



PUCO USE ONLY – Version 1.08 May 2016		
Date Received	Renewal Certification Number	ORIGINAL CRS Case Number
		- - GA-CRS

## RENEWAL 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 renew its certificate as: (check all that apply)

☐ Retail Natural Gas Aggregator ☐ Retail Natural Gas Broker ☐ Retail Natural Gas Marketer

#### A-2 Applicant information:

Legal Name   
Address   
Telephone No.  Web site Address   
Current PUCO Certificate No.  Effective Dates

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

Name   
Address   
Web site Address  Telephone No.

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

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

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

Name  Title   
Business Address   
Telephone No.  Fax No.  Email Address

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

Name  Title   
Business address   
Telephone No.  Fax No.  Email Address

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

Customer service address   
Toll-Free Telephone No.  Fax No.  Email Address

**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  Title   
Business address   
Telephone No.  Fax No.  Email Address

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

**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 type="checkbox"/> Corporation                         | <input type="checkbox"/> Other <input type="text"/>      |

**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 type="checkbox"/>	Columbia 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.
- 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,"** 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.*
- 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. 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 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 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 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 within the two most recent years preceding the application.

## 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 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

*[Signature]* CEO

Sworn and subscribed before me this

25 day of October Month 2019 Year

Signature of official administering oath

LAVIE POPACK CEO  
Print Name and Title

Joseph Katzoff  
Notary Public State of New York  
Qualified in Kings County No. 24-6013359  
Commission Expires September 14, 2022

My commission expires on

9-14-22





# The Public Utilities Commission of Ohio

Competitive Retail Natural Gas Service  
Affidavit Form  
(Version 1.07)

In the Matter of the Application of )

Mpower Energy NJ, LLC )  
for a Certificate or Renewal Certificate to Provide )  
Competitive Retail Natural Gas Service in Ohio. )

Case No. 17-2122 -GA-CRS

County of Kings  
State of New York

Lavie Popack [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

Lavie Popack CEO

Sworn and subscribed before me this

27

day of

October

Month

2019

Year

[Signature]

Signature of Official Administering Oath

Lavie Popack CEO

Print Name and Title

Joseph Katzoff

Notary Public State of New York

Qualified in Kings County No. 24-6013359

Commission Expires September 14, 2022

My commission expires on

9-14-24

(CRNGS Supplier Renewal) - Version 1.08

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**'PRINCIPAL OFFICERS, DIRECTORS AND PARTNERS'**

All can be reached at:

Address: 24 Hillel Place, Brooklyn NY 11210

Phone:: (718) 233-1167

1. Lavie Popack, CEO (Ext. 203)
2. Peretz Lezell, COO (Ext. 214)
3. Joseph Popack, President (Ext. 201)
4. Oren Hashai, CFO (Ext. 218)

**'COMPANY HISTORY'**

MPower Energy NJ LLC was incorporated in New Jersey in December 2012. Its principal business is the retail sale of electricity and natural gas to residential and commercial customers throughout the United States. Since its formation, it has been approved for these business purposes by the New Jersey Board of Public Utilities, the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Public Service Commission of the District of Columbia, Public Utilities Commission of Ohio, and the Illinois Commerce Commission. MPower Energy NJ LLC has launched operations in New Jersey, Maryland, Pennsylvania, Ohio, the District of Columbia, and Illinois.

Previously, the shareholders of MPower Energy NJ LLC, Lavie Popack and Joseph Popack, were growing their company, MPower Energy LLC, which commenced operations in 2009 in New York with the same principal business interest.

'ARTICLES OF INCORPORATION AND BY-LAWS'

CERTIFICATE OF FORMATION ✓

OF

MPOWER ENERGY NJ LLC

Pursuant to the statutes of the State of New Jersey

ARTICLE I  
NAME

The name of the limited liability company is MPOWER ENERGY NJ LLC (the "Company").

ARTICLE II  
DURATION

The Company shall have perpetual duration unless it is dissolved and its affairs wound up in accordance with the New Jersey Limited Liability Company Law or the Company Operating Agreement.

ARTICLE III  
PURPOSES

This Company is formed to engage in any lawful act or activity for which a limited liability company may be organized under the laws of New Jersey.

ARTICLE IV  
REGISTERED OFFICE; REGISTERED AGENT

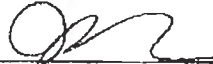
The registered office of the company is located at One University Plaza, Suite 507, Hackensack, New Jersey 07601; its agent is Vcorp Services, LLC for service of process.

ARTICLE V  
ORGANIZER

The name and mailing address of the Organizer is:

Taylor Lolya  
25 Robert Pitt Drive, Suite 204  
Monsey, New York 10952

IN WITNESS WHEREOF, these Articles have been subscribed as of December 11, 2012, by the undersigned, as its Organizer, who affirms that the statements made herein are true under penalties of perjury.

  
Taylor Lolya, Organizer



0600393778

2546249  
4560314

**MANAGEMENT RESOLUTION  
OF  
MPOWER ENERGY NJ LLC**

The undersigned Organizer of MPOWER ENERGY NJ LLC , a New Jersey Limited Liability Company ("the Company")

DOES HEREBY CERTIFY:

At a general meeting of the member(s) and the organizer of the Company, duly called and held on January 02, 2013 at which a quorum was present and acted throughout, the member(s) unanimously adopted the following resolution, which has not been modified or rescinded:

RESOLVED, that the Company is to be managed by the members who shall have the power to manage the business and affairs of the Company as provided in the Operating Agreement.

The name(s) and address(es) of the initial Member(s) of the Company, and who shall serve until their successor(s) is/are elected and begin serving, is/are:

MPower Energy LLC, One University Plaza, Suite 507, Hackensack, New Jersey 07601

FURTHER RESOLVED, that the undersigned hereby resigns as organizer and terminates any and all involvement relative to any and all business activities.

IN WITNESS WHEREOF, the undersigned has hereto affixed their hands as of January 02, 2013.



---

Taylor Lolya, Organizer



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	CERT	COPY
07/20/2017	201719504414	REGISTRATION OF FOREIGN FOR PROFIT LLC (LFP)	99.00	0.00	0.00	0.00

**Receipt**

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

Yael Dubrovsky  
14006 Oakhill Way  
San Antonio, TX 10033

# STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted  
4052648

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

MPOWER ENERGY NJ LLC

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

Document(s)

**REGISTRATION OF FOREIGN FOR PROFIT LLC**

Effective Date: 07/19/2017

Document No(s):

**201719504414**



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  
20th day of July, A.D. 2017.

*Jon Husted*

**Ohio Secretary of State**

## **B-1**

### **‘Jurisdiction of Operations’**

MPOWER Energy NJ LLC is currently licensed to provide retail gas and electric services by the New Jersey Board of Public Utilities, the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Public Service Commission of the District of Columbia, the Public Utilities Commission of Ohio, and the Illinois Commerce Commission. Current licenses for each state are attached. MPOWER Energy NJ LLC has launched operations in New Jersey, Maryland, Pennsylvania, Ohio, Illinois, and the District of Columbia.

A commonly owned company, MPOWER Energy LLC, is licensed to provide retail gas and electric services by the New York Public Service Commission and is currently pending licensure by the Public Utilities Regulatory Authority of Connecticut.





Philip D. Murphy  
Governor

Sheila Y. Oliver  
Lt. Governor

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

Aida Camacho-Welch  
Secretary of the Board  
(609) 292-1599

June 22, 2018

Lavie Popack  
Chief Executive Officer  
MPower Energy NJ LLC  
24 Hillel Place  
Brooklyn, NY 11210

Re: **Electric Power and Natural Gas Supplier Renewal Licenses**  
Docket Nos. EE17121266L & GE17121265L

Dear Mr. Mishra:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its June 22, 2018 Agenda meeting, the New Jersey Board of Public Utilities voted to **renew Licenses** as an Electric Power and Natural Gas Supplier to MPower Energy NJ LLC. The company's license numbers are ESL-0143 and GSL-0129.

The enclosed licenses are effective June 22, 2018 and expire on June 21, 2019. These licenses 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 registrant. Registrants shall comply with all applicable law, 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 Dante Cusi at (609) 292-1356.

Sincerely,

A handwritten signature in cursive script, reading "Aida Camacho-Welch".

Aida Camacho-Welch  
Secretary of the Board

ACW/dec  
Encl.(s)

# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

### HEREBY LICENSES

**Mpower Energy NJ LLC**

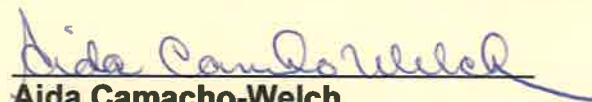
40 Commerce St.

Newark, New Jersey 07102

**To conduct business in the State of New Jersey as a**

**Natural Gas Supplier**



  
**Aida Camacho-Welch**  
**Secretary of the Board**

**License No.**

**GSL-0129**

**Effective Date:**

**July 10, 2019**



# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

### HEREBY LICENSES

**Mpower Energy NJ LLC**

40 Commerce St.

Newark, New Jersey 07102

**To conduct business in the State of New Jersey as an**

**Electric Power Supplier**



  
**Aida Camacho-Welch**  
**Secretary of the Board**

**License No.** ESL-0143  
**Effective Date:** July 10, 2019

COMMISSIONERS

W. KEVIN HUGHES  
CHAIRMAN

HAROLD D. WILLIAMS  
LAWRENCE BRENNER  
KELLY SPEAKES-BACKMAN  
ANNE E. HOSKINS

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

#7, 3/11/15 AM; ML#s 158081, 161424 and 163821  
License Reference No.: IR-3384

March 11, 2015

Yael Dubrovsky  
Compliance Manager  
MPower Energy, LLC  
24 Hillel Place  
Brooklyn, NY 11210

Dear Mr. Dubrovsky:

On August 28, 2014, MPower Energy NJ, LLC ("Company") filed an Application for a License to Supply Electricity or Electric Generation Services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on December 10, 2014 and February 4, 2015.

After considering this matter at the March 11, 2015 Administrative Meeting, the Commission granted the Company a license to supply electricity or electric generation services in Maryland (License Reference Number IR-3384). The license granted by the Commission under this Letter Order is limited solely to electricity supplier services for all customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to commencing operations in Maryland. The Company is also prohibited from marketing in Maryland with the name "MPower" and instead utilize its filed "d/b/a" name with the Maryland Department of Assessments and Taxation, once approved. In addition, the Company shall include a notification on its website of its "d/b/a" name utilized in Maryland. Furthermore, the Company's website shall also include a disclaimer that MPower Energy, LLC is not affiliated with the State of Maryland's EmPOWER Maryland program.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

A handwritten signature in dark ink, appearing to read "David J. Collins".

