

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Seal from Notary Public

\_\_\_\_\_  
Date

**(OMIT this line if the Insert is digitally signed.** Digital signatures are not required to be notarized.)

#### 4. Applicant's Credit Representative

The Applicant's Credit Representative is an individual who can answer questions or provide information about the Applicant's response to the credit requirements of this section of the application.

**PLEASE PROVIDE THE CONTACT INFORMATION OF THE CREDIT REPRESENTATIVE BELOW.** The Authorized Representative or a Nominee may, but is not required to, serve as Credit Representative for the Applicant.

<i>Given Name(s)</i>	<i>Last Name</i>	
<input type="text"/>	<input type="text"/>	
<i>Title</i>		
<input type="text"/>		
<i>Street Address</i>		
<input type="text"/>		
<i>Street Address 2</i>		
<input type="text"/>		
<i>City</i>	<i>State</i>	<i>Zip Code</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Telephone No.</i>	<i>Email Address</i>	
<input type="text"/>	<input type="text"/>	

**5. General Requirements to Participate in the Auction(s)**

By the time service begins, each BGS-RSCP Supplier and each BGS-CIEP Supplier must be a member of the PJM Interconnection, L.L.C. (“PJM”), must meet all applicable obligations that PJM ascribes to a Load Serving Entity, and must be a signatory of the PJM Reliability Assurance Agreement as amended and/or superseded.



*Is the Applicant currently a BGS Supplier?*

Yes       No

***Is the Applicant currently a Load Serving Entity (“LSE”) in the PJM Interconnection, L.L.C. (“PJM”)?***

Yes       No

**If YES: PLEASE PROVIDE A COPY OF THE SIGNATURE PAGE OF THE PJM RELIABILITY ASSURANCE AGREEMENT (“RAA”) FOR THE APPLICANT. IF THE NAME OF THE ENTITY ON THE PJM RAA DOES NOT MATCH THE NAME OF THE APPLICANT, PLEASE PROVIDE EVIDENCE OF A NAME CHANGE.**

	Signature page of RAA
	Name change documentation if necessary

**If NO: By the time service begins, each BGS-RSCP Supplier and each BGS-CIEP Supplier must be a member of PJM, must meet all applicable obligations that PJM ascribes to a Load Serving Entity, and must be a signatory of the PJM Reliability Assurance Agreement as amended and/or superseded. **THE AUTHORIZED REPRESENTATIVE MUST CERTIFY THAT THERE EXIST NO IMPEDIMENTS FOR THE APPLICANT TO BECOME A PJM LSE BY THE START OF THE SUPPLY PERIOD. THE AUTHORIZED REPRESENTATIVE PROVIDES THIS CERTIFICATION BY COMPLETING THE LSE CERTIFICATION INSERT.** The LSE Certification Insert is also labelled INSERT #P1-4.**

\_\_\_\_\_  
Name of Applicant

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

**This Insert may be completed as follows:**

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory.*

**If completed with a digital signature, this Insert and accompanying document or information may be uploaded to the online Part 1 Application Form or may be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com).**

**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*
- or*
- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here the Authorized Representative) or with the signatory on copy.**

**LSE CERTIFICATION INSERT (#P1-4)**

I certify that there exist no impediments for the Applicant to become a PJM Load Serving Entity by June 1, 2023.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_

Printed Name

## 6. Guarantor's Information

*Does the Applicant plan to have a third party act as a Guarantor?*

- Yes       No

**PLEASE PROVIDE THE FOLLOWING INFORMATION REGARDING THE GUARANTOR.**

**First Item: Basic Information for the Guarantor**

*Name of Guarantor*

*Legal Name of Guarantor (If Different from Above)*

*Place of Incorporation (If Applicable)*

*Federal Tax I.D.*

*D&B DUNS #*

*(Please insert N/A if a D&B # is not available)*

*Please State Whether the Guarantor  
Is a Corporation, Partnership, etc.*

*Years in Business*

**Second Item: Contact Information for the Guarantor**

*Given Name(s)*

*Last Name*

*Title*

*Street Address*

*Street Address 2*

*City*

*State*

*Zip Code*

*Telephone No.*

*Cell Phone No.*

*Email Address*

**Third Item: Credit Representative for the Guarantor**

The Guarantor's Credit Representative is an individual who can answer questions or provide information about the response to the credit requirements of this section of the application.

*Given Name(s)*

*Last Name*

*Title*

*Street Address*

*Street Address 2*

*City*

*State*

*Zip Code*

*Telephone No.*

*Cell Phone No.*

*Email Address*

7.A. Creditworthiness Information



First Item: Financial Information

**YOU MUST PROVIDE FINANCIAL INFORMATION FOR THE GUARANTOR (ANNUAL FINANCIAL STATEMENT, QUARTERLY FINANCIAL STATEMENT, AND ANNUAL REPORT). YOU MUST ALSO PROVIDE FINANCIAL INFORMATION FOR THE APPLICANT.** If any of this information is unavailable, please state this fact directly below and proceed to provide the rest of the information required by this item.




**Justification of Omissions – Unavailable Financial Information for the Applicant or Guarantor**

**PLEASE PROVIDE THE FOLLOWING FINANCIAL INFORMATION BY UPLOADING THE DOCUMENT TO THE APPLICATION WEBSITE:**

- 1. The most recent SEC Form 10-K for the Applicant and the Guarantor; if unavailable, please provide the most recent audited annual financial information (including a balance sheet, income statement, and cash flow statement).

	<i>Applicant's audited annual financial information.</i>
	<i>Guarantor's audited annual financial information.</i>

- 2. The most recent SEC Form 10-Q for the Guarantor and the Applicant; if unavailable, please provide the most recent audited quarterly financial information (including a balance sheet, income statement, and cash flow statement); if both an SEC Form 10-Q and audited quarterly financial information are unavailable, please provide the most recent quarterly or monthly financial data accompanied by an attestation by the Applicant's Chief Financial Officer that the information submitted is true, correct, and a fair representation of the Applicant's financial condition.

	<i>Applicant's quarterly financial information.</i>
	<i>Applicant's Attestation from Chief Financial Officer if necessary.</i>
	<i>Guarantor's quarterly financial information.</i>



Guarantor's Attestation from Chief Financial Officer if necessary.

3. The most recent Annual Report for the Guarantor and the Applicant.



Applicant's Annual Report.



Guarantor's Annual Report.

Second Item: Credit Ratings for the Applicant and the Guarantor

**PLEASE PROVIDE THE CREDIT RATINGS FOR THE APPLICANT AND THE GUARANTOR.**

***Is a rating available from S&P Global Ratings ("S&P") for:  
The Applicant?***

**Yes**       **No**

Applicant's rating: \_\_\_\_\_

Type of rating (**check one**):

Senior unsecured debt rating

Corporate issuer rating

***The Guarantor?***

**Yes**       **No**

Guarantor's rating: \_\_\_\_\_

Type of rating (**check one**):

Senior unsecured debt rating

Corporate issuer rating

***Is a rating available from Moody's Investors Service, Inc. ("Moody's") for:  
The Applicant?***

**Yes**       **No**

Applicant's rating: \_\_\_\_\_

Type of rating (**check one**):

Senior unsecured debt rating

Corporate issuer rating

***The Guarantor?***

**Yes**       **No**

Guarantor's rating: \_\_\_\_\_

Type of rating (**check one**):

Senior unsecured debt rating

Corporate issuer rating

***Is a rating available from Fitch, Inc. ("Fitch") for:  
The Applicant?***



Yes       No

Applicant's rating: \_\_\_\_\_  
Type of rating (**check one**):       Senior unsecured debt rating       Corporate issuer rating

***The Guarantor?***

Yes       No

Guarantor's rating: \_\_\_\_\_  
Type of rating (**check one**):       Senior unsecured debt rating       Corporate issuer rating

***Is a rating available from A.M. Best Company ("A.M. Best") for:  
The Applicant?***

Yes       No

Applicant's rating: \_\_\_\_\_  
Type of rating (**check one**):       Senior unsecured debt rating       Corporate issuer rating

***The Guarantor?***

Yes       No

Guarantor's rating: \_\_\_\_\_  
Type of rating (**check one**):       Senior unsecured debt rating       Corporate issuer rating

**OPTIONAL.** THE APPLICANT MAY PROVIDE A PRINT-OUT FROM THE AGENCY'S WEBSITE OR OTHER DOCUMENTATION SHOWING THE NAME OF THE RATING AGENCY, THE TYPE OF RATING, AND THE RATING OF THE APPLICANT AND THE GUARANTOR.

