



The Public Utilities Commission of Ohio

Original CRS Case Number	Version
11-5815-EL-CRS	August 2004

RENEWAL APPLICATION FOR RETAIL GENERATION PROVIDERS AND POWER MARKETERS

Please print or type all required information. Identify all attachments with an exhibit label and title (Example: Exhibit A-11 Corporate Structure). All attachments should bear the legal name of the Applicant. Applicants should file completed applications and all related correspondence with the Public Utilities Commission of Ohio, Docketing Division; 180 East Broad Street, Columbus, Ohio 43215-3793.

**This PDF form is designed so that you may input information directly onto the form.
You may also download the form, by saving it to your local disk, for later use.**

A. RENEWAL INFORMATION

A-1 Applicant intends to be renewed as: (check all that apply)

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Retail Generation Provider | <input type="checkbox"/> Power Broker |
| <input checked="" type="checkbox"/> Power Marketer | <input type="checkbox"/> Aggregator |

A-2 Applicant's legal name, address, telephone number, PUCO certificate number, and web site address

Legal Name Public Power, LLC
Address 1055 Washington Blvd., Seventh Floor, Stamford, CT 06901
PUCO Certificate # and Date Certified 11-418E (1), Certified December 24, 2011
Telephone # 888-354-4415 Web site address (if any) www.ppandu.com

A-3 List name, address, telephone number and web site address under which Applicant does business in Ohio

Legal Name Public Power, LLC
Address 1055 Washington Blvd., Seventh Floor, Stamford, CT 06901
Telephone # 888-354-4415 Web site address (if any) www.ppandu.com

A-4 List all names under which the applicant does business in North America
Public Power, LLC

_____	_____
_____	_____
_____	_____

A-5 Contact person for regulatory or emergency matters

Name Barbara Clay
Title Senior Vice President & General Counsel
Business address 1055 Washington Blvd., Seventh Floor, Stamford, CT 06901
Telephone # 203-663-5079 Fax # 203-663-8397
E-mail address (if any) bclay@criusenergy.com

A-6 Contact person for Commission Staff use in investigating customer complaints

Name Sojourna Sancho
Title Compliance Manager
Business address 1055 Washington Blvd., Seventh Floor, Stamford, CT 06901
Telephone # 203-663-7539 Fax # 203-663-7544
E-mail address (if any) ssancho@criusenergy.com

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

Customer Service address 1055 Washington Blvd., 7th Floor, Stamford, CT 06901
Toll-free Telephone # 888-354-4415 Fax # 855-718-4239
E-mail address (if any) service@ppandu.com

A-8 Applicant's federal employer identification number # 27-1658057

A-9 Applicant's form of ownership (check one)

- | | |
|--|---|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Limited Liability Partnership (LLP) | <input checked="" type="checkbox"/> Limited Liability Company (LLC) |
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Other _____ |

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

A-10 Exhibit A-10 "Principal Officers, Directors & Partners" provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

A-11 Exhibit A-11 "Corporate Structure," provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America.

B. MANAGERIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

- B-1** Exhibit B-1 "Jurisdictions of Operation," provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric services.
- B-2** Exhibit B-2 "Experience & Plans," provide a description of the applicant's experience and 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 Section 4928.10 of the Revised Code.
- B-3** Exhibit B-3 "Disclosure of Liabilities and Investigations," provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.
- B-4** Disclose whether the applicant, a predecessor of the applicant, or any principal officer of the applicant have ever been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.
☐ No ☒ Yes

If yes, provide a separate attachment labeled as Exhibit B-4 "Disclosure of Consumer Protection Violations" detailing such violation(s) and providing all relevant documents.

- B-5** Disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail or wholesale electric service denied, curtailed, suspended, revoked, or cancelled within the past two years.
☒ No ☐ Yes

If yes, provide a separate attachment labeled as Exhibit B-5 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation" detailing such action(s) and providing all relevant documents.

C. FINANCIAL CAPABILITY AND EXPERIENCE

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

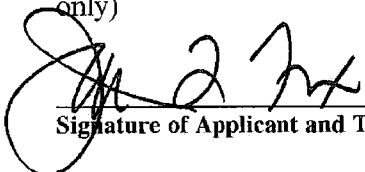
- C-1** Exhibit C-1 "Annual Reports," provide the two most recent Annual Reports to Shareholders. If applicant does not have annual reports, the applicant should provide similar information in Exhibit C-1 or indicate that Exhibit C-1 is not applicable and why.

