



## Public Utilities Commission

Competitive Retail Natural Gas Service  
(CRNGS) Provider Application

Case Number: 13 \_0835

GA-CRNGS

2021 APR - 6 PM 4:38

RECEIVED-DOCKETING DIV

Please complete all information. Identify all attachments with a label and title (example: Exhibit 2 Financial Statements). For paper filing, you can mail the original and two complete copies to the Public Utilities Commission of Ohio, Docketing Division, 180 East Broad Street, Columbus, Ohio 43215-3793.

### A. Application Information

#### A-1. Provider Type.

Select the competitive retail natural gas service (CRNGS) provider type(s) for which the applicant is seeking certification. Please note you can select more than one.

Retail Natural Gas Aggregator



Retail Natural Gas Broker



Retail Natural Gas Marketer



#### A-2. Applicant's legal name and contact information.

Provide the name and contact information of the business entity.

Legal Name: Direct Energy Business Marketing, LLC  
Street Address: 194 Wood Avenue South  
City: Isslin State: NJ Zip: 08830  
Telephone: 800-437-7265 Website: www.business.directenergy.com

#### A-3. Names and contact information under which the applicant will do business in Ohio.

Provide the names and contact information the business entity will use for business in Ohio. This does not have to be an Ohio address and may be the same contact information given in A-2.

Name: Direct Energy Business Marketing, LLC  
Street Address: 194 Wood Avenue South  
City: Iselin State: NJ Zip: 08830  
Telephone: 800-437-7265 Email: www.business.directenergy.com

#### A-4. Names under which the applicant does business in North America.

Provide all business names the applicant uses in North America. You do not need to include the names provided in A-2 and A-3.

Name(s): DEBM  
\_\_\_\_\_  
\_\_\_\_\_

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business. Technician SL Date Processed 4.6.21

**A-5. Contact person for regulatory matters.**

Name: John Holtz Title: Senior Director, Market Development & Regulatory Affairs  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**A-6. Contact person for PUCO Staff use in investigating consumer complaints.**

Name: Nicole Nadeja Title: Supervisor, Customer Relations  
Street Address: 1001 Liberty Avenue, Suite 1200  
City: Pittsburgh State: PA Zip: 15222  
Telephone: 888-925-9115 Email: DEB.President@directenergy.com

**A-7. Applicant's address and toll-free number for customer service and complaints.**

Street Address: 1001 Liberty Avenue, Suite 1200  
City: Pittsburgh State: PA Zip: 15222  
Toll-free Telephone: 888-925-9115 Email: DEB.President@directenergy.com

**A-8. Applicant's federal employer identification number.**

FEIN: 80-0909818

**A-9. Applicant's form of ownership (select one).**

Sole Proprietorship ☐ Limited Liability Partnership (LLP) ☐ Corporation ☐ Partnership ☐

Limited Liability Company (LLC) ☒ Other: \_\_\_\_\_

**A-10. Identify current or proposed service areas.**

Identify each service area in which the applicant is currently providing service or intends to provide service and identify each customer class that the applicant is currently serving or intends to serve.

**Service area selection:**

Columbia Gas of Ohio ☒ Dominion Energy Ohio ☒ Duke Energy Ohio ☒ Vectren Energy Delivery of Ohio ☒



**Class of customer selection:**

Industrial



Residential



Small Commercial



Large Commercial



**A-11. Start Date.**

Indicate the approximate start date the applicant began/will begin offering services.

Date: 05/2013

**A-12. Principal officers, directors and partners.**

Please provide an attachment for all contacts that should be listed as an officer, director or partner.

**A-13. Company history.**

Provide an attachment with a concise description of the applicant's company history and principal business interests.

**A-14. Secretary of State.**

Provide evidence that the applicant is currently registered with the Ohio Secretary of State.

**A-15. Proof of Ohio office and employee.**

Provide "Proof of an Ohio Office and Employee" in accordance with Section 4929.22 of the Ohio Revised Code. List the designated Ohio employee's name, Ohio office address, telephone number and web site address.

Name: James Connolly Title: VP & General Manager - West  
Street Address: 106 North High Street, Suite 220  
City: Dublin State: OH Zip: 43017  
Telephone: 740-670-4384 Email: james.connolly@directenergy.com

**B. Managerial Capability**

Provide a response or attachment for each of the sections below.

**B-1. Jurisdiction of operations.**

List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of filing the application.

**B-2. Experience and plans.**



Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the plan for contracting with customers, providing contracted services, providing billing statements and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

**B-3. Disclosure of liabilities and investigations.**

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction.

**B-4. Disclosure of consumer protection violations.**

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years? If yes, attach a document detailing the information.

Yes

☐

No

☒

**B-5. Disclosure of certification denial, curtailment, suspension, or revocation.**

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years? If yes, attach a document detailing the information.

Yes

☐

No

☒

## C. Financial Capability

Provide a response or attachment for each of the sections below.

**C-1. Financial reporting.**

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or attach a copy of the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.

**C-2. Financial statements**

Provide copies of the applicant's two most recent years of audited financial statements, including a balance sheet, income statement, and cash flow statement. If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, provide audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow



statement, the applicant may provide a copy of its two most recent years of tax returns with social security numbers and bank account numbers redacted.

If the applicant is unable to meet the requirement for two years of financial statements, the Staff reviewer may request additional financial information.

### **C-3. Forecasted financial statements.**

Provide two years of forecasted income statements based solely on the applicant's anticipated business activities in the state of Ohio.

Include the following information with the forecast: a list of assumptions used to generate the forecast; a statement indicating that the forecast is based solely on Ohio business activities only; and the name, address, email address, and telephone number of the preparer of the forecast.

The forecast may be in one of two acceptable formats: 1) an annual format that includes the current year and the two years succeeding the current year; or 2) a monthly format showing 24 consecutive months following the month of filing this application broken down into two 12-month periods with totals for revenues, expenses, and projected net incomes for both periods. Please show revenues, expenses, and net income (revenues minus total expenses) that is expected to be earned and incurred in business activities only in the state of Ohio for those periods.

If the applicant is filing for both an electric certificate and a natural gas certificate, please provide a separate and distinct forecast for revenues and expenses representing Ohio electric business activities in the application for the electric certificate and another forecast representing Ohio natural gas business activities in the application for the natural gas certificate.

### **C-4. Credit rating.**

Provide a credit opinion disclosing the applicant's credit rating as reported by at least one of the following ratings agencies: Moody's Investors Service, Standard & Poor's Financial Services, Fitch Ratings or the National Association of Insurance Commissioners. If the applicant does not have its own credit ratings, substitute the credit ratings of a parent or an affiliate organization and submit a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter "Not Rated".

### **C-5. Credit report.**

Provide a copy of the applicant's credit report from Experian, Equifax, TransUnion, Dun and Bradstreet or a similar credit reporting organization. If the applicant is a newly formed entity with no credit report, then provide a personal credit report for the principal owner of the entity seeking certification. At a minimum, the credit report must show summary information and an overall credit score. Bank/credit account numbers and highly sensitive identification information must be redacted. If the applicant provides an acceptable credit rating(s) in response to C-4, then the applicant may select "This does not apply" and provide a response in the box below stating that a credit rating(s) was provided in response to C-4.