	<i>S&amp;P for the Applicant</i>
	<i>S&amp;P for the Guarantor</i>
	<i>Moody's for the Applicant</i>
	<i>Moody's for the Guarantor</i>
	<i>Fitch for the Applicant</i>
	<i>Fitch for the Guarantor</i>
	<i>A.M. Best for the Applicant</i>



Third Item: Additional Information about the Applicant and its Parent

**PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE APPLICANT, THE GUARANTOR, AND THEIR RESPECTIVE PARENTS:**

*Is the Applicant, the Guarantor, and/or their respective parents (if applicable):*

- ***Operating under federal bankruptcy laws or bankruptcy laws in any other jurisdiction?***

Applicant:  Yes  No

Applicant's Parent:  Yes  No  N/A

Guarantor:  Yes  No

Guarantor's Parent:  Yes  No  N/A

- ***Subject to pending litigation or regulatory proceedings (in state court, or in federal court, or from regulatory agencies, or in any other jurisdiction) which could materially impact on the Applicant's and/or its parent's financial condition?***

Applicant:  Yes  No

Applicant's Parent:  Yes  No  N/A

Guarantor:  Yes  No

Guarantor's Parent:  Yes  No  N/A

- ***Subject to collection lawsuits or outstanding judgments which could impact solvency?***

Applicant:  Yes  No

Applicant's Parent:  Yes  No  N/A

Guarantor:  Yes  No

Guarantor's Parent:  Yes  No  N/A

**PLEASE PROVIDE A STATEMENT DISCLOSING ANY EXISTING, PENDING OR PAST ADVERSE RULINGS, JUDGMENTS, LITIGATION, CONTINGENT LIABILITIES, REVOCATIONS OF AUTHORITY, ADMINISTRATIVE, REGULATORY (STATE, FERC, SEC OR DOJ) INVESTIGATIONS AND ANY OTHER MATTERS RELATING TO FINANCIAL OR OPERATIONAL STATUS OF THE APPLICANT OR ITS PARENT FOR THE PAST THREE (3) YEARS THAT ARISE FROM THE SALE OF ELECTRICITY OR NATURAL GAS, OR MATERIALLY AFFECT CURRENT FINANCIAL OR OPERATIONAL STATUS.**

Fourth Item: Certifications Regarding the Applicant

**THE AUTHORIZED REPRESENTATIVE MUST MAKE THE FOLLOWING CERTIFICATIONS REGARDING THE APPLICANT OR MUST STATE WHICH CERTIFICATIONS THE APPLICANT IS UNABLE TO MAKE AND EXPLAIN ALL REASONS. PLEASE PROVIDE THE CERTIFICATIONS BY COMPLETING THE CERTIFICATIONS (A) INSERT. The Certifications (A) Insert is also labelled INSERT #P1-5.**

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

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- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory.*

**If completed with a digital signature, this Insert and accompanying document or information may be uploaded to the online Part 1 Application Form or may be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com).**

**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*

*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here the Authorized Representative) or with the signatory on copy.**

 **CERTIFICATIONS (A) INSERT (#P1-5)**

I certify that:

- (1) The Applicant and its corporate officers have no indictments or pending criminal litigation in any federal, state or local jurisdiction relating to the Applicant;
- (2) The Applicant and its corporate officers have no criminal convictions;
- (3) The Applicant has no civil penalties, judgments, sanctions or consent decrees arising out of the violation of any law, rule, regulation or ordinance in connection with its business activities;
- (4) The Applicant has not had any permit or authority to do business in any jurisdiction revoked or suspended; and
- (5) The Applicant has never been barred from public bidding or sanctioned for unauthorized disclosure of confidential information.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**IF YOU ARE UNABLE TO MAKE ONE OR MORE OF THESE CERTIFICATIONS (1) TO (5), PLEASE STATE WHICH CERTIFICATIONS YOU ARE UNABLE TO MAKE AND EXPLAIN ALL REASONS IN THE SPACE GIVEN BELOW.**

Empty space provided for the applicant to state which certifications they are unable to make and explain all reasons.

## 7.B. Creditworthiness Information (Applicant without a Guarantor)

### First Item: Financial Information


**YOU MUST PROVIDE FINANCIAL INFORMATION FOR THE APPLICANT (ANNUAL FINANCIAL STATEMENT, QUARTERLY FINANCIAL STATEMENT, AND ANNUAL REPORT).** If any of this information is unavailable, please state this fact directly below and proceed to provide any of the information available in response to this item.

### **Justification of Omissions – Unavailable Financial Information for the Applicant**



--

**PLEASE PROVIDE THE FOLLOWING FINANCIAL INFORMATION BY UPLOADING THE DOCUMENT TO THE APPLICATION WEBSITE:**


1. Applicant's most recent SEC Form 10-K; if unavailable, please provide the most recent audited annual financial information (including a balance sheet, income statement, and cash flow statement).

	<i>Applicant's audited annual financial information.</i>
---	--

2. Applicant's most recent SEC Form 10-Q; if unavailable, please provide the most recent audited quarterly financial information (including a balance sheet, income statement, and cash flow statement); if both an SEC Form 10-Q and audited quarterly financial information are unavailable, please provide the most recent quarterly or monthly financial data accompanied by an attestation by the Applicant's Chief Financial Officer that the information submitted is true, correct, and a fair representation of the Applicant's financial condition.

	<i>Applicant's quarterly financial information.</i>
	<i>Applicant's Attestation from Chief Financial Officer if necessary.</i>

3. Applicant's most recent Annual Report.

	<i>Applicant's Annual Report.</i>
---	-----------------------------------

Second Item: Credit Ratings for the Applicant

**PLEASE PROVIDE THE CREDIT RATINGS FOR THE APPLICANT.**

***Is the Applicant rated by S&P Global Ratings (“S&P”)?***

**Yes**       **No**

Applicant’s rating: _____ Type of rating ( <b>check one</b> ): <input type="checkbox"/> Senior unsecured debt rating <input type="checkbox"/> Corporate issuer rating
--

***Is the Applicant rated by Moody’s Investors Service, Inc. (“Moody’s”)?***

**Yes**       **No**

Applicant’s rating: _____ Type of rating ( <b>check one</b> ): <input type="checkbox"/> Senior unsecured debt rating <input type="checkbox"/> Corporate issuer rating
--

***Is the Applicant rated by Fitch, Inc. (“Fitch”)?***

**Yes**       **No**

Applicant’s rating: _____ Type of rating ( <b>check one</b> ): <input type="checkbox"/> Senior unsecured debt rating <input type="checkbox"/> Corporate issuer rating
--

***Is the Applicant rated by A.M. Best Company (“A.M. Best”)?***

**Yes**       **No**

Applicant’s rating: _____ Type of rating ( <b>check one</b> ): <input type="checkbox"/> Senior unsecured debt rating <input type="checkbox"/> Corporate issuer rating
--

**OPTIONAL.** THE APPLICANT MAY PROVIDE A PRINT-OUT FROM THE AGENCY’S WEBSITE OR OTHER DOCUMENTATION SHOWING THE NAME OF THE RATING AGENCY, THE TYPE OF RATING, AND THE RATING OF THE APPLICANT.