David J. Collins  
Executive Secretary

DJC/st

cc: Phil VanderHeyden, Electricity Division  
Obi Linton, Director, External Relations

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000

Toll Free: 1-800-492-0474

FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice)

Website: [www.psc.state.md.us/psc/](http://www.psc.state.md.us/psc/)

COMMISSIONERS

W. KEVIN HUGHES  
CHAIRMAN

HAROLD D. WILLIAMS  
LAWRENCE BRENNER  
KELLY SPEAKES-BACKMAN  
ANNE E. HOSKINS

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

#6, 5/6/15 AM; ML# 165384  
License Reference No.: IR-3484

May 6, 2015

Yael Dubrovsky  
Compliance Manager  
MPower Energy NJ, LLC  
24 Hillel Place  
Brooklyn, NY 11210

Dear Mr. Dubrovsky:

On March 20, 2015, MPower Energy NJ, LLC ("Company") filed an Application for License to Supply Natural Gas or Natural Gas Supply Services in Maryland under COMAR 20.54. The Company proposes to provide natural gas supplier broker services in Maryland for residential, commercial and industrial customers as described in the application.

After considering this matter at the May 6, 2015 Administrative Meeting, the Commission granted the Company a license to supply natural gas or natural gas supply services in Maryland (License Reference No. IR-3484). The license granted by the Commission under this Letter Order is limited solely to natural gas supplier services for the customer classes and service territories recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to commencing operations in Maryland. The Company is also prohibited from marketing in Maryland with the name "MPower" and instead utilize its approved "d/b/a" name with the Maryland Department of Assessments and Taxation. Furthermore, the Company's website shall include a notification on its website of its d/b/a name utilized in Maryland and a disclaimer that MPower Energy is not affiliated with the State of Maryland's EmPOWER Maryland program.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

A handwritten signature in dark ink, appearing to read "David J. Collins".

David J. Collins  
Executive Secretary

DJC/st

cc: Phil VanderHeyden, Electricity Division  
Obi Linton, Director, External Relations

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000

Toll Free: 1-800-492-0474

FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice)

Website: [www.psc.state.md.us/psc/](http://www.psc.state.md.us/psc/)

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2015-2497850

EFFECTIVE DATE: March 10, 2016

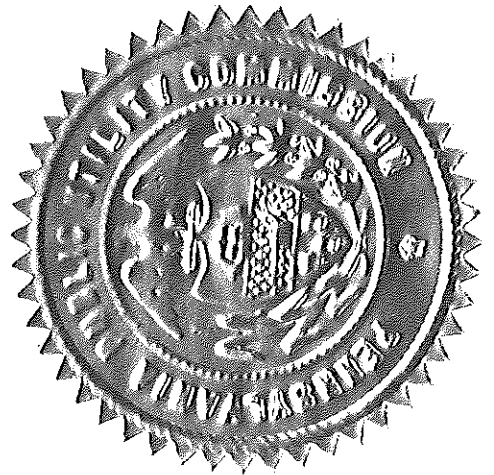
*The Application of MPower Energy NJ LLC for the right to begin to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in the electric distribution company service territories of PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania.*

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR ELECTRIC GENERATION SUPPLIER.

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 10<sup>th</sup> day, of March, 2016.

  
Secretary





PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held March 10, 2016

Commissioners Present:

Gladys M. Brown, Chairman  
Andrew G. Place, Vice Chairman  
Pamela A. Witmer  
John F. Coleman, Jr.  
Robert F. Powelson

Application of MPower Energy NJ LLC for  
Approval to Offer, Render, Furnish or Supply  
Electricity or Electric Generation Services as a  
Supplier of Retail Electric Power

Docket Number:  
A-2015-2497850

**ORDER**

**BY THE COMMISSION:**

On August 11, 2015 MPower Energy NJ LLC, (MPower), Utility Code 1117947, filed an application seeking to become a licensed electric generation supplier (EGS) in the electric distribution company service territories of PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §§54.31-54.43, which became effective on August 8, 1998, and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. §2809.

§2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent

provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission. 66 Pa. C.S. §2809.

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An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company. 66 Pa. C.S. §2803.

MPower is a foreign limited liability company, formed in the State of New Jersey as of December 11, 2012, and registered to do business in the Commonwealth of Pennsylvania on February 25, 2015. MPower proposes to act as a supplier of retail electric power to residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers.

Regarding the financial and technical requirements of the license application, MPower has submitted two years of financial statements, a tax return, and a bank letter. MPower has also supplied extensive resume data for its chief officer, its previous experience in the energy industry, its business plan and its oversight of marketing plan. MPower is also applying for an NGS license, at Docket Number A-2015-2497872, and is being considered at this same Public Meeting. We find that sufficient information has been provided by MPower to demonstrate its financial and technical fitness in order to be licensed as a supplier of retail electric power in the Commonwealth of Pennsylvania.

Since MPower will be providing electric generation supplier services to residential customers it is required to comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. §2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. §2809(e) and (f)*, at Docket No. M-00960890 F0011, Order entered July 11, 1997. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations. Chapter 56 (52 Pa Code Chapter 56) is applicable to residential accounts. An electric generation supplier cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to electric generation suppliers. An electric generation supplier may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service rates in accordance with the utility's obligations under Section 2807(e), 66 Pa. C.S. §2807(e). The customer would only be disconnected from the electricity grid pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the electric generation supplier that has been designated by the Commission as the provider of last resort.

Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code §54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws. We further note that the licensee and its agents must comply with the Commission's

sales and marketing regulations at 52 Pa. Code §111.1, et seq. applicable to residential customers. Among other things, these regulations require the licensee and its agents to provide accurate information about products and services being offered and prohibit a licensee and its agents from engaging in misleading or deceptive conduct and from making false or misleading representations. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

We also note that that the licensee must comply with our decision in Docket No. M-2010-2157431, Motion adopted at the February 11, 2010, Public Meeting, regarding EGS membership in the PJM Interconnection (PJM). Specifically, our Motion directed that such EGS applicants must file with the Commission, within 120 days of receiving an EGS license, proof of membership in the PJM as a Load Serving Entity (LSE) or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. Since MPower is taking title to electricity, it is required to comply with this requirement, and has provided proof of approved PJM Membership as an LSE as of February 21, 2013.

Finally, should MPower employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as an EGS if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to MPower.

MPower has provided proofs of publication in the Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission.

MPower has provided a \$250,000 surety bond as required by the license application.

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As of March 1, 2016, no protests have been filed.

We find that the applicant:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).
2. Has agreed to lawfully abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.
3. That the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:**

1. That the application of MPower Energy NJ LLC is hereby approved,  
consistent with this Order.

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2. That a license be issued authorizing MPower Energy NJ LLC to begin to offer, render, furnish or supply electricity or electric generation services as a supplier to residential, small commercial (25 kw and under demand), and large commercial (over 25 kw demand) customers in the electric distribution company service territories of PECO Energy Company and PPL Electric Utilities Corporation in the Commonwealth of Pennsylvania

3. That if MPower Energy NJ LLC should employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as electric generation suppliers if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to MPower Energy NJ LLC.

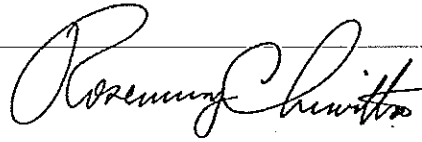
4. That a copy of this Order be served on the Department of Revenue, Bureau of Corporation Taxes.



5. That this proceeding at Docket No. A-2015-2497850 be closed.

BY THE COMMISSION,

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Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: March 10, 2016

ORDER ENTERED: March 10, 2016

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2015-2497872

*The Application of MPower Energy NJ, LLC for the right to begin to offer, render, furnish or supply natural gas services as a supplier to the public, limited to residential, small commercial (under 6,000 MCF annually), and large commercial (6,000 MCF or more annually) customers in the natural gas distribution company service territories of UGI Utilities, Inc., PECO Energy Company, Philadelphia Gas Works, and Columbia Gas of Pennsylvania, Inc. within the Commonwealth of Pennsylvania.*

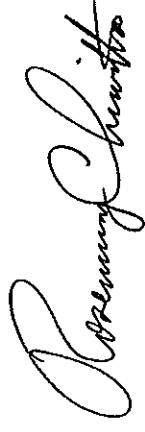
EFFECTIVE DATE: March 10, 2016

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR NATURAL GAS SUPPLIER.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 10<sup>th</sup> day, of March, 2016.



  
Secretary

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

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Public Meeting held March 10, 2016

Commissioners Present:

Gladys M. Brown, Chairman  
Andrew G. Place, Vice Chairman  
Pamela A. Witmer  
John F. Coleman, Jr.  
Robert F. Powelson

Application of MPower Energy NJ, LLC to  
become a Licensed Supplier of Natural Gas  
Services

Docket Number:  
A-2015-2497872

**ORDER**

**BY THE COMMISSION:**

On August 11, 2015, MPower Energy NJ, LLC (MPower), Utility Code 1217948, filed a License Application to provide natural gas supply services in the natural gas distribution company (NGDC) service territories of UGI Utilities, Inc., PECO Energy Company, Philadelphia Gas Works, and Columbia Gas of Pennsylvania, Inc., within the Commonwealth of Pennsylvania. This application was filed pursuant to section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52 of the Pennsylvania Code, Chapter 62, Subchapter D.

§2208 provides in pertinent part that:

Requirements for Natural Gas Suppliers.--No entity shall engage in the business of a natural gas supplier unless it holds a license issued by the

Commission. To the extent that a natural gas distribution company provides natural gas supply service outside of its chartered or certificated territory, it also must hold a license. A license shall not be required for customers who make de minimis incidental sales or resales to themselves, an affiliate or to other nonresidential retail gas customers. 66 Pa. C.S. §2208.

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A natural gas supplier is defined as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company. The term includes a natural gas distribution company that provides natural gas supply services outside its certificated service territories. The term includes a municipal corporation, its affiliates or any joint venture, to the extent that it chooses to provide natural gas supply services to retail customers located outside of its corporate or municipal limits, as applicable, other than:

- (i) as provided prior to the effective date of this chapter, pursuant to a certificate of public convenience if required under this title;
- (ii) total natural gas supply services in de minimis amounts;
- (iii) natural gas supply services requested by, or provided with the consent of, the public utility in whose certificated territory the services are provided; or
- (iv) natural gas supply services provided to the municipal corporation itself or its tenants on land it owns or leases, or is subject to an agreement of sale or pending condemnation, as of September 1, 1999, to the extent permitted by applicable law independent of this chapter.

