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August 19, 2019

17-1815-6A-AGG

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street  
Columbus, OH 43215  
P: (800) 686-7826

Re: **BidUREnergy Inc**  
**Renewal Certification Application Competitive Retail Natural Gas**  
**Brokers/Aggregators**

To Whom It May Concern:

Enclosed please find a **Renewal Certification Application Competitive Retail Natural Gas Brokers/Aggregators**, for our client **BidUREnergy Inc**. Once the application has been processed, please forward evidence of approval to the mailing address on the application. If there is any issue, or if you require any further information, please do not hesitate to us.

Thank you,

CT Corporation-Licensing  
140 Grand Street, Suite 300  
White Plains, NY 10601  
[ct@licenseologix.com](mailto:ct@licenseologix.com)  
(800) 292-0909

RECEIVED-DOCKETING DIV  
2019 AUG 21 AM 10:40  
PUCO

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document delivered in the regular course of business.  
Technician MA Date Processed AUG 21 2019

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# Public Utilities Commission

| PUCO USE ONLY - Version 10/13 |                              |                          |
|-------------------------------|------------------------------|--------------------------|
| Date Received                 | Renewal Certification Number | ORIGINAL AGG Case Number |
|                               |                              | 17 - 1815 - GA-AGG       |

## RENEWAL CERTIFICATION APPLICATION COMPETITIVE RETAIL NATURAL GAS BROKERS/AGGREGATORS

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

RECEIVED - DOCKETING DIV  
2019 AUG 21 AM 10:40  
PUCO

**A-1 Applicant intends to renew its certificate as: (check all that apply)**

☐ Retail Natural Gas Aggregator ☒ Retail Natural Gas Broker

**A-2 Applicant information:**

Legal Name BidUREnergy Inc  
Address 4433 Genessee Street, Suite 401, Buffalo, NY 14225  
Telephone No. (877) 669-8243 Web site Address n/a  
Current PUCO Certificate No. 17-620G(1) Effective Dates 9/21/2018 - 9/21/2019

**A-3 Applicant information under which applicant will do business in Ohio:**

Name Elizabeth Melisz, CEP - Manager of Operations  
Address 4433 Genessee Street, Suite 401, Buffalo, NY 14225  
Web site Address www.bidurenergy.com Telephone No. (877) 669-8243

**A-4 List all names under which the applicant does business in North America:**

BidUREnergy Inc

**A-5 Contact person for regulatory or emergency matters:**

Name Rashae Collins Title License Manager  
Business Address 4433 Genessee Street, Suite 401, Buffalo, NY 14225  
Telephone No. (866) 441-8538 Fax No. (877) 283-4152 Email Address cls-blms@wolterskluwer.com

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

Name Elizabeth Melisz, CEP Title Manager of Business Operations  
Business address 4433 Genessee Street, Suite 401, Buffalo, NY 14225  
Telephone No. (877) 669-8243 Fax No. (877) 283-4152 Email Address Elizabeth.Melisz@nrg.com

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

Customer service address 4433 Genessee Street, Suite 401, Buffalo, NY 14225  
Toll-Free Telephone No. (877) 669-8243 Fax No. n/a Email Address Elizabeth.Melisz@nrg.com

**A-8 Provide "Proof of an Ohio Office and Employee," in accordance with Section 4929.22 of the Ohio Revised Code, by listing name, Ohio office address, telephone number, and Web site address of the designated Ohio Employee**

Name Business Fillings Incorporated Title Registered Agent  
Business address 4400 Easton Commons Way, Suite 125, Columbus, OH 43219  
Telephone No. (877) 669-8243 Fax No. (877) 283-4152 Email Address info@bidurenergy.com

**A-9 Applicant's federal employer identification number 20-3980208**

**A-10 Applicant's form of ownership: (Check one)**

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

**A-11 (Check all that apply) Identify each natural gas company service area in which the applicant is currently providing service or intends to provide service, including identification of each customer class that the applicant is currently serving or intends to serve, for example: *residential, small commercial, and/or large commercial/industrial (mercantile) customers*. (A mercantile customer, as defined in Section 4929.01(L)(1) of the Ohio Revised Code, means a customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within the state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. In accordance with Section 4929.01(L)(2) of the Ohio Revised Code, "Mercantile customer" excludes a not-for-profit customer that consumes, other than for residential use, more than 500,000 cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state that has filed the necessary declaration with the Public Utilities Commission.)**

|   |   |  |   |
|---|---|--|---|
| <input checked="" type="checkbox"/> Columbia Gas of Ohio            | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Small Commercial | <input checked="" type="checkbox"/> Large Commercial / Industrial |
| <input checked="" type="checkbox"/> Dominion East Ohio              | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Small Commercial | <input checked="" type="checkbox"/> Large Commercial / Industrial |
| <input checked="" type="checkbox"/> Duke Energy Ohio                | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Small Commercial | <input checked="" type="checkbox"/> Large Commercial / Industrial |
| <input checked="" type="checkbox"/> Vectren Energy Delivery of Ohio | <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Small Commercial | <input checked="" type="checkbox"/> Large Commercial / Industrial |

**A-12 If applicant or an affiliated interest previously participated in any of Ohio's Natural Gas Choice Programs, for each service area and customer class, provide approximate start date(s) and/or end date(s) that the applicant began delivering and/or ended services. N/A**

☐ Columbia Gas of Ohio

|   |                           |          |
|---|---------------------------|----------|
| <input type="checkbox"/> Residential      | Beginning Date of Service | End Date |
| <input type="checkbox"/> Small Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Large Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Industrial       | Beginning Date of Service | End Date |

☐ Dominion East Ohio

|   |                           |          |
|---|---------------------------|----------|
| <input type="checkbox"/> Residential      | Beginning Date of Service | End Date |
| <input type="checkbox"/> Small Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Large Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Industrial       | Beginning Date of Service | End Date |

☐ Duke Energy Ohio

|   |                           |          |
|---|---------------------------|----------|
| <input type="checkbox"/> Residential      | Beginning Date of Service | End Date |
| <input type="checkbox"/> Small Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Large Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Industrial       | Beginning Date of Service | End Date |

☐ Vectren Energy Delivery of Ohio

|   |                           |          |
|---|---------------------------|----------|
| <input type="checkbox"/> Residential      | Beginning Date of Service | End Date |
| <input type="checkbox"/> Small Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Large Commercial | Beginning Date of Service | End Date |
| <input type="checkbox"/> Industrial       | Beginning Date of Service | End 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:**

N/A

|                          |                                 |                     |  |
|--------------------------|---------------------------------|---------------------|--|
| <input type="checkbox"/> | Columbian Gas of Ohio           | Intended Start Date |  |
| <input type="checkbox"/> | Dominion East Ohio              | Intended Start Date |  |
| <input type="checkbox"/> | Duke Energy Ohio                | Intended Start Date |  |
| <input type="checkbox"/> | Vectren Energy Delivery of Ohio | Intended Start Date |  |

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.