	<i>S&amp;P for the Applicant</i>
	<i>Moody’s for the Applicant</i>
	<i>Fitch for the Applicant</i>
	<i>A.M. Best for the Applicant</i>

Third Item: Additional Information about the Applicant and its Parent

**PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE APPLICANT AND ITS PARENT:**

*Is the Applicant and/or its parent (if applicable):*

- *Operating under federal bankruptcy laws or bankruptcy laws in any other jurisdiction?*

Applicant:  Yes  No

Parent:  Yes  No  N/A

- *Subject to pending litigation or regulatory proceedings (in state court, or in federal court, or from regulatory agencies, or in any other jurisdiction) which could materially impact on the Applicant's and/or its parent's financial condition?*

Applicant:  Yes  No

Parent:  Yes  No  N/A

- *Subject to collection lawsuits or outstanding judgments which could impact solvency?*

Applicant:  Yes  No

Parent:  Yes  No  N/A

**PLEASE PROVIDE A STATEMENT DISCLOSING ANY EXISTING, PENDING OR PAST ADVERSE RULINGS, JUDGMENTS, LITIGATION, CONTINGENT LIABILITIES, REVOCATIONS OF AUTHORITY, ADMINISTRATIVE, REGULATORY (STATE, FERC, SEC OR DOJ) INVESTIGATIONS AND ANY OTHER MATTERS RELATING TO FINANCIAL OR OPERATIONAL STATUS OF THE APPLICANT OR ITS PARENT FOR THE PAST THREE (3) YEARS THAT ARISE FROM THE SALE OF ELECTRICITY OR NATURAL GAS, OR MATERIALLY AFFECT CURRENT FINANCIAL OR OPERATIONAL STATUS.**

Fourth Item: Certifications Regarding the Applicant

**THE AUTHORIZED REPRESENTATIVE MUST MAKE THE FOLLOWING CERTIFICATIONS REGARDING THE APPLICANT OR MUST STATE WHICH CERTIFICATIONS THE APPLICANT IS UNABLE TO MAKE AND EXPLAIN ALL REASONS. PLEASE PROVIDE THE CERTIFICATIONS BY COMPLETING THE CERTIFICATIONS (A) INSERT. The Certifications (A) Insert is also labelled INSERT #P1-5.**

\_\_\_\_\_  
Name of Applicant

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

**This Insert may be completed as follows:**

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*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here the Authorized Representative) or with the signatory on copy.**

#### **CERTIFICATIONS (A) INSERT (#P1-5)**

I certify that:

- (1) The Applicant and its corporate officers have no indictments or pending criminal litigation in any federal, state or local jurisdiction relating to the Applicant;
- (2) The Applicant and its corporate officers have no criminal convictions;
- (3) The Applicant has no civil penalties, judgments, sanctions or consent decrees arising out of the violation of any law, rule, regulation or ordinance in connection with its business activities;
- (4) The Applicant has not had any permit or authority to do business in any jurisdiction revoked or suspended; and
- (5) The Applicant has never been barred from public bidding or sanctioned for unauthorized disclosure of confidential information.



\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Printed Name

**IF YOU ARE UNABLE TO MAKE ONE OR MORE OF THESE CERTIFICATIONS (1) TO (5), PLEASE STATE WHICH CERTIFICATIONS YOU ARE UNABLE TO MAKE AND EXPLAIN ALL REASONS IN THE SPACE GIVEN BELOW.**

## 8. Foreign Entities

### First Item: Laws Under Which the Applicant is Formed

*Is the Applicant incorporated or otherwise formed under the laws of a state of the United States or of the District of Columbia?*

- Yes       No

If an Applicant that has not been incorporated or otherwise formed under the laws of a state of the United States or of the District of Columbia becomes a BGS-RSCP or BGS-CIEP Supplier (“Supplier”), it will be required to submit additional documents upon execution of the BGS-RSCP or BGS-CIEP Supplier Master Agreement (“Agreement”) as a condition of being granted an Independent Credit Threshold or a Credit Limit. These additional documents are detailed in Article 6 of the Agreement and include:

- a legal opinion of counsel qualified to practice in the foreign jurisdiction in which the Supplier is incorporated or otherwise formed that the Agreement is the legal, valid and binding obligation of the Supplier in the jurisdiction in which it has been incorporated or otherwise formed;
- the sworn certificate of the corporate secretary (or similar officer) of such Supplier that the person executing the Agreement on behalf of the Supplier has the authority to execute the Agreement and that the governing board of such Supplier has approved the execution of the Agreement; and
- the sworn certificate of the corporate secretary (or similar officer) of such Supplier that the Supplier has been authorized by its governing board to enter into agreements of the same type as the Agreement.

**OPTIONAL.** PLEASE PROVIDE THE FOLLOWING INFORMATION REGARDING THE APPLICANT. THIS INFORMATION IS REQUESTED BUT ARE NOT REQUIRED.

The following financial ratios for the Applicant:

<i>Current Ratio</i>	<i>Total Debt/EBITDA</i>	<i>Total Debt to Total Capital</i>	<i>Tangible Fixed to Total Assets</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Additionally, the Applicant had the option of providing drafts of the documents detailed above to the Auction Manager by email by November 29, 2022.

### Second Item: Laws Under Which the Guarantor is Formed

*Does the Applicant plan to have a third party act as a Guarantor?*

- Yes       No

*Is the Guarantor incorporated or otherwise formed under the laws of a state of the United States or of the District of Columbia?*

- Yes       No

If an Applicant whose Guarantor has not been incorporated or otherwise formed under the laws of a state of the United States or of the District of Columbia becomes a BGS-RSCP or BGS-CIEP Supplier (“Supplier”), the Guarantor will be required to submit additional documents upon execution of the BGS-RSCP or BGS-CIEP Supplier Master Agreement (“Agreement”) as a condition of being granted an Independent Credit Threshold or Credit Limit. These additional documents are detailed in Article 6 of the Agreement and include:

- a legal opinion of counsel qualified to practice in the foreign jurisdiction in which the Guarantor is incorporated or otherwise formed that the Guaranty is the legal, valid and binding obligation of the Guarantor in the jurisdiction in which it has been incorporated or otherwise formed;
- the sworn certificate of the corporate secretary (or similar officer) of such Guarantor that the person executing the Guaranty on behalf of the Guarantor has the authority to execute the Guaranty and that the governing board of such Guarantor has approved the execution of the Guaranty; and
- the sworn certificate of the corporate secretary (or similar officer) of such Guarantor that the Guarantor has been authorized by its governing board to enter into agreements of the same type as the Guaranty.

**OPTIONAL.** PLEASE PROVIDE THE FOLLOWING INFORMATION REGARDING THE GUARANTOR. THIS INFORMATION IS REQUESTED BUT NOT REQUIRED.

The following financial ratios for the Guarantor:

<i>Current Ratio</i>	<i>Total Debt/EBITDA</i>	<i>Total Debt to Total Capital</i>	<i>Tangible Fixed to Total Assets</i>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Additionally, the Applicant had the option of providing drafts of the documents detailed above to the Auction Manager by email by November 29, 2022.

## 9. Auction Participation

*Are you applying to participate in the BGS-CIEP Auction?*

- Yes       No

**IF NO, PLEASE FILL IN SECTION “10.A. Requirements for BGS-RSCP Bidders”**

*Are you applying to participate in the BGS-RSCP Auction?*

- Yes       No

**IF YES TO BOTH QUESTIONS, PLEASE FILL IN SECTION “10.B. Requirements for Bidders in Both Auctions”**

**IF YES TO THE FIRST QUESTION, NO TO THE SECOND QUESTION, PLEASE FILL IN SECTION “10.C. Requirements for BGS-CIEP Bidders”**

**10.A. Requirements for BGS-RSCP Bidders**

First Item: Designation of an Authorized Representative

AN INDIVIDUAL WHO IS AN OFFICER OR DIRECTOR OF THE APPLICANT MUST AGREE TO THE AUCTION RULES AND THE PROVISIONS OF THE SUPPLIER MASTER AGREEMENT. IN ADDITION, THIS INDIVIDUAL MUST DESIGNATE AN AUTHORIZED REPRESENTATIVE TO REPRESENT THE APPLICANT IN THE AUCTION PROCESS. This individual cannot designate himself or herself as Authorized Representative. PLEASE PROVIDE FOR THIS PURPOSE THE DULY COMPLETED RSCP DESIGNATION INSERT. The RSCP Designation Insert is also labelled INSERT #P1-6.