- C-2** **Exhibit C-2 “SEC Filings,”** provide the most recent 10-K/8-K Filings with the SEC. If applicant does not have such filings, it may submit those of its parent company. If the applicant does not have such filings, then the applicant may indicate in Exhibit C-2 that the applicant is not required to file with the SEC and why.
- C-3** **Exhibit C-3 “Financial Statements,”** provide copies of the applicant’s two most recent years of audited financial statements (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, it shall file audited or officer certified financial statements covering the life of the business.
- C-4** **Exhibit C-4 “Financial Arrangements,”** provide copies of the applicant’s financial arrangements to conduct CRES as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.,).
- C-5** **Exhibit C-5 “Forecasted Financial Statements,”** provide two years of forecasted financial statements (balance sheet, income statement, and cash flow statement) for the applicant’s CRES operation, along with a list of assumptions, and the name, address, e-mail address, and telephone number of the preparer.
- C-6** **Exhibit C-6 “Credit Rating,”** provide a statement disclosing the applicant’s credit rating as reported by two of the following organizations: Duff & Phelps, Dun and Bradstreet Information Services, Fitch IBCA, Moody’s Investors Service, Standard & Poors, or a similar organization. In instances where an applicant does not have its own credit ratings, it may substitute the credit ratings of a parent or affiliate organization, provided the applicant submits a statement signed by a principal officer of the applicant’s parent or affiliate organization that guarantees the obligations of the applicant.
- C-7** **Exhibit C-7 “Credit Report,”** provide a copy of the applicant’s credit report from Experian, Dun and Bradstreet or a similar organization.
- C-8** **Exhibit C-8 “Bankruptcy Information,”** provide a list and description of any reorganizations, protection from creditors or any other form of bankruptcy filings made by the applicant, a parent or affiliate organization that guarantees the obligations of the applicant or any officer of the applicant in the current year or within the two most recent years preceding the application.
- C-9** **Exhibit C-9 “Merger Information,”** provide a statement describing any dissolution or merger or acquisition of the applicant within the five most recent years preceding the application.

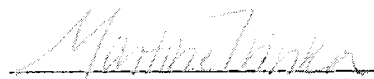
D. TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED:

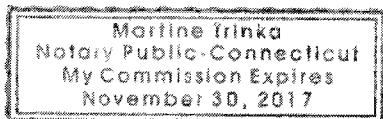
- D-1 Exhibit D-1 "Operations"** provide a written description of the operational nature of the applicant's business. Please include whether the applicant's operations include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services as well as other services used to arrange for the purchase and delivery of electricity to retail customers.
- D-2 Exhibit D-2 "Operations Expertise,"** given the operational nature of the applicant's business, provide evidence of the applicant's experience and technical expertise in performing such operations.
- D-3 Exhibit D-3 "Key Technical Personnel,"** provide the names, titles, e-mail addresses, telephone numbers, and the background of key personnel involved in the operational aspects of the applicant's business.
- D-4 Exhibit D-4 "FERC Power Marketer License Number,"** provide a statement disclosing the applicant's FERC Power Marketer License number. (Power Marketers only)


Signature of Applicant and Title

Sworn and subscribed before me this 20 day of November, 2013
Month Year


Signature of official administering oath

Martine Trink, Notary
Print Name and Title



My commission expires on November 30, 2017

AFFIDAVIT

State of Connecticut :

Stamford ss.
(Town)

County of Fairfield :

Jan L. Fox, Affiant, being duly sworn/affirmed according to law, deposes and says that:

He/She is the Chief Legal Officer (Office of Affiant) of Public Power, LLC (Name of Applicant);

