

PUCO L	SE ONLY - Version 1.	08 May 2016
Date Received	Case Number	Certification Number
	- GA-CRS	

### INITIAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS SUPPLIERS

Please type or print all required information. Identify all attachments with an exhibit label and title (*Example: Exhibit A-15 - Company History*). 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 directly input information onto the form. You may also download the form by saving it to your local disk.

### SECTION A - APPLICANT INFORMATION AND SERVICES

A-1	Applicant intends to be certified as: (check all that apply)					
	<b>✓</b> Retail Natur	al Gas Aggregator	Retail Natura	l Gas Broker	Retail Natural Gas Marketer	
A-2	Applicant info	rmation:				
	Legal Name Address Telephone No.	Vista Energy Marketin- 4306 Yoakum, Suite 6 888-508-4782	g, L.P. 00, Houston, TX 77006	Web site Address	www.vistaenergymarketing.com	
A-3	Applicant information under which applicant will do business in Ohio:  Vista Energy Marketing, L.P.					
	Name Address	<u>.</u>	600, Houston, TX 77006	Telephone No.	888-508-4782	
A-4	List all names Vista Energy Marke		pplicant does busi	•	america:	
A-5	Contact person	n for regulatory or	emergency matte	rs:		
	Name Luke G	ottschalk		Title Vice Pre	esident	
Business Address 4306 Yoakum, Suite 600, Houston TX 77006						
	Telephone No. <sup>28</sup>	1-915-3220 x 105	Fax No. 832-213-0301	Email A	ddress lukeg@vistaenergymarketing.com	

<b>A-6</b>	Contact person for Co	mmission Staff	use in investiga	ating c	ustomer comp	olaints:
	Name Maria Sion			Title	Director	
	Business address 4306 Ye	oakum, Suite 600, F	Houston, TX 77006			
	Telephone No. 713-877-990	4 Fax No.	832-213-0301		Email Address	msion@vistaenergymarketing
<b>A-7</b>	Applicant's address an	d toll-free num	ber for custom	er serv	ice and comp	laints
	Customer service address	4306 Yoakum, Sui	te 600, Houston, TX	< 77006		
	Toll-Free Telephone No. 88	88-508-4782	Fax No. 832-213-0	301	Email Addr	ess customerservice@vistaener
A-8		g name, Ohio o	<b>I V</b> '			ction 4929.22 of the Ohio ad Web site address of the
	Name			Title		
	Business address					
	Telephone No.	Fax No.		Ema	il Address	
A-9	Applicant's federal em	ployer identific	ation number	26-39	95865	
A-10	Applicant's form of ow	nership: (Chec	k one)			
	☐ Sole Proprietorship		<b>✓</b>	Partne	rship	
	Limited Liability Par	rtnership (LLP)		Limite	d Liability Com	npany (LLC)
	Corporation			Other		
A-11	currently providing ser class that the applican commercial, and/or larg in Section 4929.01(L)(1) of than 500,000 cubic feet of na residential use, as part of an Section 4929.01(L)(2) of the other than for residential use	rvice or intends  at is currently  ge commercial/i  the Ohio Revised C  atural gas per year  undertaking having  Ohio Revised Cod  more than 500,00  than for residentia	serving or interndustrial (merca code, means a cust at a single location more than three lo le, "Mercantile cust 00 cubic feet of nat l use, as part of an	vice, in ends to antile) omer that within cations tomer" et tural gas	cluding identic o serve, for ex- customers. (A at consumes, other the state or consi- within or outside excludes a not-for or per year at a sin- aking having mor	in which the applicant is ification of each customer cample: residential, small mercantile customer, as defined or than for residential use, more umes natural gas, other than for of this state. In accordance with reprofit customer that consumes, agle location within this state or than three locations within or a.)

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Progradate(s)	licant or an affiliate ams, for each service that the applicant lumbia Gas of Ohio	e area and cu	stomer class,	provide appro		
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Ī	Large Commercial	Beginning Date	(1) 15 15 15 15 15 15 15 15 15 15 15 15 15	er mak des des des la	and Date	
Г	Industrial	Beginning Date			and Date	

A-13 If not currently participating in any of Ohio's four Natural Gas Choice Programs, provide the approximate start date that the applicant proposes to begin delivering services:

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<u> </u>	Vectren Energy Delivery of Ohio	Intended Start Date	11/1/2016
<b>7</b>	Duke Energy Ohio	Intended Start Date	11/1/2016
<b>/</b>	Dominion East Ohio	Intended Start Date	11/1/2016
✓	Columbia Gas of Ohio	Intended Start Date	11/1/2016

### PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- A-14 Exhibit A-14 "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-15 Exhibit A-15 "Company History," provide a concise description of the applicant's company history and principal business interests.
- A-16 Exhibit A-16 "Articles of Incorporation and Bylaws," if applicable, provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto.
- A-17 <u>Exhibit A-17 "Secretary of State."</u> provide evidence that the applicant is currently registered with the Ohio Secretary of the State.