### **C-6. Bankruptcy information.**



Within the previous 24 months, have any of the following filed for reorganization, protection from creditors or any other form of bankruptcy? If yes, attach a document detailing the information.

Applicant

Parent company of the applicant

Affiliate company that guarantees the financial obligations of the applicant

Any owner or officer of the applicant

Yes

☐

No

☒

**C-7. Merger information.**

Is the applicant currently involved in any dissolution, merger or acquisition activity, or otherwise participated in such activities within the previous 24 months? If yes, attach a document detailing the information.

Yes

☒

No

☐

**C-8. Corporate structure.**

Provide a graphical depiction of the applicant's corporate structure. Do not provide an internal organizational chart. The graphical depiction should include all parent holding companies, subsidiaries and affiliates as well as a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required, and the applicant may respond by stating that it is a stand-alone entity with no affiliate or subsidiary companies.

**C-9. Financial arrangements.**

This section is only applicable if power marketer or retail electric generation provider has been selected in A-1.

Provide copies of the applicant's financial arrangements to satisfy collateral requirements to conduct retail electric/natural gas business activities (e.g., parental guarantees, letters of credit, contractual arrangements, etc., as described below).

Renewal applicants may provide a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements. The statement or letter must be on the utility's letterhead and dated within a 30-day period of the date the applicant files its renewal application.

First-time applicants or applicants whose certificate has expired must meet the requirements of C-9 in one of the following ways:

1. The applicant itself states that it is investment grade rated by Moody's Investors Service, Standard & Poor's Financial Services, or Fitch Ratings and provides evidence of rating from the rating agencies. If you provided a credit rating in C-4, reference the credit rating in the statement.

2. The applicant's parent company is investment grade rated (by Moody's, Standard & Poor's, or Fitch) and guarantees the financial obligations of the applicant to the LDU(s). Provide a copy of the most recent credit opinion from Moody's, Standard & Poor's or Fitch.
3. The applicant's parent company is not investment grade rated by Moody's, Standard & Poor's or Fitch but has substantial financial wherewithal in the opinion of the Staff reviewer to guarantee the financial obligations of the applicant to the LDU(s). The parent company's financials and a copy of the parental guarantee must be included in the application if the applicant is relying on this option.
4. The applicant can provide evidence of posting a letter of credit with the LDU(s) listed as the beneficiary, in an amount sufficient to satisfy the collateral requirements of the LDU(s).

## D. Technical Capability

Provide an attachment for each of the sections below.

### D-1. Operations.

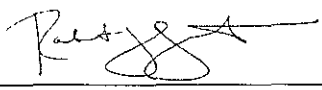
Retail natural gas brokers/aggregators: Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of natural gas to retail customers.

Gas Marketers: Describe the operational nature of the applicant's business, specifying whether operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and/or the provision of retail ancillary services, as well as other services used to supply natural gas to the natural gas company city gate for retail customers.

### D-2. Operations expertise and key technical personnel.

Provide evidence of the applicant's experience and technical expertise in performing the operations described in this application. Include the names, titles, e-mail addresses, telephone numbers and background of key personnel involved in the operational aspects of the applicant's business.

**As authorized representative for the above company/organization, I certify that all the information contained in this application is true, accurate and complete. I also understand that failure to report completely and accurately may result in penalties or other legal actions.**

  
\_\_\_\_\_  
Signature

4/1/2021  
\_\_\_\_\_  
Date

\_\_\_\_\_  
President  
Title



# Competitive Retail Natural Gas Service Affidavit

County of Harris :

State of Texas :

Robert Gaudette, Affiant, being duly sworn/affirmed, hereby states that:

1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.
2. The applicant will timely file an annual report of its intrastate gross receipts and sales of hundred cubic feet of natural gas pursuant to Sections 4905.10(A), 4911.18(A), and 4929.23(B), Ohio Revised Code.
3. The applicant will timely pay any assessment made pursuant to Sections 4905.10 and 4911.18(A), Ohio Revised Code.
4. Applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
5. Applicant will cooperate fully with the Public Utilities Commission of Ohio and its staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the applicant.
6. Applicant will comply with Section 4929.21, Ohio Revised Code, regarding consent to the jurisdiction of the Ohio courts and the service of process.
7. Applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating consumer complaints.
9. The facts set forth above are true and accurate to the best of his/her knowledge, information, and belief and that he/she expects said applicant to be able to prove the same at any hearing hereof.

10. Affiant further sayeth naught.

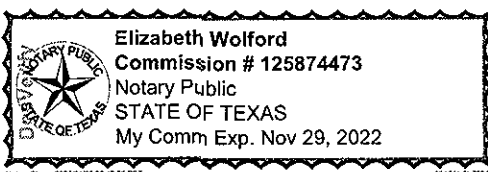
[Signature]  
Signature of Affiant & Title

Sworn and subscribed before me this 1st day of April, 2021  
Month Year

[Signature]  
Signature of official administering oath

Elizabeth Wolford, Notary Public, State of Texas  
Print Name and Title

My commission expires on November 29th, 2022







## 2021.04.01 DEBM Ohio CRNGS with Exhibits signed by RG notarized.pdf

DocVerify ID: 6CDFF64B-75CB-48A9-94FD-462DC90F89D3

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### E-Signature Summary

#### E-Signature 1: Robert J. Gaudette (RJG)

April 01, 2021 11:43:05 -6:00 [3891B71DF093] [158.81.192.230]  
nanci.gomez@nrg.com (Principal)

#### E-Signature Notary: Elizabeth Wolford (EW)

April 01, 2021 11:43:05 -6:00 [85A1AE5E79BC] [158.81.192.230]  
liz.wolford@nrg.com

I, Elizabeth Wolford, did witness the participants named above electronically sign this document.



## Exhibit A-12

### Officers & Directors

The following is a current list of the Officers for Direct Energy Business Marketing, LLC:

Title	Management Name	Address	Telephone
President	Gaudette, Robert J.	910 Louisiana Street Houston, TX 77002	713-537-1187
Vice President	Frotte, Gaetan	804 Carnegie Center Princeton, NJ 08450	609-524-4786
Vice President	Holtman, Joe	804 Carnegie Center Princeton, NJ 08450	609-280-7701
Vice President	Jones, S. Meigs	1005 Congress, Suite 950 Austin, TX 78701	609-524-4500
Vice President	Krupa, Edward Christopher	804 Carnegie Center Princeton, NJ 08450	609-524-4960
Vice President	Mackey, Glen Edwin	804 Carnegie Center Princeton, NJ 08450	609-524-4500
Secretary	Dohrwardt, Bray	12 Greenway Plaza, Suite 250 Houston, TX 77046	713-877-3851
Assistant Treasurer	Phillips, Stacy	12 Greenway Plaza, Suite 250 Houston, TX 77046	281-800-6397



## Exhibit A-13

### Company History

Direct Energy Business Marketing, LLC ("DEBM") was formed in 2013 and applied for a competitive retail natural gas supplier license in Ohio the same year. DEBM currently serves Commercial Class and Industrial natural gas customers in Ohio. DEBM's parent company, Direct Energy Business, LLC ("DEB"), provides retail electric services to Commercial and Industrial customers in the State of Ohio.

