

Edgar Filing: ABLE ENERGY INC - Form S-8 POS

ABLE ENERGY INC  
Form S-8 POS  
May 18, 2006

As filed with the Securities and Exchange Commission on May 18, 2006  
Registration No. 333-56044

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SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D.C. 20549

POST-EFFECTIVE AMENDMENT NO. 2  
TO  
FORM S-8  
REGISTRATION STATEMENT  
Under  
The Securities Act of 1933  
-----

ABLE ENERGY, INC.  
(EXACT NAME OF REGISTRANT AS SPECIFIED IN ITS CHARTER)

Delaware  
(State or other jurisdiction  
of incorporation or organization)

22-3520840  
(IRS Employer Identification No.)

198 Green Pond Road Rockaway, New Jersey 07866  
(Address of principal executive offices) (Zip Code)

(973) 625-1012  
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1999 Stock Option Plan  
and  
2000 Stock Bonus Plan  
-----

Gregory D. Frost  
Chief Executive Officer  
198 Green Pond Road Rockaway, New Jersey 07866  
(Name and address of agent for service)

(973) 625-1012  
(Telephone number, including area code, of agent for service)

CALCULATION OF REGISTRATION FEE

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Title of Securities to be Registered	Proposed Amount to be Registered (1)	Proposed Maximum Offering Price Per Share (2)	Proposed Maximum Aggregate Offering Price(2)	Amount of Registration Fee
Common Stock \$0.001 par value	700,000 shares (3)	\$3.00	\$2,100,000	\$ 525.00
Common Stock \$0.001 par value	350,000 shares (4)	\$3.00	\$1,050,000	\$ 262.50
				=====
Total Registration Fee:				\$ 787.50*

\* Registration Fee previously paid.

- (1) This Registration Statement shall also cover any additional shares of Common Stock which become issuable under the 1999 Stock Option Plan and the 2000 Stock Bonus Plan, by reason of any stock dividend, stock split, recapitalization or other similar transaction effected without the receipt of consideration which results in an increase in the number of the outstanding shares of Common Stock of Able Energy, Inc.
- (2) Calculated solely for purposes of this offering under Rule 457(c) of the Securities Act of 1933, as amended, on the basis of the average of the high and low selling prices per share of Common Stock of Able Energy, Inc. on February 15, 2000, as reported on the OTC Electronic Bulletin Board.
- (3) Represents shares underlying options that may be issued pursuant to the registrant's 1999 Stock Option Plan.
- (4) Represents shares that may be issued pursuant to the registrant's 2000 Stock Bonus Plan.

Part II

EXPLANATORY NOTE

This Post-Effective Amendment Number 2 to Form S-8 is being submitted solely to replace the auditor's consent filed as Exhibit 23.1 to the Form S-8 filed February 22, 2001, with the consent attached to this filing as Exhibit 23.1.

SIGNATURES

Pursuant to the requirements of the Securities Act of 1933, the Registrant certifies that it has reasonable grounds to believe that it meets all of the requirements for filing on Form S-8 and has duly caused this Registration Statement to be signed on its behalf by the undersigned, thereunto duly authorized, on May 18, 2006.

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ABLE ENERGY, INC.

By: /s/ Gregory D. Frost  
 -----  
 Gregory D. Frost  
 Title: CEO, Chairman

SIGNATURE -----	TITLE -----	DATE -----
/s/ Christopher P. Westad ----- Christopher P. Westad	Director	May 18, 2006
/s/ Stephen Chalk ----- Stephen Chalk	Director	May 18, 2006
----- Patrick O'Neill	Director	May 18, 2006
----- Edward C. Miller, Jr.	Director	May 18, 2006
/s/ Alan E. Richards ----- Alan E. Richards	Director	May 18, 2006
/s/ Gregory D. Frost ----- Gregory D. Frost	Director	May 18, 2006
----- Solange Charas	Director	May 18, 2006
/s/ Mark Barbera ----- Mark Barbera	Director	May 18, 2006