### SECTION B - APPLICANT MANAGERIAL CAPABILITY AND EXPERIENCE

### PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED

- **B-1** Exhibit B-1 "Jurisdictions of Operation," provide a current 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.
- B-2 <u>Exhibit B-2 "Experience & Plans,"</u> 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 4929.22 of the Revised Code and contained in Chapter 4901:1-29 of the Ohio Administrative Code.
- **B-3** Exhibit B-3 "Summary of Experience," provide a concise and current summary of the applicant's experience in providing the service(s) for which it is seeking to be certified to provide (e.g., number and types of customers served, utility service areas, volume of gas supplied, etc.).
- B-4 <u>Exhibit B-4 "Disclosure of Liabilities and Investigations,"</u> provide a description of all existing, pending or past rulings, judgments, contingent liabilities, revocations of authority, regulatory investigations, or any other matter that could adversely impact the applicant's financial or operational

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status or ability to provide the services it is seeking to be certified to provide.

B-5	Exhibit B-5 "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.
	□ No □ Yes
	If Yes, provide a separate attachment labeled as <u>Exhibit B-5 "Disclosure of Consumer Protection Violations,"</u> detailing such violation(s) and providing all relevant documents.
B-6	Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation," disclose whether the applicant or a predecessor of the applicant has had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, or revoked, or whether the applicant or predecessor has been terminated from any of Ohio's Natural Gas Choice programs, or been in default for failure to deliver natural gas.
	□ No □ Yes
	If Yes, provide a separate attachment, labeled as Exhibit B-6 "Disclosure of Certification Denial, Curtailment, Suspension, or Revocation," detailing such action(s) and providing all relevant documents.

### SECTION C - APPLICANT 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, labeled as Exhibit C-1, or indicate that Exhibit C-1 is not applicable and why.

  (This is generally only applicable to publicly traded companies who publish annual reports)
- C-2 <u>Exhibit C-2 "SEC Filings</u>," 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. An applicant may submit a current link to the filings or provide them in paper form. 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 sheet. statement, and cash flow audited financial statements (balance income 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. 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 account numbers redacted).

C-4 Exhibit C-4 "Financial Arrangements," provide copies of the applicant's current financial arrangements to conduct competitive retail natural gas service (CRNGS) as a business activity (e.g., guarantees, bank commitments, contractual arrangements, credit agreements, etc.)

Renewal applicants can fulfill the requirements of Exhibit C-4 by providing a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements.

First time applicants or applicants whose certificate has expired as well as renewal applicants can meet the requirement by one of the following methods:

- 1. The applicant itself stating that it is investment grade rated by Moody's, Standard & Poor's or Fitch and provide evidence of rating from the rating agencies.
- 2. Have a parent company or third party that is investment grade rated by Moody's, Standard & Poor's or Fitch guarantee the financial obligations of the applicant to the LDU(s).
- 3. Have a parent company or third party that 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 guaranter company's financials must be included in the application if the applicant is relying on this option.
- 4. Posting a Letter of Credit with the LDU(s) as the beneficiary.

If the applicant is not taking title to the electricity or natural gas, enter "N/A" in Exhibit C-4. An N/A response is only applicable for applicants seeking to be certified as an aggregator or broker.

- C-5 <u>Exhibit C-5 "Forecasted Financial Statements</u>," provide two years of forecasted income statements for the applicant's **NATURAL GAS related business activities in the state of Ohio Only**, along with a list of assumptions, and the name, address, email address, and telephone number of the preparer. The forecasts should be in an annualized format for the two years succeeding the Application year.
- C-6 Exhibit C-6 "Credit Rating," provide a statement disclosing the applicant's current 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. If an applicant or its parent does not have such a credit rating, enter "N/A" in Exhibit C-6.
- C-7 <u>Exhibit C-7 "Credit Report,"</u> provide a copy of the applicant's current credit report from Experion, Dun and Bradstreet, or a similar organization. An applicant that provides an investment grade credit rating for Exhibit C-6 may enter "N/A" for Exhibit C-7.

- 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 two most recent years preceding the application.
- C-10 Exhibit C-10 "Corporate Structure." provide a description of the applicant's corporate structure, not an internal organizational chart, 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. If the applicant is a stand-alone entity, then no graphical depiction is required and applicant may respond by stating that they are a stand-alone entity with no affiliate or subsidiary companies.

### SECTION D - APPLICANT TECHNICAL CAPABILITY

PROVIDE THE FOLLOWING AS SEPARATE ATTACHMENTS AND LABEL AS INDICATED.

- **D-1** Exhibit D-1 "Operations," provide a current written description of the operational nature of the applicant's business. Please include whether the applicant's operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and 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 <u>Exhibit D-2 "Operations Expertise</u>," given the operational nature of the applicant's business, provide evidence of the applicant's current experience and technical expertise in performing such operations.
- **D-3** Exhibit D-3 "Key Technical Personnel," provide the names, titles, email addresses, telephone numbers, and background of key personnel involved in the operational aspects of the applicant's current business.

