



DIS Case Number: 13-0105-EL-CRS

Section A: Application Information

A-1. Provider type:

☐ Power Broker ☒ Aggregator ☐ Retail Generation Provider ☒ Power Marketer

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

Legal Name: Cincinnati Bell Energy, LLC **Country:** United States
Phone: 12148124600 **Extension (if applicable):** **Street:** 6555 Sierra Drive
Website (if any): www.cincinnatibell.com **City:** Irving **Province/State:** TX
Postal Code: 75039

A-3. Names and contact information under which the applicant will do business in Ohio

Provide the names and contact information the business entity will use for business in Ohio. This does not have to be an Ohio address and may be the same contact information given in A-2.

Name	Type	Address	Active?	Proof
Cincinnati Bell Energy, LLC	Official Name	6555 Sierra Drive Irving, TX 75039	Yes	File

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

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

Name	Type	Address	Active?	Proof
Cincinnati Bell Energy, LLC	Official Name	6555 Sierra Drive Irving, TX 75039	Yes	File

A-5. Contact person for regulatory matters



Public Utilities Commission

David Ricketts
1005 Congress Avenue, Suite 750
Austin, TX 78701
US
david.ricketts@vistraenergy.com
5123496441

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

Jim Vermeulen
6555 Sierra Drive
Irving, TX 75039
US
jim.vermeulen@vistraenergy.com
9728683945

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

Phone: 888-852-6849	Extension (if applicable):	Country: United States
Fax:	Extension (if applicable):	Street: 6555 Sierra Drive
Email: support@cincinnatienergy.com		City: Irving
		Province/State: TX
		Postal Code: 75039

A-8. Applicant's federal employer identification number

27-1786285

A-9. Applicant's form of ownership

Form of ownership: Limited Liability Company (LLC)

A-10. Identify current or proposed service areas

Identify each service area in which the applicant is currently providing service or intends to provide service and identify each customer class that the applicant is currently serving or intends to serve.

Service area selection

AEP Ohio
DP&L

Duke Energy Ohio
FirstEnergy - Cleveland Electric Illuminating
FirstEnergy - Ohio Edison
FirstEnergy - Toledo Edison

Class of customer selection

Commercial
Industrial
Mercantile
Residential

A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 01-03-2011

A-12. Principal officers, directors, and partners

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

Name	Email	Title	Address
Scott Hudson	scott.hudson@vistracorp.com	President, Vistra Retail	6555 Sierra Drive Irving, TX 75039 US
Gabe Vazquez	gabe.vazquez@vistracorp.com	Vice President, Associate General Counsel	6555 Sierra Drive Irving, TX 75039 US
Paul Reyes	paul.reyes@vistracorp.com	Vice President	6555 Sierra Drive Irving, TX 75039 US
Carrie Kirby	carrie.kirby@vistracorp.com	Executive Vice President, Chief Administrative Officer	6555 Sierra Drive Irving, TX 75039 US
James Burke	jim.burke@vistracorp.com	Executive Vice President, Chief Operating Officer	6555 Sierra Drive Irving, TX 75039 US
Carla Howard	carla.howard@vistracorp.com	Senior Vice President, General Tax Counsel	6555 Sierra Drive Irving, TX 75039 US
Kristopher Moldovan	kristopher.moldovan@vistracorp.com	Senior Vice President, Treasurer	6555 Sierra Drive Irving, TX 75039 US



Public Utilities Commission

Claudia Morrow	claudia.morrow@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Curtis Morgan	curtis.morgan@vistracorp.com	Chief Executive Officer	6555 Sierra Drive Irving, TX 75039 US
Samudra Sen	samudra.sen@vistracorp.com	Vice President	6555 Sierra Drive Irving, TX 75039 US
John Duessel	john.duessel@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Sydney Seiger	sydney.seiger@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Christy Dobry	christy.dobry@vistracorp.com	Vice President, Controller	6555 Sierra Drive Irving, TX 75039 US
Seth Rasmussen	seth.rasmussen@vistracorp.com	Assistant Secretary	6555 Sierra Drive Irving, TX 75039 US
Yuki Whitmire	yuki.whitmire@vistracorp.com	Vice President, Associate General Counsel, Corporate Secretary	6555 Sierra Drive Irving, TX 75039 US
Darshan Bhate	darshan.bhate@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Stephanie Zapata Moore	stephanie.moore@vistracorp.com	Executive Vice President, General Counsel, Chief Compliance Officer	6555 Sierra Drive Irving, TX 75039 US
Stephen Muscato	stephen.muscato@vistracorp.com	Executive Vice President, Chief Commercial Officer	6555 Sierra Drive Irving, TX 75039 US
Tom Farrah	tom.farrah@vistracorp.com	Senior Vice President, Chief Information Officer	6555 Sierra Drive Irving, TX 75039 US
Gabriel Castro	gabriel.castro@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Daniel Kelly	daniel.kelly@vistracorp.com	Vice President, Associate General Counsel	6555 Sierra Drive Irving, TX 75039 US
Max Chen	max.chen@vistracorp.com	Assistant Treasurer	6555 Sierra Drive Irving, TX 75039 US



A-13. Company history

Cincinnati Bell Energy, LLC was first certified as a Competitive Retail Electric Service Provider on January 3, 2011 as part of the Cirus Energy Corp. group of companies. Effective July 15, 2019, Cincinnati Bell Energy, LLC has an indirect change in ownership when Vistra Corp. acquired its upstream parent company Cirus Energy Corp. and this became its new ultimate parent company.

A-14. Secretary of State

Secretary of State Link:

Section B: Applicant Managerial Capability and Experience

B-1. Jurisdiction of operations

List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of filing the application..

File Attached

B-2. Experience and plans

Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the plan for contracting with customers, providing contracted services, providing billing statements and responding to customer inquiries and complaints in accordance with Commission rules adopted pursuant to Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

File(s) attached

B-3. Disclosure of liabilities and investigations

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction..



File Attached

B-4. Disclosure of consumer protection violations

Has the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant been convicted or held liable for fraud or for violation of any consumer protection or antitrust laws within the past five years?

No

B-5. Disclosure of certification, denial, curtailment, suspension or revocation

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed, suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years?

No

B-6. Environmental disclosures

Provide a detailed description of how the applicant intends to determine its generation resource mix and environmental characteristics, including air emissions and radioactive waste. Include the annual projection methodology and the proposed approach to compiling the quarterly actual environmental disclosure data. See 4901:1-21-09 of the Ohio Administrative Code for additional details of this requirement.

PJM disclosure option chosen

Section C: Applicant Financial Capability and Experience

C-1. Financial reporting

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-



K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.