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE OR A NOTARIZED SIGNATURE FOR THIS INSERT.**

**This Insert may be completed as follows:**

- *Signed by the Officer or Director with the signature notarized;*

*or:*

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory. Digital signatures are not required to be notarized.*

**This Insert and any accompanying document or information may be submitted as follows:**

- *Uploaded to the online Part 1 Application Form;*

*or:*

- *Sent by email to the BGS Auction Manager at [BGS-Auction@nera.com](mailto:BGS-Auction@nera.com).*

**RSCP DESIGNATION INSERT (#P1-6)**

I certify that I am an officer or director of the Applicant, empowered to undertake contracts and bind the Applicant. I understand and accept the BGS-RSCP Auction Rules as well as the provisions contained in the BGS-RSCP Supplier Master Agreement. All the information contained in this application is true and correct to the best of my knowledge. I acknowledge that I cannot and will not serve as the Applicant's Authorized Representative in the Auction Process. I hereby designate  (name of Authorized Representative) to serve as the Authorized Representative for the Applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Printed Name

Title

\_\_\_\_\_  
Signature and Seal from Notary Public

\_\_\_\_\_  
Date

**(OMIT this line if the Insert is digitally signed. Digital signatures are not required to be notarized.)**

Second Item: Additional Certifications

As a part of your Part 2 Application to become a Registered Bidder, you will agree not to disclose Confidential Information relative to your bidding strategy or Confidential Information regarding the Auction Process, including, but not limited to, the list of Registered Bidders and the total initial eligibility in the auction.

**If the Board approves the results of the BGS-RSCP Auction, the entity that executes the BGS-RSCP Supplier Master Agreement must be the Same Entity that has agreed to the terms of the BGS-RSCP Supplier Master Agreement in this Part 1 Application.** If the Applicant becomes a Qualified Bidder through a successful Part 1 Application and becomes a Registered Bidder through a successful Part 2 Application, the entity that submits bids in the BGS-RSCP Auction must be the Same Entity that has agreed to the terms of the BGS-RSCP Auction Rules in this Part 1 Application.

For purposes of the BGS-RSCP Auction, an entity no longer remains the Same Entity if, during the period between the qualification of bidders and three (3) business days after the Board renders a decision on the results of the BGS-RSCP Auction, the entity consolidates into, amalgamates into, or merges into another corporate entity, regardless of whether such an event leads to a change in the entity's legal or trade name.

**THE AUTHORIZED REPRESENTATIVE MUST MAKE THE FOLLOWING CERTIFICATIONS REGARDING THE APPLICANT. PLEASE PROVIDE THE CERTIFICATIONS BY COMPLETING THE RSCP CERTIFICATIONS (B) INSERT.** The RSCP Certifications (B) Insert is also labelled INSERT #P1-7.

\_\_\_\_\_  
Name of Applicant

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## **RSCP CERTIFICATIONS (B) INSERT (#P1-7)**

**PLEASE CERTIFY THAT:**

- (1) you understand the BGS-RSCP Auction Rules [*see Docket No. ER22030127*] and the Applicant will comply with these Rules;
- (2) you understand the BGS-RSCP Supplier Master Agreement [*see Docket No. ER22030127*] and the Applicant accepts its terms;
- (3) if the Applicant qualifies to participate in the BGS-RSCP Auction, the Applicant will not disclose at any time information regarding the list of Qualified Bidders in the BGS-RSCP Auction, including but not limited to the number of Qualified Bidders, the identity of any one or all entities that have qualified (including the Applicant itself), or the fact that an entity has not qualified for participation in the BGS-RSCP Auction;
- (4) the Applicant will destroy any document distributed by the BGS Auction Manager that lists the Qualified Bidders within five days of the Board rendering a decision on the Auction results ;
- (5) if the Applicant qualifies to participate in the BGS-RSCP Auction, the Applicant will not substitute another party, transfer the Applicant's rights to another party, or otherwise assign its status as a Qualified Bidder to another party (where another party is any entity that is

not the Same Entity as the entity submitting this Part 1 Application), and you agree that any such substitutions, transfers, or assignments shall be null and void and will result in the exclusion of the Applicant from the BGS-RSCP Auction; and

- (6) at the time of submission of this Part 1 Application, there are no known plans or events that will result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-RSCP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Printed Name

**PLEASE CERTIFY THAT:**

- (7) at the time of submission of this Part 1 Application, you cannot reasonably anticipate any events, either within or beyond the Applicant's control, that could result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-RSCP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Printed Name

**IF YOU ARE UNABLE TO MAKE CERTIFICATION (7), PLEASE PROVIDE AN EXPLANATION.**



Third Item: Bidding Agreements

**Please note that no representative from the EDCs will review information provided under this item.**

*Will you be bidding independently and not as a party to any bidding agreement with another party or through any other arrangement involving joint or coordinated bidding with any other party?*

- Yes       No

**THE AUTHORIZED REPRESENTATIVE MUST INDICATE THE TYPE OF AGREEMENT TO WHICH THE APPLICANT IS A PARTY AND IDENTIFY ALL PARTIES TO THE AGREEMENT. PLEASE PROVIDE THIS INFORMATION BY COMPLETING THE RSCP BIDDING AGREEMENT INSERT. The RSCP Bidding Agreement Insert is also labelled INSERT #P1-8.**

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

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- or*
- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here a representative from the party to the bidding agreement fulfilling the creditworthiness requirements) or with the signatory on copy.**

 **RSCP BIDDING AGREEMENT INSERT (#P1-8)**

Please indicate below whether the Applicant is part of a bidding agreement, a joint venture for purposes of participating at the auction, a bidding consortium, or other arrangements pertaining to bidding in the auction. Please also provide the names of the other parties to the bidding agreement or other arrangement.

Name of Applicant:

Other parties to the agreement:

bidding agreement

bidding consortium

joint venture

other (define)

If the Applicant is part of a bidding agreement, bidding consortium, or joint venture, then a single party to the bidding agreement, bidding consortium, or joint venture must be nominated to fulfill the creditworthiness requirements. This party may have a Guarantor. Please indicate here which party from the bidding agreement, bidding consortium, or joint venture will be fulfilling the creditworthiness requirements:

**AN AUTHORIZED REPRESENTATIVE OF THE PARTY NAMED IMMEDIATELY ABOVE MUST SIGN HERE TO ACKNOWLEDGE THE FACT THAT THIS PARTY HAS AGREED TO FULFILL THE CREDITWORTHINESS REQUIREMENTS:**

\_\_\_\_\_  
Signature of Authorized Representative  
From Party to Bidding Agreement Fulfilling  
Creditworthiness Requirements

\_\_\_\_\_  
Date

Printed Name

**10.B. Requirements for Bidders in Both Auctions**

First Item: Designation of an Authorized Representative

AN INDIVIDUAL WHO IS AN OFFICER OR DIRECTOR OF THE APPLICANT MUST AGREE TO THE AUCTION RULES AND THE PROVISIONS OF THE SUPPLIER MASTER AGREEMENT FOR EACH AUCTION. IN ADDITION, THIS INDIVIDUAL MUST DESIGNATE AN AUTHORIZED REPRESENTATIVE TO REPRESENT THE APPLICANT IN THE AUCTION PROCESS. THIS INDIVIDUAL CANNOT DESIGNATE HIMSELF OR HERSELF AS AUTHORIZED REPRESENTATIVE. PLEASE PROVIDE FOR THIS PURPOSE THE DULY COMPLETED RSCP+CIEP DESIGNATION INSERT. THE RSCP+CIEP DESIGNATION INSERT IS ALSO LABELLED INSERT #P1-9.