Applicant Signature and Title

Sworn and subscribed before me this

day of October

Month 2016

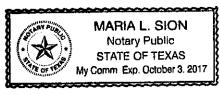
Signature of official administering oath

Maria C. Sion

- VICE PRESIDENT

**Print Name and Title** 

My commission expires on



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### The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service Affidavit Form (Version 1.07)

In	the Matter of the Application of)
Vis	STA ENERGY MARKETING, L.P. ) Case NoGA-CRS
for	a Certificate or Renewal Certificate to Provide
Co	mpetitive Retail Natural Gas Service in Ohio.
	te of TEXAS
	LUKE GOTTSCHAUK [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.
(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 Section 4905.10 or Section 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 with the Public Utilities Commission of Ohio and its staff in 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 inform the Public Utilities Commission of Ohio of any material change to the information supplied in the certification or certification renewal application within 30 days of such material change, including any change in contact person for regulatory or emergency purposes or contact person for Staff use in investigating customer complaints.
(8)	Affiant further sayeth naught.
	Affiant Signature & Title - VICE PRESIDENT
	Sworn and subscribed before me this 14th day of October Month 2016 Year
	Maria C. Sion  Signature of Official Administering Oath  Print Name and Title
	Signature of Official Administering Oath Print Name and Title
	My commission expires MARIA L. SION  Notary Public  STATE OF TEXAS  My Commission expires RNG TEXAS

### Exhibit A-14

### **Principal Officers, Directors & Partners**

Vista Energy Marketing, L.P. ("Vista") is a limited partnership comprised of a General Partner, Irish Marketing, LLC ("Irish Marketing"), and two limited partners, Ranslem Capital, L.P., ("Ranslem Capital LP") and Whale Capital, L.P. ("Whale Capital LP"). Both limited partners are passive investors in Vista.

Contract information for the principal officer of each of the foregoing entities is as follows:

### Vista Energy Marketing, L.P.

Paul Atha Managing Director 4306 Yoakum, Suite 600 Houston, TX 77006 Phone: 713-877-9901

### Irish Marketing, LLC

David Ranslem
Managing Partner
4306 Yoakum, Suite 600
Houston, TX 77006
Phone: 281-915-3220

### Ranslem Capital LP

David Ranslem Managing Partner 4306 Yoakum, Suite 600 Houston, TX 77006 Phone: 281-915-3220

### Whale Capital, L.P.

Michael Whalen 4306 Yoakum Suite 600 Houston TX 77006 Phone: 281-684-8500

### Exhibit A-15

### **Company History**

Since 2009, Vista has been primarily engaged in the business of providing retail energy in deregulated natural gas markets. Vista has expanded its footprint to include multiple services territories across the continental United States. Currently, Vista sells natural gas in fourteen utility territories across eleven states.

### **CONFIDENTIAL**

### Exhibit A-16

### **Articles of Incorporation and Bylaws**

Attached as Exhibit A-16(a) is a copy of the Certificate of Filing issued by the Office of the Secretary of State for the State of Texas for Vista Energy Marketing, L.P.

CONFIDENTIAL Exhibit A-16(b) is the Limited Partnership Agreement of Vista Energy Marketing, L.P., the Agreement and Assignment of Partnership Interest, and the First Amended Limited Partnership Agreement of Vista Energy Marketing, L.P.

### **RESERVED AS CONFIDENTIAL**

Corporations Section P.O.Box 13697 Austin, Texas 78711-3697



Hope Andrade Secretary of State

### CERTIFICATE OF FILING OF

Vista Energy Marketing, L.P. File Number: 801071724

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Partnership (LP) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 01/08/2009

Effective: 01/08/2009



Hope Andrade Secretary of State

### Exhibit A-17

### **Secretary of State**

Attached please find a copy of the State of Ohio Certificate for Registration of Vista Energy Marketing, L.P. as a Foreign Limited Partnership.



DATE 09/21/2016 DOCUMENT ID 201626400692

DESCRIPTION REGISTRATION OF FOREIGN LIMITED PARTNERSHIP (LPF) FILING EXPED 99.00 0.00

PENALTY

CERT COPY 0.00 0.00

### Receipt

This is not a bill. Please do not remit payment.

MCGUIRE WOODS LLP 434 FAYETTEVILLE STREET, SUITE 2600 RALEIGH, NC 27601

### STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted 3942710

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

VISTA ENERGY MARKETING, L.P. (VISTA ENERGY MARKETING, L.P.)

and, that said business records show the filing and recording of:

Document(s) Document No(s):

REGISTRATION OF FOREIGN LIMITED PARTNERSHIP

Effective Date: 01/08/2009

201626400692

SCRETARY OF STATE OF OF STATE OF STATE

United States of America State of Ohio Office of the Secretary of State Witness my hand and the seal of the Secretary of State at Columbus, Ohio this 21st day of September, A.D. 2016.