Financial Reports Link(s): <https://investor.vistracorp.com/investor-relations/financial-information/SEC-Filings/default.aspx>

C-2. Financial statements

Provide copies of the applicant's two most recent years of audited financial statements, including a balance sheet, income statement, and cash flow statement. If audited financial statements are not available, provide officer certified financial statements. If the applicant has not been in business long enough to satisfy this requirement, provide audited or officer certified financial statements covering the life of the business. If the applicant does not have a balance sheet, income statement, and cash flow statement, the applicant may provide a copy of its two most recent years of tax returns with **social security numbers and bank account numbers redacted**.

If the applicant is unable to meet the requirement for two years of financial statements, the Staff reviewer may request additional financial information.

Links to Financial Statement(s): <https://investor.vistracorp.com/investor-relations/financial-information/SEC-Filings/default.aspx>

C-3. Forecasted financial statements

Provide two years of forecasted income statements **based solely on the applicant's anticipated business activities in the state of Ohio**.

Include the following information with the forecast: a list of assumptions used to generate the forecast; a statement indicating that the forecast is based solely on Ohio business activities only; and the name, address, email address, and telephone number of the preparer of the forecast.

The forecast may be in one of two acceptable formats: 1) an annual format that includes the current year and the two years succeeding the current year; or 2) a monthly format showing 24 consecutive months following the month of filing this application broken down into two 12-month periods with totals for revenues, expenses, and projected net incomes for both periods. Please show revenues, expenses, and net income (revenues minus total expenses) that is expected to be earned and incurred in **business activities only in the state of Ohio** for those periods.



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If the applicant is filing for both an electric certificate and a natural gas certificate, please provide a separate and distinct forecast for revenues and expenses representing Ohio electric business activities in the application for the electric certificate and another forecast representing Ohio natural gas business activities in the application for the natural gas certificate.

Preferred to file confidentially

C-4. Credit rating

Provide a credit opinion disclosing the applicant's credit rating as reported by at least one of the following ratings agencies: Moody's Investors Service, Standard & Poor's Financial Services, Fitch Ratings or the National Association of Insurance Commissioners. If the applicant does not have its own credit ratings, substitute the credit ratings of a parent or an affiliate organization and submit a statement signed by a principal officer of the applicant's parent or affiliate organization that guarantees the obligations of the applicant. If an applicant or its parent does not have such a credit rating, enter 'Not Rated'.

This does not apply

C-5. Credit report

Provide a copy of the applicant's credit report from Experian, Equifax, TransUnion, Dun and Bradstreet or a similar credit reporting organization. If the applicant is a newly formed entity with no credit report, then provide a personal credit report for the principal owner of the entity seeking certification. At a minimum, the credit report must show summary information and an overall credit score. **Bank/credit account numbers and highly sensitive identification information must be redacted.** If the applicant provides an acceptable credit rating(s) in response to C-4, then the applicant may select 'This does not apply' and provide a response in the box below stating that a credit rating(s) was provided in response to C-4.

This does not apply.

C-6. Bankruptcy information

Within the previous 24 months, have any of the following filed for reorganization, protection from creditors or any other form of bankruptcy?

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant



Public Utilities Commission

- Any owner or officer of the applicant

No

C-7. Merger information

Is the applicant currently involved in any dissolution, merger or acquisition activity, or otherwise participated in such activities within the previous 24 months?

Merger Information: Effective July 15, 2019, Cincinnati Bell Energy, LLC has an indirect change in ownership when Vistra Corp. acquired its upstream parent company Crius Energy Corp. and this became its new ultimate parent company.

C-8. Corporate structure

Provide a graphical depiction of the applicant's corporate structure. Do not provide an internal organizational chart. The graphical depiction should include all parent holding companies, subsidiaries and affiliates as well as a list of all affiliate and subsidiary companies that supply retail or wholesale electricity or natural gas to customers in North America. If the applicant is a stand-alone entity, then no graphical depiction is required, and the applicant may respond by stating that it is a stand-alone entity with no affiliate or subsidiary companies.

File(s) attached

C-9. Financial arrangements

Provide copies of the applicant's financial arrangements to satisfy collateral requirements to conduct retail electric/natural gas business activities (e.g., parental guarantees, letters of credit, contractual arrangements, etc., as described below).

Renewal applicants may provide a current statement from an Ohio local distribution utility (LDU) that shows that the applicant meets the LDU's collateral requirements. The statement or letter must be on the utility's letterhead and dated within a 30-day period of the date the applicant files its renewal application.

First-time applicants or applicants whose certificate has expired must meet the requirements of C-9 in one of the following ways:

1. The applicant itself states that it is investment grade rated by Moody's Investors Service, Standard & Poor's Financial Services, or Fitch Ratings and provides evidence of rating from the rating agencies. If you provided a credit rating in C-4, reference the credit rating in the statement.



2. The applicant's parent company is investment grade rated (by Moody's, Standard & Poor's, or Fitch) and guarantees the financial obligations of the applicant to the LDU(s). Provide a copy of the most recent credit opinion from Moody's, Standard & Poor's or Fitch.
3. The applicant's parent company is not investment grade rated by Moody's, Standard & Poor's or Fitch but has substantial financial wherewithal **in the opinion of the Staff reviewer** to guarantee the financial obligations of the applicant to the LDU(s). The parent company's financials and a copy of the parental guarantee must be included in the application if the applicant is relying on this option.
4. The applicant can provide evidence of posting a letter of credit with the LDU(s) listed as the beneficiary, in an amount sufficient to satisfy the collateral requirements of the LDU(s).

Preferred to file confidentially

Section D: Applicant Technical Capacity

D-1. Operations

Power Marketers/Generators: Describe the operational nature of the applicant's business, specifying whether operations will include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services, as well as other services used to arrange for the purchase and delivery of electricity to retail customers.

File(s) attached

D-2. Operations Expertise & Key Technical Personnel

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

File(s) attached

D-3. FERC Power Marketer and License Number



Provide a statement disclosing the applicants FERC Power Marketer License Number (Power Marketers Only).

CBE received approval from FERC to be a Power Marketer at FERC Docket Number: ER11-2663



Public Utilities
Commission

Application Attachments

BUSINESS DETAILS & FILINGS

[✕ Close](#)

Business Details

Entity #:	1981822	Business Name:	CINCINNATI BELL ENERGY LLC
Filing Type:	FOREIGN LIMITED LIABILITY COMPANY	Status:	Active
Original Filing Date:	12/09/2010	Exp. Date:	-

AGENT/REGISTRANT INFORMATION

CAPITOL CORPORATE SERVICES, INC.
4568 MAYFIELD RD STE 204
CLEVELAND OH 44121
07/16/2019
Active

Business ID Theft
Protect Yourself

Sign up to receive e-mail notifications of any changes or updates
made to this business entity.