The term excludes an entity to the extent that it provides free gas to end-users under the terms of an oil or gas lease. Notwithstanding any other provision of this title, a natural gas supplier that is not a natural gas distribution company is not a public utility as defined in section 102 (relating to definitions) to the extent that the natural gas supplier is utilizing the jurisdictional distribution facilities of a natural gas distribution company or is providing other services authorized by the Commission.  
66 Pa. C.S. § 2202.

As used in the above definition of a natural gas supplier, the term natural gas supply services includes: (i) the sale or arrangement of the sale of natural gas to retail customers; and (ii) services that may be unbundled by the Commission under section 2203(3) of the Act (relating to standards for restructuring of the natural gas utility industry). Natural gas supply service does not include distribution service. 66 Pa. C.S. § 2202.

MPower is a foreign limited liability company, formed in the State of New Jersey as of December 11, 2012, and registered to do business in the Commonwealth of Pennsylvania on February 25, 2015. MPower has stated that upon the approval of this Application, it proposes to provide natural gas supply services as a supplier to residential, small commercial (less than 6,000 Mcf annually), and large commercial (6,000 Mcf or more annually) customers.

Regarding the financial and technical fitness requirements of the license application, MPower has submitted two years of financial statements, a tax return, and a bank letter. MPower has also supplied extensive resume data for its chief officer, its previous experience in the energy industry, its business plan and its oversight of marketing plan. MPower is also applying for an EGS license, at Docket Number A-2015-2497850, and is being considered at this same Public Meeting. We find that sufficient information has been provided by MPower to demonstrate its financial and technical fitness in order to be licensed as a NGS in the Commonwealth of Pennsylvania.

Since MPower will be serving residential customers, it is important to note that a licensee must comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C. S. §2206(a), Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. §2207(b), §2208(e) and (f) and Addressing the Application of Partial Payments* (M-00991249 F003). Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations.

Chapter 56 (52 Pa Code Chapter 56) is applicable to residential accounts. A natural gas supplier cannot physically disconnect a residential customer from the distribution system, and thus, the rules relating to residential service termination are not applicable to natural gas suppliers. A natural gas supplier may seek to terminate its natural gas services through an appropriate written notice to the customer and the local distribution company. The residential customer can then attempt to repair his or her relationship with the natural gas supplier, seek a new natural gas supplier, or default to the natural gas distribution company's service tariffed rates in accordance with the local distribution company's obligations under Section 2207(a), 66 Pa. C.S. §2207(a). The customer would only be disconnected from the distribution system pursuant to appropriate regulations if the customer failed to meet his or her obligations to the natural gas distribution company or the natural gas supplier which has been designated by the Commission as the supplier of last resort.

Section 2208(c)(1), 66 Pa. C.S. §2208(c)(1), provides that a natural gas supplier license shall not be issued unless the applicant furnishes a bond or other security in a form and amount to ensure its financial responsibility. The criteria used to establish the form and amount of the bond or other security is set forth in the natural gas distribution company's tariff. The amount and form of the bond or other security may also be mutually agreed to between the natural gas distribution company and the natural gas supplier. Section 2208 also provides that should the parties fail to achieve an agreement, then the form and amount of bond or other financial security "shall be determined by criteria approved by the Commission." MPower has provided documentation to evidence its compliance with the Section 2208(c) bonding requirement for the NGDC service territories of UGI Utilities, Inc., PECO Energy Company, Philadelphia Gas Works, and Columbia Gas of Pennsylvania, Inc., within the Commonwealth of Pennsylvania.

Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 62.114 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a customer's personal information, and compliance with applicable state and federal consumer protection laws. We further note that the licensee and its agents must comply with the Commission's sales and marketing regulations at 52 Pa. Code §111.1, et seq. applicable to residential customers. Among other things, these regulations require the licensee and its agents to provide accurate information about products and services being offered and prohibit a licensee and its agents from engaging in misleading or deceptive conduct and from making false or misleading representations. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures, and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business.

MPower has published notice of its application in the Pennsylvania newspapers and provided proofs of service to the interested parties as required by the Commission.

As of March 1, 2016, no protests have been filed.

We find that MPower:

1. Is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and the Commission orders and regulations, specifically including 52 Pa. Code Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

2. Has agreed to abide by all Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may develop from time to time in the course of doing business in Pennsylvania.

3. Has proposed to offer natural gas supply services which, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Natural Gas Choice and Competition Act.

Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:**

1. That the application of MPower Energy NJ, LLC is hereby approved, consistent with this Order.

2. That a license be issued authorizing MPower Energy NJ, LLC the right to begin to offer, render, furnish or supply natural gas services as a supplier to the public, limited to residential, small commercial (under 6,000 MCF annually), and large

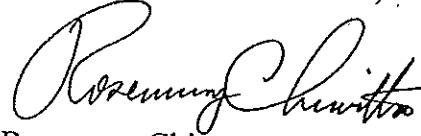


commercial (6,000 MCF or more annually) customers in the natural gas distribution company service territories of UGI Utilities, Inc., PECO Energy Company, Philadelphia Gas Works, and Columbia Gas of Pennsylvania, Inc. within the Commonwealth of Pennsylvania.

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3. That this proceeding, at Docket No. A-2015-2497872 be closed.

BY THE COMMISSION,



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: March 10, 2016

ORDER ENTERED: March 10, 2016

# **The Public Utilities Commission of Ohio**

## **Ohio Competitive Retail Natural Gas Marketer Certificate**

Issued pursuant to Case Number(s):

**17-2122-GA-CRS**

is

Ohio Competitive Retail Natural Gas Marketer Certificate Number:

**17-628G(1)**

Granted to:

**MPower Energy NJ LLC**

Whose office or principal place of business is located at:

**24 Hillel Place, Brooklyn, NY 11210**

And is hereby certified to provide:

**Retail Natural Gas Marketer Services**

within the state of Ohio, for a two-year period.

Certification Effective:

**November 13, 2017 through November 13, 2019**

The certification of Ohio competitive retail natural gas marketers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

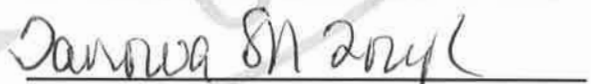
This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio

Dated: **November 16, 2017**

By Order of  
The Public Utilities Commission of Ohio



Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Susan Patterson, Acting Secretary  
Beverly Hoskinson, Acting Secretary



**Public Utilities  
Commission**

Asim Z. Haque, Chairman

**Commissioners**  
M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

**17-1260E (1)**

Issued Pursuant to Case Number(s):

**17-1887-EL-CRS**

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **MPower Energy NJ LLC** whose office or principal place of business is located at **24 Hillel Place, Brooklyn, NJ 11210** to provide **power marketer** services within the State of Ohio **effective October 01, 2017**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **October 2, 2017**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

**Certificate Expires: October 01, 2019**

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET N.W., SUITE 800  
WASHINGTON, D.C. 20005**

**ORDER**

**June 27, 2017**

**FORMAL CASE NO. EA 2017-05, IN THE MATTER OF THE APPLICATION  
OF MPOWER ENERGY NJ LLC FOR AN ELECTRICITY SUPPLIER  
LICENSE, Order No. 18817**

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants a license to MPower Energy NJ LLC (“MPower” or “Applicant”) to function as an electricity supplier in the District of Columbia.<sup>1</sup> MPower Energy NJ LLC’s license is effective upon issuance of this Order.

**II. BACKGROUND**

2. On February 16, 2017, MPower filed its license application.<sup>2</sup> Specifically, MPower intends to operate as a marketer of electricity for residential and commercial customers in the District of Columbia, pursuant to Section 34-1505 of the “Retail Electric Competition and Consumer Protection Act of 1999 (“Act”).”<sup>3</sup> Pursuant to the Commission’s licensing requirements as set forth in Order No. 11796,<sup>4</sup> MPower has provided the following information:

- a) Proof of technical and managerial competence;
- b) An affidavit of compliance with applicable Federal and District of Columbia environmental laws and regulations dated January 24, 2017;
- c) Proof of financial integrity to include financial statements;

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<sup>1</sup> D.C. Official Code § 34-1501(17) (2001) defines, in part, an electricity supplier as “a person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers.”

<sup>2</sup> *Formal Case No. EA 2017-05, In the Matter of the Application of MPower Energy NJ LLC for an Electricity License* (“*Formal Case No. EA 2017-05*”), Application of MPower Energy NJ LLC filed February 16, 2017.

<sup>3</sup> D.C. Official Code § 34-1505; *see generally* §§ 34-1501-1520.

<sup>4</sup> *Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices*, Order No. 11796 at Attachment C, rel. September 20, 2000.

- d) Proof that MPower has registered with the Department of Consumer and Regulatory Affairs to do business in the District of Columbia;
- e) An affidavit dated January 24, 2017, stating that MPower is subject to all applicable taxes;
- f) An affidavit dated January 24, 2017, stating that MPower will comply with all the requirements of all orders and regulations of the Commission; and
- g) Applicant's website address: <http://www.mpowerenergy.com>.

### **III. DISCUSSION**

3. Our review of the information contained in MPower's application, demonstrates that it has met all the prescribed licensing requirements and that the Applicant has the ability and the financial integrity to serve electricity customers in the District of Columbia. The Commission also finds that granting MPower's application will serve the public interest. Accordingly MPower's application is approved.

#### **THEREFORE, IT IS ORDERED THAT:**

4. The application of MPower Energy NJ LLC for a license to conduct business in the District of Columbia as an electricity supplier is hereby **GRANTED**. MPower Energy NJ LLC's license is effective upon issuance of this Order.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**



**CHIEF CLERK:**

**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET N.W., SUITE 800  
WASHINGTON, D.C. 20005**

**ORDER**

**June 16, 2017**

**FORMAL CASE NO. GA 2017-06, IN THE MATTER OF THE APPLICATION  
OF MPOWER ENERGY NJ LLC FOR A NATURAL GAS SUPPLIER LICENSE;  
Order No. 18804**

**I. INTRODUCTION**

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants a license to MPower Energy NJ LLC (“MPower” or “Applicant”) to operate as a natural gas supplier in the District of Columbia.<sup>1</sup> MPower Energy NJ LLC’s license is effective upon the issuance of this Order.