**Ohio Secretary of State** 

Jon Husted

### Exhibit B-1

### **Jurisdictions of Operations**

Vista has obtained natural gas licenses in New Jersey, Connecticut, Illinois, and Nebraska, and has applications pending before the Pennsylvania Public Utility Commission for authority to offer electric and natural gas supply service in Pennsylvania. Copies of authorizations to sell natural gas in New Jersey, Connecticut, Illinois, and Nebraska are attached hereto. Vista is also registered to operate as a Core Transport Agent in California; a copy of the registration certificate from the California Public Utilities Commission is also attached. Vista is also an approved seller of natural gas in Texas, Arizona, Kentucky, Wyoming, Oregon, Utah, and Washington. In addition, Vista's key operating personnel, directors, partners and owners have extensive experience in the energy industry. More information on Vista's key personnel is provided in response to Exhibit D-3.

<sup>&</sup>lt;sup>1</sup> Vista no longer sells natural gas in Connecticut.

<sup>&</sup>lt;sup>2</sup> Vista is listed as an approved seller on the respective utility websites for these natural gas jurisdictions, and no certificate is provided by these jurisdictions.

### STATE OF ILLINOIS

### **ILLINOIS COMMERCE COMMISSION**

Vista Energy Marketing, L.P. :

:

Application for Certificate of : 11-0734

Service Authority under Section 19-110 of the Public Utilities Act.

<u>ORDER</u>

By the Commission:

### I. PRELIMINARY MATTERS

On November 17, 2011, Vista Energy Marketing, L.P. ("Applicant" or "Vista") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a Certificate of Service Authority to operate as an alternative gas supplier ("AGS") in the State of Illinois pursuant to Section 19-110 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 551 ("Part 551"). Applicant submitted its certificate of publication showing that on November 22, 2011, proper notice of the application was published in the official State newspaper. The Chief Administrative Law Judge requested clarification of certain matters contained in the application. Applicant filed a verified response to the Administrative Law Judge on November 30, 2011, as well as filing as amended application the same day.

### II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

In this proceeding Applicant seeks authority to serve eligible residential and small commercial customers in the service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company, North Shore Gas Company, and Peoples Gas Light and Coke Company.

### III. DESCRIPTION OF APPLICANT

Applicant is a limited liability partnership created under the laws of Texas. Applicant is licensed to do business in the State of Illinois. Vista is currently serving customers in Connecticut, Utah, Nevada, Arizona, California, and Texas. Vista has an application pending in Massachusetts. Vista stated that intends to offer natural gas supply to small commercial and residential customers of Nicor, North Shore, and Peoples Gas.

Applicant has certified that it will comply with all applicable regulations; that it will provide service only to retail customers eligible to take such services; that it will comply with informational and reporting requirements established by Commission rule; that it

will comply with informational and reporting requirements pursuant to Section 16-112 of the Act; and that it will comply with all other applicable laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an AGS. Applicant has agreed to adopt and follow rules relating to customer authorizations, billing records, and requests for delivery services and agrees to retain requests for delivery services transmitted to utilities for a period of not less than two calendar years after the calendar year in which they are created. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

Pursuant to the requirements of Section 551.50 of Part 551, Applicant provided a License or Permit Bond in the amount of \$150,000 issued by a qualifying surety authorized to transact business in Illinois. Attachment D to the application is a copy of the required License or Permit Bond.

### IV. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 19-110

Applicant asserts that it meets the financial qualifications set forth in Section 19-115(d)(1). Applicant asserts that it meets the financial qualifications outlined in Section 551.80 of Part 551. Applicant has presented an amended Attachment E providing a Dun & Bradstreet Business Information Report. This report demonstrates that the Applicant has a PAYDEX score of 80 and has a Composite Credit Appraisal of 3.

The Commission's review of the information provided by Applicant, including the attachments to the application, as well as supplemental information provided by Applicant, leads it to conclude that Applicant possesses the financial qualifications set forth in Part 551.

Applicant claims that it meets the requirements of Section 551.90(a). Amended Attachments F and G to its application contains the occupational background information on the persons who are being used to meet the requirements as set forth in Section 551.90. As required by Section 551.90, Applicant agrees to maintain contact data in which its staff can be reached directly at all times. Applicant provided the dedicated telephone numbers for these contacts and the dedicated facsimile number to reach them.

Applicant also claims that it meets the managerial capabilities pursuant to Section 551.90 and provided this information as attachments to demonstrate its managerial capabilities. Applicant indicates it will utilize officers and/or employees of its parent company for management services including customer service, billing, and other back office functions.

Applicant certifies that it has not been denied a natural gas supplier license in any state in the United States; that it has not had a natural gas supplier license

suspended or revoked by any state in the United States; and that it is not the subject of any lawsuit filed in any court of law or formal complaint filed with any regulatory agency alleging fraud, deception or misleading practices, or similar allegations. It also appears that there have been no consumer complaints filed against Applicant.

Having reviewed the information submitted by Applicant, including attachments to the application and supplemental information, the Commission concludes that Applicant meets the technical and managerial qualifications set forth in Section 19-110 of the Act and Subpart C of Part 551.

### V. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed all of the information provided by Applicant and concludes that it satisfies all of the requirements of Section 19-110 of the Act and Part 551. The Commission finds that the application for a Certificate of Service Authority to operate as an AGS should be granted and that the certificate should read as follows:

### CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Vista Energy Marketing L.P. is granted service authority to operate as an Alternative Gas Supplier as follows:

PRIMARY SERVICES TO BE PROVIDED: The sale of natural gas.