That he/she is authorized to and does make this affidavit for said Applicant,

1. The Applicant herein, attests under penalty of false statement that all statements made in the application for certification renewal are true and complete and that it will amend its application while the application is pending if any substantial changes occur regarding the information provided in the application.
2. The Applicant herein, attests it will timely file an annual report with the Public Utilities Commission of Ohio of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Division (A) of Section 4905.10, Division (A) of Section 4911.18, and Division (F) of Section 4928.06 of the Revised Code.
3. The Applicant herein, attests that it will timely pay any assessments made pursuant to Sections 4905.10, 4911.18, or Division F of Section 4928.06 of the Revised Code.
4. The Applicant herein, attests that it will comply with all Public Utilities Commission of Ohio rules or orders as adopted pursuant to Chapter 4928 of the Revised Code.
5. The Applicant herein, attests that it 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. The Applicant herein, attests that it will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
7. The Applicant herein, attests that it will fully comply with Section 4928.09 of the Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
8. The Applicant herein, attests that it will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The Applicant herein, attests that it will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the Applicant will provide, the Applicant herein, attests that it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio. (Only applicable if pertains to the services the Applicant is offering)

11. The Applicant herein, attests that it will inform the Commission of any material change to the information supplied in the renewal 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 customer complaints.

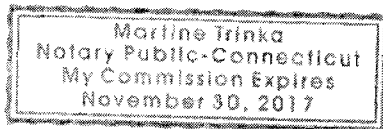
That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief and that he/she expects said Applicant to be able to prove the same at any hearing hereof.

M. 27
Signature of Affiant & Title

Sworn and subscribed before me this 20 day of November, 2013
Month Year

Martine Trink
Signature of official administering oath

Martine Trink, Notary
Print Name and Title



My commission expires on November 30, 2017

SUMMARY OF EXHIBITS

EXHIBIT A-10	PRINCIPAL OFFICERS, DIRECTORS & PARTNERS
EXHIBIT A-11	CORPORATE STRUCTURE
EXHIBIT B-1	JURISDICTIONS OF OPERATION
EXHIBIT B-2	EXPERIENCE & PLANS
EXHIBIT B-3	DISCLOSURE OF LIABILITIES AND INVESTIGATIONS
EXHIBIT B-4	DISCLOSURE OF CONSUMER PROTECTION VIOLATIONS
EXHIBIT C-1	ANNUAL REPORTS
EXHIBIT C-2	SEC FILINGS
EXHIBIT C-3	FINANCIAL STATEMENTS (CONFIDENTIAL)
EXHIBIT C-4	FINANCIAL ARRANGEMENTS
EXHIBIT C-5	FORECASTED FINANCIAL STATEMENTS (CONFIDENTIAL)
EXHIBIT C-6	CREDIT RATING
EXHIBIT C-7	CREDIT REPORT
EXHIBIT C-8	BANKRUPTCY INFORMATION
EXHIBIT C-9	MERGER INFORMATION
EXHIBIT D-1	OPERATIONS
EXHIBIT D-2	OPERATIONS EXPERTISE
EXHIBIT D-3	KEY TECHNICAL PERSONNEL
EXHIBIT D-4	FERC POWER MARKETER LICENSE NUMBER

Public Power, LLC

Exhibit A-10

***"Principal Officers, Directors & Partners"** provide the names, titles, addresses and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.*

Name	Title	Address	Phone Number
Michael J. Fallquist	Chief Executive Officer	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-663-7545
Roop Bhullar	Chief Financial Officer	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-883-9900
Chaitu Parikh	Chief Operating Officer	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-883-7503
Jan L. Fox	Chief Legal Officer	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-517-0130
Cami Boehme	Chief Strategy Officer	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-663-7537
Michael Chester	VP Operations	1055 Washington Blvd., 7 th Floor Stamford, Connecticut 06901	203-663-7558