See Attached

**A-15 Exhibit A-15 "Company History,"** provide a concise description of the applicant's company history and principal business interests.

See Attached

**A-16 Exhibit A-16 "Articles of Incorporation and Bylaws,"** provide the articles of incorporation filed with the state or jurisdiction in which the applicant is incorporated and any amendments thereto, *only if the contents of the originally filed documents changed since the initial application.*

No Change

**A-17 Exhibit A-17 "Secretary of State,"** provide evidence that the applicant is still 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 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 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 renewed certification (e.g., number and types of customers served, utility service areas, volume of gas supplied, etc.).

**B-4 Exhibit B-4 "Disclosure of Liabilities and Investigations,"** 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

status or ability to provide the services for which it is seeking renewed certification since applicant last filed for certification.

- 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 since applicant last filed for certification.

☒ No ☐ Yes

If Yes, provide a separate attachment labeled as Exhibit B-5 "Disclosure of Consumer Protection Violations," 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 since applicant last filed for certification.

☒ 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 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 whether 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. 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 financial arrangements to satisfy collateral requirements to conduct retail electric/gas business activity (e.g., parental or third party guarantees, 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 guarantor 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 Exhibit C-5 “Forecasted Financial Statements,”** 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, Fitch IBCA, Moody's Investors Service, Standard & Poor's, 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 an 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 Exhibit C-7 “Credit Report,”** provide a copy of the applicant's current credit report from Experian, 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 functions.
- D-2 Exhibit D-2 "Operations Expertise,"** 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 20 day of August Month 2019 Year

Signature of official administering oath



Alaina R. Miller Notary

Print Name and Title

My commission expires on

May 26, 2023

ALAINA R MILLER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01MI6325308  
Qualified in Erie County  
My Commission Expires 05-26-2023





# The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service  
Affidavit Form  
(Version 1.07)

In the Matter of the Application of )

BidUREnergy Inc )

for a Certificate or Renewal Certificate to Provide )

Competitive Retail Natural Gas Service in Ohio. )

Case No. 17 - 1815 -GA-AGG

County of Erie

State of New York

[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

Sworn and subscribed before me this 20 day of August Month 2019 Year

Signature of Official Administering Oath

Print Name and Title

ALAINA R MILLER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01M16325308  
Qualified in Erie County

My commission expires on

May 26, 2023

My Commission Expires 05-26-2023

(CRNGS Broker/Aggregator Renewal - Version 1.08, Revised May 2016)

Page 7 of 7

## **Exhibit A-14 "Principal Officers, Directors, & Partners"**

### **President:**

Steven Moffitt  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

### **Sr. Vice President:**

Robert J. Gaudette  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

### **Vice Presidents:**

(1) David Callen      (2) Krisshna Koomer  
(3) Glen E. Mackey    (4) Richard Mason  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

### **Treasurer:**

Gaetan Frotte  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

### **Secretary:**

Christine Zoino  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

### **Assistant Secretary:**

(1) Deborah R. Fry  
(2) Judith Tompkins  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
(877) 669-8243

## **Exhibit A-15 "Company History"**

### **Brief History**

BidURenergy, INC. was founded on November 24, 2009 by demand response experts Glen Smith and Stephen Lynch. The company's founding idea being that choosing to have your energy supplied by a third party supplier should be easy and straightforward. Between 2009 and 2013, BidURenergy, Inc. had tripled in size and was continuing to grow.

On August 22, 2013, NRG Energy, Inc., through NRG Curtailment Solutions, LLC acquired 100% of the existing shares of BidURenergy, Inc. BUE continues to operate as an independent wholly-owned subsidiary of NRG Energy, Inc.

### Business Interests

Since its formation, BidURenergy, Inc. has acted as a full-service electricity and natural gas broker for both residential and small/large commercial or industrial customers. We collect our customer's billing and usage history, analyze it, and present it to electric and natural gas suppliers in their region. When the suppliers make an offer on the account, we compile the results in an easy-to-read format and present that to our customers. By having the suppliers compete for accounts, we drive the cost down for our customers. BidURenergy, Inc. receives commissions from the suppliers. In addition to energy brokering, BidURenergy also provides consulting and bill audit services for our customers.

### Exhibit A-16 "Articles of Incorporation and Bylaws"

On the following pages, please find the original certificate of incorporation, the amended certificate of incorporation, and the bylaws of NRG.

### Exhibit A-17 "Secretary of State"

On the following page(s), please find "Corporation Details," indicating that BidURenergy, Inc. remains registered with the Ohio Secretary of the State.

|  |                       |  |                 |
|--|-----------------------|--|-----------------|
| <b>FRANK LAROSE</b><br>Ohio Secretary of State   |                       |  | Mon Aug 05 2019 |
| <b>Entity#:</b>  | 1914305               |  |                 |
| <b>Filing Type:</b>  | FOREIGN CORPORATION   |  |                 |
| <b>Original Filing Date:</b>   | 02/09/2010            |  |                 |
| <b>Location:</b>   | --                    |  |                 |
| <b>Business Name:</b>  | BIDURENERGY, INC.     |  |                 |
| <b>Status:</b>   | Active                |  |                 |
| <b>Exp. Date:</b>  | -                     |  |                 |
| <b>Agent/Registrant Information</b>  |                       |  |                 |
| CT CORPORATION SYSTEM<br>4400 EASTON COMMONS WAY<br>SUITE 125<br>COLUMBUS OH 43219<br>04/17/2017<br>Active |                       |  |                 |
| <b>Filings</b>   |                       |  |                 |
| <b>Filing Type</b>   | <b>Date of Filing</b> | <b>Document ID</b>   |                 |
| FOREIGN LICENSE/FOR-PROFIT   | 02/09/2010            | 201004701256   |                 |
| FOREIGN/DESIGNATED APPOINTMENT OF AGENT  | 10/17/2011            | 201129400464   |                 |
| FOREIGN/DESIGNATED APPOINTMENT OF AGENT  | 10/04/2013            | 201328001654   |                 |
| FOREIGN/AMENDMENT  | 01/06/2017            | 201700901412   |                 |
| FOREIGN/AGENT CHANGE OF ADDRESS  | 03/31/2017            | 201710302962   |                 |
| FOREIGN/AGENT CHANGE OF ADDRESS  | 04/17/2017            | 201710702872   |                 |



**Entity#:** 1914305  
**Filing Type:** FOREIGN CORPORATION  
**Original Filing Date:** 02/09/2010  
**Location:** --  
**Business Name:** BIDUREENERGY, INC.  
  