FILINGS

Exhibit B-1**Jurisdiction of Operations**

List all jurisdictions in which the applicant or any affiliated interest of the applicant is certified, licensed, registered or otherwise authorized to provide retail natural gas service or retail/wholesale electric service as of the date of the filing of this application.

State	Legal Entity	Commodity
California	Ambit California, LLC	Gas
California	Everyday Energy, LLC d/b/a Energy Rewards	Gas
California	Viridian Energy PA, LLC	Gas
Canada	Ambit Energy Canada, ULC	Gas
Canada	Ambit Energy Canada, ULC	Electric
Connecticut	Ambit Northeast, LLC	Electric
Connecticut	Connecticut Gas & Electric, Inc.	Electric
Connecticut	Everyday Energy, LLC d/b/a Energy Rewards	Electric
Connecticut	Public Power, LLC	Electric
Connecticut	Viridian Energy, LLC	Electric
D.C.	Ambit Northeast, LLC	Electric
D.C.	Ambit Northeast, LLC	Gas
D.C.	Energy Service Providers, Inc.	Electric
D.C.	Everyday Energy, LLC	Electric
D.C.	Everyday Energy, LLC	Gas
D.C.	Public Power, LLC	Electric
D.C.	Viridian Energy PA LLC	Electric
D.C.	Viridian Energy PA LLC	Gas
D.C.	Viridian Network, LLC	Electric
D.C.	Viridian Network, LLC	Gas
Delaware	Ambit Northeast, LLC	Electric
Delaware	Everyday Energy, LLC	Electric
Delaware	Viridian Energy PA, LLC	Electric
Delaware	Viridian Network, LLC	Electric
Illinois	Ambit Illinois, LLC	Gas
Illinois	Ambit Northeast, LLC	Electric
Illinois	Dynegy Energy Services, LLC	Electric
Illinois	Energy Service Providers, Inc.	Electric
Illinois	Everyday Energy, LLC	Electric
Illinois	Everyday Energy, LLC	Electric
Illinois	Everyday Energy, LLC	Gas
Illinois	Illinois Power Marketing Company	Electric

Illinois	Public Power, LLC	Electric
Illinois	TriEagle Energy, LP	Electric
Illinois	U.S. Gas & Electric, Inc.	Gas
Illinois	Viridian Energy PA LLC	Electric
Illinois	Viridian Energy PA LLC	Gas
Indiana	Ambit Midwest, LLC	Gas
Indiana	Everyday Energy, LLC	Gas
Indiana	U.S. Gas & Electric, Inc.	Gas
Indiana	Viridian Energy PA, LLC	Gas
Kentucky	U.S. Gas & Electric, Inc.	Gas
Maine	Ambit Northeast, LLC	Electric
Maine	Dynegy Marketing and Trade	Electric
Maine	Energy Rewards, LLC	Electric
Maine	Massachusetts Gas & Electric, Inc.	Electric
Maryland	Ambit Northeast, LLC	Electric
Maryland	Ambit Northeast, LLC	Gas
Maryland	Energy Service Providers, Inc.	Electric
Maryland	Everyday Energy, LLC d/b/a Energy Rewards	Electric
Maryland	Everyday Energy, LLC d/b/a Energy Rewards	Gas
Maryland	Public Power & Utility of Maryland, LLC	Electric
Maryland	TriEagle Energy, LP	Electric
Maryland	U.S. Gas & Electric, Inc.	Gas
Maryland	Viridian Energy PA, LLC	Electric
Maryland	Viridian Energy PA, LLC	Gas
Massachusetts	Ambit Northeast, LLC	Gas
Massachusetts	Ambit Northeast, LLC	Electric
Massachusetts	Dynegy Energy Services (East), LLC	Electric
Massachusetts	Everyday Energy, LLC d/b/a Energy Rewards	Electric
Massachusetts	Massachusetts Gas & Electric, Inc.	Electric
Massachusetts	Public Power, LLC	Electric
Massachusetts	Viridian Energy PA, LLC	Gas
Massachusetts	Viridian Energy, LLC	Electric
Michigan	Ambit Midwest, LLC	Gas
Michigan	Energy Service Providers, Inc.	Electric
Michigan	Everyday Energy, LLC d/b/a Energy Rewards	Gas
Michigan	U.S. Gas & Electric, Inc.	Gas
Michigan	Viridian Energy PA, LLC	Gas
Montana	Big Sky Gas, LLC	Gas
New Hampshire	Ambit Northeast, LLC	Electric
New Hampshire	Energy Rewards, LLC	Electric
New Hampshire	Everyday Energy, LLC d/b/a Energy Rewards	Electric
New Hampshire	Viridian Energy, LLC	Electric

New Jersey	Ambit Northeast, LLC	Gas
New Jersey	Ambit Northeast, LLC	Electric
New Jersey	Energy Service Providers, Inc.	Electric
New Jersey	Everyday Energy NJ, LLC	Electric
New Jersey	Everyday Energy NJ, LLC	Gas
New Jersey	Everyday Energy, LLC d/b/a Energy Rewards	Electric
New Jersey	Everyday Energy, LLC d/b/a Energy Rewards	Gas
New Jersey	TriEagle Energy, LP	Electric
New Jersey	U.S. Gas & Electric, Inc.	Gas
New Jersey	Viridian Energy PA, LLC	Electric
New Jersey	Viridian Energy PA, LLC	Gas
New York	Ambit New York, LLC	Electric
New York	Energy Service Providers, Inc.	Electric
New York	Everyday Energy, LLC d/b/a Energy Rewards	Electric
New York	Everyday Energy, LLC d/b/a Energy Rewards	Gas
New York	Public Power, LLC	Electric
New York	Public Power, LLC	Gas
New York	U.S. Gas & Electric, Inc.	Gas
New York	Viridian Energy NY, LLC	Electric
New York	Viridian Energy PA, LLC	Gas
Ohio	Ambit Northeast, LLC	Gas
Ohio	Ambit Northeast, LLC	Electric
Ohio	Cincinnati Bell Energy, LLC	Electric
Ohio	Cincinnati Bell Energy, LLC	Gas
Ohio	Dynegy Energy Services (East), LLC	Electric
Ohio	Energy Service Providers, Inc.	Electric
Ohio	Everyday Energy, LLC d/b/a Energy Rewards	Electric
Ohio	Everyday Energy, LLC d/b/a Energy Rewards	Gas
Ohio	Public Power, LLC	Electric
Ohio	TriEagle Energy, LP	Electric
Ohio	U.S. Gas & Electric, Inc.	Gas
Ohio	Viridian Energy PA, LLC	Electric
Ohio	Viridian Energy PA, LLC	Gas
Pennsylvania	Ambit Northeast, LLC	Electric
Pennsylvania	Ambit Northeast, LLC	Gas
Pennsylvania	Dynegy Energy Services (East), LLC	Electric
Pennsylvania	Energy Service Providers, Inc.	Electric
Pennsylvania	Everyday Energy, LLC d/b/a Energy Rewards	Electric
Pennsylvania	Everyday Energy, LLC d/b/a Energy Rewards	Gas
Pennsylvania	Public Power, LLC	Electric
Pennsylvania	TriEagle Energy, LP	Electric
Pennsylvania	U.S. Gas & Electric, Inc.	Gas
Pennsylvania	Viridian Energy PA, LLC	Electric