Public Power, LLC

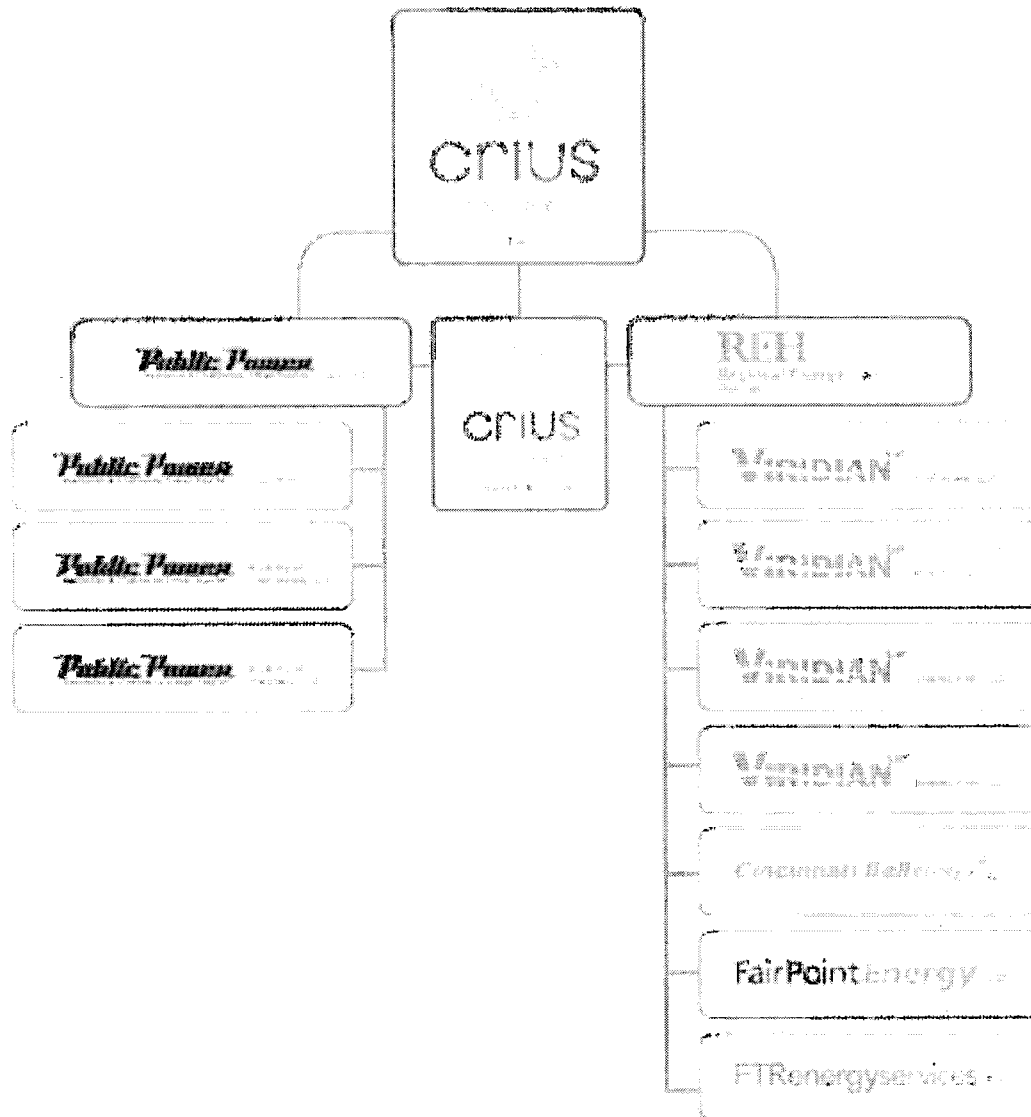
Exhibit A-11

***"Corporate Structure,"** provide a description of the applicant's corporate structure, including a graphical depiction of such structure, and a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America.*

Public Power, LLC ("Public Power") is a wholly owned subsidiary of Crius Energy, LLC ("Crius"). Both Public Power and Crius are holding companies for energy service companies across the deregulated energy markets of North America. As a wholly owned subsidiary of Crius, Public Power has the following affiliates: Public Power, LLC, a Pennsylvania limited liability company; Public Power & Utility of New Jersey, LLC; Public Power & Utility of Maryland, LLC; Viridian Network, LLC; Viridian Energy LLC; Viridian Energy NY, LLC; Viridian Energy PA LLC; FairPoint Energy, LLC; Cincinnati Bell Energy, LLC; and FTR Energy Services, LLC. Please see the attached diagram of the Crius corporate structure.

Public Power, LLC

Exhibit A-11



Public Power, LLC

Exhibit B-1

“Jurisdictions of Operation,” provide a list of all jurisdictions in which the applicant or any affiliated interest of the applicant is, at the date of filing the application, certified, licensed, registered, or otherwise authorized to provide retail natural gas service, or retail/wholesale electric services.