DEBM and DEB actively promote responsible and efficient consumption of natural gas and power by continually innovating and looking for new ways to make natural gas and electricity go further than ever before. DEBM allows customers to choose a plan that fits their needs. DEBM's plans offer different pricing options, services and rewards.

DEBM became a part of NRG Energy, Inc., a Fortune 500 company, in January 2021.



EXHIBIT A-14  
SECRETARY OF STATE

UNITED STATES OF AMERICA  
STATE OF OHIO  
OFFICE OF THE SECRETARY OF STATE

*I, Frank LaRose, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show DIRECT ENERGY BUSINESS MARKETING, LLC, a Delaware For Profit Limited Liability Company, Registration Number 2186521, filed on March 29, 2013, is currently in FULL FORCE AND EFFECT upon the records of this office.*



*Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 15th day of March, A.D. 2021.*

A handwritten signature in cursive script, appearing to read "Frank LaRose".

Ohio Secretary of State

Validation Number: 202107403720



**Exhibit B-1**  
**Jurisdictions of Operation**  
**Direct Energy Business Marketing, LLC**

**Name:** Direct Energy Business Marketing, LLC  
**Business Address:** 194 Wood Avenue South Suite 200, New Jersey, NJ 08830

**License #/State of Issuance:** License # 0031 (Gas)/California;  
Registration # 13-03 (Gas)/Connecticut;  
Docket # GA-2013-03-1 (Gas)/D.C.;  
License # IR-3108 (Gas)/Maryland;  
License # GS-051 (Gas)/Massachusetts;  
DM 13-121 (Gas)/New Hampshire;  
License # GSL0128 (Gas)/New Jersey;  
Letter Order 2019 (Power & Gas)/New York;  
Certificate # 13-303G(4) (Gas)/Ohio;  
License A-2013-2365792 (Gas)/Pennsylvania;  
Docket # 2379(Y2) (Gas)/Rhode Island;  
License G-7 (Gas)/Virginia

**States Not Currently Serving Customers:**  
Docket # 13-08-02 (Power)/Connecticut;  
Docket # EA-2013-12 (Power)/D.C.;  
Certificate No. 8425 (Power)/Delaware;  
Docket # 2013-00404 (Power)/Maine;  
License # IR-3123 (Power)/Maryland;  
DM 13-260 (Power)/New Hampshire;  
License # ESL0142 (Power)/New Jersey;  
License A-2013-2368464 (Power)/Pennsylvania;  
Docket # D-96-6(J6) (Power)/Rhode Island

**Direct Energy affiliates other than a regulated electricity of natural gas utility currently serving retail customers or engaged in the retail sale of electricity, or electricity supply services, or natural gas:**

**Name:** Direct Energy Business, LLC  
**Business Address:** 1001 Liberty Avenue Suite 1200, Pittsburgh, PA 15222

**License #/State of Issuance:** License # 1351 (Power)/California;  
Docket # 00-05-14RE01 (Power)/Connecticut;  
Certificate # 5267 (Power)/Delaware;  
License # EA-04-4-4 (Power)/D.C.;  
Docket No. 04-0811 (Power)/Illinois;  
Docket No. 2011-201 (Power)/Maine;  
License # IR-437 (Power)/Maryland;  
License # CS-021 (Power)/Massachusetts;  
License # GS-052 (Gas)/Massachusetts;  
Docket # U-13609 (Power)/Michigan;  
License # ESL-0165 (Power)/New Jersey;  
License # DM 15-373 (Power)/New Hampshire;  
Letter Order 2019 (Power & Gas) /New York  
Certificate # 00-005(10) (Power)/Ohio;  
License # A-110025 (Power)/Pennsylvania;  
Docket # D-96-6(Z) (Power)/Rhode Island;  
Certificate # 10011 (Power)/Texas  
License # E-38 (Power)/Virginia

**State Not Currently Serving Customers**  
License # IR-2697 (Gas)/Maryland  
License #0013 (Gas)/California;



Registration # 12-03 (Gas)/Connecticut;  
License # GSL-0145 (Gas)/New Jersey;  
License # A-125072 (Gas)/Pennsylvania;  
Docket # 2379(A3) (Gas)/Rhode Island

**Name:** Direct Energy Services, LLC  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Docket # 06-03-06RE02 (Power)/Connecticut;  
Registration # 01-04 (Gas)/Connecticut;  
Case No. EA-05-3-5/Order No. 13816 (Power)/D.C.;  
Certificate No. 6790 (Power)/Delaware;  
Docket # 05-0722 (Power)/Illinois;  
Docket # 05-0086 (Gas)/Illinois;  
License # CS-047 (Power)/Massachusetts;  
License # GS-028 (Gas)/Massachusetts;  
License # IR-719 (Power)/Maryland;  
License # IR-791 (Gas)/Maryland;  
Case No. U-14537 (Gas)/Michigan;  
License # ESL-0078 (Power)/New Jersey;  
License # GSL-0088 (Gas)/New Jersey;  
Letter Order 2019 (Power & Gas)/ New York;  
License # DM 15-513 (Power)/ New Hampshire;  
Certificate # 02-024G(9) (Gas)/Ohio;  
Certificate # 00-19E(10) (Power)/Ohio;  
License # A-110164 (Power)/Pennsylvania;  
License # A-125135 (Gas)/Pennsylvania;  
Docket # D-96-6(U2 ) (Power)/Rhode Island;  
Docket # 2379(T1) (Gas)/Rhode Island;

**States Not Currently Serving Customers**  
Case No. U-14724 (Power)/Michigan;  
Docket # 2005-479 (Power)/Maine;  
License # E-36 (Power)/Virginia

**Name:** Direct Energy, LP  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Rep# 10040 (Power)/Texas

**Name:** CPL Retail Energy, LP  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Rep# 10023 (Power)/Texas

**Name:** WTU Retail Energy, LP  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Rep# 10022 (Power)/Texas

**Name:** First Choice Power, LLC  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Rep# 10008 (Power)/Texas

**Name:** Bounce Energy, Inc.  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** License #A-2020-3020380 (Power Broker/Marketer)/Pennsylvania



**Name:** Gateway Energy Services Corporation  
**Business Address:** 12 Greenway Plaza, Suite 250, Houston, TX 77046

**License #/State of Issuance:** Case No. GA 03-4 (Gas)/D.C.;  
License # A-2009-2137275 (Power)/Pennsylvania;  
License # A-2009-2138725 (Gas)/Pennsylvania;  
License # IR-334 (Gas)/Maryland;  
License # IR-340 (Power)/Maryland;  
License # GSL-0146 (Gas)/New Jersey;  
License # ESL-0166(Power)/ New Jersey  
Letter Order 2019 (Power & Gas)/ New York;  
License # E-13 (Power) / Virginia  
License # G-19 (Gas) / Virginia