**Status:** Active  
**Exp. Date:** -

## Agent/Registrant Information

CT CORPORATION SYSTEM  
4400 EASTON COMMONS WAY  
SUITE 125  
COLUMBUS OH 43219  
04/17/2017  
Active

## Filings

| Filing Type                             | Date of Filing | Document ID  |
|---|----------------|--------------|
| FOREIGN LICENSE/FOR-PROFIT              | 02/09/2010     | 201004701256 |
| FOREIGN/DESIGNATED APPOINTMENT OF AGENT | 10/17/2011     | 201129400464 |
| FOREIGN/DESIGNATED APPOINTMENT OF AGENT | 10/04/2013     | 201328001654 |
| FOREIGN/AMENDMENT                       | 01/06/2017     | 201700901412 |
| FOREIGN/AGENT CHANGE OF ADDRESS         | 03/31/2017     | 201710302962 |
| FOREIGN/AGENT CHANGE OF ADDRESS         | 04/17/2017     | 201710702872 |



Mon Aug 05 2019

**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 5th of August, A.D. 2019*

**Ohio Secretary of State**

A handwritten signature in cursive script, reading "Frank LaRose".

## **Exhibit A-16 “Articles of Incorporation and Bylaws”**

### **NRG ENERGY, INC.**

#### **CORPORATE GOVERNANCE GUIDELINES**

Adopted by the Board of Directors on March 2, 2004,  
and as amended most recently on December 1, 2016

#### **1. ROLE AND COMPOSITION OF THE BOARD OF DIRECTORS**

##### ***Role of the Board***

The Board of Directors, which is elected by the Company's stockholders, oversees the management of the Company and its business. The Board monitors the performance of senior management; selects, evaluates and compensates the Chief Executive Officer and oversees CEO succession planning; provides counsel and oversight on the selection, evaluation, development and compensation of senior management; reviews, approves and monitors fundamental financial and business strategies and major corporate actions; assesses major risks facing the Company and their management; and oversees processes for maintaining the integrity of the Company. The Board's goals are to build long-term value for the Company's stockholders, and to assure the vitality of the Company for its customers, suppliers, employees and other stakeholders.

##### ***Role of Directors***

A director is expected to spend the time and effort necessary to properly discharge such director's responsibilities, including those specified above. Accordingly, a director is expected to regularly attend meetings of the Board and committees on which such director sits, and to review prior to meetings material distributed in advance for such meetings. A director who is unable to attend a meeting (which it is understood will occur on occasion) is expected to notify the Chairman of the Board or the Chairman of the appropriate committee in advance of such meeting.

##### ***Size, Composition and Membership Criteria***

The Board is made up of a majority of independent directors. An “independent” director is a director who meets the definition of “independent director” under the listing standards of the New York Stock Exchange and is affirmatively determined to be “independent” by the Board. The Board is presently composed of thirteen directors, and directors are elected annually at the Company's annual meeting stockholders.

The Board membership criteria include, among other things, an individual's business experience and skills, independence, judgment, integrity, ability to commit sufficient time and attention to the activities of the Board and director tenure (as described below). The Governance and Nominating Committee of the Board considers these criteria in the context of an assessment of the perceived needs of the Board as a whole and seeks to achieve a diversity of occupational and personal backgrounds on the Board.

The Governance and Nominating Committee reviews the qualifications of director candidates in light of applicable Board membership criteria and recommends candidates to the Board for election by the stockholders at the annual meeting.

The Committee also considers nominations by stockholders who recommend candidates for election to the Board in compliance with the advance notice provisions in the Company's Bylaws, applicable Securities and Exchange Commission rules and regulations, and applicable securities market rules and regulations.

### ***Board Leadership***

The Board believes that it is in the best interests of the Company for the Board to make a determination regarding whether or not to separate the roles of Chairman of the Board and CEO based upon the circumstances. Currently, the offices of Chairman and CEO are held by two individuals.

### ***Change in Principal Occupation***

When a director's principal occupation or business association changes substantially during the director's tenure on the Board, the director should tender his or her resignation for consideration by the Governance and Nominating Committee. The Committee will recommend to the Board the action, if any, to be taken with respect to the offer of resignation.

### ***Director Tenure***

It is the general policy of the Board that non-employee directors will not stand for re-election after reaching age 75. However, the Board upon the recommendation of the Governance and Nominating Committee may waive the requirement in any particular case or change the retirement age if it is in the Company's best interest.

### ***Director Attendance at Annual Meetings of Stockholders***

Directors are invited and encouraged to attend the Company's annual meeting of stockholders. A director who is unable to attend the Company's annual meeting of stockholders (which it is understood will occur on occasion) is expected to notify the Chairman of the Board in advance of the meeting.

### ***Service on Other Boards***

A director who also serves in the capacity of a CEO or in an equivalent position should not serve on more than two boards of public companies in addition to the Company's Board, and other directors should not serve on more than four other boards of public companies in addition to the Company's Board. Current positions in excess of these limits may be maintained unless the Board determines that doing so would impair the director's service on the Company's Board.

## **2. FUNCTIONING OF THE BOARD AND BOARD MEETINGS**

### ***Frequency of Meetings***

There shall be at least five regularly scheduled meetings of the Board each year. At least one regularly scheduled meeting of the Board shall be held quarterly.

### ***Agendas***

The Chairman, in consultation with the CEO, sets the agenda for Board meetings with the understanding that certain items pertinent to the advisory and monitoring functions of the Board be brought to it periodically by the Chairman for review and/or decision. Agenda items that fall within the scope of responsibilities of a Board committee are reviewed with the chairman of that committee. Directors are encouraged to suggest the inclusion of items on the agenda.

#### ***Distribution of Board Materials***

Board materials related to agenda items are provided to directors sufficiently in advance of Board meetings to allow directors to review and prepare for discussion of the items at the meeting. In some cases, due to timing or the sensitive nature of an issue, materials are presented only at the Board meeting.

#### ***Director Access to Management and Employees***

At the invitation of the Board, members of senior management recommended by the Chairman or CEO may attend Board meetings or portions of meetings for the purpose of participating in discussions. Generally, presentations of matters to be considered by the Board are made by the manager responsible for that area of the Company's operations. Directors also have full and free access to other members of management, to employees of the Company, and to the Company's counsel, subject to their use of judgment to assure that this access is not distracting to the business operations of the Company.

#### ***Access to Outside Advisors***

The Board and its committees have the right to retain outside financial, legal or other advisors as they determine appropriate to assist them in the performance of their respective functions.

#### ***Executive Sessions of Non-Management Directors***

The non-management directors meet in executive session periodically during Board meetings. It is the policy of the Board that the Chairman presides at executive sessions; provided that if the Chairman is a member of management then it is the policy of the Board to elect a non-management director to preside at executive sessions.