Affiliate	State(s)	License Number	Utility
Public Power, LLC (CT)	CT	Docket #07-06-13	Electric
	NY	ESCO Code PUPU	Electric
		ESCO Code PUPU	Gas
	OH	Certificate #11-418E(1)	Electric
	DC	Order #16726	Electric
	IL	Order #12-0167	Electric
	RI	Docket #D-96-6 (M5)	Electric
Public Power & Utility of Maryland, LLC	MD	License No. IR-1781	Electric
Public Power & Utility of New Jersey, LLC	NJ	License #ESL-0086	Electric
		License #GSL-0094	Gas
Public Power, LLC (PA) Entity #3911142	PA	Docket #A-2009-2143245	Electric

Public Power, LLC

Exhibit B-1

Affiliate	State(s)	License Number	Utility(ies)
Viridian Energy LLC	Connecticut	Docket #09-04-15	Electric
	Massachusetts	License #CS-076	Electric
Viridian Energy NY, LLC	New York	ESCO Code VRID	Electric
			Gas
Cincinnati Bell Energy, LLC	Ohio	Certificate #11-218G(1)	Gas
FairPoint Energy	Maine	Docket #2011-264	Electric
	New Hampshire	DM 11-175	Electric
Viridian Energy PA, LLC	Pennsylvania	Docket #A-2009-2145794	Electric
		Docket #A-2010-2203042	Gas
	Maryland	License No. IR-1840	Electric
		License No. IR-2837	Gas
	New Jersey	License # ESL-0084	Electric
		License # GSL-0108	Gas
	Illinois	Order #11-0348	Electric
	Ohio	Certificate #13-742E(1)	Electric
		Certificate #13-324G(1)	Gas
	Indiana	N/A	Gas
	New York	ESCO Code VRPA	Gas
	D.C.	Order # 16446	Electric
		Order # 16966	Gas
	Delaware	Order # 8178	Electric
	Virginia	License # G-33	Gas

Public Power, LLC

Exhibit B-1

Affiliate	State(s)	License Number	Utility(ies)
FTR Energy Services, LLC	Ohio	Certificate #12-523E(1)	Electric
		Certificate #11-226G(1)	Gas
	New York	ESCO Code FTRE	Electric
			Gas
	Indiana	N/A	Gas
	Illinois	Order # 12-0396	Gas
		Order # 12-0396	Gas

Public Power, LLC

Exhibit B-2

"Experience & Plans," provide a current description of the applicant's experience and 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 Section 4928.10 of the Revised Code.

Contracting with Customers

Public Power, LLC ("Public Power") markets its products through the traditional channels of telemarketing, door-to-door, partnerships and digital advertising.

Enrollment: There are five ways a potential customer can be enrolled:

- (1) **Paper Enrollment.** Potential customers can use a paper enrollment form that they fill out themselves and it is faxed in to Public Power's headquarters after which the customer receives a welcome package with copies of all the forms;
- (2) **Web Enrollment.** Potential customers can visit ppandu.com to enroll online. From the web site potential customers may print forms and information, upon receipt of the enrollment at Public Power's headquarters, the customer receives a welcome package with copies of all the forms;
- (3) **Telephonic Enrollment.** Potential customers are solicited over the phone by Public Power's vendors and may decide to sign up over the telephone and complete a third party verification confirming the decision to enroll; or
- (4) **Public Power Customer Care Center.** Potential customers can call Public Power's Customer Care Center. A call center representative will enroll the customer and a third party verification will be taken after such enrollment and a welcome package sent.
- (5) **Crius Energy Retention Center.** Public Power makes outbound telemarketing calls to existing or former customers only for renewal or re-enrollment. These calls will be made by Crius Energy's in-house Tampa, Florida Retention Center. This Center is staffed with Crius Energy employees who make calls to current or former customers who have either dropped or their contract is soon expiring. The purpose of the calls is to offer either renewal service or continued service.

Providing Contracted Services

Public Power currently provides customers with electricity and natural gas in eight states and the District of Columbia.

Providing Billing Statements

Public Power does not provide its own billing statements. It provides consolidated billing with the utility.