**Name:** Energy Plus Holdings LLC  
**Business Address:** 3711 Market Street, Suite 1000, Philadelphia, PA 19104

**License #/State of Issuance:** Docket # 09-01-21 (Power)/Connecticut;  
Certificate # 7698 (Power)/Delaware;  
License # EA 11-6 (Power)/D.C.;  
Docket # 10-0497 (Power)/Illinois;  
License # IR-1805 (Power)/Maryland;  
License # CS-072 (Power)/Massachusetts;  
License # ESL-0087 (Power)/ New Jersey;  
Letter Order 2020 (Power)/New York;  
License # 11-341E (Power)/Ohio;  
License # A-2009-2139745 (Power)/Pennsylvania;

**Name:** Energy Plus Natural Gas, LLC  
**Business Address:** 3711 Market Street, Suite 1000, Philadelphia, PA 19104

**License #/State of Issuance:** License # IR-2216 (Gas)/ Maryland;  
License # GSL-0100 (Gas)/ New Jersey;  
Letter Order 2008 (Gas)/ New York;  
License # 11-222G (Gas)/ Ohio;

**Name:** Independence Energy Group LLC d/b/a Cirro Energy  
**Business Address:** 3711 Market Street, Suite 1000, Philadelphia, PA 19104

**License #/State of Issuance:** Docket # 11-11-04 (Power)/Connecticut;  
Docket # 11-0277 (Power)/Illinois;  
License # ESL-0100 (Power)/ New Jersey;  
Letter Order 2020 (Power)/New York;  
License # 12-552E (Power)/Ohio;  
License # A-2011-2262337 (Power)/Pennsylvania  
License # A-2013-2396449 (Gas)/Pennsylvania

**Name:** Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business  
**Business Address:** 3711 Market Street, Suite 1000, Philadelphia, PA 19104

**License #/State of Issuance:** Docket # 11-05-20 (Power)/Connecticut;  
Certificate # 7894 & 8035 (Power)/Delaware;  
License # EA 10-15 (Power)/D.C.;  
Docket # 11-0504 (Power)/Illinois;  
Docket # 2015-00224 (Power)/Maine;  
License # IR-2058 (Power)/Maryland;  
License # IR-3480 (Gas) Maryland;  
License # CS-081 (Power)/Massachusetts;  
License # RA-154 (Gas)/Massachusetts;



License # DM 15-287 (Power)/New Hampshire;  
License # ESL-0093 (Power)/ New Jersey;  
License # GSL-0176 (Gas)/ New Jersey;  
Letter Order 2020 (Power)/New York;  
Letter Order 2020 (Gas)/New York;  
License # 11-401E (Power)/Ohio;  
License # 17-591G (Gas)/Ohio;  
License # A-2010-2192350 (Power)/Pennsylvania;  
License # A-2015-2478293 (Gas)/Pennsylvania;  
Docket # D-96-6(P7) (Power)/Rhode Island

**Name:**

**Green Mountain Energy Company**

**Business Address:**

3711 Market Street, Suite 1000, Philadelphia, PA 19104

License #/State of Issuance:

Docket # 13-01-18 (Power)/Connecticut;  
Certificate # 8036 (Power)/Delaware;  
License # EA 11-16 (Power)/D.C.;  
Docket # 11-0326 & 12-0477 (Power)/Illinois;  
Docket # 16-0354 (Gas)/Illinois;  
License # IR-2790 & IR-2345 (Power)/Maryland;  
License # IR-3752 (Gas)/Maryland;  
License # CS-083 (Power)/Massachusetts;  
License # ESL-0098 (Power)/ New Jersey;  
Letter Order 2020 (Power)/New York;  
Letter Order 2011 (Gas)/New York;  
License # 18-0483E (Power)/Ohio;  
License # A-2010-2229050 (Power)/Pennsylvania;  
License # A-2017-2583732 (Gas)/Pennsylvania;  
Rep # 10009 (Power)/Texas

**Name:**

**XOOM Energy Connecticut, LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

Docket # 11-06-05 (Power)/Connecticut

**Name:**

**XOOM Energy Delaware, LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

Certificate # 8318 (Power)/Delaware

**Name:**

**XOOM Energy Georgia, LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

License # GM-45 (Gas)/ Georgia

**Name:**

**XOOM Energy Washington D.C., LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

License # EA 2013-28 (Power)/D.C.

**Name:**

**XOOM Energy Illinois, LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

Docket # 11-0705 (Power)/Illinois;  
Docket # 11--0724 (Gas)/Illinois

**Name:**

**XOOM Energy Maine, LLC**

**Business Address:**

11208 Statesville Road, Suite 200, Huntersville, NC 28078

License #/State of Issuance:

Docket # 2012-00596 (Power)/Maine





**Name:** XOOM Energy Maryland, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # IR-2445 (Power)/Maryland;  
License # IR-2446 (Gas)/Maryland

**Name:** XOOM Energy Massachusetts, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # CS-088 (Power)/Massachusetts;  
License # GS-RA-07 (Gas)/Massachusetts

**Name:** XOOM Energy Michigan, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # U-16802 (Gas)/ Michigan

**Name:** XOOM Energy New Hampshire, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # DM 13-185 (Power)/New Hampshire

**Name:** XOOM Energy New Jersey, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # ESL-0115 (Power)/New Jersey;  
License # GSL-0112 (Gas)/New Jersey

**Name:** XOOM Energy New York, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** Letter Order 2020 (Power)/New York;  
Letter Order 2012 (Gas)/New York

**Name:** XOOM Energy Ohio, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # 13-716E (Power)/Ohio;  
License # 11-223G (Gas)/Ohio

**Name:** XOOM Energy Pennsylvania, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** License # A-2012-2283821 (Power)/Pennsylvania;  
License # A-2012-2283967 (Gas)/Pennsylvania

**Name:** XOOM Energy Rhode Island, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** Docket # D-96-6(A6) (Power)/Rhode Island

**Name:** XOOM Energy Texas, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078

**License #/State of Issuance:** Rep # 10203 (Power)/Texas

**Name:** XOOM Energy Virginia, LLC  
**Business Address:** 11208 Statesville Road, Suite 200, Huntersville, NC 28078



License #/State of Issuance:

License # G-37 (Gas)/ Virginia

**Name:**

**Stream Energy Delaware, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

Certificate # 9137 (Power)/Delaware

**Name:**

**Stream Energy Columbia, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # EA 11-11 (Power)/D.C.

License # GA 2013-07 (Gas)/D.C.