CUSTOMERS TO BE SERVED: All eligible residential and small commercial customers.

GEOGRAPHIC REGION(S) SERVED: The service areas of Northern Illinois Gas Company, the Peoples Gas Light and Coke Company and North Shore Gas Company.

### VI. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, Vista Energy Marketing L.P. seeks a Certificate of Service Authority to operate as an alternative gas supplier under Section 19-110 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact, as required by Section 19-110(e)(1) of the Act;

- (4) Applicant has demonstrated that it possesses sufficient financial, technical, and managerial resources and abilities to provide the sale of natural gas to eligible residential and small commercial retail customers identified in the prefatory portion of this order throughout the areas for which certification was requested;
- (5) Applicant has complied with Section 19-110(e)(2), (3), and (5) of the Act and 83 III. Adm. Code 551:
- (6) Applicant's request for a Certificate of Service Authority to operate as an alternative gas supplier should be granted.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Vista Energy Marketing L.P.'s request for a Certificate of Service Authority set out in Section V of this Order is hereby granted.

IT IS FURTHER ORDERED that Vista Energy Marketing L.P. shall comply with all applicable Commission rules and orders now and as hereafter amended.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 III. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 21st day of December, 2011.

(SIGNED) DOUGLAS P. SCOTT

Chairman



### STATE OF CONNECTICUT DEPARTMENT OF PUBLIC UTILITY CONTROL

December 21, 2010 In reply, refer to: GA:KAP

Michael Nguyen Vista Energy Marketing, LP 3200 Southwest Freeway, Suite 2240 Houston, TX 77027

Re: Natural Gas Supplier Registration No. 10-03

Dear Mr. Nguyen:

On December 8, 2010, the Department of Public Utility Control (Department) received a new supplier registration package (Application) from Vista Energy Marketing, LP (Vista), including a completed supplier registration form, \$500 application fee and Irrevocable Standby Letter of Credit #1080 issued by Green Bank. The bond is effective November 30, 2010 through November 30, 2015.

The Department finds that the Vista has complied with the registration requirements and its registration is effective from December 8, 2010 through September 30, 2011. The new registration number for Vista is 10-03. Please note that in order to continue its registration beyond September 30, 2011, Vista must file a renewal application prior to that date, \$500 fee and updated bond or continuation certificate with expiry date of at least September 30, 2012, for Department approval.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Kimberiey Santopietro Executive Secretary

cc: Elizabeth Andersen, Manager of Transportation Services, Connecticut Natural
Gas Corp and The Southern Connecticut Gas Company

Edna M. Karanian, Manager-Gas Supply, Yankee Gas Services Company

10 Franklin Square • New Britain, Connecticut 06051 • Phone: 860-827-1553 • Fax: 860-827-2613

Email: dpuc.executivesecretary@po.state.ct.us • Internet: www.state.ct.us/dpuc

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Soard of Public Utilities

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Post Office Box 350

Trenton, New Jersey 08625-0350

www.nj.gov/bpu/

Irene Kim Asbury Secretary of the Board (609) 292-1599

July 29, 2016

Drew Henderson Director – Retail Gas Vista Energy Marketing, L.P. 4306 Yoakum Blvd, Suite 600 Houston, TX 77006

Re: Matural Gas Supplier Renewal License

Docket No. GE15080872L

Dear Mr. Henderson:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its July 29, 2016 Agenda meeting, the New Jersey Board of Public Utilities voted to renew the Natural Gas Supplier License, number GSL-0131, issued to Vista Energy Marketing, L.P.

The enclosed license is effective July 29, 2016 and expires on July 28, 2017. This license and the rights thereunder are Non-Transferable.

This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the licensee. Licensees shall comply with all applicable laws and regulations, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.

If you have any questions, please contact Valencia Hunt at (609) 292-0637.

Sincerely,

Irene Kim Asbury Secretary of the Board

/vch Encl.(s)

## the of Men Conson



# Beard of Public (Milities) 44 South Clinton Avenue, 3° Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

### HEREBY LICENSES

Vista Energy Marketing, L.P. 197 Route 18 South, Suite 3000 South Wing East Brunswick, New Jersey 08816

To conduct business in the State of New Jersey as a

Secretary of the Board Incide Kim Asbury

License No.

July 29, 2016 July 28, 2017 GSL-0131 Expiration Date: Effective Date:

### Nebraska Public Service Commission

COMMISSIONERS: A. N. C. LOYLE FED JO. LIBOR FRANK E. LARDIS TIM SCHRAM GERALO I. VAP

EXECUTIVE DIRECTOR:

MICHAEL G. HYB



300 The Allium, 1200 N Street, Lincoln, ME 6850S Pool Office, Box 94927, Lincoln, NE 68509-4827 Websiter psc inebraska.gov Phone: (40.2) 471-3301 Fax: (402) 471-4254

> NEBRASKA CONSUMER HOTUNE: 1-80C-526-9017

January 18, 2012

### **CERTIFICATION**

To Whom It May Concern:

I, Michael G. Hybl, Executive Director of the Nebraska Public Service Commission, hereby certify that the enclosed is a true and correct copy of the original order made and entered in the proceeding docketed Application No. NG-0069, on the 18th day of January 2012. The original order is filed and recorded in the official records of the Commission.