Public Power, LLC

Responding to Customer Inquiries and Complaints

Public Power operates an in-house telephone customer care center to answer any questions that customers may have. When a customer calls in with a question or complaint, the customer service representative will work with them to address any issue or problem. If the customer asks to have their enrollment cancelled, the customer service representative processes it immediately.

Any complaints or questions that are not resolved by the customer care representatives are then escalated to the Compliance Department. The Compliance Investigators serve as the primary point of contact for complaint resolution. Once Public Power's Compliance Department receives a customer complaint, an Investigator contacts the complaining party within 5 business days and gathers all pertinent information. Public Power then works with the customer to reach a mutually agreeable resolution with the goal of achieving customer satisfaction.

Public Power, LLC

Exhibit B-3

"Disclosure of Liabilities and Investigations," provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocation of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to be certified to provide.

As Previously Disclosed to the Commission

The matters below were previously disclosed to the Commission in connection with the license applications of Public Power's affiliates, Cincinnati Bell Energy LLC's and Viridian Energy PA LLC. However, we do not believe that any of these actions will impact Public Power's financial or operational status or ability to provide the services it is seeking to be certified to provide.

Viridian Energy PA, LLC – Maryland, License No. IR-1840 (Case No. 9255, Order No. 84959)

In January 2011, the Staff of the Maryland Public Service Commission filed a complaint against Viridian Energy PA, LLC ("Viridian") alleging that Viridian had violated the Maryland customer protection rules by providing misleading representations in late 2010. Among other things, Staff initially sought to revoke or suspend Viridian's Maryland license.

A hearing was conducted in February 2011 and in March 2011. Thereafter Commission Staff and Viridian filed a Joint Recommendation that did not revoke or suspend Viridian's license. Fifteen months later on June 7, 2012, the Commission assessed a civil penalty of \$60,000 against Viridian, relating to instances of past behavior, and rejected Commission Staff's initial request to revoke or suspend Viridian's license and bar it from seeking new customers. In so doing, the Commission commended Viridian for strengthening its compliance program. Viridian has been operating in Maryland for over 24 months since the January 2011 complaint, a period during which no further complaints or investigations have been filed.

Public Power LLC – Pennsylvania, Docket #A-2009-2143245

Public Power LLC, a Pennsylvania limited liability company ("PA Subsidiary"), was investigated by the Bureau of Investigation and Enforcement ("BIE") of the Pennsylvania Public Utility Commission ("PUC") for alleged unauthorized customer enrollments. It was found that the unauthorized enrollments resulted from a data entry error by a third-party telemarketer acting on behalf of the PA Subsidiary. Upon discovery of the mistake, Public Power contacted and worked cooperatively with the EDC to rescind the transfers. On or

Public Power, LLC

about November 19, 2012 the parties reached a settlement of the allegations for \$64,450 plus customer refunds of approximately \$22,000. The PUC's approval of the settlement is currently pending.

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 11-10-06) October 2011

Approximately one year ago, the Connecticut Public Utilities Regulatory Authority ("PURA") opened Docket 11-10-06 to investigate customer complaints that Public Power may have charged rates in excess of its contracts and failed to timely respond to inquiries alleging unauthorized switching of customers from other electric generation service providers to Public Power. The Office of the Connecticut Attorney General and the Office of Consumer Counsel participated in the resolution of this matter. The Prosecutorial Unit appointed by the PURA found no evidence that Public Power charged rates in excess of its contracts. However, to foster good will, Public Power issued credits to the identified customers. As to the unauthorized customer switching allegations, an authorized switch could not be proven as to six customers. Public Power and the Prosecutorial Unit entered into a settlement agreement under which Public Power would make a charitable contribution of \$6,000, in lieu of a civil penalty. The Settlement Agreement was submitted to PURA on June 28, 2012 and is subject to formal and was formally approved on May 15, 2013.

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 07-06-13) September 2010

The Connecticut Public Utilities Regulatory Authority (the "Authority") opened Docket 07-06-13 RE03 on or about September 1, 2010 to investigate whether Public Power's electric supplier license was transferred without the Authority's prior approval. The Authority began its investigation largely, as a result of correspondence dated July 27, 2010, in which Public Power notified the Authority of certain organizational changes, specifically, that its business address changes to Danbury, Connecticut and that Robert Gries, Jr. was now its President and CEO. The case was settled and closed informally on June 20, 2012.