**II. BACKGROUND**

2. On May 25, 2017, MPower filed its license application.<sup>2</sup> Specifically, MPower intends to operate as a marketer of natural gas for distribution to residential and commercial customers in the District of Columbia. Pursuant to the Commission’s licensing requirements as set forth in Order Nos. 12709 and 12903 in GT 96-3,<sup>3</sup> MPower provided the following information:

- a) Proof of technical and managerial competence;
- b) Affidavit dated April 27, 2017, affirming compliance with applicable Federal and District of Columbia environmental laws and regulations;
- c) Proof of financial integrity including financial statements;
- d) Proof that MPower registered with the Department of Consumer and Regulatory Affairs to do business in the District of Columbia;
- e) Affidavit dated April 27, 2017, stating that MPower is subject to all applicable taxes;

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<sup>1</sup> D.C. Code § 34-1671.02(12) (2001) defines a natural gas supplier as “a person including an aggregator, broker, or marketer, who sell natural gas or purchases, brokers, arranges or, markets natural gas for sale to customers.”

<sup>2</sup> *Formal Case No. GA 2017-06, In the Matter of the Application of MPower Energy NJ LLC for a Natural Gas Supplier License* (“*Formal Case No. GA 2017-06*”), Application of MPower Energy NJ LLC filed May 25, 2017.

<sup>3</sup> *GT 96-3*, Order No. 12709, as revised by Order No. 12903, at Attachment C.

- f) Affidavit dated April 27, 2017, stating that MPower will comply with all the requirements of all orders and regulations of the Commission; and
- g) Applicant's website address: [www.mpowerenergy.com](http://www.mpowerenergy.com).

### **III. DISCUSSION**

3. Our review of the information contained in MPower's application demonstrates that it has met all the prescribed licensing requirements and that the Applicant has the ability and the financial integrity to serve natural gas customers in the District of Columbia. The Commission also finds that granting MPower's application will serve the public interest. Accordingly MPower Energy NJ LLC's application is approved.

#### **THEREFORE, IT IS ORDERED THAT:**

4. The application of MPower Energy NJ LLC for a license to conduct business in the District of Columbia as a marketer of natural gas is hereby **GRANTED**. MPower Energy NJ LLC's license is effective upon the issuance of this Order.

**A TRUE COPY:**

**BY DIRECTION OF THE COMMISSION:**



**CHIEF CLERK:**

**BRINDA WESTBROOK-SEDGWICK  
COMMISSION SECRETARY**

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

<b>MPower Energy NJ LLC</b>	:	
	:	
<b>Application for Certificate of Service</b>	:	<b>17-0416</b>
<b>Authority under Section 16-115 of the</b>	:	
<b>Public Utilities Act.</b>	:	

**ORDER**

By the Commission:

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On October 19, 2017, MPower Energy NJ LLC ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") to operate as an alternative retail electric supplier ("ARES") in Illinois pursuant to Section 16 115 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 451 ("Part 451"). Applicant requests a certificate of service authority to serve all eligible residential and nonresidential retail customers in the service territory of Commonwealth Edison Company ("ComEd"), under Subpart D of Part 451. Applicant filed an Amended Application and a Verified Response to Administrative Law Judge's Ruling ("Response") on November 17, 2017. Applicant also submitted its certificate of publication showing that on November 21, 2017 notice of the application was published in the official State newspaper.

**II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT**

Applicant is a New Jersey limited liability company ("LLC"). Applicant requests a certificate of authority to operate as an ARES under subpart D of Part 451, serving all eligible electric customers, in the service territory of ComEd. Applicant states that it has notified the designated agent of ComEd that it seeks a certificate to offer the sale of electricity and power to all eligible residential and nonresidential retail customers in its service territory.

Applicant is not affiliated with an Illinois utility. Applicant does not currently have authority to operate as an ARES in Illinois. Applicant indicates it operates as an alternative electric and gas supplier in New Jersey, Maryland, and Pennsylvania. Applicant is licensed as an alternative electric supplier in Ohio and the District of Columbia. Applicant has a license to be an alternative gas supplier pending in Ohio. Applicant states it has an affiliate, MPower Energy LLC, that is licensed as a retail electric supplier in New York.

Applicant does not intend to provide single billing services. The Applicant certifies that neither it, nor its affiliate have had any formal complaints filed against it. Applicant indicates that informal complaints have been filed against it in New Jersey and against its



affiliate, MPower Energy LLC, in New York. Applicant states that all informal complaints have been resolved. Applicant indicates that no complaints of any kind have been filed against it in Maryland or Pennsylvania. Applicant asserts it has not been denied an electric supplier license, nor has it had an electric supplier license suspended or revoked by any state.

### **III. REQUIREMENTS UNDER SECTION 16-115 OF THE ACT**

#### **A. General**

Applicant has certified that it will comply with all applicable regulations; provide service only to retail customers eligible to take such services; and comply with informational and reporting requirements established by Commission rule. Applicant certifies that it will comply with all the terms and conditions required by Section 16-115A(c) of the Act. Applicant asserts that it will comply with all other applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system. Applicant has certified compliance with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act to the extent those Sections have application to the services it will offer.

Applicant has agreed to submit good faith schedules of transmission and energy in accordance with applicable tariffs. Applicant certifies that it will provide for review by Commission Staff, on a confidential basis, data related to contracts for the purchase and sale of electric power and energy. Applicant has agreed to adopt and follow rules relating to customer authorizations, billing records, and requests for retail electric 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.

Applicant certifies that it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. Applicant certifies that it will source electricity from clean coal facilities as required by Section 16-116(d)(5) of the Act. Applicant states that it will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

Pursuant to the requirements of Subpart D of Part 451, Applicant certifies that any marketing materials that make statements concerning prices, terms and conditions of service will contain information that adequately discloses the prices, terms and conditions of the products or services that it is offering or selling to the customer. Applicant certifies that before any customer is switched from another supplier, it will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. Applicant certifies that it will provide documentation to the Commission and to customers that substantiates any claims made regarding the technologies and fuel types used to generate the electricity offered or sold to customers. Applicant commits to provide to its customers itemized billing statements that describe the products and services provided

to the customer and their prices; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer.

Applicant certifies that it will include materials comprising the consumer education program pursuant to Section 16-117 of the Act with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers. Applicant certifies that it will also provide, upon request, consumer education program materials pursuant to Section 16-117 of the Act, at no charge to residential and small commercial retail customers. Applicant certifies that it will provide to residential and small commercial retail customers on a semi-annual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last three years by the Commission to have failed to provide service in accordance with the terms of their contracts pursuant to Section 16-117(g)(4)(C) of the Act.

The Applicant agrees that in the event the Applicant bills any residential customer directly for supply, the Applicant shall ensure that when marketing to residential customers who receive any type of low income energy assistance, the Applicant has entered into the necessary agreements to allow low-income customers to receive Low Income Home Energy Assistance Program ("LIHEAP") benefits and Percentage of Income Payment Plan ("PIPP") benefits. In the event that the Applicant is granted Commission authorization to provide supplier single billing to residential customers, the Applicant shall ensure that, when marketing to residential customers who receive any type of low-income energy assistance, the Applicant has entered into the necessary agreements to allow low-income customers to receive LIHEAP benefits and PIPP benefits.

## **B. Financial, Technical, and Managerial**

In Attachment E, Applicant certifies it is a member of the PJM Regional Transmission Organization ("RTO") and purchases 100% of its physical electric energy from the RTO for delivery to the service territories of the utilities for which the Applicant is seeking a certificate. To demonstrate its membership to the appropriate RTO, Applicant provides a print out from PJM's website demonstrating that MPower Energy NJ LLC is a member of PJM (as of 10/16/17).

Applicant asserts that it has obtained a license or permit bond as required by Section 451.50. Applicant states that a copy of its license or permit bond is attached to the Application as Attachment No. 3. The amount of the bond complies with Section 451.50.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.230 and 451.240 of Part 451. Applicant provides information regarding the technical and managerial qualifications of Applicant's staff in a Response to the Administrative Law Judge's Ruling. Applicant attached a corporate organizational chart to its Response. Applicant provides a telephone number and facsimile number through which it states a staff member can be reached at all times. Applicant states that it is not relying on agents or contractors to meet the technical and managerial requirements of Part 451.230 and 451.240.

#### **IV. COMMISSION ANALYSIS AND CERTIFICATE OF SERVICE AUTHORITY**

The Commission has reviewed the Application, Amended Application, and attachments along with its Verified Responses regarding the technical, financial, and managerial requirements and all other requirements of the Act and Part 451. The Commission finds that the Applicant sufficiently demonstrates compliance with the Part 451 requirements.

Applicant does not intend to offer single billing services. In the event that the Applicant is granted authorization to provide supplier single billing to residential customers, the Applicant shall ensure that, when marketing to residential customers who receive any type of low-income energy assistance, the Applicant has entered into the necessary agreements to allow low-income customers to receive LIHEAP benefits and PIPP benefits. It is noted that no demonstration of compliance with the requirements of Section 451.20(d)(2) has been made and Applicant's employees are not permitted to perform such functions, and other entities are not permitted to perform such functions pursuant to contractual arrangements with Applicant.

The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ARES in Illinois should be granted and should include the following authority:

##### **CERTIFICATE OF SERVICE AUTHORITY**

IT IS CERTIFIED that MPower Energy NJ LLC is granted service authority to operate as an Alternative Retail Electric Supplier as follows:

SERVICE TO BE PROVIDED: The sale of electricity and power.

PRIMARY CUSTOMER CLASS TO BE SERVED: All eligible residential and non-residential customers.

GEOGRAPHIC REGIONS SERVED: The service area of Commonwealth Edison Company.

#### **V. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, MPower Energy NJ LLC, a limited liability company organized under the laws of New Jersey, seeks a certificate of service authority to operate as an alternative retail electric supplier under Section 16-115 of the Act;
- (2) the Commission has jurisdiction over the Applicant and the subject matter hereof;
- (3) the facts recited 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 16-115(d) of the Act;

- (4) Applicant has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to residential and non-residential customers throughout the service area of Commonwealth Edison Company;
- (5) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451; and
- (6) MPower Energy NJ LLC should be granted a certificate of service authority to operate as an alternative retail electric supplier as specified in Section IV of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that MPower Energy NJ LLC is hereby granted a Certificate of Service Authority as set forth in Section IV of this Order.