Please direct any questions concerning this order to Laura Demman, Director, at 402-471-0255.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the Nebraska Public Service Commission, Lincoln, Nebraska, this 18th day of January 2012.

Sincerely,

Michael G. Hybl Executive Director

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MGH:rp

Enclosure

cc: Paul Atha, Vista Energy Marketing, LP, 3200 Southwest Freeway, Suite 2240, Houston, TX 77027

### BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Vista Energy	)	Application No. NG-0069
Marketing, LP, Houston, Texas,	)	
seeking authority for a Competitive	)	
Natural Gas Provider Certificate in	)	AUTHORITY GRANTED
the State of Nebraska.	)	
	)	
	)	Entered: January 18, 2012

### BY THE COMMISSION:

By application filed December 8, 2011, Vista Energy Marketing, LP (Vista), Houston, Texas, seeks authority as a competitive natural gas provider (CNGP) in the State of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on December 12, 2011.

The deadline for filing a protest or petition for intervention was January 11, 2012. Because no protests or petitions for intervention are pending, the Commission may process this application by modified procedure, pursuant to the Commission Rules of Procedure, 291 Neb. Admin. Code, Ch. 1, Rule 018.03.

### OPINION AND PINDINGS

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849. Section 66-1849 provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonable demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission rules and regulations specify requirements for an application for authority as a CNGP. See, 291 Neb. Admin. Code, Ch. 9, Rule 011.

Vista is a privately owned Texas corporation, with its principal office in Houston, Texas. In support of its application, Vista filed its balance sheet, statement of cash flow, and statement of operations and partners' capital. Vista also provided a copy of its Certificate of Authority to Transact Business in Nebraska. There have not been any legal actions or formal complaints pertaining to the provision of competitive natural gas services filed against Vista within the twelve months prior to filing this application, nor has Vista had a license or certificate to supply competitive natural gas service revoked, denied or withdrawn.

### PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA REGISTRATION CERTIFICATE TO OPERATE AS A CORE TRANSPORT AGENT



CTA NO.: CTA0008

Vista Energy Marketing, L.P. 3200 Southwest Freeway, Suite 2240 Houston, TX 77027

The above named Core Transport Agent, having made written application to the Public Utilities Commission of the State of California to register its operations as a Core Transport Agent mandated by Senate Bill (SB) 656 and pursuant to Commission Decision (D.) 14-08-043, dated August 28, 2014, is granted this certificate of registration authorizing its operations in the State of California, subject to the following conditions:

- (1) Is said Core Transport Agent fails to update their registration information set forth in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 981 within 60 days of any material change in the information provided.
- (2) Pursuant to future legislation, the Core Transport Agent may be required to publish its registration number on all service contracts, billing documents and advertising materials.
- (3) This registration certificate is subject to suspension or cancellation as provided by Section 980 of the Public Utilities Code.
- (4) Said Core Transport Agent shall comply with all Commission orders, rules, directions and requirements governing Core Transport Agents.
- (5) An annual fee as authorized by the Commission for Core Transport Agents which shall be paid to the Commission within 30 days of billing.

Dated this day: January 16, 2015

California Public Utilities Commission - Energy Division

### Exhibit B-2

### **Experience & Plans**

Formed in January of 2009, Vista is a licensed natural gas supplier that currently serves customers throughout Illinois, New Jersey, California, Texas, Arizona, Utah, Oregon, Washington, Kentucky, Nebraska, and Wyoming. Primarily focusing on potential cost savings and price security, Vista offers current and prospective natural gas customers several options when choosing their energy plans. Offering contracts that range from three months to three years, Vista currently serves customers through multiple billing arrangements (both utility and supplier billed). Vista has an existing call center staff of 10 employees. Each agent is carefully trained to adhere to all of the compliance requirements of the existing territories Vista currently serves.

Vista plans to continue this strategy as a licensed natural gas supplier in Ohio. Vista believes it can use its wholesale buying power to offer residential and commercial customers innovative and competitively priced electricity products. Also, by leveraging existing staff and systems, Vista can offer top quality customer service to all prospective electricity customers.

Vista will market to customers in Ohio utilizing their website, telemarketing, and door to door marketing. Vista will conduct its competitive retail natural gas service business in Ohio in a manner that complies with Ohio Administrative Code Chapter 4929.01 et seq. and all other applicable rules and regulations. All marketing and solicitations will be fair and forthright. Contracts will include information required by Ohio Administrative Code and customer enrollment will be completed in a timely manner consistent with Ohio Administrative Code and the applicable utility tariff.

### **CONFIDENTIAL**

Exhibit B-3

**Summary of Experience** 

**RESERVED AS CONFIDENTIAL** 

### **CONFIDENTIAL**

### Exhibit B-4

Disclosure of Liabilities and Investigations
RESERVED AS CONFIDENTIAL

### Exhibit C-1

### **Annual Reports**

Vista is not a publicly traded company and as such, does not generate annual reports.