FERC Docket Nos. ER12-2250-000 et al.

On September 14, 2012, in response to a Public Power filing the Federal Energy Regulatory Commission ("FERC") issued a delegated letter order to four Public Power, LLC subsidiaries, granting each of them market-based rate authority on a prospective basis (FERC Docket Nos. ER12-2250-000 et al.). The four entities are Public Power & Utility of New Jersey, LLC, Public Power & Utility of NY, Inc., Public Power (PA), LLC and Public Power & Utility of Maryland, LLC (the "Entities"). This action resulted from the limited type of wholesale energy sales- "balancing energy sales" being conducted by Public Power. Each of the Entities engaged, in the past, in these balancing energy wholesale sales, and did so without market-based rate authority during the pertinent period. Such transactions come about when, for example, an entity offers to purchase 10 MWh in the day-ahead market, and in

Public Power, LLC

real-time ultimately purchases 9 MWh, with the 1 MWh difference deemed a sale back to the RTO under RTO rules. It is those past wholesale balancing sales that were the subject of the above FERC filing and order refund reports. As a result of these past sales, FERC required the filing of refund reports and the submission of data indicating why refunds would not be required. The Entities made the required submission within the thirty days of the issuance of the September 14, 2012 order and request. The Entities expect to have zero refund liability.

The need for FERC Market Base Rate Authority was discovered during the due diligence process preceding the combination of the REH and Public Power. The Public Power Entities were unaware that market-based rate authority was required for real-time balancing sales.

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 13-02-08) February 2013

Public Power LLC is currently being investigated by the Connecticut Public Utilities Regulatory Authority ("PURA") due to a spike in slamming complaints during 2012. The vast majority of these complaints were the result of enrollments that took place before the Crius Energy management team took over management of Public Power. The purpose of the investigation is to determine whether Public Power engaged in slamming. The investigation is currently ongoing and Public Power is providing PURA with all requested documents and information.

Public Power, LLC

Exhibit B-4

***“Disclosure of Consumer Protection Violations,”** disclose whether the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant has been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years.*

Viridian Energy PA, LLC – Maryland, License No. IR-1840 (Case No. 9255, Order No. 84959)

In January 2011, the Staff of the Maryland Public Service Commission filed a complaint against Viridian Energy PA, LLC (“Viridian”) alleging that Viridian had violated the Maryland customer protection rules by providing misleading representations in late 2010. Among other things, Staff initially sought to revoke or suspend Viridian’s Maryland license.

A hearing was conducted in February 2011 and in March 2011. Thereafter Commission Staff and Viridian filed a Joint Recommendation that did not revoke or suspend Viridian’s license. Fifteen months later on June 7, 2012, the Commission assessed a civil penalty of \$60,000 against Viridian, relating to instances of past behavior, and rejected Commission Staff’s initial request to revoke or suspend Viridian’s license and bar it from seeking new customers. In so doing, the Commission commended Viridian for strengthening its compliance program. Viridian has been operating in Maryland for over 24 months since the January 2011 complaint, a period during which no further complaints or investigations have been filed.

Public Power LLC – Pennsylvania, Docket #A-2009-2143245

Public Power LLC, a Pennsylvania limited liability company (“PA Subsidiary”), was investigated by the Bureau of Investigation and Enforcement (“BIE”) of the Pennsylvania Public Utility Commission (“PUC”) for alleged unauthorized customer enrollments. It was found that the unauthorized enrollments resulted from a data entry error by a third-party telemarketer acting on behalf of the PA Subsidiary. Upon discovery of the mistake, Public Power contacted and worked cooperatively with the EDC to rescind the transfers. On or about November 19, 2012 the parties reached a settlement of the allegations for \$64,450 plus customer refunds of approximately \$22,000. The PUC’s approval of the settlement is currently pending.

This foregoing document was electronically filed with the Public Utilities

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11/21/2013 10:26:47 AM

in

Case No(s). 11-5815-EL-CRS

Summary: Application Renewal Application for Retail Generation Providers and Power Marketers PART I electronically filed by Mr. Stephen M Howard on behalf of Public Power,LLC