



DIS Case Number: 17-2122-GA-CRS

## Section A: Application Information

### A-1. Provider type:

☐ Retail Natural Gas  
Broker

☐ Retail Natural Gas  
Aggregator

☒ Retail Natural Gas  
Marketer

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

**Legal Name:** MPower Energy NJ LLC

**Country:** United States

**Phone:** 7182331167    **Extension (if applicable):**

**Street:** 24 Hillel Place

**Website (if any):** <https://mpowerenergy.com>

**City:** Brooklyn

**Province/State:** NY

**Postal Code:** 11210

### 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
Mpower Energy NJ LLC	Official Name	24 Hillel Place Brooklyn, NY 11210	Yes	Link

### 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
------	------	---------	---------	-------

### A-5. Contact person for regulatory matters



## Public Utilities Commission

David Combs  
24 Hillel Place  
Brooklyn, NY 11210  
US  
davidc@mpowerenergy.com  
3473785628

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

David Combs  
24 Hillel Place  
Brooklyn, NY 11210  
US  
davidc@mpowerenergy.com  
3473785628

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

<b>Phone:</b> 718-233-1167	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b> 718-307-6472	<b>Extension (if applicable):</b>	<b>Street:</b> 24 Hillel Place
<b>Email:</b> customerservice@mpowerenergy.com		<b>City:</b> Brooklyn
		<b>Province/State:</b> NY
		<b>Postal Code:</b> 11210

### A-8. Applicant's federal employer identification number

80-0880289

### A-9. Applicant's form of ownership

**Form of ownership:** Limited Liability Partnership (LLP)

### 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



## Public Utilities Commission

Columbia Gas of Ohio  
Dominion Energy Ohio  
Duke Energy Ohio  
CenterPoint Energy Ohio

### Class of customer selection

Residential  
Small Commercial

### A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 10-01-2018

### 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
Peretz Lezell	peretzl@mpowerenergy.com	COO	24 Hillel Place Brooklyn, NY 11210 US
Lavie Popack	lavie@mpowerenergy.com	CEO	24 Hillel Place Brooklyn, NY 11210 US

### A-13. 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.

The shareholders of Mpower Energy NJ LLC, Lavie Popack and Joseph Popack, are also the sole shareholders of Mpower Energy LLC, which commenced operations in 2009 in New York with the same principal business interest.

**A-14. Secretary of State**

Secretary of State Link: <https://businesssearch.ohiosos.gov?=businessDetails/4052648>

**A-15. Proof of Ohio Employee and Office**

Provide proof of an Ohio Office and Employee in accordance with Section 4929.22 of the Ohio Revised Code. List the designated Ohio employee's name, Ohio office address, telephone number and web site address

**Employee Name:** Ketura Hopkins  
1457 E Main Street  
Columbus, OH 43205  
US  
keturah@mpowerdirect.com  
6145048015

## 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..

Jurisdiction of Operation: 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.

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

**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



## Public Utilities Commission

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.

**Application Experience and Plan Description:** Mpower Energy NJ LLC provides gas service to nearly 14,000 residential customers and electric service to over 19,000 residential customers.

Although Mpower Energy NJ LLC and Mpower Energy LLC 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 nearly 25,000 residential customers and over 700 commercial customers, and electric service to just under 28,000 residential customers and over 1,400 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 and 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 NJ LLC'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. In addition Mpower Energy NJ has a full staff of in-house customer service representatives who are trained to answer any inquiries or complaints that our customers may have.

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.

### **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..

**Liability and Investigations Disclosures:** On or about November 4, 2021, Mpower Energy NJ LLC received an Order Initiating Proceeding (the 'Order') from the Illinois Commerce Commission ('ICC') in Docket No. 21-0783 regarding delinquent Annual and Quarterly Filing Requirements. As explained to the ICC in Mpower Energy NJ LLC's reply to the Order, the departure of the



## Public Utilities Commission

former business analyst who handled all compliance filings paired with the COVID-19 pandemic delaying the hiring of someone to backfill for such responsibilities led to Mpower Energy NJ LLC being behind on its compliance filings with Illinois. Mpower Energy NJ LLC is in the process of streamlining its compliance processes, which included the hiring of David Combs, Esq. in early August to undertake such streamlining. As it pertains to Docket No. 21-0783, all delinquent reports have been submitted to the ICC, and Mpower Energy NJ LLC is coordinating with the ICC to ensure all filings fit procedural requirements.

### **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**

## 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.



Does not apply

## 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.

Preferred to file this information confidentially

## 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.

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.

Preferred to file this information confidentially

#### 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
- 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?

No

### **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



## Public Utilities Commission

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

Gas Marketers: Describe the operational nature of the applicant's business, specifying whether operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and/or 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.

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.

Operations Expertise & Personnel Description: 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,



## Public Utilities Commission

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.



Public Utilities  
Commission

# Application Attachments

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).