IT IS FURTHER ORDERED that MPower Energy NJ LLC 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 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 13th day of December, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

<b>MPower Energy NJ LLC</b>	:	
	:	
<b>Application for Certificate of Service</b>	:	<b>17-0417</b>
<b>Authority under Section 19-110 of the</b>	:	
<b>Public Utilities Act.</b>	:	

**ORDER**

By the Commission:

**I. INTRODUCTION AND PROCEDURAL HISTORY**

On October 19, 2016, MPower Energy NJ LLC ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority as an alternative gas supplier ("AGS") in 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 requests a certificate of service authority to serve residential and small commercial customers in the service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor"), The Peoples Gas Light and Coke Company ("Peoples"), and North Shore Gas Company ("North Shore"). Applicant submitted its certificate of publication showing that on November 2, 2017 notice of the Application was published in the official State newspaper, pursuant to Section 19-110(c) of the Act and Section 551.30(a). On November 17, 2017, Applicant filed an Amended Application and a verified Response to an Administrative Law Judge ("ALJ") Ruling, providing additional information and updating certain information in the original Application.

**II. DESCRIPTION OF AND AUTHORITY SOUGHT BY APPLICANT**

Applicant is a limited liability company, formed under the laws of the State of New Jersey. Applicant provides documentation from the Office of the Secretary of State, State of Illinois, demonstrating that Applicant has been approved to transact business in the State of Illinois. Applicant is an alternative retail electric supplier ("ARES") and AGS engaged in the contracting for the purchase of electricity and natural gas for retail sale, scheduling of retail electricity and natural gas for delivery to residential and commercial customers. Applicant indicates that it engages in various methods to market energy to consumers, including in-person and telephonic sales.

Applicant seeks a certificate to offer the sale of natural gas to residential and small commercial customers in the Nicor, Peoples, and North Shore service territories. A copy of the notification sent to each of these companies has been provided, pursuant to Section 551.30(c). Applicant does not seek to serve customers within a geographic area that is smaller than a gas utility's service territory. Applicant does not currently have authority to

operate as an AGS in Illinois. Applicant states that it provides both gas and electricity service.

### **III. AGS REQUIREMENTS AND OBLIGATIONS**

As required by Section 551.20(a) of Part 551, Applicant certifies that it will comply with all Federal, State, regional and industry rules practices, policies, procedures, and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interstate natural gas system. Applicant states it will submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant certifies that it will comply with all applicable terms and conditions required by Section 19-110 of the Act. Applicant also certifies that it will provide service to eligible commercial and residential customers in the Nicor, Peoples, and North Shore service. Applicant asserts it will serve residential and small commercial customers who are eligible to take service from an AGS; that it will comply with informational and reporting requirements established by Commission rule; and that it will comply with all other applicable laws and regulations and Commission rules and orders pursuant to Section 551.20.

Applicant indicates it has not been denied a natural gas license in any state in the United States. Applicant states it has never had a natural gas supplier license suspended or revoked by any state in the United States. Applicant indicates it operates as an alternative electric and gas supplier in New Jersey, Maryland, and Pennsylvania. Applicant is licensed as an alternative electric supplier in Ohio and the District of Columbia. Applicant has a license to be an alternative gas supplier pending in Ohio. Applicant states that it is not the subject of any lawsuits filed in a court of law or formal complaints alleging fraud, deception, or unfair marketing practices or other similar allegations.

Applicant intends to offer retail supply of electricity and natural gas to both residential and commercial customers without limits on size or usage requirements. In accordance with Section 551.40, Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition, Applicant agrees to adopt and follow rules to preserve the confidentiality of customer data.

Applicant certifies that all marketing materials that make statements concerning prices, terms, and conditions of service shall contain information that adequately discloses the prices, terms, and conditions of the products or services that it is offering or selling to the residential or small commercial customer. Applicant agrees that before any customer is switched from another supplier, the Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms, and conditions of the products and services being offered and sold to the customer.

Applicant certifies that it will provide to the residential customer accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; and an additional statement, at least annually, that adequately

discloses the average monthly prices, and the terms and conditions, of the products and services sold to the residential customer.

Applicant certifies it will provide refunds of any deposits with interest, at a rate set by the Commission which shall be the same as that required of gas utilities, within 30 days after the date that the residential or small commercial customer changes gas suppliers or discontinues service if the customer has satisfied all of its outstanding financial obligations to it. Applicant also agrees to provide timely refunds of any undisputed overpayments upon oral or written request of the small commercial or residential customer.

Applicant certifies that it will maintain procedures addressing the manner in which any disputed amount for which a residential or small commercial customer is billed, may be resolved. Applicant states that while the dispute is pending, the customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the same location for the same period, normalized for weather, whichever is greater. Applicant affirms that any disputed amount in excess of last year's bill for the same address adjusted for weather shall not be included in the amount that must be paid by the due date. Applicant also agrees to inform its customers how to contact the Commission's Consumer Services Division to pursue an unresolved dispute. Applicant agrees to inform its small commercial and residential customers how to contact the Commission to obtain consumer education materials provided pursuant to Section 19-125 of the Act.

MPOWER Energy NJ LLC certifies in the event that the applicant bills any residential customer directly for supply, the Applicant shall ensure that when marketing to residential customers who receive any type of low income energy assistance, the applicant has entered into the necessary agreements to allow low-income customers to receive Low Income Home Energy Assistance Program ("LIHEAP") benefits and Percentage of Income Payment Program ("PIPP") benefits. If the Applicant is granted authorization to provide supplier single billing to residential customers, the Applicant will ensure that, when marketing to residential customers who receive any type of low-income energy assistance, the applicant has entered into the necessary agreements to allow low-income customers to receive LIHEAP and PIPP benefits.

MPOWER Energy NJ LLC certifies its commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands on field monitoring and training, and, in the case of any sales personnel or sales agents, within the State of Illinois, the Applicant's managerial presence within the State.

Applicant provides a copy of its license or permit bond, as required by Section 551.50 as Attachment 1 to the Amended Application. The bond was issued by Great American Insurance Company, a Ohio Corporation, authorized to do business in the State of Illinois. The amount of the bond complies with Section 551.50(a).

Applicant asserts that it meets the financial criteria set forth in Section 551.80(a). It presents its certified financial statements for the revolving credit agreement as required under subsection 551.80(g) in Attachment 4 to the Application. Applicant provides additional information in its Response to the ALJ's Ruling.

Applicant submits that it meets the “Technical Qualifications” and “Managerial Qualifications” which are set forth in Sections 551.90 and 551.100, respectively. With the Response to the ALJ Ruling, Applicant provides information regarding the “persons being used” to meet the requirements of those sections, including an organizational chart, a narrative describing the individual's technical and managerial qualifications. Applicant certifies that it will commit resources to the management of sales and marketing staff, through affirmative managerial policies independent audits, technology, hands on field monitoring and training, and, in the case of any sales personnel or sales agents, a managerial presence within the State.

#### **IV. COMMISSION ANALYSIS AND CONCLUSION**

The Commission has reviewed the Application, the Response to ALJ Ruling, and all Attachments. Subject to the conditions contained herein, the Commission finds that the Application is in order and satisfies the requirements of the Act and Part 551. Applicant has demonstrated that it possesses sufficient financial, technical, and managerial resources and abilities to provide the sale of natural gas service to eligible residential and small commercial retail customers. The Commission observes that the requirements of Sections 551.50(b) and (c) remain fully applicable to the Applicant. The Commission concludes, therefore, that the application for certification as an AGS should be granted as follows:

##### CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that MPower Energy NJ LLC is granted service authority to operate as an Alternative Gas Supplier as follows:

SERVICE TO BE PROVIDED: The sale of natural gas.

PRIMARY CUSTOMER CLASS TO BE SERVED: All eligible small commercial customers.

GEOGRAPHIC REGIONS SERVED: The service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company.

SECONDARY CUSTOMER CLASS TO BE SERVED: All eligible residential and small commercial customers.

GEOGRAPHIC REGIONS SERVED: The service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company.

#### **V. FINDINGS AND ORDERING PARAGRAPHS**

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



- (1) Applicant, which is a limited liability company organized and existing under the laws of New Jersey, is licensed to do business in the State of Illinois and seeks authority to operate as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction over the Applicant and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) as required by Section 19-110(e)(1) of the Act, Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide natural gas service to eligible customers throughout the areas certificated herein;
- (5) Applicant shall comply with Section 19-110(e)(2), (3), (4), and (5) of the Act; and
- (6) Applicant should be granted a Certificate of Service Authority as set out above, and shall thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Commission that subject to the conditions set forth herein, MPower Energy NJ LLC is hereby granted a Certificate of Service Authority as an alternative gas supplier, as set forth in Section IV of this Order.

IT IS FURTHER ORDERED that MPower Energy NJ LLC shall comply with all applicable Commission rules and orders now in effect and as hereafter amended.

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

By Order of the Commission this 13th day of December, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman

## **Experience and Plans**

Mpower Energy NJ LLC provides gas service to 14,000 residential customers and electric service to 11,000 residential customers. Although the two companies are not legally affiliated, they share all managerial staff and the bulk of our experience has been gained in New York where the company started in 2009. In New York State MPower Energy LLC currently provides gas services to over 40,000 residential customers and 500 commercial customers, and electric service to over 50,000 residential customers and 2,000 commercial customers.

Pending the approval of our application MPower Energy NJ LLC intends to continue marketing throughout Ohio in all deregulated utilities' territories as indicated on our application form. The service offered will be competitively priced retail electricity and natural gas supply for residential and small and large commercial customers. We will be offering 12 month variable rates with options for 12-month fixed rate structure contracts, variable month-to-month rate plans. At some point in the future we may introduce Index (Fixed Adder) and Guaranteed Savings contracts. If we choose to update our rate offerings in the future we will update the Commission prior to doing so. Also, at MPower Energy's discretion and on a case by case basis, shorter or longer term contracts (no longer than 36 months) may be negotiated with commercial clients.

MPower Energy NJ LLC representatives market both by door-to-door and telemarketing. Additionally, our customers are able to explore their options and enroll through our website (our website is currently under construction and will be submitted for review by the Commission upon completion) though we do not currently actively advertise online. In addition MPower Energy NJ has a full staff of in-house customer service representatives who are trained to answer any inquires or complaints that our customers may have.

## **B-2**

### **Experience and Plans**

We train our agents in accordance with 4928.10 to provide accurate, clear information concerning the services offered, the terms of the agreement and the terms for cancellation. We only operate in territories that offer POR consolidated billing.