**Name:**

**Stream Energy Illinois, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

Docket # 17-0033 (Power)/Illinois

Docket # 17-0045 (Gas)/Illinois

**Name:**

**Stream Energy Maryland, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # IR-2742 (Power)/Maryland

License # IR-2072 (Gas)/Maryland

**Name:**

**Stream Energy New Jersey, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # ESL-0109 (Power)/New Jersey

License # GSL-0120 (Gas)/New Jersey

**Name:**

**Stream Energy New York, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

Letter Order 2020 (Power)/New York

Letter Order 2012 (Gas)/New York

**Name:**

**Stream Energy Ohio, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # 17-1187E (Power)/Ohio

License # 08-133G (Gas)/Ohio

**Name:**

**Stream Energy Pennsylvania, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # A-2010-2181867 (Power)/Pennsylvania

License # A-2012-2308991 (Gas)/Pennsylvania

**Name:**

**Stream Energy Texas, LLC**

**Business Address:**

2745 Dallas Parkway, Suite 200, Plano, TX 75093

License #/State of Issuance:

License # A-2010-2181867 (Power)/Pennsylvania

**Name:**

**Reliant Energy Retail Services LLC**

**Business Address:**

910 Louisiana St., Houston, TX 77002

License #/State of Issuance:

Rep # 10007 (Power)/Texas

**Name:**

**US Retailers LLC**

**Business Address:**

910 Louisiana St., Houston, TX 77002

License #/State of Issuance:

Rep # 10177 (Power)/Texas

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**Name:**

**Everything Energy LLC**

**Business Address:**

910 Louisiana St., Houston, TX 77002

**License #/State of Issuance:**

Rep # 10178 (Power)/Texas (On 12/4/2020, Everything Energy LLC filed an application with PUCT to relinquish its REP certificate, which is pending in Docket No. 51582)

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## Exhibit B-2 Experience & Plans

Direct Energy Business Marketing, LLC ("DEBM") is part of the Direct Energy family of companies and its new parent company is NRG Energy Inc. Direct Energy is one of North America's largest energy and energy-related services providers with over 6 million residential and commercial customer relationships. Direct Energy provides customers with choice and support in managing their energy costs through a portfolio of innovative products and services. A subsidiary of NRG Energy Inc. (NYSE: NR), one of the world's leading integrated energy companies, Direct Energy operates in 50 states plus the District of Columbia and 8 provinces in Canada.

DEBM has been a gas marketer in Ohio since the second quarter of 2013 and currently serves commercial and industrial customers in the Columbia Gas of Ohio, Dominion East Ohio, Duke Energy, and Vectren Energy Delivery of Ohio. DEBM is part of Direct Energy Business and plans to mirror the customer acquisitions and retention efforts as part of Direct Energy's business model. Upon enrollment by the customer, DEBM mails a confirmation letter detailing the terms and conditions of the contract as part of its "Welcome Kit" to new customers.

Regarding customer inquiries and complaints:

Normal customer service hours are Monday – Friday, 8 AM – 5PM, Eastern Standard Time. When customer concerns are directed to Direct Energy Business, issues are researched and responded to quickly and courteously by the Customer Relations department. Once the factors involved in the issues are established, contact with the customer is made in an attempt to reach an amicable resolution by a Customer Relations Representative. If a customer needs additional assistance, Direct Energy Business's Customer Relations Representative will inform the Supervisor of Customer Relations, who will assist with the customer inquiry. If a public agency is involved in the dispute resolution process, once an investigation is complete, the agency is notified of the results and, assuming concurrence, the matter is closed. If the customer disputes the investigation results, DEBM will inform the customer that PUCO Staff is available to mediate complaints.



## Exhibit B-3

### Disclosure of Liabilities and Investigations

In the interest of full disclosure, certain NRG licensed retail entities have been the subject of legal and regulatory proceedings over the past five years, which are summarized directly below with more detailed explanations following.

- Direct Energy, LP has been the subject of legal and/or regulatory proceedings in Texas.
- Direct Energy Business, LLC has been the subject of a regulatory proceeding with the California Public Utilities Commission and Public Utilities Regulatory Authority in Connecticut.
- Direct Energy Services, LLC has been the subject of legal and/or regulatory proceedings in Connecticut, Maryland, Michigan and New York.
- Direct Energy Marketing Limited (Canada) has been the subject of legal and/or regulatory proceedings in Alberta.
- Gateway Energy Services Corporation (formerly known as ECONergy Energy Company, Inc.) had been the subject of legal and/or regulatory proceedings in New Jersey.
- Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business ("NRG") has been the subject of legal and / or regulatory proceedings in Illinois, Ohio, and Pennsylvania.
- Energy Plus Holdings LLC has been the subject of legal and / or regulatory proceedings in Connecticut.
- Reliant Energy Retail Services LLC (RERS) has been the subject of legal and / or regulatory proceedings in Texas.
- XOOM Energy Texas, LLC (XOOM) has been the subject of legal and / or regulatory proceedings in Texas and Connecticut.

#### **Direct Energy, LP: Texas**

In August 2017, Direct Energy, LP agreed to pay an administrative penalty in the amount of \$70,000 under a settlement with Staff of the Public Utility Commission of Texas to resolve allegations of non-compliance with Public Utility Regulatory Act §§ 17.001(a) and 39.101(b)(6), as well as 16 Texas Administrative Code §§ 25.474, relating to selection of a retail electric provider; 25.475, relating to general retail electric provider requirements; 25.481, related to unauthorized charges, and 25.495, relating to unauthorized change of retail electric provider. Commission Staff investigated a series of informal complaints relating to door-to-door sales vendors from January 1, 2014 through February 1, 2016. These complaints included both those received by the Commission's Customer Protection Division as well as by Direct Energy. Direct ceased door-to-door solicitations in Texas on December 1, 2016.



## Exhibit B-3

### Disclosure of Liabilities and Investigations

Door-to-door sales re-commenced approximately a year later after some process improvements and continue today.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362\\_4\\_951957.PDF](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362_4_951957.PDF)

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In 2017, Direct Energy, LP received two separate Notices of Investigation from the Public Utility Commission of Texas related to demand response. The first allegation was due to an administrative error in submission of the baseline data for the demand response customer. The second allegation was due to gaps within a demand response customer's usage data that was supplied by the host utility. These separate investigations were combined by commission staff and both were settled with a warning from the Commission.

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In 2019, Direct Energy, LP, Bounce Energy, LLC, and First Choice Power, LLC received Notices of Investigation from the Public Utility Commission of Texas (PUCT) related to (1) violations of PURA § 39.101 and 16 Texas Administrative Code (TAC) § 25.474, relating to selection of retail electric provider and § 25.475, relating to general retail electric provider requirements and information disclosures to residential and small commercial customers; and (2) violations of 16 TAC § 25.483, relating to disconnection of service. These separate investigations were combined by commission staff and, collectively, the parties agreed to pay an administrative penalty in the amount of \$250,000 under a settlement with Staff of the PUCT to resolve these allegations. The allegations were due to failure to modify a software system to correctly capture the rule requirements associated with enrollments made at retail locations, a delay in payment acknowledgements, and a policy related to the disconnection of customers after a second nonpayment (or bounced check).

#### **Direct Energy Business, LLC: California (Penalty Assessment – Non-Compliance)**

In July 2017, Direct Energy Business, LLC ("DEB") was notified by the Energy Division of the California Public Utilities Commission ("CPUC") that there was a deficiency in DEB's monthly compliance Resource Adequacy load forecast filing for September 2017 by 16.99 MW. The CPUC allowed a seven day extension to procure the required resources; however, we were unable to execute a contract for the deficiency with the only counterparty that had available supply in time to meet the CPUC's deadline. This resulted in the CPUC assessing a penalty of \$6.66/kWm, which equaled to \$113,000.