## D. Technical Capability

Provide an attachment for each of the sections below.

### D-1. Operations.

Retail natural gas brokers/aggregators: Include details of the applicant's business operations and plans for arranging and/or aggregating for the supply of natural gas to retail customers.

Gas Marketers: Describe the operational nature of the applicant's business, specifying whether operations will include the contracting of natural gas purchases for retail sales, the nomination and scheduling of retail natural gas for delivery, and/or 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. Operations expertise and key technical personnel.

Provide evidence of the applicant's experience and technical expertise in performing the operations described in this application. Include the names, titles, e-mail addresses, telephone numbers and background of key personnel involved in the operational aspects of the applicant's business.

**As authorized representative for the above company/organization, I certify that all the information contained in this application is true, accurate and complete. I also understand that failure to report completely and accurately may result in penalties or other legal actions.**

  \_\_\_\_\_  
Signature Date

COO  
Title

# Competitive Retail Natural Gas Service Affidavit

County of Kings :

State of New York :

Peretz Lazzell, 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 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 Sections 4905.10 and 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 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. 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 comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. 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.
9. 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.

10. Affiant further sayeth naught.

Peretz Lazzell, COO  
Signature of Affiant & Title

DAVID GREGORY COMBS  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02CO6422573  
Qualified in Kings County  
My Commission Expires 09-27-2025

Sworn and subscribed before me this 3rd day of January, 2022  
Month Year

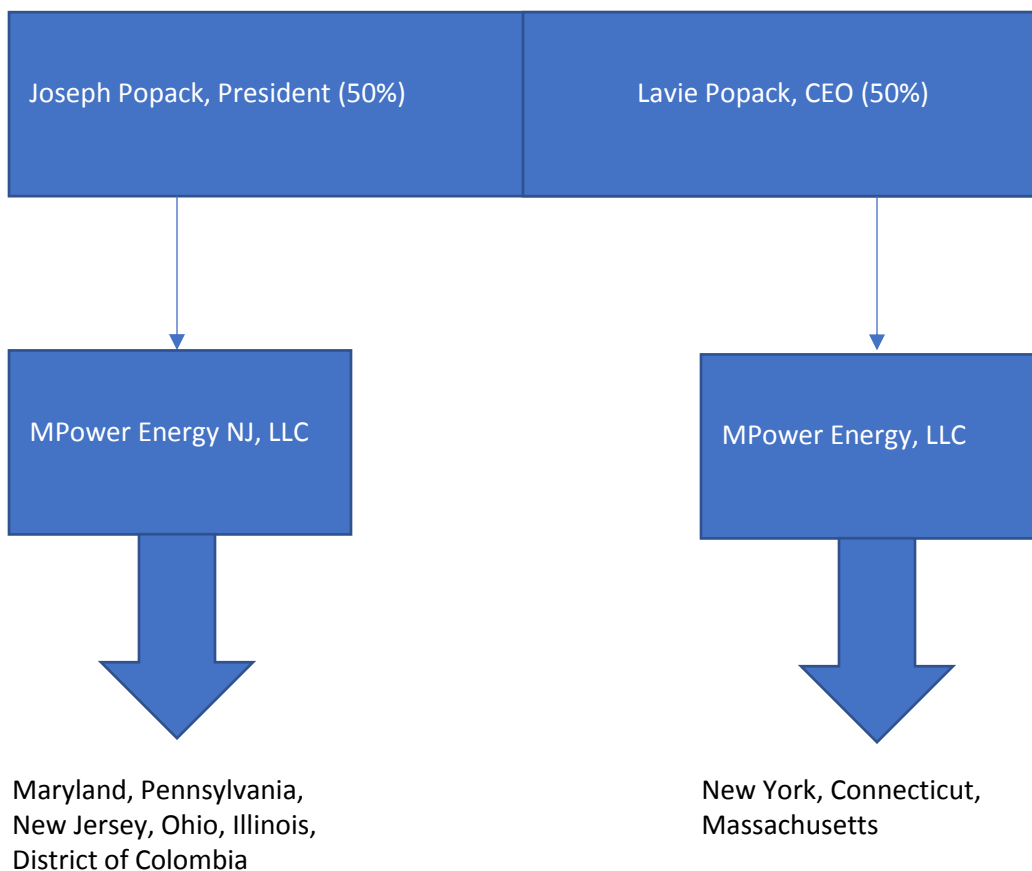
David Combs  
Signature of official administering oath

David Combs, Attorney  
Print Name and Title

My commission expires on 9/27/2025

## Mpower 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. Operations & D-2. Operations expertise and key technical personnel.**

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 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 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 topics are regularly reinforced. 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 SalesRabbit platform which assists in the flagging of 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 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, and 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 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, Mpower Energy NJ LLC provides 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.

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.

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**1/6/2022 12:00:44 PM**

**in**

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

**Summary: In the Matter of the Application of MPower Energy NJ LLC**