# Proven Technical Experience

B-3 'Summary of Experience'

## Proven Management Team

The executive team of Mpower Energy NJ (“MPNJ”) has extensive experience marketing and managing in electric and natural gas third-party supply (“TPS”)

Prior to MPNJ, CEO, Lavie Popack, founded and continues to successfully expand Mpower Energy, LLC. (“MPNY”), the unaffiliated New York TPS. Lavie launched operations in the PJM territory in September 2014 under MPNJ, quickly expanding into New Jersey, Pennsylvania, and Maryland

CFO, Oren Hashai, has strong finance, risk management and energy procurement expertise. Oren has grown MPNY into a leading, profitable, marketer. Under Oren’s supervision and strict risk management policies, MPNY has successfully expanded both volumetrically and geographically while maintaining solid financial performance

## Proven Growth of Operations Strategies

The Mpower Companies collectively service in excess of 75,000 electric (250,000 MWs in 2016) and 55,000 gas (1,250,000 Dth in 2016) accounts, respectively. Mpower’s settlements team internally manages all aspects of the account’s life cycle

- Electric Supply – We price our accounts; asses hourly volume requirements in each territory served; nominate on the respective ISO platforms; manage all capacity, transmission, renewable, and congestion operations
- Gas Supply –We price our accounts; procure gas whereby optimizing capacity release paths; and nominate on the respective electronic bulletin boards

## Proven Energy Cost Hedging Strategies

The Company has successfully executed its hedging strategies for the past five years with an emphasis on downside price-volatility risk protection. We employ a dynamic hedging policy whereby volume and pricing risk is constantly assessed and opportunistically hedged. Our goal is to remove as much uncertainty and speculation from our profile as possible

## Marketing and Infrastructure Capabilities

Mpower utilizes a dynamic in house door-to-door sales team enabling more efficient and cost effective expansion efforts. By maintaining full control over our sales arm, Mpower is able to sustainably scale our operations while adhering to the highest levels of integrity and regulatory compliance

## **B-4**

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

MPOWER Energy NJ LLC has no existing, pending or past rulings, judgments, contingent liabilities, revocation of authority or any other matters that could adversely impact the applicant's financial or operational status or ability to provide the services it is seeking to provide.

## **C-1 'Annual Reports'**

MPower Energy NJ is a privately held corporation; therefore MPower Energy NJ does not file annual reports to shareholders.

## **C-2 'SEC Filings'**

MPower Energy NJ is a privately held corporation; therefore MPower Energy NJ does not file reports with the SEC.

**C-3**

**‘Financial Statements’ of MPower Energy NJ for the  
years of 2017 and 2018  
[REDACTED]**

**C-4**

**‘Financial Arrangements’**





139 East Fourth  
EX396  
Cincinnati, Ohio 45202

November 8, 2019

MPower Energy NJ, LLC has met the Natural Gas Collateral obligations for Duke Energy Corporation as of November 8, 2019.

***Tom Hunt***

Duke Energy Corp  
Certified Supplier Business Center  
[Tom.Hunt@Duke-Energy.com](mailto:Tom.Hunt@Duke-Energy.com)



**C-5**

**‘Forecasted Financial Statements’  
[REDACTED]**

**C-6**  
**Credit Rating**

None. Not applicable

**C-7**

**‘Credit Report’**



## Report

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Report Originally Retrieved 11/07/2019

Note: This report was requested and billed to your account within the past 7 days.

For help reading this report, please review our [sample report](#).

Search inquiry: (My company)

ProfilePlus<sup>SM</sup> Report

as of: 11/07/19 16:19 ET

## Mpower Energy NJ LLC

<b>Address:</b>	24 Hillel PL Brooklyn, NY 11210-2923 United States	<b>Key Personnel:</b>	Officer: Lavie Popack Officer: Popack Joseph Director: Lezell Peretz
<b>Phone:</b>	718-233-1167	<b>SIC Code:</b>	1711-Plumbing, Heating & A/C Contractors
<b>Website:</b>	mpowerenergy.com	<b>NAICS Code:</b>	238220-Plumbing, Heating, And Air-Conditioning Contractors
<b>Experian BIN:</b>	452986152	<b>Business Type:</b>	Corporation
<b>Agent:</b>	Vcorp Agent Services, Inc.	<b>Experian File Established:</b>	December 2014
<b>Agent Address:</b>	208 S Lasalle ST Ste 814 Chicago,	<b>Experian Years on File:</b>	5 Years
<b>Family Linkage:</b>		<b>Years in Business:</b>	10 Years
Ultimate Parent	Mpower Energy NJ LLC 24 Hillel PL Brooklyn, NY	<b>Total Employees:</b>	10
		<b>Sales:</b>	\$1,200,000
		<b>Filing Data Provided by:</b>	New Jersey
		<b>Date of Incorporation:</b>	08/17/2017

## Experian Business Credit Score

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Business Credit Score



The objective of the Experian Business Credit Score is to predict payment behavior. High Risk means that there is a significant probability of delinquent payment. Low Risk means that there is a good probability of on-time payment.

## Key Score Factors:

- Number of commercial accounts with net 1-30 days term.
- Percent of delinquent commercial accounts.
- Number of derogatory commercial legal items.
- Nbr of active commercial accts within the last 12 mos.


**Business Credit Scores range from a low of 1 to high of 100 with this company receiving a score of 19.** Higher scores indicate lower risk. This score predicts the likelihood of serious credit delinquencies within the next 12 months. This score uses tradeline and collections information, public filings as well as other variables to predict future risk.

Experian Financial Stability Risk Rating

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2

Financial Stability Risk Rating



Low-Medium Risk

A Financial Stability Risk Rating of 2 indicates a 1.11% potential risk of severe financial distress within the next 12 months.

Key Rating Factors:

- Number of active commercial accounts.
- Percent of commercial accounts delinquent.
- Risk associated with the company's industry sector.
- Number of commercial derogatory public records.

Financial Stability Risk Ratings range from a low of 1 to high of 5 with this company receiving a rating of 2. Lower ratings indicate lower risk. Experian categorizes all businesses to fit within one of the five risk segments. This rating predicts the likelihood of payment default and/or bankruptcy within the next 12 months. This rating uses tradeline and collections information, public filings as well as other variables to predict future risk.

Credit Summary

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Current Days Beyond Terms (DBT):

1

Predicted DBT for 01/01/2020:

1

Average Industry DBT:

5

Payment Trend Indicator:

No Trend Identifiable

Lowest 6 Month Balance:

\$3

Highest 6 Month Balance:

\$333

Current Total Account Balance:

\$108

Highest Credit Amount Extended:

\$108

Payment Tradelines (see charts, detail):

3

Business Inquiries (see summary):

3

UCC Filings (see detail) (see summary):

7

✖ Businesses Scoring Worse:

18%

✔ Bankruptcies:

0

■ Liens (see detail):

1

✔ Judgments Filed:

0

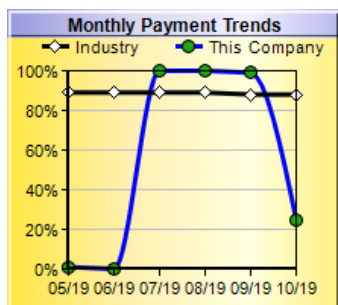
✔ Collections:

0

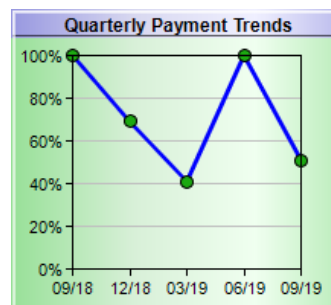
MPOWER Energy NJ LLC PUCO Renewal Application 085

https://sbcr.experian.com/report.aspx?retry=true&fn=452986152&pnum=1005&day=31119&dpc=49.95&dco=Mpower+Energy+NJ+LLC&mc=y&coinfo... 2/5

## Payment Trend Summary

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\*Percentage of on-time payments by month.



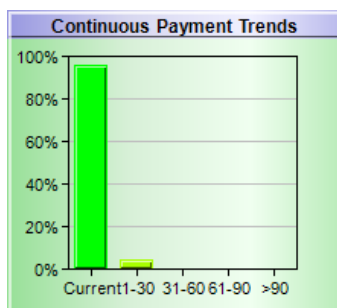
\*Percentage of on-time payments by quarter.

## Monthly Payment Trends - Recent Activity

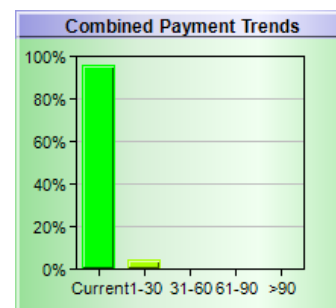
Date	Current	Up to 30 DBT	31-60 DBT	61-90 DBT	>90 DBT
05/19	1%	13%	86%	0%	0%
06/19	0%	100%	0%	0%	0%
07/19	0%	0%	0%	0%	0%
08/19	100%	0%	0%	0%	0%
09/19	99%	1%	0%	0%	0%
10/19	25%	74%	1%	0%	0%

## Quarterly Payment Trends - Recent Activity

Date	Current	Up to 30 DBT	31-60 DBT	61-90 DBT	>90 DBT
09/18	0%	0%	0%	0%	0%
12/18	69%	31%	0%	0%	0%
03/19	41%	59%	0%	0%	0%
06/19	0%	0%	0%	0%	0%
09/19	51%	49%	0%	0%	0%



\*Continuous distribution with DBT.

Insufficient information to produce  
Newly Reported Payment Trends  
chart.

\*Combined distribution with DBT.