Cincinnati Bell Energy, LLC

Pennsylvania	Viridian Energy PA, LLC	Gas
Rhode Island	Ambit Northeast, LLC	Electric
Rhode Island	Public Power, LLC	Electric
Rhode Island	Viridian Energy, LLC	Electric
Texas	Ambit Texas, LLC	Electric
Texas	TriEagle Energy, LP	Electric
Texas	TXU Energy Retail Company LLC	Electric
Texas	Value Based Brands LLC	Electric
Virginia	Ambit Northeast, LLC	Gas
Virginia	Viridian Energy PA, LLC	Gas

Exhibit B-2
Experience and Plans

Describe the applicant's experience in providing the service(s) for which it is applying (e.g., number and type of customers served, utility service areas, amount of load, etc.). Include the plan for contracting with customers, providing contracted services, providing billing statements and responding to customer inquiries and complaints in accordance with commission rules adopted pursuant to Sections 4928.10 and/or 4929.22 of the Ohio Revised Code.

Experience

The Vistra Corp family of brands connects with energy customers through an innovative family of brands, strategy, and multi-channel marketing approach. This unique combination creates multiple access points to a broad suite of energy products and services that make it easier for consumers to make informed decisions about their energy needs. Vistra Corp. brands market energy products in 19 states and the District of Columbia with plans to continue expanding its geographic reach.

Contracting with Customers

Cincinnati Bell Energy, LLC is actively participating in Ohio's competitive retail electric market. Cincinnati Bell Energy, LLC is not marketing its products in Ohio through the traditional channels of partnership, digital advertising, and some telemarketing for commercial customers. Cincinnati Bell Energy, LLC is not currently engaging in D2D marketing and sales.

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

1. *Paper Enrollment.* Potential customers can use a paper enrollment form that they fill out and it is faxed into Applicant's headquarters after which customer receives a welcome package with copies of all the forms.
2. *Web Enrollment.* Potential customers can visit <http://www.cincinnati-bell.com> to enroll online. From the website, potential customers may print forms and information. Upon receipt of the enrollment at Cincinnati Bell Energy, LLC's headquarters, the customer receives a welcome package with all copies of the forms.
3. *Telephonic Enrollment.* Potential commercial customers may be solicited over the phone by Cincinnati Bell Energy, LLC's vendors and may decide to sign up over the telephone and complete a third-party verification confirming the decision to enroll.
4. *Customer Care Center.* Potential customers can call Cincinnati Bell Energy, LLC Customer Care Center. A call center representative will enroll the customer and a third-party verification will be taken after such enrollment and a welcome package will be sent.

5. *Retention Center.* Cincinnati Bell Energy, LLC makes outbound telemarketing calls to existing or former customers only for renewal or re-enrollment purposes.

Providing Contracted Services

Cincinnati Bell Energy, LLC currently provides customers with affordable electricity in Ohio.

Providing Billing Statements

Cincinnati Bell Energy, LLC does not provide its own billing statements. It will provide consolidated billing with the utility.

Responding to Customer Inquiries and Complaints

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

Any complaints or questions that are not resolved by the customer care representatives are then escalated to the Customer Advocacy Department, who will work directly with the customer to investigate and address the issue with the goal of achieving customer satisfaction.

Exhibit B-3

Disclosure of Liabilities and Investigations

For the applicant, affiliate, predecessor of the applicant, or any principal officer of the applicant, describe all existing, pending or past rulings, judgments, findings, contingent liabilities, revocation of authority, regulatory investigations, judicial actions, or other formal or informal notices of violations, or any other matter related to competitive services in Ohio or equivalent services in another jurisdiction.

Ambit Northeast, LLC

Public Utilities Commission of Ohio – The Public Utilities Commission of Ohio (“PUCO”) sent a Notice of Probable Non-Compliance to Ambit Northeast regarding alleged invalid enrollments by Ambit Independent Consultants on October 19, 2018. All the corrective actions proposed by the PUCO were implemented, and Ambit agreed to a forfeiture of \$21,000. The settlement was approved and filed on March 11, 2019.

Ambit New York, LLC

New York Department of Public Service – On May 21, 2015, the New York Department of Public Service (“NYDPS”) formally opened an investigation due to a spike in complaints received against Ambit New York, LLC. This issue was officially closed with the NYDPS on January 20, 2016 with a voluntary payment to New York customers by Ambit of \$1.2 million.

New York Attorney General - On March 25, 2015, the New York Attorney General issued a subpoena duces tecum regarding its investigation into the practices of Ambit New York, LLC which was related to the same issues and complaints raised by the NYDPS’s Investigation. A settlement was reached December 20, 2018, and Ambit New York, LLC was required to pay a penalty in the amount of \$1.5 million dollars.

Ambit Texas, LLC

Texas Public Utility Commission - The Texas Public Utility Commission (“PUCT”) opened an investigation into Ambit Texas, LLC regarding Ambit’s Standard Plan product. Ambit voluntarily terminated the Ambit Standard Plan effective December 21, 2017. A settlement was reached and approved on November 18, 2018 which required Ambit to pay a penalty of \$160,000.

Public Power & Utility of New Jersey, LLC, TriEagle Energy LP and Viridian Energy PA LLC

New Jersey Board of Public Utilities – Public Power & Utility of New Jersey, LLC, TriEagle Energy LP and Viridian Energy PA, LLC (collectively the “NJ Suppliers”) submitted its annual RPS compliance report on October 31, 2016 using data that reflected its actual retail electricity sales in New Jersey, instead of the electricity sales data listed in PJM-Environmental Management System Generator Attribute Tracking System (“GATS”). The New Jersey Board of Public Utilities (the “Board”) allows suppliers to use actual retail electricity sales figures but a new process introduced in 2016 required that suppliers explain the discrepancy between the GATS data and its actual retail sales prior to filing the RPS compliance report. Due to a miscommunication, the NJ Suppliers were unaware of this instruction, but communicated with the Board over the next several months to come to an amicable resolution. In an order dated April 21, 2017, the Board directed the NJ Suppliers to pay an Alternative Compliance Payment (“ACP”) in lieu of retiring Renewable Energy Credits (“RECs”). In June 2017, the NJ Suppliers filed a Motion for Reconsideration with the Board requesting that the Board allow the NJ Suppliers to retire RECs to cover its 2016 RPS requirements rather than paying the ACP. NJ Suppliers reached a settlement with Staff that was approved by the Board on October 29, 2018 that allowed the NJ Suppliers to retire the additional RECs and also assessed a \$25,000 administrative penalty against each supplier.