#### **Direct Energy Business, LLC: Connecticut**

PUCT Docket 19-02-13  
Date of Resolution: New/Ongoing

On February 11, 2019, the Public Utilities Regulatory Authority opened the above-referenced docket to consider whether to issue a declaratory ruling finding that the alleged supplier practice of altering the price of business customers' fixed-price



## Exhibit B-3

### **Disclosure of Liabilities and Investigations**

contracts violated the Connecticut Unfair Trade Practices Act (CUTPA). After conducting the investigation, the Authority did not issue such a declaratory ruling but rather, in a letter issued on July 19, 2019, referred the matter to the Department of Consumer Protection and the Attorney General on the grounds that "the Authority has reason to believe that Direct's...increases to business customers' fixed-price contracts may violate state law." The conclusion of this matter has no immediate impacts on Direct Energy. It will be up to the Department of Consumer Protection, the agency with the primary authority to enforce CUTPA, to determine whether further action is warranted. If so, it can seek the assistance of the Attorney General in taking any further action against Direct Energy.

#### **Direct Energy Services, LLC: Connecticut**

PUC Docket 13-07-17

Date of Resolution: May 1, 2019

In June 2013, the Connecticut Public Utilities Regulatory Authority ("PURA") opened an investigation into the trade practices of three electric suppliers in the state, which included Direct Energy "(Direct)". The PURA alleged that it had received numerous customer complaints regarding billing, slamming and quality of service against Direct. In October 2013, Direct answered a series of interrogatories issued by the PURA. PURA staff and the Office of Consumer Counsel propounded additional interrogatories in mid-2015, which Direct Energy has answered. After nearly six (6) years of regulatory review, PURA rendered a final decision in this proceeding in which in May 2019 that included a civil penalty of \$1.5 million, a prohibition of new residential sales for six months and a one-year marketing audit oversight process that concludes on November 17, 2020. As an outgrowth of the PURA final decision, Direct Energy has ceased sales via the door-to-door sales channel, instituted additional internal controls and enhanced its sales quality assurance and oversight process with the its Sales Quality Framework. The Sales Quality Framework is an internal audit control that regularly monitors our vendor/subcontractor sales and marketing activities for all applicable sales channels, i.e., web-based, door-to-door, outbound telemarketing, in-bound telemarketing, etc.

#### **Direct Energy Services, LLC: Maryland**

On May 15, 2019 Staff of the Maryland Public Service Commission (MDPSC) filed a complaint against Direct Energy Services, LLC (Direct Energy) that they had violated Maryland law. The MDPSC then issued a Letter order on May 17, 2019 requiring Direct Energy to file an answer to the complaint by June 18, 2019 and to appear before a hearing on July 17<sup>th</sup>. On June 18<sup>th</sup>, Direct Energy submitted evidence within its answer requesting the complete and immediate dismissal of the Staff complaint. Prior to the July 17<sup>th</sup> hearing, the MD PSC has delegated this matter to the Public Utility Law Judge Division for a finding of whether a pattern or practice exists as described above and a new docket, Case No. 9614, has been created for this matter.



## Exhibit B-3

### Disclosure of Liabilities and Investigations

#### Direct Energy Services, LLC: Michigan

PUC Case U-18121

Date of Resolution: January 12, 2017

On January 12, 2017, the Michigan Public Service Commission ("MPSC") issued an order relating to a settlement with Direct Energy Services, LLC ("DES"). The terms of the settlement agreement is that DES agrees to: (1) pay a fine of \$35,000 to be paid to the State of Michigan within 30 days of the Commission order approving the agreement; (2) continue a moratorium on door-to-door sales that began on November 1, 2016, that shall continue for 90 days following the date of the order approving this agreement; (3) submit new training materials within 45 days of the order approving this agreement with actual training of DES' Michigan agents to be completed within 90 days; (4) present Michigan Agency for Energy (MAE) Staff by March 31, 2017 with technologies that enhance customer identification and consent, and secure enrollment processes; (5) implement the Whitepages process described in Attachment 1 to the settlement agreement; (6) meet monthly with the MAE Staff for a period of 12 months to discuss progress with compliance with this settlement agreement and any other related matter; (7) develop with MAE Staff a template for processing complaints; and (8) reopen this docket should the MAE State Response Division identify any reoccurrence of the unauthorized switching of any customers by DES salesperson, which may result in fines, permanent moratorium on door-to-door sales and telemarketing, and or potential license revocation.

#### Direct Energy Services, LLC: New York

PUC Case 13-M-0224

Date of Resolution: Ongoing

In July 2013, the New York Public Service Commission ("PSC") issued a Show Cause Order to Direct Energy Services, LLC (operating through its subsidiary NYSEG Solutions, LLC (formerly NYSEG Solutions, Inc.). In 2012, Direct had purchased NYSEG Solutions, Inc. from Iberdrola USA Solutions, Inc. ("Iberdrola"), an affiliate of Iberdrola, S.A., which owned the utility - New York State Electric and Gas Company ("NYSEG"). In the same year, Iberdrola entered into a Trademark License Agreement with Direct, whereby Direct was granted a non-exclusive, non-transferable, non-assignable license to use the NYSEG Solutions, Inc. name and marks for a period of up to five years. The Show Cause Order required Direct to show cause why the PSC should not prohibit its continued use of the name "NYSEG Solutions" when marketing to customers. The PSC's Order alleged that use of the name NYSEG Solutions would create an impression with consumers that they were dealing with the utility rather than with an affiliate of Direct Energy, and that subsequent disclaimers may not undo that association. Direct Energy filed its response in September 2013. Prior to the PSC's Show Cause Order, Direct had engaged in good faith negotiations with PSC Staff to add certain disclaimers to NYSEG Solutions' marketing materials and other notices. Staff approved the materials on an interim basis, and assured Direct that this interim period would continue until the PSC convened a generic proceeding to investigate all uses by energy service companies of the trade names and trademarks similar to those use by utilities regulated by the Commission. No such generic proceeding had been initiated when the Show Cause Order was issued. In April 2014, the PSC issued Discovery





## Exhibit B-3

### Disclosure of Liabilities and Investigations

Requests to Direct, and Direct has submitted the information requested. The case remains open at the Commission.

#### **Direct Energy Marketing Limited: Alberta, Canada**

One of Direct Energy's Canadian affiliates is Direct Energy Marketing Limited ("DEML"), which operates a business unit in Alberta called Direct Energy Regulated Services ("DERS"). DERS is a regulated retail provider of natural gas and electricity. As such DERS is often involved in regulatory proceedings in the natural course of operating a regulated business. In addition, DERS is also subject to regular regulatory investigations and audits as required by Alberta legislation. None of these investigations or audits has resulted in any negative findings against DERS.

In May of 2016, based on an action brought by Service Alberta, a government consumer protection agency, Direct Energy Marketing Limited ("DEML") pleaded guilty to three charges under the Fair Trading Act related to activity in 2014 and 2015. DEML pleaded guilty to one count of: failing to refund timely; a non-compliant contract; and entering into a marketing contract without complying with the proper requirements. In addition to the plea, a fine of \$13,000 CAD was assessed. By the time of DEML's plea, DEML had already revised its internal processes to address the enumerated concerns.