### **3. DIRECTOR COMPENSATION**

Non-employee directors are compensated in accordance with the Director Compensation Plan and the Directors Stock Option Plan. The Board believes that a significant portion of a director's compensation should be in equity to further the direct correlation of directors' and stockholders' interests. The Board reviews the amount and composition of director compensation from time to time and makes changes as appropriate.

Directors that are officers or employees of the Company do not receive any additional compensation for service on the Board.

Company policy and federal law prohibits the Company from directly or indirectly making any loan to a director or executive officer of the Company.



#### **4. STOCK OWNERSHIP GUIDELINES**

Because a significant ownership stake leads to a stronger alignment of interests between directors and stockholders, each director is required to own a meaningful amount of Company stock, as specified in the Director Compensation Plan and the Directors Stock Option Plan. Exceptions to this requirement may be made by the Board under special circumstances.

#### **5. SUCCESSION AND MANAGEMENT DEVELOPMENT**

The CEO reports annually to the Board on the Company's program for succession and management development. The Board, in collaboration with the CEO, plans for succession to the position of CEO as well as certain other senior management positions. The Board and the Compensation Committee periodically review the Company's succession plans regarding the selection of individuals to fill these positions.

#### **6. FORMAL EVALUATION OF CEO AND OTHER EXECUTIVE OFFICERS**

The Compensation Committee is responsible for setting annual and long-term performance goals for the CEO and for evaluating his performance against those goals. The results of the evaluation are shared with the CEO and used by the Compensation Committee in considering his compensation.

The Compensation Committee also is responsible for reviewing and approving annual and long-term performance goals for other executive officers of the Company. The Committee, with the CEO, reviews the performance of these executive officers against the goals and sets the executive officers' compensation.

#### **7. DIRECTOR ORIENTATION AND CONTINUING EDUCATION**

The Company has an orientation process for Board members that includes extensive materials and meetings with key management designed to familiarize new directors with the Company's business, operations, finances, and governance practices. The Board encourages directors to participate in education programs to assist them in performing their responsibilities as directors.

#### **8. ANNUAL PERFORMANCE EVALUATION**

The Board and each of its committees conduct annual self-evaluations to assess their effectiveness. Individual directors are also evaluated by the Board. In connection with its self-evaluation, each committee reviews its charter. The Governance and Nominating Committee coordinates the Board's self-evaluation.

#### **9. STRUCTURE AND FUNCTIONING OF COMMITTEES**

##### ***Number, Structure and Independence of Committees***

The By-laws of the Company enable the Board of Directors, by majority vote, to form committees for any purpose and to delegate to such committees such power and authority as the Board deems appropriate. Currently the Board's standing committees are the Audit Committee, the Governance and Nominating Committee, the Compensation Committee, the Finance and Risk Management Committee, the Nuclear Oversight Committee and Nuclear Oversight

Subcommittee. The Audit Committee, the Governance and Nominating and the Compensation Committee are made up solely of independent directors. In addition, directors who serve on the Audit Committee and Compensation Committee must be "independent" within the meaning of the applicable securities market independence criteria for audit committee and compensation committee members, respectively. Additionally, directors who serve on the Compensation Committee must qualify as "non-employee directors" for purposes of Rule 16b-3 under the Securities Exchange Act of 1934, as amended, and as "outside directors" for purposes of Section 162(m) of the Internal Revenue Code.

The Board may also establish and maintain other committees of the Board from time to time as it deems necessary and appropriate, with such power and authority as the Board may determine.

#### ***Assignment and Rotation of Committee Members***

The Board is responsible for determining committee size, structure, composition and functioning. Committee members are appointed by the full Board. Committee chairmen are elected by the Board. It is the policy of the Board that consideration be given to rotating committee members periodically, but the Board does not believe that rotation should be mandated as a policy.

#### ***Responsibilities***

Each committee operates under a written charter that sets forth the purposes, goals and responsibilities of the committee as well as qualifications for committee membership. Committees report regularly to the full Board with respect to their activities. Each committee has the authority to retain outside advisors as it determines appropriate to assist it in the performance of its functions.

#### ***Meetings and Agendas***

The chairman of each committee determines the frequency, length and agenda of the committee's meetings. Materials related to agenda items are provided to committee members sufficiently in advance of meetings where necessary to allow the members to review and prepare for discussion of the items at the meeting. In some cases, due to timing or the sensitive nature of an issue, materials are presented only at the committee's meeting.

#### ***Annual Performance Evaluation***

The Audit Committee, the Governance and Nominating Committee, the Compensation Committee, the Finance and Risk Management Committee, and the Nuclear Oversight Subcommittee each conduct an annual self-evaluation to assess their performance against best practices standards.

### **10. COMMUNICATIONS WITH DIRECTORS**

As noted above, the Chairman (or if the Chairman is a member of management, a designated non-management director) has responsibility for chairing executive sessions of the Company's

non-management directors. Stockholders and others may communicate with the Chairman or with our directors as a group by writing to them c/o the Corporate Secretary, NRG Energy, Inc., 804 Carnegie Center, Princeton, New Jersey 08540.

#### **11. PERIODIC REVIEW OF GUIDELINES**

These guidelines shall be reviewed periodically by the Governance and Nominating Committee and any amendments shall be presented to the Board for adoption.

### **Exhibit B-1 “Jurisdictions of Operations”**

The Applicant is certified, licensed, registered, or otherwise authorized to provide retail or wholesale electric or gas services including aggregation services in the following states and commonwealths:

- New York
- New Jersey
  - Date filed: February 11, 2010
  - License numbers: EA-0073, PA-0068, and EC-0091
- Illinois
  - Date filed: March 24, 2010
  - Docket number: 10:0001
- Connecticut:
  - Date Filed: January 11, 2011
  - Docket number: 11-06-10
- Delaware:
  - Date filed: August 20, 2011
  - Docket number: 10-420
- Massachusetts:
  - Date filed: September 20, 2010
  - License number: EB 155
- Maryland
  - Date filed: May 5, 2010
  - License reference number: IR-1846
- Maine
  - Date filed: Feb 4, 2011
  - Docket number: 2011-66
- New Hampshire
  - Date filed: May 11, 2010
  - License number: DM 10-110
- Oregon
  - Date filed: March 8, 2011
  - License number: .11-08
- Pennsylvania
  - Date filed: April 15, 2010
  - License number: A-2009-2149584

### **Exhibit B-2 “Experience and Plans”**

BidURenergy, Inc. (BUE) acts as a full-service electricity and natural gas broker for both residential and small/large commercial and industrial customers. BUE acts an energy marketplace in which suppliers compete through a blind auction format to represent accounts. After completing a one-page bid request form (Letter of Authorization), the account goes to the Bid Preparation Department. The Bid Preparation Department reviews all the account

information and collects the customers billing and usage history from their utility or current supplier. After gathering usage history, the account moves on to the Bid Analysis Department. Bid Analysts will send the account out to numerous natural gas and electricity suppliers in their area. After receiving the bids back, the Bid Analysts will compile the results and present them to the customer in an easy-to-read format. BUE is a no-obligation service to the customer and BUE is only compensated when a customer signs with a third-party supplier. BUE is compensated by the successful supplier. Therefore, BUE does not need to provide their customers with billing statements, since a customer is not billed directly by BUE for its brokering service.