U.S. Gas & Electric, Inc., Energy Services Providers, Inc.

Office of the New York State Attorney General – Prior to U.S. Gas & Electric Inc. and Energy Services Providers, Inc. (collectively, the “Company”) becoming affiliated with Cirus Energy, the Office of the New York State Attorney General (the “NYAG”) requested information related to marketing efforts in New York State, and information related to customer complaints and pricing. The Company has fully cooperated with the requests and is currently in communication with the NYAG concerning a fair and equitable resolution of the matter.

U.S. Gas & Electric, Inc., Energy Services Providers, Inc.

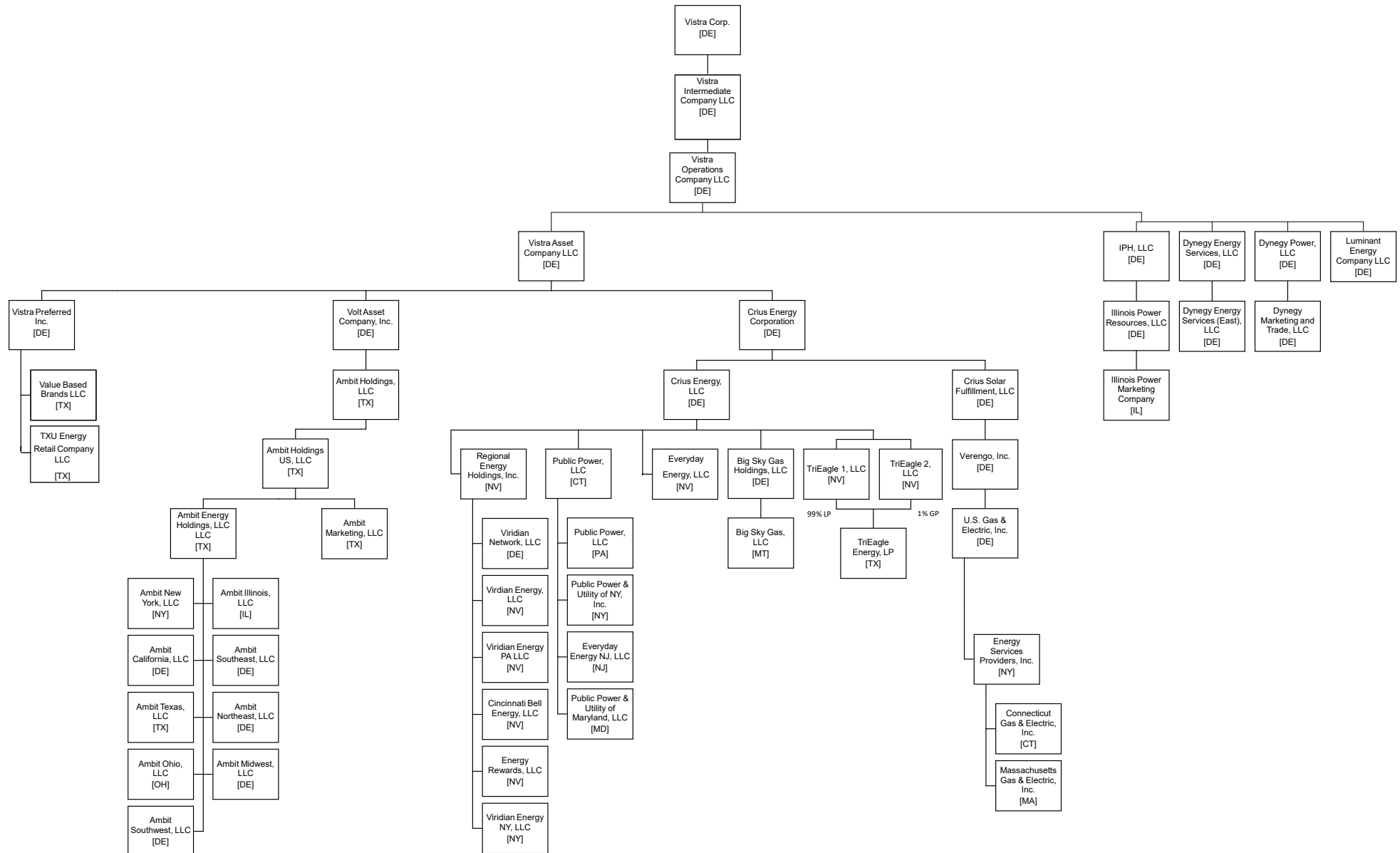
New Jersey Attorney General – Prior to U.S. Gas & Electric Inc. and Energy Services Providers, Inc. (collectively, the “Company”) becoming affiliated with Cirus Energy, the Office of the New Jersey Attorney General (the “NJAG”) requested information from the Company regarding customer agreements, pricing and complaints in New Jersey. The Company has fully cooperated with the requests and is awaiting feedback from the NJAG.

U.S. Gas & Electric, Inc., Energy Services Providers, Inc.

Maryland Public Service Commission – On May 15, 2019, the Technical Staff of the Maryland Public Service Commission (“PSC”) filed a complaint against Energy Services Providers, Inc. d/b/a Maryland Gas & Electric and U.S. Gas & Electric, Inc. d/b/a Maryland Gas & Electric (collectively, the “Company”) alleging that the Company had violated Maryland law governing retail suppliers’ activities, and specifically citing 33 consumer complaints received in 2018. On June 18, 2019, Company filed an answer and response with the PSC and on July 12, 2019, the PSC delegated the matter to the Public Utility Law Judge for review.

Vistra Corp. Organizational Structure U. S. Retail Entity Excerpt

**All ownership interest 100% unless otherwise indicated.





RATING ACTION COMMENTARY

Fitch Upgrades Vistra Corp. to 'BB+'; Outlook Positive

Thu 17 Sep, 2020 - 4:37 PM ET

Fitch Ratings - New York - 17 Sep 2020: Fitch Ratings has upgraded the Long-Term Issuer Default Rating of Vistra Corp. and its indirect subsidiary, Vistra Operations Company, LLC to 'BB+' from 'BB'. Fitch has also upgraded the ratings of the senior unsecured notes at Vistra Operations by one notch to 'BB+/'RR4' from 'BB/RR4'. In addition, Fitch has affirmed the 'BBB-/'RR1' rating of Vistra Operations' first-lien senior secured debt. The 'RR1' Recovery Rating denotes superior recovery, and 'RR4' denotes average recovery in the event of default. The Outlook is maintained at Positive.