#### **Gateway Energy Services Corporation: New Jersey**

Recently in 2018, Gateway Energy Services Corporation submitted a self-report compliance issue to the New Jersey Board of Public Utilities regarding variable rate pricing for some of its customers. In September 2018 Gateway settled the matter by paying a \$13,500 fine and agreed to additional reporting requirements to the agreed upon customer refunds. Direct Energy subsequently instituted the additional reporting requirements and internal controls.

#### **Reliant Energy Northeast, LLC: Illinois**

Subpoena to Reliant Energy Northeast d/b/a NRG Home from the Office of the Attorney General for the State of Illinois (September 2019) relating to NRG Home's sales and marketing practices. To date, the Illinois Attorney General has not filed any complaint against NRG Home.

#### **Reliant Energy Northeast, LLC: Ohio**

On December 8, 2020 – Staff of the Public Utility Commission of Ohio filed a Joint Stipulation it entered into with Reliant Energy Northeast LLC d/b/a NRG Business, NRG Home and NRG Retail Solutions ('NRG' or 'Company') to resolve concerns raised by Staff in a Notice of Probable Non-Compliance dated November 27, 2019 ('Notice Letter' or 'Notice'), which largely addressed alleged enrollment violations. NRG was



## Exhibit B-3

### Disclosure of Liabilities and Investigations

able to demonstrate that its sales performance program and enrollment process are designed to minimize enrollment errors and incentivize compliant sales agent behavior, as reflected in the Company's very low complaint to sales ratio. The Stipulation is not an admission or a finding of liability and represents a reasonable compromise between the parties, including forfeiture of a civil penalty. It was filed with the Commission with a recommendation to approve the settlement as being in the public interest. The matter awaits further action by the Commission, see Case No. 20-1758-GE-UNC.

#### **Reliant Energy Northeast, LLC: Pennsylvania**

On September 29, 2020, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") and Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business ("NRG") filed a Joint Petition for Approval of Settlement to resolve issues related to an informal investigation initiated by I&E. I&E's investigation stemmed from informal complaints received by the Commission's Bureau of Consumer Services from residential customers related to the unauthorized enrollment of their accounts by NRG, several of which were self-reported by NRG to PUC Staff. I&E Staff was satisfied with NRG's sales performance program and was unable to identify any improvements to NRG's sales quality assurance program. Although NRG disputes or disagrees with the allegations levied by I&E, it agrees to the settlement terms as a compromise, including payment of a civil penalty. The matter awaits action by the PUC, see Docket No. M-2020-3006647.

#### **Energy Plus Holdings LLC: Connecticut**

On September 30, 2020 - the Prosecutorial Division of the Connecticut Public Utilities Regulatory Authority, Office of Education, Outreach, and Enforcement ("Prosecutorial" or "EOE") and Energy Plus Holdings, LLC ("Energy Plus") filed a Settlement Agreement to resolve issues regarding compliance with Conn. Gen. Stat. § 16-245d regarding properly conveying supply summary information to the electric distribution companies for display on customer bills. This Settlement Agreement was approved by the Public Utilities Regulatory Authority on November 4th, 2020 (Docket # 09-01-21). Energy Plus paid a civil penalty of \$282,200 to the State of Connecticut and will refund sixty-nine customers a total of \$5,888.50.

#### **Reliant Energy Retail Services LLC: Texas**

On October 12, 2018 Staff of the Public Utility Commission of Texas (the "PUCT") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUCT Staff's investigation of RERS relating to timely issuance of bills and providing bills electronically in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 48773 (available at: [http://interchange.puc.texas.gov/Documents/48773\\_1\\_996113.PDF](http://interchange.puc.texas.gov/Documents/48773_1_996113.PDF)). The settlement was approved by the PUCT.



## Exhibit B-3

### Disclosure of Liabilities and Investigations

On July 13, 2020, Staff of the Public Utility Commission of Texas (the "PUCT") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUCT Staff's investigation of RERS relating to maintaining and producing authorization of verification and energizing customers on the agreed approximate start dates in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 51045 (available at: [http://interchange.puc.texas.gov/Documents/51045\\_1\\_1075201.PDF](http://interchange.puc.texas.gov/Documents/51045_1_1075201.PDF)). The settlement was approved by the PUCT.

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#### **XOOM Energy Connecticut, LLC: Connecticut**

CT PURA, Docket No. 18-12-22. Suppliers in Connecticut are obliged to provide the supply rate for a customer's upcoming bill cycle to the local distribution utility for placement on a customer's bill. Due to widespread technical issues with the implementation of this requirement, the Public Utilities Regulatory Authority authorized suppliers who were found to be incorrectly conveying "next cycle rate" information on customer bills to participate in a voluntary amnesty program to remedy past issues. XOOM Energy elected to participate in this program and reported on its status. PURA thereafter audited certain customer bills and found additional issues. As a result, XOOM revised its amnesty plan and agreed to provide refunds in the amount of \$154,150 to 3,261 customers. PURA accepted the plan and did not impose any civil penalty.

#### **XOOM Energy Texas, LLC: Texas**

On October 16, 2019 Staff of the Public Utility Commission of Texas (the "PUCT") and XOOM Energy Texas, LLC ("XOOM") entered into a Settlement Agreement to resolve and conclude PUCT Staff's investigation of XOOM relating selection of a retail electric provider in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 50102 (available at: [http://interchange.puc.texas.gov/Documents/50102\\_1\\_1037759.PDF](http://interchange.puc.texas.gov/Documents/50102_1_1037759.PDF)). The settlement was approved by the PUCT.



## Exhibit C-1 SEC Filings

Please see Direct Energy Business Marketing, LLC's ultimate parent, NRG Energy Inc.'s, most recent 10-K/8-K/10-Q filings, which can be found here:

[www.nrg.com/sec](http://www.nrg.com/sec)



## Exhibit C-2 Financial Statements

Effective January 5, 2021, Direct Energy Business Marketing, LLC is a fully owned subsidiary of NRG Energy, Inc. and as such does not prepare stand-alone audited financial statements. Moving forward, Direct Energy will be included in the financial filings for NRG Energy, Inc. The most recent financial filings for NRG Energy, Inc can be found at the following link:

<https://www.nrg.com/sec>



Exhibit C-3  
Projected Financial Forecast – 2 Years  
Direct Energy Business Marketing, LLC – Ohio Gas

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## Exhibit C-4 Credit Rating

Direct Energy Business Marketing, LLC is a fully owned subsidiary of NRG Energy Inc. As such, Direct Energy Business Marketing, LLC relies on the credit rating of our parent company.

On March 19, 2021, NRG Energy Inc's credit rating was re-evaluated, as evidenced in Exhibit C-5 "Credit Report" and is summarized in the table below. NRG Energy Inc. is rated at Ba1 with Moody's, and BB+ with S &P and is rated as having a "Stable" or "Positive" outlook by both Rating Agencies.

### Agency Credit Ratings:

Rating Agency	Long Term Rating	Outlook	Short Term Rating
Moody's	Ba1	Stable	Ba1
S&P	BB+	Positive	Ba1



## Exhibit C-5

### Credit Report

NRG Energy, Inc.'s most recent rating outlook is available from Moody's Investors Service and S&P Global at the links provided below. Direct Energy Business Marketing, LLC relies on its ultimate parent's, NRG Energy, Inc., credit rating.