In order to respond to customer inquiries and complaints, BidURenergy has a toll-free phone number: 877-669-8243.

#### **Exhibit B-3 "Summary of Experience"**

BidURenergy, Inc. has extensive experience in representing customers in the purchase of retail electric services and natural gas. BidURenergy represents over 2,000 customers, totaling over 2.2 TWH of electric load and over 3,000,000 DTH of natural gas load under management. Currently, BidURenergy operates in all natural gas utilities open to customer shopping within the State of Ohio. BidURenergy works with all types of customers, including residential, small commercial, large commercial and industrial loads. BUE does not take title to natural gas at any point.

#### **Exhibit B-4 "Disclosure of Liabilities and Investigations"**

Not applicable.

#### **Exhibit C-1 Annual Reports**

BidURenergy, Inc., as a wholly-owned indirect subsidiary of NRG Energy, Inc., does not prepare Annual Reports for Shareholders. The Annual Report of NRG ENERGY, Inc., BUE's parent company, is located at [www.nrg.com](http://www.nrg.com) (see "Overview" under the Investors tab).

#### **Exhibit C-2 SEC Filing and C-3 Financial Statements**

BidURenergy, Inc. does not prepare stand-alone audited financial statements, but is included in the audited financial statement of NRG Energy, Inc., its parent company. NRG Energy, Inc.'s audited financials can be found at [www.nrgenergy.com/sec](http://www.nrgenergy.com/sec).

#### **Exhibit C-4 Financial Arrangements**

Because BidURenergy, Inc. is only operating as a competitive retail natural gas broker ("CRNGB"), and does not take title to any commodity, BidURenergy, Inc. has sufficient cash and cash flow to fund its CRNGB activities.

## **Exhibit C-5 Forecasted Financial Statement**

**CONFIDENTIAL**

## **Exhibit C-6 Credit Rating**

DUNS number for BidURenergy, Inc. is 832367853. BUE's Dun & Bradstreet rating is 1R3.

## **Exhibit C-7 Credit Report**

DUNS number for BidURenergy, Inc. is 832367853. BUE's comprehensive report from Dunn & Bradstreet is attached.

## **Exhibit C-8 Bankruptcy Information**

Not applicable. Neither BidURenergy, Inc., nor NRG Energy, Inc. has filed for any type of bankruptcy protection within the past three (3) years.

## **Exhibit C-9 Merger Information**

On August 22, 2013, NRG Energy, Inc., through NRG Curtailment Solutions, LLC, acquired 100% of the existing shares of BidURenergy, Inc.

## **Exhibit C-10 Corporate Structure**

BidURenergy, Inc. (BUE) is a New York corporation. BUE is the sister company to one of the nation's leading demand response providers, Energy Curtailment Specialists, Inc (ECS), as well as Ace Energy, Inc. (Ace). ECS has been a leader in the demand response industry since its inception in 2001. From its beginning, ECS has experienced considerable growth and now with more than 160 employees represents over 10,000 customer facilities nationwide. ECS' PowerPay! demand response program compensates larger electric users (industrial and commercial facilities) for agreeing to reduce their electric use during periods of extreme stress on the electric grid. Ace is a company that upgrades lighting and improves energy efficiency in large buildings. BUE (along with ECS and Ace) is a wholly-owned indirect subsidiary of NRG Energy, Inc., a publically-traded company.

## **Exhibit D-1 Operations**

BidURenergy, Inc. has acted as a full-service electricity and natural gas broker for both residential and small/large commercial or industrial customers. We collect our customer's billing and usage history, analyze it, and present it to electric and natural gas suppliers in their region. When the suppliers make an offer on the account, we compile the results in an easy-to-read format and present that to our customers. By having the suppliers compete for accounts, we drive the cost down for our customers. BidURenergy, Inc. receives commission from the suppliers. BidURenergy, Inc. gets paid directly by suppliers, not clients. Therefore, our clients are never obligated to sign with a third-party supplier.

## **Exhibit D-2 Operations Expertise**

BidURenergy, Inc. offers the resumes of key persons involved in the company's energy-related activities as evidence as of expertise in the energy industry:

### **Fazil A. Shaikh, Director of Procurement**

Fazil A. Shaikh was the first employee of Cirro Energy Services, Inc. ("CES") which was acquired by NRG Energy (NYSE: "NRG") in April of 2014 from Dominion Resources (NYSE: "D"). Mr. Shaikh was responsible for managing and growing the commodity management, demand response, smart grid, and renewable energy business and led the transition and integration of the business to NRG. Mr. Shaikh was instrumental in the growth of the firm, managing a wide range of responsibilities including business development, origination, and asset management, to name a few. Currently Mr. Shaikh leads the Analyst team for NRG Advisory Services and BidURenergy, Inc. (BUE) which maintains a portfolio of some of the largest energy users in North America, each with individual goals and sustainability initiatives. BUE is comprehensive energy consulting firm, focused on delivering customized energy strategies for our commercial and industrial clients. During his time at NRG, Mr. Shaikh was also involved with the company's digital strategy and launch into the Distributed Energy Resource space and led the origination and structuring of NRG's strategic partnership with Cummins Power Generation.

### **Elizabeth Melisz, CEP, Manager of Business Operations**

Elizabeth has over 7 years of industry experience working in electric and natural gas markets across the United States and Canada. Mrs. Melisz started her career in energy working in demand response market operations for NRG's Curtailment Solutions and has been working with the BUE procurement team since 2014. The Association of Energy Engineers has certified Mrs. Melisz as a Certified Energy Procurement Professional (CEP Professional®).

### **Jamie Paulson, MBA, CEM, CEP Manager of Brokerage Services**

Mrs. Paulson holds a bachelor's degree in Business and an MBA from St Bonaventure University. Through her 9+ years of service, she makes sure the team is educated and equipped to fully analyze a facility's energy consumption profile and load factor and determine a mix of energy strategies that will maximize the energy savings for clients. The Association of Energy Engineers has certified Mrs. Paulson as a Certified Energy Procurement Professional (CEP Professional®) and Certified Energy Manager (CEM).

## **Exhibit D-3 Key Technical Personnel**

For background information regarding key technical personnel, please refer to Exhibit D-2 "Operations Expertise."