### Exhibit C-2

### **SEC Filings**

Vista is a closely held private company, and as such does not have any SEC filing requirements.

### **CONFIDENTIAL**

### Exhibit C-3

### **Financial Statements**

CONFIDENTIAL Exhibit C-3 is Vista's two most recent Audited Financial Statements.

### **RESERVED AS CONFIDENTIAL**

### **CONFIDENTIAL**

Exhibit C-4

**Financial Arrangements** 

**RESERVED AS CONFIDENTIAL** 

### **CONFIDENTIAL**

### Exhibit C-5

### **Forecasted Financial Statements**

CONFIDENTIAL Exhibit C-5 is Vista's forecasted financial statements.

### **RESERVED AS CONFIDENTIAL**

This information was prepared by:

Luke Gottschalk Vista Energy Marketing, L.P. 4306 Yoakum Blvd., Ste. 600 Houston, TX 77006 Igottschalk@vistaenergymarketing.com 281-915-3220, Ext. 105

### Exhibit C-6

### **Credit Rating**

Vista is not rated by any credit agency.

### **CONFIDENTIAL**

### Exhibit C-7

### **Credit Report**

CONFIDENTIAL Exhibit C-7 is a copy of Vista's credit report.

**RESERVED AS CONFIDENTIAL** 

### Exhibit C-8

### **Bankruptcy Information**

Vista does not have any bankruptcy information to disclose.

### Exhibit C-9

### **Merger Information**

Vista does not have any dissolution, merger or acquisition to disclose.

### **CONFIDENTIAL**

Exhibit C-10

**Corporate Structure** 

**RESERVED AS CONFIDENTIAL** 

### Exhibit D-1

### **Operations**

Vista will be responsible for procuring natural gas in the wholesale market and scheduling delivery with respective utilities in Ohio. Vista currently has several wholesale supply contracts in place offering market liquidity throughout the continental United States. The existing staff at Vista has extensive experience in natural gas procurement and scheduling activities on multiple pipelines. All of the procurement and scheduling activities are done internally to ensure timely nominations and clear communication with upstream and downstream counterparties.

Vista will only use experienced employees and reputable vendors to market its services. In all stages of the marketing process, Vista will make every effort possible to ensure an enjoyable customer experience. In addition to an independent verification, Vista's internal staff will take additional quality control measures to ensure all enrollments are valid. Once a sale has been made, Vista will use a third-party verification service to ensure that all customers fully understand and agree to the proposed terms. In addition to an independent verification, Vista's internal staff will take additional quality control measures to ensure all enrollments are valid. Once a customer is enrolled, Vista will adhere to any and all customer notification requirements. Vista currently employs 10 customer service agents fully trained and dedicated to provide the highest quality customer service.

### Exhibit D-2

### **Operations Expertise**

Vista has successfully operated as a seller of natural gas since 2009. Vista has an existing staff of 29 full time and contract employees. As indicated in Exhibit A-15, Vista is licensed or approved to supply natural gas in eleven states in fourteen utility territories. Members of Vista's management team each have over ten years working in energy related fields. Vista currently contracts with reputable vendors that help ensure smooth operations and processes for all facets of its business, including:

- Energy Services Group, LLC EDI Vendor
- Sirius Solutions LLP Load forecasting
- Shell Energy North America (US), L.P. Energy Supply
- EDF Energy Services, LLC Energy Supply/Financial Hedging
- Microsoft Dynamics GP Accounting Software

### Exhibit D-3

### **Key-Technical Personnel**

Paul Atha – Managing Director, started his career in energy in 1989 working as a logistics analyst for Shell Oil's Production Distribution group, and then became an Operations Supervisor at the Fall River, MA refined products distribution terminal for Shell, scheduling tank trucks and pipeline tenders. After taking a leave from Shell to obtain his MBA, Mr. Atha then went back to Shell where he was scheduling Resin products from their Deer Park refinery. Mr. Atha then left Shell in 1994 to begin scheduling natural gas with Vastar Resources, an ARCO subsidiary. He next moved to a trading role in 1996 where he was a physical gas trader for all points west of Chicago. Vastar evolved into Mirant, a large energy merchant where Mr. Atha managed the natural gas supply portfolio for all of Mirant's western cogeneration electric facilities. He and his wife then returned to Houston to manage the supply for Spark Energy in addition to hedging and risk responsibilities. In late 2008, Mr. Atha presented the structural plan to formulate Vista to Irish Marketing LLC for capital funding. Vista began formal operations in January of 2009 and has since continued to grow utilizing back to back contracts and bearing no risk. Mr. Atha received his BBA in Logistics Management from lowa State University in 1989 and his MBA in Operations Management from the University of Iowa in 1993.

Contact Information: <a href="mailto:patha@vistaenergymarketing.com">patha@vistaenergymarketing.com</a>

713-877-9901

**Luke Gottschalk – Vice President of Retail Electricity,** is new to Vista Energy. Mr. Gottschalk has over 10-years' experience in retail energy. His responsibilities at Vista primarily include managing electricity P&L, electricity sales, regulatory compliance, electricity risk management, and new business development.

