

DIS Case Number: 15-2126-GA-CRS

Section A: Application Information

A-1. Provider type:

☐ Retail Natural Gas
Broker

☐ Retail Natural Gas
Aggregator

☒ Retail Natural Gas
Marketer

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

Legal Name: National Gas & Electric LLC

Country: United States

Phone: 8884420002 **Extension (if applicable):**

Street: 12140 Wickchester Ln, Ste 100

Website (if any): www.ngande.com

City: Houston

Province/State: TX

Postal Code: 77079

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	Type	Address	Active?	Proof
National Gas & Electric, LLC	Official Name	12140 Wickchester Lane, Suite 100 Houston, TX 77079	Yes	File

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

Provide all business names the applicant uses in North America, including the names provided in A-2 and A-3.

Name	Type	Address	Active?	Proof
National Gas & Electric, LLC	Official Name	12140 Wickchester Lane, Suite 100 Houston, TX 77079	Yes	File

A-5. Contact person for regulatory matters

Kathryn Guy
12140 Wickchester Ln, Ste 100
Houston, TX 77079
US
kguy@ngande.com
8884420002

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

William Lira
12140 Wickchester Lane, Suite 100
Houston, TX 77079
US
wlira@ngande.com
7136002617

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

Phone: 8884420002	Extension (if applicable):	Country: United States
Fax: 8323202974	Extension (if applicable):	Street: 12140 Wickchester Lane, Suite 100
Email: compliance@ngande.com		City: Houston
		Province/State: TX
		Postal Code: 77079

A-8. Applicant's federal employer identification number

36-4816792

A-9. Applicant's form of ownership

Form of ownership: Limited Liability Company (LLC)

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
Duke Energy 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: 01-21-2016

A-12. Principal officers, directors, and partners

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

Name	Email	Title	Address
W. Keith Maxwell III	wmaxwell@ngande.com	CEO	12140 Wickchester Lane, Suite 100 Houston, TX 77079 US
Kathryn Guy	kguy@ngande.com	Senior Vice President	12140 Wickchester Ln, Ste 100 Houston, TX 77079 US

A-13. Company history

National Gas & Electric, LLC ('NGE'), a Texas Limited Liability company, began operations as a retail energy provider in 2015. NGE is currently licensed to serve electric and natural gas customers in nine states and thirty-one utility territories in the United States.

National Gas & Electric is one of America's fastest growing retail suppliers of electricity and natural gas. Our winning formula is simple: We focus on offering the right plans at the right prices.

National Gas & Electric is run by one of the most experienced teams in the industry. Our management team has decades of deregulated energy experience and a track record of success. In our industry experience often leads to smarter decisions. When we make smarter

decisions we can offer lower rates, more stable pricing, cleaner energy, and quicker issue resolution.

A-14. Secretary of State

Secretary of State Link:

A-15. Proof of Ohio Employee and Office

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

Employee Name: Cynthia Perez
4400 Easton Commons Way, Suite 125
Columbus, OH 43219
US
info@ctadvantage.com
6144739749

Section B: Applicant Managerial Capability and Experience

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..

File Attached

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.

File(s) attached

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..

Liability and Investigations Disclosures: National Gas & Electric, LLC does not have any existing, pending or past rulings, judgments, contingent liabilities, and revocation of authority, regulatory investigations or any other matters that we believe would adversely impact our financial or operations status or adversely affect our ability to provide retail electrical or natural gas supply services for which we are seeking to become certified to provide, or to maintain such certification, in any of the states in which we are licensed to provide services as a retail electric and/or retail natural gas service provider. National Gas & Electric, LLC has, from time to time, received and responded to customer inquiries that have been elevated to more formal complaints or investigations with the regulatory bodies of the states in which we do business at the entity level. However, none of these matters have caused National Gas & Electric, LLC in the past, nor are likely in the future in our belief, to be unduly restricted or prohibited from marketing through, and soliciting potential customers from, a particular sales channel or have otherwise prevented us from performing such activities, except for certain restrictions or prohibitions in offering certain commodity service products, such as certain services that cannot be offered to low-income customers, for example, that have been applied to our industry peers as a whole and not just to National Gas & Electric, LLC as an individual company.

However, as the PUCO is aware, NGE entered into a settlement agreement, which was approved by the PUCO in July 2019, to resolve issues raised by a Staff notice of probable noncompliance. See, PUCO Case No. 19-1464-GE-UNC. We have not encountered further compliance issues, whether similar or dissimilar, in the State of Ohio since that time.