### **Director of Procurement:**

Fazil Shaikh  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
877-699-8243

**Manager of Business Operations:**

Elizabeth Melisz  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
877-669-8243  
[Elizabeth.Melisz@nrg.com](mailto:Elizabeth.Melisz@nrg.com)

**Manager of Brokerage Services:**

Jamie Paulson  
4455 Genesee St, Building 6  
Buffalo, NY 14225  
877-669-8243



17-1815-6A -A66

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If the Customer accessing the Services is part of the executive, legislative or judicial branches of the U.S. Federal Government, the Services contained herein are a Commercial Item as that term is defined in FAR 2.101, and are comprised of Technical Data, Computer Software and Computer Software Documentation as those terms are defined in FAR 52.227-14(a) and DFAR 252.227-13.

Customer's rights to use the Services are as described in the government contract signed between D&B and the Government

Under no circumstances will the Customer accessing the Services have greater rights in the Services provided hereunder than "Limited Rights" as that term is defined in FAR 52.227-14 (ALT II) and DFAR 252.227-7013(f) and "Restricted Rights" as that term is defined in FAR 52.227-14 (ALT III) and DFAR 252.227-7014(f), respectively.

LIVE REPORT

Currency: Shown in USD unless otherwise indicated 

**NRG ENERGY, INC.**

Trade Names: No trade names for this company.

**ACTIVE** **HEADQUARTERS**

D-U-N-S 79-342-2213

Number:

Company: NRG ENERGY, INC.

RECEIVED-ROCKETING.COM  
2019 AUG 21 AM 10:42  
PUCO

**D&B Address**

**Address:** 804 CARNEGIE CTR  
PRINCETON, NJ, US - 08540

**Location** HEADQUARTERS

**Type:**

**Phone:** 609-524-4500

**Fax:**

**Web:** [www.nrgenergy.com](http://www.nrgenergy.com)

**Added to Portfolio:** 02/28/2019

**Endorsement:** PTNnguyen@reliant.com

**Last View Date:** 08/20/2019

**Company Summary**

**SCORE BAR**

**PAYDEX®**



71

Paying 14 days past due

**Commercial Credit Score Percentile**



69

Low to Moderate Risk of severe payment delinquency.

**Financial Stress Score National Percentile**



5

Moderate to High Risk of severe financial stress.

**D&B Viability Rating**

2

8

A

A

[View More Details](#)

**Bankruptcy Found**

N

**D&B Rating**

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Unavailable.

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## D&B VIABILITY RATING SUMMARY

### Viability Score

Viability Score : 2

Low Risk:1 ; High Risk:9

### Data Depth Indicator

Data Depth Indicator : A

Predictive:A ; Descriptive:G

### Portfolio Comparison

Portfolio Comparison : 8

Low Risk:1 ; High Risk:9

### Company Profile:

A

Financial  
Data  
Available

Trade  
Payments  
Available  
(3+Trade)

Company  
Size  
Large

Years in  
Business  
Established

---

## DETAILED TRADE RISK INSIGHT™

**3 months** from Jun-19 to Aug-19

**Days Beyond Terms Past 3 months: 6 Days**

**Days Beyond Terms Past 3 months : 6**

Low Risk:0 ; High Risk:120+

Dollar-weighted average of **262** payment experiences reported from **102** companies.

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## D&B COMPANY OVERVIEW

**This is a headquarters location**

|  |                      |                              |
|--|----------------------|------------------------------|
| <b>Branch(es) or Division(s) exist</b> | <b>Gross Revenue</b> | <b>Chief Executive</b>       |
| Y                                      | 9478000000           | MAURICIO GUTIERREZ, CEO-PRES |
| <b>Age (Year Started)</b>              | <b>Employees</b>     | <b>History Status</b>        |
| 30 years (1989)                        | 7940 (240 Here)      | BUSINESS                     |
| <b>Net Worth</b>                       | <b>Financing</b>     | <b>Financial Condition</b>   |
| (1234000000)                           | SECURED              | UNBALANCED                   |
| <b>Stock Symbol</b>                    | <b>SIC</b>           | <b>Line of business</b>      |
| NRG                                    | 4911                 | Electric services            |
| <b>NAICS</b>                           |                      |                              |
| 221118                                 |                      |                              |

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## PAYDEX® TREND CHART

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### STOCK PERFORMANCE

**NRG 35.21 -0.26 ↓ (-0.74%)**

Previous Close: 35.46  
Volume: 595,280.00

Daily High: 35.39  
Daily Low: 34.94

52-Week High: 43.66  
52-Week Low: 32.64

P/E: 110.00  
Market Cap: 8,905,173,693

EPS: 0.32  
Div/Yield: 0.35

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### FIRSTRAIN COMPANY NEWS

This is your SolarWakeup for August 16th, 2019  
SolarWakeup.com Aug 16, 2019  
Google Inc.

Why 100% renewables isn't feasible by 2050 -Utility  
Dive Aug 15, 2019  
Google Inc.

Hartford Investment Management Co. Has \$1.04  
Million Stock Holdings in NRG Energy Inc  
(NYSE:NRG) Tech Know Bits Aug 9, 2019  
Google Inc.

Power Engineering: NRG completes \$300M buy of  
Stream retail electricity biz -Texas Coalition for Affordable

Power Aug 9, 2019  
Google Inc.

**38,787 Shares in NRG Energy Inc (NYSE:NRG)  
Purchased by Stoneridge Investment Partners LLC** The  
Olympia Report Aug 8, 2019  
Google Inc.

**NRG CEO Gutierrez says ERCOT overstates  
generation capacity** Brown Sports - Houston Chronicle Aug 8,  
2019  
Google Inc.

**NRG's second quarter profit doubles** Houston Chronicle  
Aug 7, 2019  
Google Inc.

**Stream Completes Sale of Retail Energy Business to  
NRG Energy** Business Wire, Inc. Aug 7, 2019  
Google Inc.

**NRG Energy, Inc. Reports Second Quarter 2019  
Results** Business Wire, Inc. Aug 7, 2019  
Google Inc.

**NRG Energy Inc (NYSE:NRG) Shares Sold by  
Louisiana State Employees Retirement System** Tech  
Know Bits Aug 6, 2019  
Google Inc.

**NRG Yield: 2Q Earnings Snapshot** WN - WorldNews Aug  
6, 2019  
Google Inc.

**NRG Energy (NRG) to Release Earnings on  
Wednesday** MR Modern Readers Aug 6, 2019  
Google Inc.

**Owner of former Huntley plant sets \$4 value on  
property** The Buffalo News Aug 5, 2019  
Google Inc.

**Six more electric utilities commit to delivering content  
at POWERGEN** PEI Jul 31, 2019  
Google Inc.

**NRG Energy Inc (NYSE:NRG) Stock Position Lifted  
by Machina Capital S.A.S.** The Olympia Report Jul 30, 2019  
Google Inc.