\_\_\_\_\_  
Name of Applicant

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE OR A NOTARIZED SIGNATURE FOR THIS INSERT.**

**This Insert may be completed as follows:**

- *Signed by the Officer or Director with the signature notarized;*

*or:*

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory. Digital signatures are not required to be notarized.*

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*or:*

- *Sent by email to the BGS Auction Manager at [BGS-Auction@nera.com](mailto:BGS-Auction@nera.com).*

**RSCP+CIEP DESIGNATION INSERT (#P1-9)**

I certify that I am an officer or director of the Applicant, empowered to undertake contracts and bind the Applicant. I understand and accept the BGS-RSCP Auction Rules as well as the provisions contained in the BGS-RSCP Supplier Master Agreement. I understand and accept the BGS-CIEP Auction Rules as well as the provisions contained in the BGS-CIEP Supplier Master Agreement. All the information contained in this application is true and correct to the best of my knowledge. I acknowledge that I cannot and will not serve as the Applicant’s Authorized Representative in the Auction Process. I hereby designate \_\_\_\_\_ (name of Authorized Representative) to serve as the Authorized Representative for the Applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature and Seal from Notary Public

\_\_\_\_\_  
Date

**(OMIT this line if the Insert is digitally signed. Digital signatures are not required to be notarized.)**

Second Item: Additional Certifications

As a part of your Part 2 Application to become a Registered Bidder for an auction (the BGS-RSCP Auction or BGS-CIEP Auction), you will agree not to disclose for that auction Confidential Information relative to your bidding strategy or Confidential Information regarding the Auction Process, including, but not limited to, the list of Registered Bidders and the total initial eligibility for that auction.

**If the Board approves the results of the auction, the entity that executes the Agreement (the BGS-RSCP or BGS-CIEP Supplier Master Agreement as appropriate) must be the Same Entity that has agreed to the terms of the Agreement in this Part 1 Application.** If the Applicant becomes a Qualified Bidder through a successful Part 1 Application and becomes a Registered Bidder through a successful Part 2 Application for an auction, the entity that submits bids in that auction must be the Same Entity that has agreed to the terms of the Auction Rules for that auction in this Part 1 Application.

For purposes of the BGS-RSCP Auction and the BGS-CIEP Auction, an entity no longer remains the Same Entity if, during the period between the qualification of bidders and three (3) business days after the Board renders a decision on the results of the auction, the entity consolidates into, amalgamates into, or merges into another corporate entity, regardless of whether such an event leads to a change in the entity's legal or trade name.

**THE AUTHORIZED REPRESENTATIVE MUST MAKE THE FOLLOWING CERTIFICATIONS REGARDING THE APPLICANT. PLEASE PROVIDE THESE CERTIFICATIONS BY COMPLETING THE RSCP+CIEP CERTIFICATIONS (B) INSERT.** The RSCP+CIEP Certifications (B) Insert is also labelled INSERT #P1-10.

\_\_\_\_\_  
*Name of Applicant*

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 **RSCP+CIEP CERTIFICATIONS (B) INSERT (#P1-10)**

**PLEASE CERTIFY THAT:**

- (1) you understand the BGS-RSCP Auction Rules [*see Docket No. ER22030127*] and the Applicant will comply with the BGS-RSCP Auction Rules. You understand the BGS-CIEP Auction Rules [*see Docket No. ER22030127*] and the Applicant will comply with the BGS-CIEP Auction Rules;
- (2) you understand the BGS-RSCP Supplier Master Agreement [*see Docket No. ER22030127*] and the Applicant accepts its terms. You understand the BGS-CIEP Supplier Master Agreement [*see Docket No. ER22030127*] and the Applicant accept its terms;
- (3) if the Applicant qualifies to participate in the BGS-RSCP Auction, the Applicant will not disclose at any time information regarding the list of Qualified Bidders in the BGS-RSCP Auction, including but not limited to the number of Qualified Bidders, the identity of any one or all entities that have qualified (including the Applicant itself), or the fact that an entity has not qualified for participation in the BGS-RSCP Auction. If the Applicant qualifies to participate in the BGS-CIEP Auction, the Applicant will not disclose at any time information regarding the list of Qualified Bidders in the BGS-CIEP Auction, including but not limited to the number of Qualified Bidders, the identity of any one or all entities that have qualified (including the Applicant itself), or the fact that an entity has not qualified for participation in the BGS-CIEP Auction;
- (4) the Applicant will destroy any document distributed by the BGS Auction Manager that lists the Qualified Bidders for the BGS-RSCP Auction within five days of the Board rendering a decision on the Auction results. The Applicant will destroy any document distributed by the BGS Auction Manager that lists the Qualified Bidders for the BGS-CIEP Auction within five days of the Board rendering a decision on the Auction results;
- (5) if the Applicant qualifies to participate in the BGS-RSCP Auction, the Applicant will not substitute another party, transfer the Applicant's rights to another party, or otherwise assign its status as a Qualified Bidder to another party (where another party is any entity that is not the Same Entity as the entity submitting this Part 1 Application), and you agree that any such substitutions, transfers, or assignments shall be null and void and will result in the exclusion of the Applicant from the BGS-RSCP Auction. If the Applicant qualifies to participate in the BGS-CIEP Auction, the Applicant will not substitute another party, transfer the Applicant's rights to another party, or otherwise assign its status as a Qualified Bidder to another party (where another party is any entity that is not the Same Entity as the entity submitting this Part 1 Application), and you agree that any such substitutions, transfers, or assignments shall be null and void and will result in the exclusion of the Applicant from the BGS-CIEP Auction; and
- (6) at the time of submission of this Part 1 Application, there are no known plans or events that will result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-RSCP Auction or the BGS-CIEP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Printed Name

**PLEASE CERTIFY THAT:**

- (7) at the time of submission of this Part 1 Application, you cannot reasonably anticipate any events, either within or beyond the Applicant's control, that could result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-RSCP Auction or the BGS-CIEP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

Printed Name

**IF YOU ARE UNABLE TO MAKE CERTIFICATION (7), PLEASE PROVIDE AN EXPLANATION.**

Third Item: Bidding Agreements for the Auction(s)

**Please note that no representative from the EDCs will review information provided in this item.**

*Will you be bidding independently and not as a party to any bidding agreement with another party or through any other arrangement involving joint or coordinated bidding with any other party?*

- Yes       No

**THE AUTHORIZED REPRESENTATIVE MUST INDICATE THE TYPE OF AGREEMENT TO WHICH THE APPLICANT IS A PARTY AND IDENTIFY ALL PARTIES TO THE AGREEMENT. PLEASE PROVIDE THIS INFORMATION BY COMPLETING THE RSCP+CIEP BIDDING AGREEMENT INSERT. The RSCP+CIEP Bidding Agreement Insert is also labelled INSERT #P1-11.**

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

**This Insert may be completed as follows:**

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory.*

**If completed with a digital signature, this Insert and accompanying document or information may be uploaded to the online Part 1 Application Form or may be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com).**

**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*

*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here a representative from the party to the bidding agreement fulfilling the creditworthiness requirements) or with the signatory on copy.**

 **RSCP+CIEP BIDDING AGREEMENTS INSERT (#P1-11)**

**PLEASE INDICATE TO WHICH AUCTION(S) THE AGREEMENT APPLIES:**

- BGS-RSCP Auction       BGS-CIEP Auction

**PLEASE INDICATE BELOW** whether the Applicant is part of a bidding agreement, a joint venture for purposes of participating at the auction, a bidding consortium, or other

arrangements pertaining to bidding in the auction. Please also provide the names of the other parties to the bidding agreement or other arrangement.

Name of Applicant:

Other parties to the agreement:

- bidding agreement
- bidding consortium
- joint venture
- other (define)

If the Applicant is part of a bidding agreement, bidding consortium, or joint venture, then a single party to the bidding agreement, bidding consortium, or joint venture must be nominated to fulfill the creditworthiness requirements. This party may have a Guarantor.