In November 2020, NGE entered into a Joint Petition for Approval of Settlement in Case No. M-2-2—2637688 with respect to an informal investigation by the Pennsylvania Public Utility Commission concerning a promotional postcard offer that was mailed in November 2017 by a third party vendor that promised 25% savings in comparison to the local utility's fixed electricity supply rate; however, the savings rate was only 17% for customers who received the postcard after December 1, 2017.

In October 2021, NGE entered into a Settlement Agreement in Docket No. 18-1653 with the Illinois Commerce Commission, the Illinois Attorney General's Office, and the Illinois Citizens Utility Board with respect to alleged violations of Sales, Solicitation, Marketing and Enrolment Policies, Practices, Procedures and Materials with respect to NGE's electricity marketing materials, telemarketing, training, and recordkeeping practices. As a result of this Settlement

Agreement, NGE is permitted to engage in only certain solicitation, marketing and enrollment activities for a voluntary 36 month stand-down period during which time NGE will have to undergo certain training and review of its proposed Compliance Plan during a 24 month Reengagement Period-Entry in addition to making an immediate deposit to the Low Income Home Energy Assistance Program and tendering refunds to NGE's current and former residential customers who enrolled after February 1, 2016 and remain enrolled over 150 days.

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?

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?

No

Section C: Applicant Financial Capability and Experience

C-1. Financial reporting

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload 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.

Does not apply

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.

Preferred to file this information confidentially

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.

Preferred to file confidentially

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'.

This does not apply

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.

Preferred to file this information confidentially

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?

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant
- Any owner or officer of the applicant

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?

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.

File(s) attached

C-9. Financial arrangements

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).

Preferred to file confidentially

Section D: Applicant Technical Capacity

D-1. Operations

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.

Operations Description: National Gas & Electric, LLC has the essential managerial and technical expertise to serve retail customers in Ohio. The National Gas & Electric staff is responsible for power scheduling and settlement, pricing, risk management, billing, tax filings, regulatory filings, and customer service. (See Exhibit D-2 'Operations expertise and key technical personnel'. Our team is dedicated to compliance with the Public Utilities Commission of Ohio's rules and regulations as well as strict adherence to market and utility protocols.

National Gas & Electric, LLC's National Gas & Electric, LLC's wholesale supply needs will be provided by a third-party suppliers under various Master Supply Agreements or similar arrangements, copies of which will be provided upon receipt of the final execution versions thereof. Our EDI transactions will be conducted by Energy Systems Group (ESG), an experienced and highly rated EDI company that will ensure quality data communications between National Gas & Electric and the utilities.

National Gas & Electric intends to expand into deregulated markets in a strategic manner. We intend to recruit additional experienced industry talent to streamline middle and back office functions to ensure exceptional service for both business partners and our customers.

D-2. Operations Expertise & Key Technical Personnel

Given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations. Include the names, titles, e-mail addresses, and background of key personnel involved in the operations of the applicant's business.

File(s) attached

Application Attachments

Entity#: 2424093
Filing Type: FOREIGN LIMITED LIABILITY COMPANY
Original Filing Date: 08/28/2015
Location: --
Business Name: NATIONAL GAS & ELECTRIC, LLC

Status: Active
Exp. Date: -

Agent/Registrant Information

CORPORATION SERVICE COMPANY
3366 RIVERSIDE DRIVE, SUITE 103
UPPER ARLINGTON OH 43221
04/18/2022
Active

Filings

Filing Type	Date of Filing	Document ID
FOREIGN LLC – CERTIFICATE OF REGISTRATION	08/28/2015	201524002384
MISCELLANEOUS FILING	12/23/2016	201636201110
FOREIGN/DESIGNATED APPOINTMENT OF AGENT	06/01/2017	201715203240
FOREIGN LLC - CERTIFICATION OF CORRECTION	10/08/2021	202128102428
AGENT ADDRESS CHANGE/LIMITED/LIABILITY/PARTNERS	04/18/2022	202210801594

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

I, Frank LaRose, Secretary of State of the State of Ohio, do hereby certify that this is a list of all records approved on this business entity and in the custody of the Secretary of State.



*Witness my hand and the seal of the
Secretary of State at Columbus,
Ohio this 2nd of January, A.D. 2024*

Ohio Secretary of State

A handwritten signature in blue ink, reading "Frank LaRose".