**Is NRG Energy a Buy?** Motley Fool Jul 29, 2019  
Google Inc.

**Nrg energy, inc. reports full year 2018 results gas  
efficient cars under 5000** Gas and electricity Jul 27, 2019  
Google Inc.

**NRG Energy Inc (NYSE:NRG) Shares Acquired by  
WINTON GROUP Ltd** The Olympia Report Jul 24, 2019  
Google Inc.

**NRG Energy Inc (NYSE:NRG) Receives Consensus  
Recommendation of 'Buy' from Brokerages** MR Modern  
Readers Jul 21, 2019  
Google Inc.

**NRG defends time it's taking to find buyer for former  
Huntley plant in Tonawanda** wivb.com Jul 20, 2019  
Google Inc.

**Marshall Wace North America L.P. Makes New  
Investment in NRG Energy Inc (NYSE:NRG)** Tech  
Know Bits Jul 19, 2019  
Google Inc.

**NRG Energy Inc (NYSE:NRG) Increases Dividend to  
\$0.12 Per Share** Tech Know Bits Jul 19, 2019  
Google Inc.

**NRG Energy, Inc. to Report Second Quarter 2019  
Financial Results on August 7, 2019** Business Wire, Inc.  
Jul 19, 2019  
Google Inc.

**NRG Energy, Inc. Announces Quarterly Dividend**  
Business Wire, Inc. Jul 19, 2019  
Google Inc.

**NRG restarts dormant Gregory gas-fired plant in  
Cornus Christi** Power Engineering Jul 17 2019

**Summer boondocking gear: Car camping done right**

Engadget Jul 17, 2019  
Google Inc.

**NRG Energy (NYSE:NRG) Upgraded at Goldman Sachs Group**

Tech Know Bits Jul 16, 2019  
Google Inc.

**45 Fortune 500 Stocks Projected Top Total Returns To Investors To July 2020**

Seeking Alpha Jul 14, 2019  
Google Inc.

**Town of Tonawanda continues eminent domain pursuit of Huntley plant**

wivb.com Jul 13, 2019  
Google Inc.

**Goal Zero's Sherpa 100PD Delivers Lightweight Power On the Go**

New Kerala Jul 12, 2019  
Google Inc.

**Metropolitan Life Insurance Co NY Sells 2,763 Shares of NRG Energy Inc (NYSE:NRG)**

Tech Know Bits Jul 8, 2019  
Google Inc.

**Permalink to Potrero generating station ? wikipedia electricity origin**

Gas and electricity Jul 4, 2019  
Google Inc.

**Gilder Gagnon Howe & Co. LLC Lowers Stock**

Position in NRG Energy Inc (NYSE:NRG) Tech Know Bits Jul 4, 2019  
Google Inc.

**Analyst Favorites With Strong Buyback Activity:**

NRG Energy Ranks As A Top Pick The Street Jul 3, 2019  
Google Inc.

**Waivers Allow Transfer of Agreements Subject to?**

TIS Energy Jul 3, 2019  
Google Inc.

**Redwood Investment Management LLC Buys Shares of 64,004 NRG Energy Inc (NYSE:NRG)**

Tech Know Bits Jul 2, 2019  
Google Inc.

**Hot with no AC? Go to one of 11 cooling centers in Houston**

Houston Chronicle Jul 1, 2019  
Google Inc.

**Owners of Powerton facility cited for groundwater**

issues Morton Times-News Jun 29, 2019  
Google Inc.

**Goal Zero's Sherpa 100PD delivers lightweight power on the go**

Utah Pulse Jun 27, 2019  
Google Inc.

**The Latest Evolution of Distributed Energy Resources - Opportunities for Businesses Within PJM**

Smart Energy Decisions Jun 25, 2019  
Google Inc.

**Tonawanda begins legal fight to take over former Huntley station**

The Buffalo News Jun 24, 2019  
Google Inc.

**NRG Energy added to Conviction Buy List at**

Goldman Seeking Alpha Jun 24, 2019  
Google Inc.

**NRG Energy's 3-Year Plan Is Working. Now It's Time to Buy the Stock, Goldman Sachs Says**

Market Watch Jun 24, 2019  
Google Inc.

**Illinois directs Vistra to retire 2 GW coal by 2020**

Utility Dive Jun 24, 2019  
Google Inc.

**Don't Head into the Remote Wilderness Without This Gear**

Wired Ventures Inc. Jun 24, 2019  
Google Inc.

**Metropolitan Life Insurance Co NY Sells 2,763 Shares of NRG Energy Inc (NYSE:NRG)**

MR Modern Readers Jun

23, 2019  
Google Inc.

Horizon Investments LLC Invests \$206,000 in NRG  
Energy Inc (NYSE:NRG) Tech Know Bits Jun 21, 2019  
Google Inc.

IL Pollution Control Board Finds NRG Energy's  
Subsidiary Responsible for Polluting Groundwater  
with Toxic Coal Ash WN - WorldNews Jun 20, 2019  
Google Inc.

NRG Energy Inc (NRG) Given Average  
Recommendation of 'Hold' by Brokerages Tech Know  
Bits Jun 19, 2019  
Google Inc.

TD Asset Management Inc. Trims Position in NRG  
Energy Inc (NYSE:NRG) Tech Know Bits Jun 18, 2019  
Google Inc.

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## PUBLIC FILINGS

The following data includes both open and closed filings  
found in D&B's database on this company.

| Record Type  | Number of<br>Records | Most Recent<br>Filing Date |
|--------------|----------------------|----------------------------|
| Bankruptcies | 2                    | 05/14/2003                 |
| Judgments    | 1                    | 05/23/2018                 |
| Liens        | 6                    | 02/28/2018                 |
| Suits        | 2                    | 06/15/2018                 |
| UCCs         | 282                  | 03/14/2019                 |

The public record items contained herein may have been  
paid, terminated, vacated or released prior to today's date.

## Predictive Scores

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### D&B VIABILITY RATING SUMMARY

The D&B Viability Rating uses D&B's proprietary analytics to compare the most predictive business risk indicators and deliver a highly reliable assessment of the probability that a company will go out of business, become dormant/inactive, or file for bankruptcy/insolvency within the next 12 months. The D&B Viability Rating is made up of 4 components:

#### Viability Score

Compared to All US Businesses within the D&B  
Database:

- Level of Risk: **Low Risk**
- Businesses ranked **2** have a probability of becoming no longer viable: **2 %**
- Percentage of businesses ranked **2**: **4 %**

#### Portfolio Comparison

Compared to All US Businesses within the same  
MODEL SEGMENT:

- Model Segment : **Available Financial Data**
- Level of Risk: **High Risk**
- Businesses ranked **8** within this model segment have a probability of becoming no longer viable: **2 %**

- Across all US businesses, the average probability of becoming no longer viable: **14 %**

### Data Depth Indicator

#### Data Depth Indicator:

- ✓ Rich Firmographics
- ✓ Extensive Commercial Trading Activity
- ✓ Comprehensive Financial Attributes

Greater data depth can increase the precision of the D&B Viability Rating assessment.