Please indicate here which party from the bidding agreement, bidding consortium or joint venture will be fulfilling the creditworthiness requirements:

**AN AUTHORIZED REPRESENTATIVE OF THE PARTY NAMED IMMEDIATELY ABOVE MUST SIGN HERE TO ACKNOWLEDGE THE FACT THAT THIS PARTY HAS AGREED TO FULFILL THE CREDITWORTHINESS REQUIREMENTS:**

\_\_\_\_\_  
Signature of Authorized Representative  
From Party to Bidding Agreement Fulfilling  
Creditworthiness Requirements

\_\_\_\_\_  
Date

Printed Name



**10.C. Requirements for BGS-CIEP Bidders**

First Item: Designation of an Authorized Representative

**AN INDIVIDUAL WHO IS AN OFFICER OR DIRECTOR OF THE APPLICANT MUST AGREE TO THE AUCTION RULES AND THE PROVISIONS OF THE SUPPLIER MASTER AGREEMENT. IN ADDITION, THIS INDIVIDUAL MUST DESIGNATE AN AUTHORIZED REPRESENTATIVE TO REPRESENT THE APPLICANT IN THE AUCTION PROCESS. THIS INDIVIDUAL CANNOT DESIGNATE HIMSELF OR HERSELF AS AUTHORIZED REPRESENTATIVE. PLEASE PROVIDE FOR THIS PURPOSE THE DULY COMPLETED AND SIGNED CIEP DESIGNATION INSERT. THE CIEP DESIGNATION INSERT IS ALSO LABELLED INSERT #P1-12.**

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE OR A NOTARIZED SIGNATURE FOR THIS INSERT.**

**This Insert may be completed as follows:**

- *Signed by the Officer or Director with the signature notarized;*

*or:*

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory. Digital signatures are not required to be notarized.*

**This Insert and any accompanying document or information may be submitted as follows:**

- *Uploaded to the online Part 1 Application Form;*

*or:*

- *Sent by email to the BGS Auction Manager at [BGS-Auction@nera.com](mailto:BGS-Auction@nera.com).*

**CIEP DESIGNATION INSERT (#P1-12)**

I certify that I am an officer or director of the Applicant, empowered to undertake contracts and bind the Applicant. I understand and accept the BGS-CIEP Auction Rules as well as the provisions contained in the BGS-CIEP Supplier Master Agreement. All the information contained in this application is true and correct to the best of my knowledge. I acknowledge that I cannot and will not serve as the Applicant’s Authorized Representative in the Auction Process.

I hereby designate \_\_\_\_\_ (name of Authorized Representative) to serve as the Authorized Representative for the Applicant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature and Seal from Notary Public

\_\_\_\_\_  
Date

**(OMIT this line if the Insert is digitally signed. Digital signatures are not required to be notarized.)**

Second Item: Additional Certifications

Please note that, as a part of your Part 2 Application to become a Registered Bidder, you will agree not to disclose Confidential Information relative to your bidding strategy or Confidential Information regarding the Auction Process, including, but not limited to, the list of Registered Bidders and the total initial eligibility in the auction.

**If the Board approves the results of the BGS-CIEP Auction, the entity that executes the BGS-CIEP Supplier Master Agreement must be the Same Entity that has agreed to the terms of the BGS-CIEP Supplier Master Agreement in this Part 1 Application.** If the Applicant becomes a Qualified Bidder through a successful Part 1 Application and becomes a Registered Bidder through a successful Part 2 Application, the entity that submits bids in the BGS-CIEP Auction must be the Same Entity that has agreed to the terms of the BGS-CIEP Auction Rules in this Part 1 Application.

For purposes of the BGS-CIEP Auction, an entity no longer remains the Same Entity if, during the period between the qualification of bidders and three (3) business days after the Board renders a decision on the results of the BGS-CIEP Auction, the entity consolidates into, amalgamates into, or merges into another corporate entity, regardless of whether such an event leads to a change in the entity's legal or trade name.

**THE AUTHORIZED REPRESENTATIVE MUST MAKE THE FOLLOWING CERTIFICATIONS REGARDING THE APPLICANT. PLEASE PROVIDE THESE CERTIFICATIONS BY COMPLETING THE CIEP CERTIFICATIONS (B) INSERT.** The CIEP Certifications (B) Insert is also labelled INSERT #P1-13.

\_\_\_\_\_  
*Name of Applicant*

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

**This Insert may be completed as follows:**

- *Submitted with a digital signature (using commercially available software such as DocuSign) with an accompanying document or information verifying the identity of the signatory.*

**If completed with a digital signature, this Insert and accompanying document or information may be uploaded to the online Part 1 Application Form or may be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com).**

**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*

*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here the Authorized Representative) or with the signatory on copy.**

## **CIEP CERTIFICATIONS (B) INSERT (#P1-13)**

**PLEASE CERTIFY THAT:**

- (1) you understand the BGS-CIEP Auction Rules [*see Docket No. ER22030127*] and the Applicant will comply with these Rules;
- (2) you understand the BGS-CIEP Supplier Master Agreement [*see Docket No. ER22030127*] and the Applicant accepts its terms;
- (3) if the Applicant qualifies to participate in the BGS-CIEP Auction, the Applicant will not disclose at any time information regarding the list of Qualified Bidders in the BGS-CIEP Auction, including but not limited to the number of Qualified Bidders, the identity of any one or all entities that have qualified (including the Applicant itself), or the fact that an entity has not qualified for participation in the BGS-CIEP Auction;
- (4) the Applicant will destroy any document distributed by the BGS Auction Manager that lists the Qualified Bidders within five days of the Board rendering a decision on the Auction results;
- (5) if the Applicant qualifies to participate in the BGS-CIEP Auction, the Applicant will not substitute another party, transfer the Applicant's rights to another party, or otherwise assign its status as a Qualified Bidder to another party (where another party is any entity that is not the Same Entity as the entity submitting this Part 1 Application), and you agree

that any such substitutions, transfers, or assignments shall be null and void and will result in the exclusion of the Applicant from the BGS-CIEP Auction; and

- (6) at the time of submission of this Part 1 Application, there are no known plans or events that will result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-CIEP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_

Printed Name

**PLEASE CERTIFY THAT:**

- (7) at the time of submission of this Part 1 Application, you cannot reasonably anticipate any events, either within or beyond the Applicant's control, that could result in the Applicant submitting the Part 1 Application failing to remain the Same Entity from the time of qualification until three (3) business days after the Board renders a decision on the results of the BGS-CIEP Auction.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_

Printed Name

**IF YOU ARE UNABLE TO MAKE CERTIFICATION (7), PLEASE PROVIDE AN EXPLANATION.**

\_\_\_\_\_

Third Item: Bidding Agreements

**Please note that no representative from the EDCs will review information provided from this item.**

***Will you be bidding independently and not as a party to any bidding agreement with another party or through any other arrangement involving joint or coordinated bidding with any other party?***

- Yes       No

**THE AUTHORIZED REPRESENTATIVE MUST INDICATE THE TYPE OF AGREEMENT TO WHICH THE APPLICANT IS A PARTY AND IDENTIFY ALL PARTIES TO THE AGREEMENT. PLEASE PROVIDE THIS INFORMATION BY COMPLETING THE CIEP BIDDING AGREEMENT INSERT. The CIEP Bidding Agreement Insert is also labelled INSERT #P1-14.**

\_\_\_\_\_  
Name of Applicant

**THE BGS AUCTION MANAGER IS ACCEPTING A DIGITAL SIGNATURE FOR THIS INSERT. THE BGS AUCTION MANAGER IS ALSO ACCEPTING AN ELECTRONIC SIGNATURE OR A SCANNED WET SIGNATURE AS LONG AS THIS INSERT IS SENT BY EMAIL BY THE SIGNATORY OR WITH THE SIGNATORY ON COPY.**

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**This Insert may also be completed as follows:**

- *Submitted with a scanned wet signature;*

*or*

- *Submitted with an electronic signature (such as an image of a signature).*

**If completed with a scanned or electronic signature, this Insert must be sent by email to the BGS Auction Manager at [BGS-Auction@NERA.com](mailto:BGS-Auction@NERA.com) by the signatory (here a representative from the party to the bidding agreement fulfilling the creditworthiness requirements) or with the signatory on copy.**

 **CIEP BIDDING AGREEMENT INSERT (#P1-14)**

**PLEASE INDICATE BELOW** whether the Applicant is part of a bidding agreement, a joint venture for purposes of participating at the auction, a bidding consortium, or other arrangements pertaining to bidding in the auction. Please also provide the names of the other parties to the bidding agreement or other arrangement.