Exhibit B-1
“Jurisdictions of Operation”

California	CTA0034
Connecticut	Docket No. 16-06-10
Illinois Electric	15-0577
Illinois Gas	15-0634
Massachusetts	CS-170
Maryland Electric	IR-3600
Maryland Gas	IR-3601
New Jersey Electric	ESL-0244
New Jersey Gas	GSL-0215
New York	Ltr. Of Eligibility 11/25/2015
Ohio Gas	16-495G(1)
Ohio Electric	16-1036E(1)
Pennsylvania Electric	A-2015-2517744
Pennsylvania Gas	A-2016-2527549

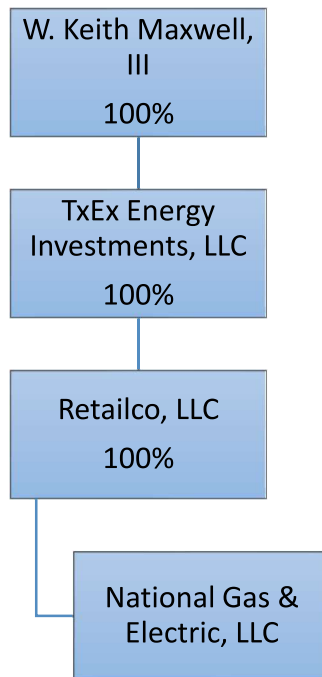
Exhibit B-2

“Experience & Plans”

National Gas & Electric, LLC, (“NGE”) a Texas Limited Liability company, currently licensed to serve electric and natural gas customers in multiple states and utility territories in the United States with plans for continued growth in 2024. NGE’s executive team is an elite group of energy professionals with an impressive variety of industry experience (**See Exhibits D-2 “Operations Expertise and Key Technical Personnel”**). NGE’s planned process for contracting with customers, providing contracted services, providing billing statements and responding to customer inquiries and complaints will be in accordance with Commission rules adopted pursuant to Section 4928.10 of the Revised Code.

Exhibit C-8

“Corporate Structure”



National Gas & Electric, LLC is 100% owned by Retailco, LLC, which, in turn, is 100% owned by TxEx Energy Investments, LLC, which, in turn, is 100% owned by W. Keith Maxwell, III.

Exhibit D-2

“Operations Expertise and Key Technical Personnel”

W. Keith Maxwell, III - President and Chief Executive Officer

kmaxwell@viarenewables.com

713-977-5641

Mr. Maxwell has over 30 years' experience in the oil and gas industry. He is the Founder and Chairman of Spark Energy, a multi-state, certified retail electric and natural gas supplier. Mr. Maxwell is the former Chairman and CEO of Marlin Midstream and a founding partner at Wickford Energy, an oil and gas producer service company that was sold to Black Hills Corp. Previous to his tenure at Spark, he was the former Partner at Polaris Pipeline, a natural gas producer services and midstream company that was sold to TECO Pipeline. Mr. Maxwell is the President and Chief Executive Officer of National Gas & Electric, LLC.

Todd Gibson - Executive Vice President and Chief Financial Officer

tgibson@fuelcoenergy.com

713-977-5633

Mr. Gibson has over 30 years of diverse experience in the energy sector with the last 16 years focused in the retail energy/utility markets (both natural gas and power) and midstream. He joined the Spark Energy family of companies at inception in 1999 and has served in numerous roles and capacities both in operations as well as in accounting and finance. He was a former Audit Manager with Arthur Andersen. He was also the former CFO of Spark Energy and Marlin Midstream and previously was CFO of both Black Hills Energy Resources and Wickford Energy. Mr. Gibson is currently Executive Vice President and CFO of National Gas & Electric, LLC.

Justin Snyder - Executive President and General Manager

jsnyder@ngande.com

832-677-7444

Mr. Snyder has over 9 years of experience in the energy sector. Prior to joining National Gas & Electric, LLC., Mr. Snyder was Chief Marketing Officer and former Senior Vice President of Sales & Marketing for Titan Gas LLC. dba CleanSky Energy. He is currently President and General Manager for National Gas & Electric, LLC.

Competitive Retail Natural Gas Service Affidavit


County of HARRIS :

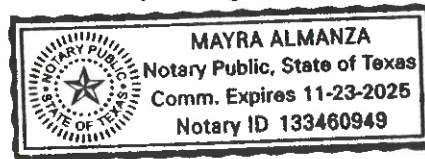
State of TEXAS :

Kathryn Guy, 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.

 SENIOR VP
Signature of Affiant & Title



Sworn and subscribed before me this 10th day of January, 2024
Month Year


Signature of official administering oath

Mayra Almanza
Print Name and Title

My commission expires on 11-23-2025

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

1/12/2024 7:45:44 AM

in

Case No(s). 15-2126-GA-CRS

Summary: In the Matter of the Application of National Gas & Electric LLC