The rating upgrade reflects management's continued execution to improve its business and financial risk profile. The recently completed retail acquisitions have further strengthened Vistra's integrated business model, significantly improving generation load match. The integrated model is delivering relatively stable levels of EBITDA and strong FCF, including in an adverse power price environment such as the one in 2020. Management remains committed to achieving investment-grade ratings and has prioritized debt reduction in 2020 in order to bring leverage closer to its 2.5x net debt/EBITDA target.

Fitch expects to resolve the Positive Outlook over the next 12 months based upon management's financial policy articulation around capital allocation, as well as its operational strategy regarding transformation of the power generation fleet to cleaner technologies. Achieving its leverage target and continued successful execution of the integrated strategy will also be key to resolve the Positive Outlook.

KEY RATING DRIVERS

Progress on Integrated Model: The combination with Dynegy Inc. significantly increased Vistra's long generation position, and in this regard, Fitch views favorably management's strategic goal to grow its retail presence both within and outside Texas. Fitch views retail as a high-margin business that offers an effective sales channel and a partial hedge for wholesale generation. Retail margins in the commercial and industrial segments generally remain range-bound during commodity cycles, and residential retail margins are usually countercyclical, given the length and stickiness of the customer contracts. TXU Energy Company LLC, Vistra's largest retail electricity operation in Texas, has demonstrated strong brand recognition, tailored customer offerings and effective customer service, which are driving high customer retention.

The recent acquisition of Crius Energy Trust expands Vistra's geographic footprint in the Midwest and Northeast in the high-margin residential and small business customer segments. In addition, the recent acquisition of Ambit Energy, via its direct selling platform and focus on residential and small business customers, enhances Vistra's competitive position in Texas. As a result of these acquisitions, Vistra expects its generation load match to increase to approximately 60%, with expectations for an even higher match in the future through either retail growth or generation asset retirements.

Strong EBITDA Generation: Fitch expects the company to generate 2020 adjusted EBITDA within management's guidance range of \$3.285 billion-\$3.585 billion. The coronavirus pandemic's impact on YTD results has been modest. The wholesale generation business has been able to navigate a weak power price environment through previously placed attractive hedges, while retail performance has benefited from a strong residential presence that has more than offset weakness in commercial and industrial segments.

Looking forward, backwardation in Electric Reliability Council of Texas (ERCOT) commodity curves, weakness in PJM energy prices and ongoing uncertainty surrounding PJM capacity auction continue to weigh on generation EBITDA, especially in 2022 and beyond, when the company is less hedged. However, continued realization of synergy benefits from past acquisitions, O&M cost management, and contribution from Moss Landing and Oakland battery storage investments should partially offset the drag from declining capacity revenues and backwardation in commodity curves in 2021 and 2022. Fitch also notes that Vistra's commercial strategy in ERCOT has consistently delivered higher returns than what forward power curves would imply.

FCF Supports Deleveraging: Fitch expects Vistra to generate FCF of \$1.8 billion-\$2.2 billion annually over 2020-2022 prior to growth capex and return of capital to shareholders. Maintenance capex is largely attributable to the generation assets and is projected to be approximately \$550 million annually, excluding nuclear fuel. The retail business generates a substantial amount of FCF given modest capex requirements. Management remains committed to achieving an investment-grade rating and has made considerable progress toward its 2.5x net debt/EBITDA target, prioritizing debt reduction in 2020 over returning cash to shareholders. Vistra has repaid \$750 million of debt in 2020 as of July 31, 2020, which includes all legacy Dynegy debt. Management expects to pay down \$550 million drawn on the revolver, as of June 30, 2020, to execute \$1.3 billion of debt reduction in 2020.

Transition to Investment Grade: The June 2019 issuance of senior secured notes at Vistra Operations with a security fall away provision marked a step toward aligning the capital structure with that of an investment-grade entity. Currently, approximately 60% of Vistra's consolidated capital structure consists of secured debt. However, if the \$3.1 billion secured notes containing a security fall away provision are excluded, the secured debt is approximately 27% of the capital structure.

Mixed Power Market Developments: ERCOT continues to demonstrate favorable demand characteristics. Power demand fell 2%-3% as a result of the pandemic, but has rebounded to pre-pandemic levels. While ERCOT's May 2020 'Capacity, Demand and Reserves Report' projects adequate reserve margins over 2021-2025, the estimates include a material amount of wind and solar deployment, the pace of which remains uncertain. The forward curves remain backwardated, and scarcity premiums remain leveraged to summer weather, wind performance during peak hours and Operating Reserve Demand Curve parameters. Periods of scarcity pricing, which typically occur in the late summer and early fall months provide opportunities for power generators to lock in hedges for the forward years.

Power prices in PJM have declined in 2020 given a reduction in demand by as much as 8%-10% due to the pandemic, mild weather, surplus reserve margins and weakness in natural gas prices. While uncertainty on capacity reforms continues to persist, PJM continue to push for solutions that will potentially help mitigate issues associated with state sponsored subsidies for specific types of power generation.

Transition to Zero Carbon: Management has articulated its intent to significantly lower its coal exposure over the next 10 years, reinvest 25% of its annual FCF in retail and renewable deployment, and capitalize on its first-mover advantage in developing utility scale battery storage solutions. Amidst a backdrop of rapid greening of power generation

fleets across the country and investor emphasis on sustainable investments, Fitch views management's strategic initiative to reduce carbon emissions by more than 50% by 2030, compared with the 2010 baseline, as positive.

DERIVATION SUMMARY

Vistra is well positioned relative to Calpine Corporation (B+/Stable) and Exelon Generation Company, LLC (ExGen; BBB/Stable) in terms of size, scale and geographic and fuel diversity. Vistra is the largest independent power producer in the country, with approximately 38.5GW of generation capacity compared to Calpine's 26GW and ExGen's 33GW. Vistra's generation capacity is well-diversified by fuel, compared with Calpine's natural gas-heavy and ExGen's nuclear-heavy portfolio. Vistra's portfolio is less diversified geographically, with 70% of its consolidated EBITDA coming from operations in Texas, which is similar to the Midwest-dominant portfolio of ExGen. Calpine's fleet is more geographically diversified.

Both Vistra and ExGen benefit from their ownership of large retail electricity businesses, which are typically countercyclical to wholesale generation given the length and stickiness of customer contracts. Vistra has a dominant position in the mass retail market in Texas, which has generated stable EBITDA over 2012-2019 despite power price volatility. A key benefit of acquiring Dynegy has been the significant increase in share of natural gas-fired generation, which lowered Vistra's EBITDA sensitivity to changes in natural gas prices and heat rates. Fitch estimates that Vistra's EBITDA is less sensitive to changes in natural gas prices than ExGen or Calpine.