## Trade Payment Information

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## Payment Experiences (Financial Trades)

Supplier Category	Reported Date	Activity Date	Payment Terms	Recent High Credit	Balance	Current	Up to 30 DBT	31-60 DBT	61-90 DBT	>90 DBT	Comments
Fincl Svcs	10/01/19	3/29/19	Rev	\$3,941	\$0						
Fincl Svcs	10/01/19	9/09/19	Rev	\$1,707	\$4		\$4				Satisfacto

## Tradeline Experiences (Continuous Trades)

Supplier Category	Reported Date	Activity Date	Payment Terms	Recent High Credit	Balance	Current	Up to 30 DBT	31-60 DBT	61-90 DBT	>90 DBT	Comments
Bus Servcs	9/05/19		Varied	\$108	\$108	100%					

## Payment Trend Detail

Date	Industry* DBT	DBT	Industry* Current	Current	Up to 30 DBT	31-60 DBT	61-90 DBT	>90 DBT
10/19	5	12	88%	25%	74%	1%	0%	0%
09/19	5	0	88%	99%	1%	0%	0%	0%
08/19	4	0	89%	100%	0%	0%	0%	0%
07/19	4	0	89%	0%	0%	0%	0%	0%
06/19	5	15	89%	0%	100%	0%	0%	0%
05/19	5	41	89%	1%	13%	86%	0%	0%

\*Industry: Plumbing, Heating &amp; A/C Contractors

## Inquiries

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Summary of Inquiries

Supplier Category	11/19	10/19	09/19	08/19	07/19	06/19	05/19	04/19	03/19
Fincl Svcs	0	0	0	2	0	0	0	0	0
Insurance	0	0	0	0	1	0	0	0	0
Totals	0	0	0	2	1	0	0	0	0

Tax Lien Filings

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Date:	08/02/2017
Owner:	State Of New York
Filing Location:	Kings County Clerk
Legal Type:	State Tax
Legal Action:	Released
Document Number:	003495098
Liability Amount:	\$3,429
Description:	Other Tax
Date:	04/19/2016
Owner:	State Of New York
Filing Location:	Kings County Clerk
Legal Type:	State Tax
Legal Action:	Lien
Document Number:	003495098
Liability Amount:	\$3,429
Description:	Other Tax

UCC Filings

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Date:	08/10/2018
Filing Number:	201808108367163
Jurisdiction:	Sec Of State NY
Secured Party:	Central Hudson Gas & Electric Corporatio Ny Poughkeepsie 126
Collateral:	Other Assets (undefined)
Activity:	Filed
Date:	07/27/2018
Filing Number:	52915062
Jurisdiction:	Sec Of State NJ
Secured Party:	Vectren Energy Delivery Of Ohio, Inc. In Evansville 47708 On
Collateral:	Accounts Receivable, Equipment
Activity:	Filed
Date:	07/27/2018
Filing Number:	52915156
Jurisdiction:	Sec Of State NJ
Secured Party:	Vectren Energy Delivery Of Ohio, Inc. In Evansville 47708 On
Collateral:	Accounts Receivable
Activity:	Filed
Date:	10/02/2017
Filing Number:	201710020484525
Jurisdiction:	Sec Of State NY
Secured Party:	Columbia Gas Of Ohio, Inc. Oh Columbus 43215 290 W. Nationwi
Collateral:	Hereafter Acquired Property, Other Assets (undefined)
Activity:	Filed
Date:	07/31/2017
Filing Number:	52341771
Jurisdiction:	Sec Of State NJ
Secured Party:	Columbia Gas Of Pennsylvania, Inc. Oh Columbus 43215 290 Wes
Collateral:	Accounts Receivable, Equipment
Activity:	Filed
Date:	03/27/2017
Filing Number:	201703275356499
Jurisdiction:	Sec Of State NY
Secured Party:	Orange & Rockland Utilities, Inc. Ny Spring Valley 10977 390
Collateral:	Hereafter Acquired Property, Other Assets (undefined)
Activity:	Filed
Date:	03/27/2017
Filing Number:	52140642
Jurisdiction:	Sec Of State NJ
Secured Party:	Orange & Rockland Utilities, Inc. Ny Spring Valley 10977 390
Collateral:	Equipment
Activity:	Filed

UCC Filings Summary

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Filing Period	Cautionary Filings	Total Filed	Total Released	Total Continued	Amended / Assigned
07/01/2019	0	0	0	0	0
MPOWER Energy NJ LLC PUCO Renewal Application 087					



01/01/2019	0	0	0	0	0
07/01/2018	2	3	0	0	0
01/01/2018	0	0	0	0	0
07/01/2017	2	2	0	0	0
07/01/2017	1	2	0	0	0

Cautionary UCC Filings include one or more of the following collateral: Accounts, Accounts Receivable, Contracts, Hereafter acquired property, Leases, Notes Receivable, or Proceeds.

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**C-8**  
**Bankruptcy Information**

None. Not applicable.

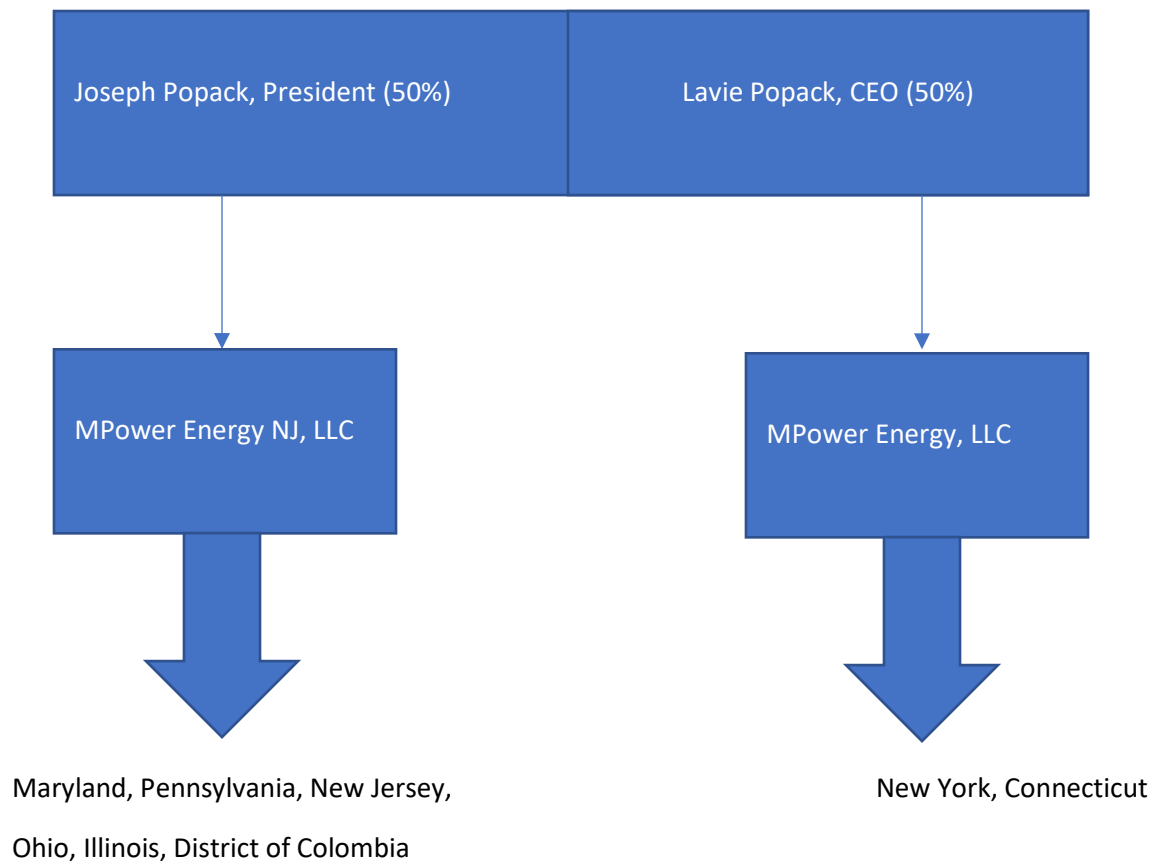
**C-9**  
**Merger Information**

None. Not applicable.

## C-10

### ‘Corporate Structure’

Mpower Energy NJ LLC is currently licensed to provide retail gas and electric services by the New Jersey Board of Public Utilities, the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Public Service Commission of the District of Columbia, the Public Utilities Commission of Ohio, and the Illinois Commerce Commission. This application’s purpose is to renew Mpower Energy NJ LLC’s registration with the Public Utilities Commission of Ohio. In Maryland, the company operates under the DBA MPE&G LLC. There is a second commonly owned company, Mpower Energy LLC, an affiliate. Mpower Energy LLC is licensed to provide retail gas and electric services by the New York Public Service Commission and is pending licensure by the Public Utilities Regulatory Authority of Connecticut. The same owners of Mpower Energy NJ LLC, Joseph and Lavie Popack, own Mpower Energy LLC.



## **D-1 & D-2**

### **Operations & Operations Expertise**

MPower Energy NJ LLC's operations in New Jersey, Pennsylvania, Maryland, Ohio, Illinois, and the district of Columbia, currently include the retail sale of electricity and natural gas to residential and commercial customers, the contracting for electricity and natural gas for retail sale, and the nomination and scheduling of electricity and natural gas for delivery to retail customers. This will be part of the operational nature of its business in Ohio as well.

MPower Energy NJ LLC is constantly striving to improve its operations and engages in extensive oversight of its sales agents' retail energy marketing activities. MPower Energy NJ LLC dedicates significant resources toward quality, oversight and compliance. In an effort to improve its services, MPower Energy NJ LLC's policies and procedures evolve on a continual basis in response to customer feedback, regulatory agency feedback, changes in regulations and technology, and staff meetings and brainstorming sessions. Additionally, MPower Energy NJ LLC views each customer complaint as a call to action and policy change. MPower Energy NJ LLC has dedicated careful attention to company branding in an effort to curb customer misunderstanding and agent misrepresentation. MPower Energy NJ LLC agents go into the field with prominently-branded photo-ID badges which they must wear during all consumer interactions, including at all times while marketing in the field. MPower Energy NJ LLC agents are further required to wear buttons stating that MPower is "not the utility." This leaves no room for customers to confuse MPower Energy NJ LLC with their current electric/gas utility company. Additionally, MPower Energy NJ LLC agents are required to provide all prospective customers a bill or rights which clearly states that neither MPower Energy NJ LLC nor the agent is affiliated with the utility and that the customer is under no obligation to purchase services from MPower

## **D-1 & D-2**

### **Operations & Operations Expertise**

Energy NJ LLC. MPower Energy NJ LLC has also invested heavily on an extensive "third-party verification" policy that greatly exceeds state-regulatory requirements in all states that MPower Energy NJ LLC is engaged in business. For instance, MPower Energy NJ LLC obtains third-party verification recordings not only for newly-enrolled accounts, but for renewals, extensions and promotions.

Further, all field sales agents used by MPower Energy NJ LLC are employees of a commonly-owned company, MPower Direct LLC. This affords MPower Energy NJ LLC the maximum control and oversight over its agents' activities. All agents are required to come in to MPower Energy NJ LLC's offices for daily morning meetings and to attend weekly training sessions during which compliance requirements or infractions are addressed. Further, all MPower Energy NJ LLC field sales agents are continually monitored in the field by team leaders and supervisors. MPower Energy NJ LLC also monitors its agents in the field using the iknock platform which utilizes geo-locational software to track each agent's location and which flag any enrollment not completed at the physical address of the customer being enrolled. This helps to curb any possibility of unauthorized enrollment (i.e., slamming).