Name of Applicant:

Other parties to the agreement:

- bidding agreement
- bidding consortium
- joint venture

other (define)

If the Applicant is part of a bidding agreement, bidding consortium, or joint venture, then a single party to the bidding agreement, bidding consortium, or joint venture must be nominated to fulfill the creditworthiness requirements. This party may have a Guarantor.

Please indicate here which party from the bidding agreement, bidding consortium or joint venture will be fulfilling the creditworthiness requirements:

**AN AUTHORIZED REPRESENTATIVE OF THE PARTY NAMED IMMEDIATELY ABOVE MUST SIGN HERE TO ACKNOWLEDGE THE FACT THAT THIS PARTY HAS AGREED TO FULFILL THE CREDITWORTHINESS REQUIREMENTS:**

\_\_\_\_\_  
Signature of Authorized Representative  
From Party to Bidding Agreement Fulfilling  
Creditworthiness Requirements

\_\_\_\_\_  
Date

Printed Name

**11. Justification of Omissions**

**IF YOU ARE UNABLE TO PROVIDE ALL DOCUMENTS OR INFORMATION REQUIRED IN THIS APPLICATION, PLEASE JUSTIFY FULLY ANY OMISSIONS IN THE SPACE PROVIDED BELOW IF YOU HAVE NOT ALREADY DONE SO.**

**IF YOU WOULD LIKE TO PROVIDE ADDITIONAL DOCUMENTATION, PLEASE DO SO BY UPLOAD TO THE APPLICATION WEBSITE BELOW. PLEASE NOTE THE ADDITIONAL DOCUMENTATION IN THE TEXT BOX ABOVE.**



## ***Appendix – Glossary***

Defined terms used in the Application Form and these notes to the Application Form shall have the meaning given to such terms in the BGS-RSCP or BGS-CIEP Auction Rules; definitions for such terms are summarized here for convenience. Other terms are also defined below.

**Advisor:** An Advisor is an entity or person(s) who will be advising or assisting the bidder with respect to bidding strategy for a BGS Auction, estimation of the value of any tranche, or the estimation of the risks associated with providing supply for any tranche.

**Applicant’s Authorized Representative:** The Authorized Representative is the only person authorized to designate a person other than himself or herself to submit bids in the BGS-RSCP Auction, or the BGS-CIEP Auction, or both. Before the auctions take place the Authorized Representative will receive all documentation related to the auction or auctions for which the Applicant becomes a Registered Bidder, including auction procedures manuals and confidential information required to submit bids in the trial auction and in the auction or auctions themselves. The Authorized Representative is the only person authorized to distribute auction procedures manuals and confidential information to other representatives of the Applicant. The Authorized Representative must ensure that only authorized persons act on behalf of the Applicant in the Auction Process.

**Applicant’s Legal Representative in New Jersey:** The Applicant’s Legal Representative in New Jersey is legal counsel or a representative agent that has an address in New Jersey and is authorized and agrees to accept service of process on the Applicant’s behalf.

**Association:** A relationship that a party participating in one auction may have with another party participating in the same auction, as defined in the BGS-RSCP Auction Rules and the BGS-CIEP Auction Rules.

**Auction Rules:** See BGS-RSCP Auction Rules or BGS-CIEP Auction Rules.

**BGS Auction Manager:** The person retained by the EDCs to manage the Auction Process under the Board’s oversight.

**BGS-CIEP Auction Rules:** The BGS-CIEP Auction Rules describe the process, as approved by the Board, by which Bidders submit bids in the BGS-CIEP Auction, bids are processed, final prices are determined and winners emerge. Please see the document titled “Final BGS-CIEP Auction Rules”. This document is posted at <https://bgs-auction.com/bgs.bidinfo.ar.asp> when it becomes available.

**BGS-CIEP Supplier Master Agreement:** The BGS-CIEP Supplier Master Agreement is the standard contract, approved by the Board, which will be used by the winners of the BGS-CIEP Auction and the EDCs. Please see the document titled “Final BGS-CIEP Supplier Master Agreement”. This document is posted at <https://bgs-auction.com/bgs.bidinfo.cc.asp> when it becomes available.

**BGS-CIEP Tranche:** A BGS-CIEP tranche for an EDC is a full-requirements tranche. A tranche for an EDC is a fixed percentage share of the BGS-CIEP Load of that EDC for the period June



1, 2023 to May 31, 2024. The tranche size of an EDC is the percentage share of the BGS-CIEP Load of the EDC corresponding to approximately 75 MW of CIEP Peak Load Share. The BGS-CIEP tranche size will be announced on November 11, 2022.

**BGS-RSCP Auction Rules:** The BGS-RSCP Auction Rules describe the process, as approved by the Board, by which Bidders submit bids in the BGS-RSCP Auction, bids are processed, final prices are determined and winners emerge. Please see the document titled “Final BGS-RSCP Auction Rules”. This document is posted at <https://bgs-auction.com/bgs.bidinfo.ar.asp> when it becomes available.

**BGS-RSCP Supplier Master Agreement:** The BGS-RSCP Supplier Master Agreement is the standard contract, approved by the Board, which will be used by the winners of the BGS-RSCP Auction and the EDCs. Please see the document titled “Final BGS-RSCP Supplier Master Agreement”. This document is posted at <https://bgs-auction.com/bgs.bidinfo.cc.asp> when it becomes available.

**BGS-RSCP Tranche:** A BGS-RSCP tranche for an EDC is a full-requirements tranche. A tranche for an EDC is a fixed percentage share of the BGS-RSCP Load of that EDC for a three-year term from June 1, 2023 to May 31, 2026. The tranche size of an EDC is the percentage share of the BGS-RSCP Load of the EDC corresponding to approximately 100 MW of RSCP Peak Load Share. The BGS-RSCP tranche size will be announced on November 11, 2022.

**Bid Bond for the BGS-CIEP Auction:** Issued by an approved surety company to a Qualified Bidder prior to the BGS-CIEP Auction. The standard form of the Bid Bond for the BGS-CIEP Auction is available from the BGS Auction Manager upon request.

**Bid Bond for the BGS-RSCP Auction:** Issued by an approved surety company to a Qualified Bidder prior to the BGS-RSCP Auction. The standard form of the Bid Bond for the BGS-RSCP Auction is available from the BGS Auction Manager upon request.

**Bidding Agreement (Bidding Arrangement):** Any agreement between two or more parties, each of whom intends to participate in the same auction, namely the BGS-RSCP Auction or the BGS-CIEP Auction, to share information relative to the bidding strategy in the auction, to share information regarding round results, to agree upon bids, to agree upon bidding strategy or to coordinate bids during the auction.

**Bidding Consortium:** A group of separate businesses or business people joining together to submit joint bids in the same auction (either the BGS-RSCP Auction or the BGS-CIEP Auction). A set of companies joining together to supply BGS-RSCP Load or BGS-CIEP Load, with each providing different expertise or components.

**Board:** The New Jersey Board of Public Utilities.

**Confidential Information:** There are two types of Confidential Information. Confidential Information relative to the bidding strategy means information relating to a bidder’s bid, whether in writing or verbally, which if it were to be made public would be likely to have an effect on any of the

bids that another bidder would be willing to submit at the auction. Confidential Information regarding the Auction Process means information that is not released publicly by the Board or the BGS Auction Manager and that a bidder acquires as a result of participating in the Auction Process, whether in writing or verbally, which if it were to be made public could impair the integrity of current or future auctions, impair the ability of the EDCs to hold future auctions, harm consumers, or injure bidders or Applicants. Please consult the BGS-RSCP or BGS-CIEP Auction Rules for a more detailed description of Confidential Information.

**Current Assets:** A balance sheet item which equals the sum of cash and cash equivalents, accounts receivable, inventory, marketable securities, prepaid expenses, and other assets that could be converted to cash in less than one (1) year.