Fitch projects Vistra's gross debt/EBITDA to sustain below 3.0x over 2020-2022, which compares favorably with Calpine's projected mid- to high-4.0x leverage by 2022. ExGen's gross debt/EBITDA is also projected to trend down to 3.0x or below over the next few years. ExGen's rating benefits from its ownership by a utility holding company.

KEY ASSUMPTIONS

Fitch's Key Assumptions Within Our Rating Case for the Issuer Include:

--Hedged generation in 2020 and 2021 per management's guidance and largely open in 2022;

- Retail load of approximately 90TWH-100TWH annually;
- Power price assumption based on Fitch's base deck for natural gas prices of \$2.10/MMBtu in 2020 and \$2.45/MMBtu in 2021 and beyond, and current market heat rates;
- Capacity revenues per past auction results, and no material upside in future auctions;
- Maintenance capex of approximately \$550 million annually;
- Debt pay down of \$1.3 billion in 2020.

RATING SENSITIVITIES

Factors that Could, Individually or Collectively, Lead to Positive Rating Action/Upgrade:

- Execution of deleveraging per management's stated goal, such that gross debt/EBITDA is below 3.0x on a sustained basis;
- Track record of stable EBITDA generation;
- Measured approach to growth;
- Balanced allocation of FCF that maintains balance sheet flexibility while maintaining leverage within the stated goal.

Factors that Could, Individually or Collectively, Lead to Negative Rating Action/Downgrade:

- Weaker power demand and/or higher than expected supply depressing wholesale power prices and capacity auction outcomes in its core regions;
- Unfavorable changes in regulatory constructs and rules in Vistra's markets;
- Rapid technological advancements and cost improvements in battery and renewable technologies that accelerate the shift in generation mix away from fossil fuels;

--An aggressive growth strategy that diverts a significant proportion of FCF toward merchant generation assets and/or overpriced retail acquisitions;

--Gross debt/EBITDA above 3.5x on a sustained basis.

BEST/WORST CASE RATING SCENARIO

International scale credit ratings of Non-Financial Corporate issuers have a best-case rating upgrade scenario (defined as the 99th percentile of rating transitions, measured in a positive direction) of three notches over a three-year rating horizon; and a worst-case rating downgrade scenario (defined as the 99th percentile of rating transitions, measured in a negative direction) of four notches over three years. The complete span of best- and worst-case scenario credit ratings for all rating categories ranges from 'AAA' to 'D'. Best- and worst-case scenario credit ratings are based on historical performance. For more information about the methodology used to determine sector-specific best- and worst-case scenario credit ratings, visit <https://www.fitchratings.com/site/re/10111579>.

LIQUIDITY AND DEBT STRUCTURE

Adequate Liquidity: Fitch views Vistra's liquidity as adequate. As of June 30, 2020, Vistra had approximately \$1.7 billion of available liquidity, which is composed of \$382 million of cash and \$1.3 billion of availability under its revolving credit facility.

The \$2.725 billion revolving credit facility matures in 2023 and includes a \$2.35 billion LC subfacility. As of June 30, 2020, there was \$550 million of cash borrowings on the revolver and \$888 million of LCs outstanding. Vistra also has two alternate LC facilities in place with an aggregate limit of \$500 million. Of the total facility limit, \$250 million matures in December 2020, and the balance matures in December 2021. As of June 30, 2020, \$500 million of LCs were outstanding under the alternate LC facilities.

Fitch expects Vistra to generate a sizable amount of FCF annually and maintain a minimum of \$400 million of cash on its balance sheet for working capital purposes.

REFERENCES FOR SUBSTANTIALLY MATERIAL SOURCE CITED AS KEY DRIVER OF RATING

The principal sources of information used in the analysis are described in the Applicable Criteria.

ESG CONSIDERATIONS

The highest level of Environmental, Social and Governance (ESG) credit relevance, if present, is a score of '3'. This means ESG issues are credit-neutral or have only a minimal credit impact on the entity(ies), either due to their nature or to the way in which they are being managed by the entity(ies). For more information on Fitch's ESG Relevance Scores, visit www.fitchratings.com/esg.

RATING ACTIONS

ENTITY/DEBT	RATING		RECOVERY		PRIOR
Vistra Corp.	LT IDR	BB+ Rating Outlook Positive	Upgrade		BB Rating Outlook Positive
Vistra Operations Company, LLC	LT IDR	BB+ Rating Outlook Positive	Upgrade		BB Rating Outlook Positive
● senior secured	LT	BBB-	Affirmed	RR1	BBB-
● senior unsecured	LT	BB+	Upgrade	RR4	BB

[VIEW ADDITIONAL RATING DETAILS](#)

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Additional information is available on www.fitchratings.com**APPLICABLE CRITERIA**[Corporates Notching and Recovery Ratings Criteria \(pub. 14 Oct 2019\) \(including rating assumption sensitivity\)](#)[Corporate Rating Criteria \(pub. 01 May 2020\) \(including rating assumption sensitivity\)](#)[Parent and Subsidiary Linkage Rating Criteria \(pub. 26 Aug 2020\)](#)**APPLICABLE MODELS**

Numbers in parentheses accompanying applicable model(s) contain hyperlinks to criteria providing description of model(s).

Corporate Monitoring & Forecasting Model (COMFORT Model), v7.9.0 ([1](#))**ADDITIONAL DISCLOSURES**[Dodd-Frank Rating Information Disclosure Form](#)[Solicitation Status](#)[Endorsement Policy](#)**ENDORSEMENT STATUS**