To help improve the current data depth of this company, you can ask D&B to make a personalized request to this company on your behalf to obtain its latest financial information. To make the request, click the link below. Note, the company must be saved to a folder before the request can be made.

### Request Financial Statements

Reference the FINANCIALS tab for this company to monitor the status of your request.

- Percentage of businesses ranked **8** with this model segment: **4 %**
- Within this model segment, the average probability of becoming no longer viable: **0.6 %**

### Company Profile:

#### Company Profile Details:

- Financial Data: **Available**
- Trade Payments: **Available: 3+Trade**
- Company Size: **Large: Employees:50+ or Sales: \$500K+**
- Years in Business: **Established: 5+**



| Financial Data | Trade Payments     | Company Size | Years in Business |
|----------------|--------------------|--------------|-------------------|
| Available      | Available: 3+Trade | Large        | Established       |

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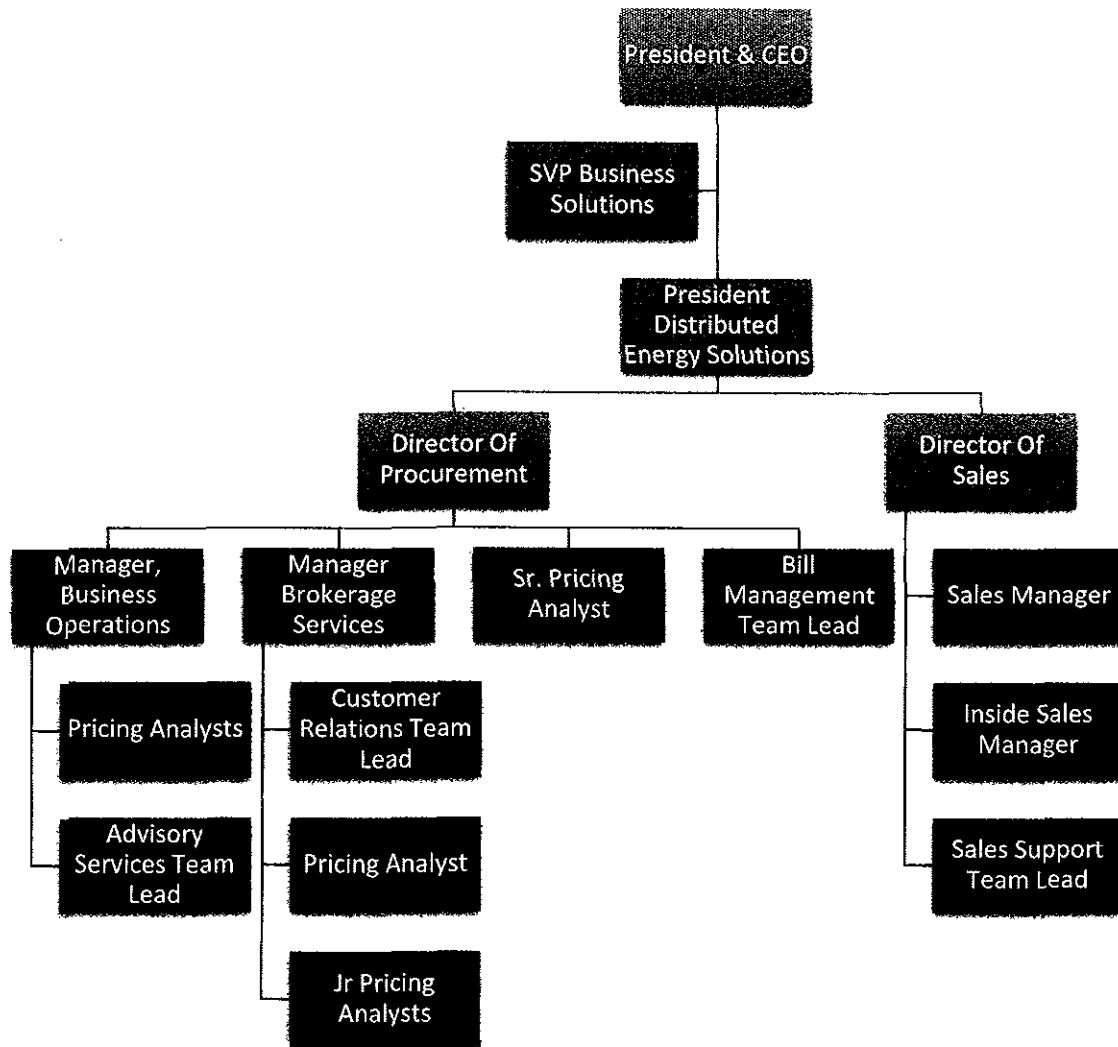
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Exhibit C-10 "Corporate Structure"

*BidUReenergy, Inc., a New York corporation, is 100% owned by NRG Distributed Energy Resources Holdings LLC, a Delaware limited liability company. NRG Distributed Energy Resources Holdings LLC is 100% owned by NRG Energy, Inc., a publicly-held Delaware corporation traded on the New York stock exchange under the symbol NRG.*






**ASSISTANT SECRETARY'S CERTIFICATE  
BIDURENERGY, INC.**

I, Deborah R. Fry, do hereby certify that I am the duly appointed and acting Assistant Secretary of BidUREnergy, Inc. (the "Company"), a New York corporation, and, as such, I do hereby further certify on behalf of the Company, that:

1. The individuals listed below hold the positions set forth opposite their respective names.
2. The individuals listed below are authorized to conduct business on behalf of the Company.

| <u>Name</u>        | <u>Office</u>         |
|--------------------|-----------------------|
| Steven Moffitt     | President             |
| Robert J. Gaudette | Senior Vice President |
| David Callen       | Vice President        |
| Krisshna Koomar    | Vice President        |
| Glen E. Mackey     | Vice President        |
| Richard Mason      | Vice President        |
| Gaetan Frotte      | Treasurer             |
| Christine Zoino    | Secretary             |
| Deborah R. Fry     | Assistant Secretary   |
| Judith Tompkins    | Assistant Secretary   |

**IN WITNESS WHEREOF**, I have hereunto set my hand this 17th day of December, 2018.

  
\_\_\_\_\_  
Deborah R. Fry  
Assistant Secretary