[https://www.moodys.com/research/Moodys-affirms-NRGs-Ba1-CFR-outlook-to-stable-from-positive--PR\\_44265](https://www.moodys.com/research/Moodys-affirms-NRGs-Ba1-CFR-outlook-to-stable-from-positive--PR_44265)

<https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/s-p-upgrades-nrg-energy-on-improved-credit-metrics-59600467>





## Exhibit C-7

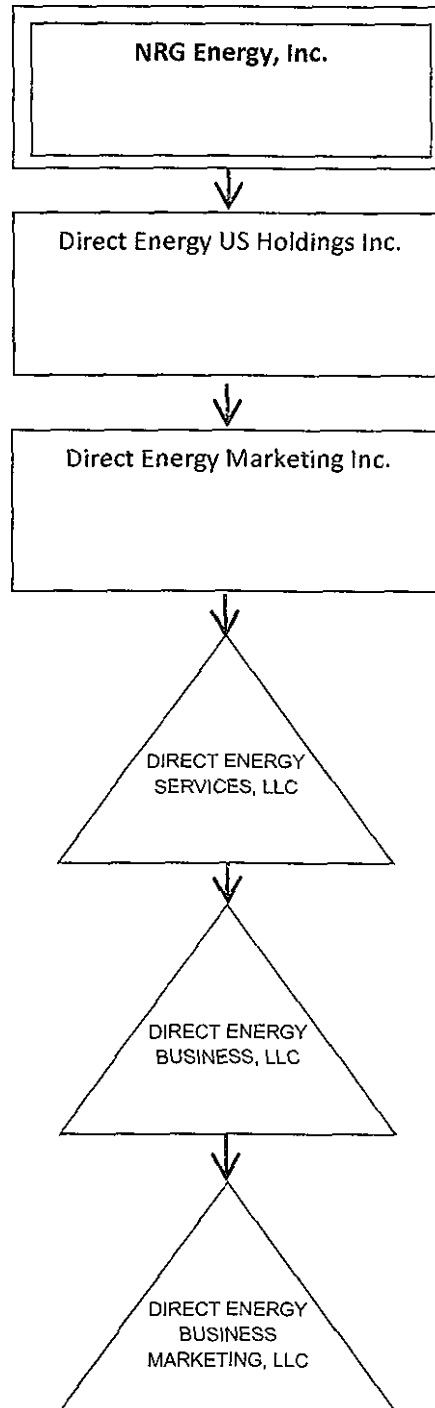
### Merger Information

Effective January 5, 2021, NRG Energy, Inc. ("NRG") acquired 100% of the membership interest in Centrica US Holdings, Inc., the former parent company of Direct Energy Services, LLC, Direct Energy Business, LLC, **Direct Energy Business Marketing, LLC**, and Gateway Energy Services Corporation ("Direct Energy" or "the Companies"). Direct Energy will retain its licenses and all customers currently served by the Companies will continue to be served by the Companies. All Direct Energy companies are now NRG subsidiaries.



Exhibit C-8

Corporate Structure – Direct Energy Business Marketing, LLC



PUBLIC

Direct Energy Business Marketing, LLC

## Exhibit C-9 Financial Arrangements

Public Version - Redacted

Confidential Versions of the Utility Arrangements have been filed with the Commission under seal.

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## Exhibit D-1 Operations

Direct Energy Business Marketing, LLC (DEBM), is part of the Direct Energy family of companies and is the wholesale trading affiliate of Direct Energy for US trading activity. DEBM covers all wholesale trading and supply activities for Direct Energy in North America and has the contractual relationships with outside parties and partners to provide energy supply to end use customers. To maximize our efficiency in providing high quality services to our customers, we have integrated all the key components in-house for natural gas. This includes the complete supply cycle of contracting the natural gas purchases for retail sales, nomination and scheduling of retail natural gas for delivery, and other components for producing, storing and supplying of natural gas.



## **Exhibit D-2**

### **Operations Expertise and Key Technical Personnel**

**Robert Gaudette, SVP; DEBM Officer Title: President**

910 Louisiana Street, Houston, TX 77002

Phone: 713-537-1187

Robert Gaudette is Senior Vice President of Business Solutions (Business Group), where he oversees NRG's broad portfolio of products and services for the commercial and industrial customers. He and his team provide market expertise and help regional and national customers manage their energy strategy.

Partnering with customers, Gaudette and his team increase efficiencies, reduce costs and manage risks—creating a more sustainable, resilient, affordable and empowering energy ecosystem for NRG customers.

Prior to joining NRG, Gaudette served as Chief Commercial Officer at GenOn Energy. Previous to GenOn, he was Vice President of Mirant's Mid-Atlantic business unit in Washington, D.C. During his career at Mirant, Gaudette worked in various other capacities including Director of West Power, Director of NYMEX Trading, Assistant to the Chief Operating Officer and NYMEX trader. He began his career at Mirant in 2001 as a Trading Analyst.

Earlier, Gaudette served four years as an army combat engineer officer in the U.S. Cavalry, including a one-year deployment to Bosnia. Before leaving military service for business school in 1999, he served as the executive officer of a combat engineer company in the Second Armored Cavalry Regiment.

Gaudette earned a Bachelor of Science degree in chemistry from The College of William and Mary and a Master's of Business Administration from Rice University.

He is a board member at St. Agnes Academy and the Children's Museum of Houston. In addition, Gaudette serves on the regional economic development committee of the Greater Houston Partnership.

**Gaetan C. Frotte, SVP; Treasurer; DEBM Officer Title: VP**

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Gaetan joined NRG in 2006 and has held a number of positions since where he executed multiple capital market transactions and project financings, interfaced with banks and rating agencies and analyzed M&A and growth opportunities.

As Senior Vice President and Treasurer for NRG Energy, Gaetan's responsibilities include the oversight of finance related functions including equity and debt financings, liaising with the financial community and participating in the definition of NRG financial strategy. Prior to this role, he served as Senior Vice President, Finance and Strategy of NRG Yield Inc. where he led the creation and Initial Public Offering of the company and subsequently helped define and execute NYLD financial and business strategy.

In addition to studying management at The University of Hertfordshire and receiving a BA in Accounting & Finance from Institut Supérieur du Commerce, Gaetan holds an MBA, Finance From the University Of Virginia – Darden Graduate School of Business Administration.

**Steven Haugenes, Vice President – Natural Gas**

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Steve currently leads NRG's Natural Gas Operations and Trading team responsible for overseeing all natural gas operational, commercial supply and trading activities.

Steve has more than 30 years of experience in trading, origination, risk management and finance and has a strong record of success at NRG, Direct Energy, Hess Energy Marketing and the Military.

He received a Bachelor of Science degree in Management from the United States Military Academy, West Point in 1989 and a MBA from the Stern School of Business, NYU in 1995. Steve has been a Chartered Financial Analyst (CFA) Chart holder since 2004 and attended the Harbard Program for Emerging Leaders in 2006.