Vistra Corp.
Vistra Operations Company, LLC

EU Endorsed
EU Endorsed

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existing third-party verifications such as audit reports, agreed-upon procedures letters, appraisals, actuarial reports, engineering reports, legal opinions and other reports provided by third parties, the availability of independent and competent third-party verification sources with respect to the particular security or in the particular jurisdiction of the issuer, and a variety of other factors. Users of Fitch's ratings and reports should understand that neither an enhanced factual investigation nor any third-party verification can ensure that all of the information Fitch relies on in connection with a rating or a report will be accurate and complete. Ultimately, the issuer and its advisers are responsible for the accuracy of the information they provide to Fitch and to the market in offering documents and other reports. In issuing its ratings and its reports, Fitch must rely on the work of experts, including independent auditors with respect to financial statements and attorneys with respect to legal and tax matters. Further, ratings and forecasts of financial and other information are inherently forward-looking and embody assumptions and predictions about future events that by their nature cannot be verified as facts. As a result, despite any verification of current facts, ratings and forecasts can be affected by future events or conditions that were not anticipated at the time a rating or forecast was issued or affirmed. The information in this report is provided "as is" without any representation or warranty of any kind, and Fitch does not represent or warrant that the report or any of its contents will meet any of the requirements of a recipient of the report. A Fitch rating is an opinion as to the creditworthiness of a security. This opinion and reports made by Fitch are based on established criteria and methodologies that Fitch is continuously evaluating and updating. Therefore, ratings and reports are the collective work product of Fitch and no individual, or group of individuals, is solely responsible for a rating or a report. The rating does not address the risk of loss due to risks other than credit risk, unless such risk is specifically mentioned. Fitch is not engaged in the offer or sale of any security. All Fitch reports have shared authorship. Individuals identified in a Fitch report were involved in, but are not solely responsible for, the opinions stated therein. The individuals are named for contact purposes only. A report providing a Fitch rating is neither a prospectus nor a substitute for the information assembled, verified and presented to investors by the issuer and its agents in connection with the sale of the securities. Ratings may be changed or withdrawn at any time for any reason in the sole discretion of Fitch. Fitch does not provide investment advice of any sort. Ratings are not a recommendation to buy, sell, or hold any security. Ratings do not comment on the adequacy of market price, the suitability of any security for a particular investor, or the tax-exempt nature or taxability of payments made in respect to any security. Fitch receives fees from issuers, insurers, guarantors, other obligors, and underwriters for rating securities. Such fees generally vary from US\$1,000 to US\$750,000 (or the applicable currency equivalent) per issue. In certain cases, Fitch will rate all or a number of issues issued by a particular issuer, or insured or guaranteed by a particular insurer or guarantor, for a single annual fee. Such fees are expected to vary from

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Corporate Finance: Middle Markets Corporate Finance Utilities and Power

Corporate Finance: Leveraged Finance North America United States

Claudia J. Morrow
Vistra Corp.
Senior Vice President, Origination & Pricing

Claudia J. Morrow is Vice President, Origination & Pricing for Vistra Corp. (Vistra). Claudia is responsible for commodity cost forecasting and portfolio management of the commodity price risk associated with Vistra's subsidiaries' retail electricity sales through procurement of power and power related products. The portfolio value is in the range of \$3 billion dollars. She also leads a retail gas sales team with large industrial and commercial customers across the state of Texas.

Claudia joined Vistra's predecessor (TXU Corp.) in July of 2001 with multiple years of experience in commodities markets at JP Morgan Chase and Morgan Stanley.

Claudia has a bachelor's degree from Texas A&M University.

Margaret Pirtle
Vistra Corp.
Director, Customer Advocacy Services

Margaret Pirtle is the Director of Customer Advocacy Services for Vistra Corp. (Vistra). Margaret joined Vistra's predecessor (TXU Corp.) in April 2007 and has over 12 years of experience in the competitive electricity industry. When she joined the company, Margaret was responsible for establishing the operations policy and procedures team, which implemented and ensured compliance with operational policies. In her current role, she is responsible for driving improved customer experiences by managing all lines of customer escalations including those to the state commissions, Attorney General's office, and the Better Business Bureau. She also oversees the Energy Assistance program that provides financial support to customers in need. Additionally, Margaret is responsible for managing the relationships with the Transmission and Distribution Utilities, ERCOT, and the state commissions to ensure operational readiness.

Margaret has a bachelor's degree in business administration from Texas Tech University Rawls College of Business.

John Duessel
Vistra Corp.
Senior Vice President, Chief Customer Officer

John Duessel is a Vice President and the Chief Customer Officer for Vistra and has over 9 years of experience in the competitive electricity industry. John joined Vistra's predecessor (Energy Future Holdings Corp. (EFH)) in April 2010 and has been the Chief Customer Officer for Vistra since October 2016. In his current role, John leads the customer experience services organizations that are responsible for delivering exceptional experiences to customers for Vistra's subsidiary, TXU Energy Retail Company LLC.

Prior to his role as the Chief Customer Officer, John was a Senior Director and then a Vice President of the revenue operations division, and, in those roles, he led teams dedicated to delivering seamless customer experiences across all core revenue cycle management functions. John began at the company as a Director in the credit, collections, and bad debt management department, where he was responsible for credit assessment / credit management and collections functions across all lines of the business.

John received a master's in business administration in finance degree from Southern Methodist University – Cox School of Business and has a juris doctor degree from Columbus School of Law.

Jeff Ellis

Vistra Corp.

Director, Customer Operations & Support Services

Jeff Ellis is the Director of Customer Operations & Support Services at Vistra Corp. and has 20 years of experience in the competitive electricity industry. In his current role with Vistra, Jeff oversees contact center operations, including customer experience execution as well as contact center support functions such as process optimization, learning and development, quality insights, and compliance. Jeff will perform a similar role for Ambit.

Jeff began his career with Vistra's predecessor (TXU Corp.) in 1999, supporting customer system enhancements that prepared TXU Corp. to transition into the Texas competitive retail electric market. Jeff subsequently worked for a consulting firm that managed customer operations for several other Texas retail electric providers, before returning to Vistra's predecessor (then EFH) in 2009.

Jeff has a degree in management information systems and business management from University of Oklahoma – Price College of Business

Exhibit D-1

Operations

Describe the operational nature of the applicant's business, specifying whether operations will include the generation of power for retail sales, the scheduling of retail power for transmission and delivery, the provision of retail ancillary services, as well as other services used to arrange for the purchase and delivery of electricity to retail customers.

Cincinnati Bell Energy, LLC does market electricity as a licensed competitive retail electricity services supplier in Ohio to residential, commercial, and industrial customers. Cincinnati Bell Energy, LLC will contract electricity purchases for retail sales, as well as nominate and schedule retail electricity for delivery to small commercial and residential choice customers.

Competitive Retail Electric Service Affidavit

County of Dallas :

State of Texas :

Gabe Vazquez, Affiant, being duly sworn/affirmed, hereby states that:

1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.
2. The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Sections 4905.10(A), 4911.18(A), and 4928.06(F), Ohio Revised Code.
3. The applicant will timely pay any assessment made pursuant to Sections 4905.10, 4911.18, and 4928.06(F), Ohio Revised Code.
4. The 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. The applicant will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the applicant.
6. The applicant will fully comply with Section 4928.09, Ohio Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The applicant will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The applicant will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the applicant will provide, it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio.
11. The Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating consumer complaints.

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

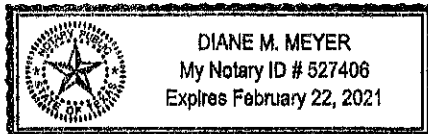
13. Affiant further sayeth naught.

Gabriel Vazquez
Signature of Affiant & Title

Sworn and subscribed before me this 16th day of December, 2020
Month Year

Diane M. Meyer
Signature of official administering oath

GABRIEL VAZQUEZ, VP+AGC
Print Name and Title



My commission expires on February 22, 2021

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-0105-EL-CRS

Summary: In the Matter of the Application of Cincinnati Bell Energy LLC