**Current Liabilities:** Amount owed for salaries, interest, accounts payable and other debts due within one (1) year.

**Current Ratio:** A measure of a company's ability to meet short-term debt obligations. Calculated by dividing current assets by current liabilities.

**EBITDA:** EBITDA is used to analyze a company's operating profitability before non-operating expenses (such as interest and "other" non-core expenses) and non-cash charges (depreciation and amortization). Calculated from earnings before the deduction of interest expenses, taxes, depreciation, and amortization.

**EDC:** Electric Distribution Company.

**EDC Load Cap (BGS-RSCP Auction):** An EDC Load Cap in the BGS-RSCP Auction is a maximum number of tranches that any one bidder can bid and win for that EDC. The EDC Load Caps will be announced on November 11, 2022. (Also see Statewide Load Cap.)

**Fixed Assets [Plant]:** A measure of long-term, tangible assets held for business use and not expected to be converted to cash in the current or upcoming fiscal year, such as manufacturing equipment, real estate, and furniture.

**Indicative Offer:** An indicative offer for an auction is the number of tranches that the Qualified Bidder is willing to supply at the Maximum Starting Price and the number of tranches that the Qualified Bidder is willing to supply at the Minimum Starting Price for that auction. A Qualified Bidder's indicative offer at the Maximum Starting Price for an auction determines the Qualified Bidder's initial eligibility should the Qualified Bidder be registered to bid in that auction.

**Joint Venture:** An enterprise entered into by two or more people for profit with the purpose of bidding in the auction (the BGS-RSCP Auction or the BGS-CIEP Auction). A joint venture has most of the elements of a partnership, such as shared management, the power of each venturer to bind the others in the business, division of profits and joint responsibility for losses. However, unlike a partnership, a joint venture anticipates a specific area of activity and/or period of operation, so after the purpose is completed, bills are paid, profits (or losses) are divided, and the joint venture is terminated.

**Letter of Credit (Pre-Auction) for the BGS-CIEP Auction:** Issued by a bank with a minimum senior unsecured debt rating of “A” from S&P Global Ratings or “A2” from Moody’s. The Pre-Auction Letter of Credit must be in the amount of \$375,000 per tranche of the BGS-CIEP Qualified Bidder’s indicative offer at the Maximum Starting Price. The Pre-Auction Letter of Credit may be drawn if the bidder: a) has made a material omission or misrepresentation in this Part 1 Application or the Part 2 Application submitted to participate in the BGS-CIEP Auction; or has violated the BGS-CIEP Auction Rules; or b) has a winning bid in the BGS-CIEP Auction and fails to execute the BGS-CIEP Supplier Master Agreement within three (3) business days of the certification of the BGS-CIEP Auction results by the Board as specified in the BGS-CIEP Auction Rules; or c) has a winning bid in the BGS-CIEP Auction and fails to meet the creditworthiness requirements of the BGS-CIEP Supplier Master Agreement within three (3) business days of the certification of the BGS-CIEP Auction results by the Board as specified in the BGS-CIEP Auction Rules.

**Letter of Credit (Pre-Auction) for the BGS-RSCP Auction:** Issued by a bank with a minimum senior unsecured debt rating of “A” from S&P Global Ratings or “A2” from Moody’s. The Pre-Auction Letter of Credit must be in the amount of \$500,000 per tranche of the BGS-RSCP Qualified Bidder’s indicative offer at the Maximum Starting Price. (The Qualified Bidder may submit a Pre-Auction Letter of Credit in the amount of \$2,400,000 per tranche of the BGS-RSCP Qualified Bidder’s indicative offer at the Maximum Starting Price in lieu of submitting a Letter of Intent to Provide a Guaranty or Letter of Reference.) The Pre-Auction Letter of Credit may be drawn if the bidder: a) has made a material omission or misrepresentation in this Part 1 Application or the Part 2 Application submitted to participate in the BGS-RSCP Auction; or has violated the BGS-RSCP Auction Rules; or b) has a winning bid in the BGS-RSCP Auction and fails to execute the BGS-RSCP Supplier Master Agreement within three (3) business days of the certification of the BGS-RSCP Auction results by the Board as specified in the BGS-RSCP Auction Rules; or c) has a winning bid in the BGS-RSCP Auction and fails to meet the creditworthiness requirements of the BGS-RSCP Supplier Master Agreement within three (3) business days of the certification of the BGS-RSCP Auction results by the Board as specified in the BGS-RSCP Auction Rules.

**Long-term Debt [Funded Debt]:** An obligation having a maturity of more than one (1) year from the date it was issued.

**Maximum Starting Price:** The Maximum Starting Price is a statewide price. For the BGS-CIEP Auction, the Maximum Starting Price is quoted in \$/MW-day, while for the BGS-RSCP Auction, the Maximum Starting Price is quoted in ¢/kWh. The Maximum Starting Price for each auction will be announced on November 11, 2022. In the first round of an auction, each EDC-specific Starting Price will be no higher than the statewide Maximum Starting Price for that auction.

**Minimum Starting Price:** The Minimum Starting Price is a statewide price. For the BGS-CIEP Auction, the Minimum Starting Price is quoted in \$/MW-day, while for the BGS-RSCP Auction, the Minimum Starting Price is quoted in ¢/kWh. The Minimum Starting Price for each auction will be announced on November 11, 2022. In the first round of each auction, each EDC-specific Starting Price will be no lower than the statewide Minimum Starting Price for that auction.

**Pre-Auction Security:** In the BGS-CIEP Auction, Pre-Auction Security consists of the Pre-Auction Letter of Credit. In the BGS-RSCP Auction, Pre-Auction Security consists of the Pre-Auction

Letter of Credit and, if necessary, a Letter of Reference or a Letter of Intent to Provide a Guaranty. A Qualified Bidder in the BGS-RSCP Auction is notified upon qualification whether a Letter of Reference or a Letter of Intent to Provide a Guaranty is required.

**Product:** A product is the relevant BGS load (i.e., BGS-RSCP or BGS-CIEP load) for one (1) EDC for a given term. The term for a product in the BGS-CIEP Auction is one (1) year (June 1, 2023 to May 31, 2024). The term for a product in the BGS-RSCP Auction is three (3) years (June 1, 2023 to May 31, 2026).

**Qualified Bidder:** An Applicant that has been approved to submit a Part 2 Application based on financial and other qualifications submitted in this Part 1 Application. Applicants qualify separately for the BGS-RSCP Auction and the BGS-CIEP Auction.

**Registered Bidder:** A Qualified Bidder that has been approved to participate in an auction based on requirements submitted in the Part 2 Application. Qualified Bidders register separately for the BGS-RSCP and the BGS-CIEP Auction.

**Same Entity:** For purposes of an auction (either the BGS-RSCP Auction or the BGS-CIEP Auction), an entity no longer remains the Same Entity if, during the period between the qualification of bidders and three (3) business days after the Board renders a decision on the results of that auction, the entity consolidates into, amalgamates into, or merges into another corporate entity, regardless of whether such an event leads to a change in the entity's legal or trade name.

**Starting Prices:** The Starting Prices (or EDC-specific Starting Prices) are the going prices in effect during the bidding phase of the first round. Each EDC-specific Starting Price will be set no lower than the Minimum Starting Price and no higher than the Maximum Starting Price. The Starting Prices are released to Registered Bidders for an auction three (3) business days before the start of that auction.

**Statewide Load Cap:** The Statewide Load Cap for an auction (either the BGS-RSCP Auction or the BGS-CIEP Auction) is a statewide maximum number of tranches that any one bidder can bid and win statewide in that auction. The Statewide Load Caps will be announced on November 11, 2022.

**Total Capital:** Is made up of long-term debt, short-term debt, preferred stock, common stock and retained earnings.

**Total Debt:** Long-term debt (including amounts for operating lease debt equivalent) plus current maturities, commercial paper and other short term borrowings.

**Tranche:** See BGS-RSCP Tranche or BGS-CIEP Tranche.

**Website:** The website for information about the BGS Auction is <https://bgs-auction.com> and the website for submission of application materials is <https://www.bgs-application.com>.

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*End of Part 1 Application Form*