Prior to Vista Energy, Mr. Gottschalk served as Vice President at Oasis Energy. At Oasis, Mr. Gottschalk was responsible for all Electricity and Natural Gas P&L, residential and commercial sales, regulatory compliance, natural gas and electricity risk management, and business development. Mr. Gottschalk managed a portfolio of 45,000 electricity and natural gas customers located in 18 different utilities. Prior to energy, Mr. Gottschalk provided financial services in the banking industry.

Mr. Gottschalk has B.B.A. in Marketing from Fort Hays State University and an M.B.A. from Texas A&M University.

Contact Information: <u>lgottschalk@vistaenergymarketing.com</u>

281-915-3220, Ext. 105

**Drew Henderson – Vice President of Retail Gas,** began working with Vista Energy Marketing, L.P. in 2011 and is managing natural gas sales, regulatory compliance, retail structuring, risk modeling, business development, business operations, and IT development. Prior to Vista Energy, Mr. Henderson was directly managing gas sales through natural gas brokers and other energy marketing firms for Spark Energy Gas, LP holding the position of Director - Retail Gas Structuring and Pricing. His duties involved managing Spark Energy's North American Gas portfolio of over 100,000 retail customers in 13 states and 32 LDC's overseeing bid week gas supply, capacity releases, retail structuring, MTM modeling, NYMEX

and basis hedging, monthly P/L reporting, monthly Bank reporting, load forecasting, forward book P/L forecasting, IT steering, mass market pricing, and C&I sales. Prior to Spark Energy Mr. Henderson traded equities for ProTrader Securities since 1998. Out of college Mr. Henderson worked as a trading analyst for Momentum Securities handling all transactions for the Dallas, TX office. Mr. Henderson received his B.S. from Texas A&M University in 1997.

Contact Information: dhenderson@vistaenergymarketing.com

713-877-9900

**Eric Maberry – Vice President of Operations,** started his career in 1999 as an accountant for Arthur Andersen where he worked with large retail energy companies to minimize their tax liabilities at various operational facilities. This position allowed him to open his career learning from upper management of the country's top retail energy providers.

This eventually led to an interest in trading and risk management. In 2003, Eric served as the lead risk manager for TransMontaigne in Denver, Colorado. He was responsible for all hedging and risk management for North American refined product operations. He later accepted a similar role applying his risk management skills to the natural gas industry with Enbridge Energy Marketing. Here he managed the valuation and risk for all transportation and storage assets in the Texas markets.

Mr. Mayberry then took his skill set to retail energy to speculative trading with Koch Supply and Trading. He worked with a trade group responsible for speculating both physical and financial crude positions. His time was spent strategizing and executing positions, while serving as the company's primary NYMEX trader.

Since 2008 Mr. Mayberry has been instrumental in developing all facets of Vista Energy Marketing. He has managed supply forecasting, scheduling, customer service, and back office personnel since the company's inception. Since the beginning of 2011, most of his time is focused on growth and business development. Eric holds a B.S. in Economics from the University of Texas at Austin.

Contact Information: <a href="mailto:emaberry@vistaenergymarketing.com">emaberry@vistaenergymarketing.com</a>

713-877-9905

Meredith Moeller – Director Performance and System Integrity Manager, began in the energy industry as an intern for Irish Exchange, LP, a hedge fund, in early 2010. Meredith quickly transitioned to back office reconciliation within the fund. In the spring of 2010, Meredith accepted a position with Vista as a Performance and System Integrity manager. Her primary responsibility is managing Vista's Customer Information System which includes data integrity, account access, account management, performance reporting, and overseeing customer service. Meredith received her B.S in Finance from University of Houston in 2008.

Contact Information: mmoeller@vistaenergymarketing.com

281-684-8500

Maria Sion – Director of Call Center Interactions, started her career in the bottled water industry by working at Texas Premium Waters, who later merged with Sierra Springs, as a manager of customer

service, collection and retention in the late 1990s to early 2000s. Mrs. Sion was then called by a Director at Spark Energy to join a young company working in the collections department. After being at Spark Energy for 2 months, she was promoted to Supervisor of Collections, and then manager. After about 5 years, Mrs. Sion was promoted to Director of Call Center Interactions and responsible for directing over 80 employees in Customer Service, Retention and Collections. She was called to duty at Vista Energy Marketing in 2013, where she directs the Customer Service, Retention and Collections Department. Mrs. Sion has been very successful in her role and continues to serve Vista's customers.

Contact Information: msion@vistaenergymarketing.com

713-877-9904

This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

10/17/2016 2:37:49 PM

in

Case No(s). 16-2025-GA-CRS

Summary: Text In the Matter of the Application of Vista Energy Marketing, L.P. for Certification as a Competitive Retail Natural Gas Supplier in Accordance with Ohio Administrative Code Chapter 4901:1-21 electronically filed by Ms. Rebekah J. Glover on behalf of Vista Energy Marketing, L.P.