MPower Energy NJ LLC has long recorded all customer interactions, but has recently begun to retain all such recordings. This includes all sales calls, all customer service calls, and all third-party verification ("TPV") calls. The company maintains a staff of approximately one dozen Quality Assurance specialists whose job it is to review sales calls, customer service calls and all TPV calls for in-house and regulatory compliance purposes. No sale is accepted without a TPV recording and MPower Energy NJ LLC's TPV process is administered by live agents employed by an unrelated third party and carefully trained to identify any misunderstanding on

## **D-1 & D-2**

### **Operations & Operations Expertise**

the customer's part, misinformation by the sales agent, or misrepresentation by a minor or person other than the account holder or other authorized person (such as the account holder's spouse). If, at any point, the third-party verification agent identifies anything questionable, the agent is instructed to terminate the call and alert MPower Energy NJ LLC as a preemptive measure against any illegitimate enrollment. MPower Energy NJ LLC also conducts double verification on any accounts flagged by a third-party verification agent, in the case that the enrollment was requested by anyone other than the account holder or spouse or in cases where any discrepancy in the information provided might suggest a problem with the enrollment. MPower Energy NJ LLC agents are rigorously trained according to a strict code of conduct and their transactions are closely overseen by supervisors in the call centers or in the field. For our customers' protection, MPower Energy NJ LLC agents are not permitted to collect any personal or financial information other than the account holder's name, contact information and account number. MPower Energy NJ LLC records all of its sales calls and spot checks the calls.

Simple comments, questions or complaints are handled at the customer service level. MPower Energy NJ LLC's compliance department is responsible for the oversight and resolution of all complaints concerning deceptive marketing, including allegations of slamming, agent misconduct of any kind, do-not-call violations or unauthorized guarantees made by agents (or any complaint for which the customer has requested escalated assistance). In the event of such a complaint, the compliance department first reaches out to the customer to discuss the issue and ensure a clear understanding of what took place and what is required to resolve the situation. Unless the customer has requested otherwise, any account under investigation for compliance violations of any kind would automatically be returned to the utility so as not to allow the

## **D-1 & D-2**

### **Operations & Operations Expertise**

customer to incur any further charges from MPower Energy NJ LLC. Once the charges have been stopped, MPower Energy NJ LLC will pull all available records of interactions with the customer including sales calls, attempted sales calls, paper contracts, customer database notes made by any customer service representatives who assisted them in the past, TPV recordings and knock/call logs. Since steps would have already been taken to reduce or eliminate impact on the customer, at this point the findings of our investigation would mainly be used for internal quality control purposes. Were any gap in our compliance policies revealed, the respective departments would be called upon to take appropriate measures to prevent the issue from recurring. Were it confirmed that an agent willingly and knowingly violated the code of conduct in any way, the agent would be terminated. If no proof could be found that the allegations were true, the agent's record would be noted for future reference. Three complaints of the same or similar nature are considered proof of misconduct and our agents are terminated upon verification of a third complaint. Additionally, MPower Energy NJ LLC has a claw-back policy for all commissions paid out which ensures that there are financial repercussions for violations as well. Upon the completion of an investigation and the administration of all disciplinary measures and operational changes, The company would provide a written report of the findings and the course of action to be taken in response to the regulatory agency that originally submitted the complaint. Where appropriate, the customer would also be given an update.

Additionally, MPower Energy NJ LLC is building its website under the guidance of its legal team to focus on the provision of green energy.

## **D-1 & D-2**

### **'Operations & Operations Expertise'**

MPower Energy NJ LLC's operations in New Jersey, Pennsylvania and Maryland currently include the retail sale of electricity and natural gas to residential and commercial customers, the contracting for electricity and natural gas for retail sale, and the nomination and scheduling of electricity and natural gas for delivery to retail customers. This will be part of the operational nature of its business in Ohio as well.

MPower Energy NJ LLC is constantly striving to improve its operations and engages in extensive oversight of its sales agents' retail energy marketing activities. MPower Energy NJ LLC dedicates significant resources toward quality, oversight and compliance. In an effort to improve its services, MPower Energy NJ LLC's policies and procedures evolve on a continual basis in response to customer feedback, regulatory agency feedback, changes in regulations and technology, and staff meetings and brainstorming sessions. Additionally, MPower Energy NJ LLC views each customer complaint as a call to action and policy change. MPower Energy NJ LLC has dedicated careful attention to company branding in an effort to curb customer misunderstanding and agent misrepresentation. MPower Energy NJ LLC agents go into the field with prominently-branded photo-ID badges which they must wear during all consumer interactions, including at all times while marketing in the field. MPower Energy NJ LLC agents are further required to wear buttons stating that MPower is "not the utility." This leaves no room for customers to confuse MPower Energy NJ LLC with their current electric/gas utility company. Additionally, MPower Energy NJ LLC agents are required to provide all prospective customers a bill or rights which clearly states that neither MPower Energy NJ LLC nor the agent is affiliated with the utility and that the customer is under no obligation to purchase services from MPower.



# Executive Summaries

## D-3 'Key Technical Personnel'

### **Lavie Popack – Co-Founder & Chief Executive Officer**

Lavie Popack is Co-Founder & CEO of MPNY and MPNJ.

Lavie began his career in 2000 at Dira Realty, LLC. ("Dira"), the Popack family-owned real-estate investment & management business. At Dira, Lavie maintained positions throughout the organization providing him with exposure and expertise in all aspects of the real-estate industry. During his tenor at Dira, Lavie was instrumental in creating a unique marketing compensation structure with Cablevision, which provides landlords a profit sharing opportunity.

In 2009, Lavie and his father Joseph, seized the opportunity in the energy de-regulation marketplace and leveraged Dira's resources, expertise, and network to overcome the high barriers of entry into the industry. Since inception, Mpower has grown at a healthy rate, servicing energy and gas to both commercial and residential end-users within New York state. Additionally, under Lavie's leadership, Mpower has developed unique proprietary platforms to support both back and front office operations. This innovative approach has enabled Mpower to capture market share and grow margins above the industry norm.

Lavie received a B.S from Touro College and an M.B.A. from New York University.

### **Joseph Popack – Co-Founder & President**

Joseph Popack is Co-Founder & President of MPNY and MPNJ. Joseph also serves as CEO of Dira, one of New York's prominent privately owned real-estate investment & management firms. Joseph possesses over forty years of experience in real-estate acquisitions & management and is regarded as one of New York's real-estate experts.

Joseph is an active philanthropist for many causes. He has helped build and maintain multiple private schools. Joseph founded and continues to fund the Crown Heights Soup Kitchen. Additionally, Joseph is the Chairman of the Board of the Jewish Children's Museum in Brooklyn, a Director of Machane Yisrael Day Camp (a non-profit Jewish day camp), and serves on the Board of Governors of Touro College.

### **Oren Hashai, CFA – Chief Financial Officer**

Oren Hashai is responsible for the financial operations and risk management of MPNY and MPNJ. He is responsible for forecasting, cash management, strategic planning, and budgeting. In his current capacity, Oren oversees all hedging & risk management strategy and energy trading & procurement operations. Prior to Mpower, Oren worked in investment banking where he specialized in advising on mergers & acquisitions and strategic corporate finance transactions.

Oren received a B.S. from Yeshiva University in 2007 and is a CFA charterholder.

## **EXPERIENCE**

**Mpower Energy, LLC.** *Brooklyn, NY*

*October 2011- Present*

**Energy Supply Company,** *Chief Financial Officer*

- Responsible for the development & execution of all leverage & balance sheet transactions, budgeting/forecasting plans, short/long range objectives & direction, hedging & risk management strategy, and energy trading & procurement operations
- Represent the organization to shareholders, major customers, financial community, and governmental agencies
- Oversee the development of corporate policy & budgets, including major cost cutting efforts and growth initiatives

**Gleacher & Company, Inc.** *New York, NY*

*August 2009 - August 2011*

**Restructuring and Recapitalization,** *Senior Analyst*

- Provided financial analysis and case advice to debtors & creditors involved in Chapter 11 and out-of-court restructurings
- Designed integrated financial and restructuring models to forecast financial growth, identify restructuring catalysts, measure liquidity needs, and define capital structure scenarios
- Built detailed operational models to test debt covenants, liquidity triggers, debt capacity, and valuation sensitivities
- Performed liquidation and recovery analyses to estimate creditor returns based on various restructuring scenarios
- Drafted expert valuation reports and participated in case settlement negotiations during contentious restructurings
- Conducted extensive due diligence efforts to assess business plan, financial forecast, and plan of reorganization feasibility

### **Select Transaction Experience:**

- **Tronox Inc.** – Financial Advisor to the Ad-Hoc Committee of Noteholders with respect to the plan of reorganization and bondholder rights offering
- **YRC Worldwide Inc.** – Financial Advisor to the USF Noteholders in connection with the Company's debt-to-equity exchange offer
- **Telogy LLC.** – Financial Advisor to the Company with respect to strategic alternatives

**Duff & Phelps Securities, LLC.** *New York, NY*

*January 2008 - August 2009*

**Investment Banking,** *Analyst*

- Constructed valuation analyses utilizing LBO, DCF, comparable company, and precedent transaction methodologies
- Developed three-statement financial models for a wide range of strategic transactions
- Reviewed and analyzed long-term business plans, including projection assumptions, working capital sufficiency, and operating performance
- Conducted in-depth industry, market, and company research & analysis for prospective engagements
- Collaborated with product groups to prepare pitchbooks for strategic recommendations

### **Select Transaction Experience:**

- **Parsons Brinckerhoff Inc.** – Financial Advisor to the Board of Directors and rendered a fairness opinion in connection with the Company's sale to Balfour Beatty plc
- **Ferris Baker Watts Inc.** – Financial Advisor to the ESOP Trustee and rendered a fairness opinion in connection with the Company's sale to Royal Bank of Canada

## **EDUCATION**

Yeshiva University, Sy Syms School of Business, *New York, NY*

*December 2007*

Bachelor of Science; Major: Accounting; Minor: Real Estate; *cum laude*

## **CERTIFICATIONS**

- CFA charterholder
- Licensed NASD Representative – Series 7 & 63

## **Continued Education**

- NYISO – New York Market Orientation Course
- PJM – PJM 101, The Basics
- PGS Energy Training - Today's U.S. Electric Power Industry, ISO Markets, & Electric Power Transactions
- Energy Risk Summit 2015

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/26/2019 5:28:47 PM**

**in**

**Case No(s). 17-2122-GA-CRS**

Summary: Application Renewal Application for Certification As a Competitive Retail Natural Gas Marketer electronically filed by Ms. Kari D Hehmeyer on behalf of MPower Energy NJ, LLC