



DIS Case Number: 18-0483-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:** Green Mountain Energy Company

**Country:** United States

**Phone:** 866-785-4668

**Extension (if applicable):**

**Street:** 3711 Market Street, Suite 1000

**Website (if any):**

www.greenmountainenergy.com

**City:** Philadelphia

**Province/State:** PA

**Postal Code:** 19104

### 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
Green Mountain Energy Company	Official Name	3711 Market Street Suite 1000 Philadelphia, PA 19104	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
Green Mountain Energy Company	Official Name	3711 Market Street Suite 1000 Philadelphia, PA 19104	Yes	File



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

John Holtz  
3711 Market Street Suite 1000  
Philadelphia, PA 19104  
US  
john.holtz@nrg.com  
6092807701

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

CONSUMER COMPLAINT-Green Mountain Energy Company  
3711 Market St., Ste. 1000  
Philadelphia, PA 19104  
US  
greenmountaincomplaints@nrg.com  
6095245138

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

<b>Phone:</b> (855) 500-8703	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b>	<b>Extension (if applicable):</b>	<b>Street:</b> 3711 Market Street, Suite 1000
<b>Email:</b> greenmountaincomplaints@nrg.com		<b>City:</b> Philadelphia <b>Province/State:</b> PA
		<b>Postal Code:</b> 19104

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

30360441

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

**Form of ownership:** Corporation

**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**

Duke Energy Ohio  
 FirstEnergy - Cleveland Electric Illuminating  
 FirstEnergy - Ohio Edison  
 FirstEnergy - Toledo Edison  
 AES Ohio  
 American Electric Power (AEP)

**Class of customer selection**

Commercial  
 Industrial  
 Residential

**A-11. Start date**

Indicate the approximate start date the applicant began/will begin offering services: 09-03-2018

**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
Elizabeth Killinger	elizabeth.killinger@nrg.com	President, Director	910 Louisiana Street Houston, TX 77002 US
S. Meigs Jones	meigs.jones@nrg.com	Vice President & Secretary	1005 Congress Avenue Austin, TX 78701 US
Gaetan Frotte	gaetan.frotte@nrg.com	Treasurer	804 Carnegie Center Princeton, NJ 08540 US
Mark Parsons	mark.parsons@nrg.com	Vice President	910 Louisiana Street Houston, TX 77002 US
Deborah Fry	deborah.fry@nrg.com	Assistant Secretary	804 Carnegie Center Princeton, NJ 08540 US
Judith Tompkins	judy.tompkins@nrg.com	Assistance Secretary	804 Carnegie Center Princeton, NJ 08540 US



### **A-13. Company history**

Green Mountain Energy Company currently serves both residential and small commercial retail electric services to residential and small commercial customers with licenses in Connecticut, Delaware, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio and Texas. Green Mountain Energy Company allows customers to choose a plan that fits their needs and offers different pricing options and rewards. Green Mountain Energy Company operates as a subsidiary of NRG Energy, Inc. a Fortune 500 company at the forefront of changing how people think about and use energy.

### **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



## Public Utilities Commission

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): Green Mountain Energy Company does not prepare stand-alone audited financial statements, but is included in the financial statements of NRG Energy, Inc., its ultimate parent company.

NRG Energy, Inc.'s two most recent audited financial statements are included in its 10Ks and can be found here: <http://www.nrg.com/sec>

### 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): Green Mountain Energy Company does not prepare stand-alone audited financial statements, but is included in the financial statements of NRG Energy, Inc., its ultimate parent company. NRG Energy, Inc.'s two most recent audited financial statements are included in its 10Ks and can be found here: <http://www.nrg.com/sec>

### 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



## Public Utilities Commission

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'.

File(s) attached

### 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



## Public Utilities Commission

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?

Merger Information: Effective January 5, 2021, NRG Energy, Inc. (NRG), Green Mountain Energy Company's ultimate parent company, acquired 100% of the membership interest in Centrica US Holdings, Inc., the parent company of Direct Energy. Direct Energy will retain its licenses and all customers currently served by the Companies will continue to be served by the Companies. The Direct Energy companies will become NRG subsidiaries.

### **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).

File(s) attached

## 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.

Operations Description: Green Mountain Energy Company ('GMEC') partners with Energy Services Group ('ESG') to provide EDI and CIS support for the company's operations in the Ohio retail electric market. ESG's services and systems address all of the retail energy business



process needs that do not require end use customer interaction (ESG does not provide call center or bill print services).

GMEC leverages the operational resources of its parent NRG Energy, Inc. as well as the company's in-house commercial operations and information technology groups to manage the systems, business processes, interfaces, required data inputs and reporting necessary to forecast, schedule and settle loads in PJM. GMEC has an in-house customer service team to respond to customer inquiries and complaints. Services provided by the call center include handling calls regarding inquiries related to bills, payment arrangements, and other routine matters. The customer service call center is located at the company's headquarters.

**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).

Green Mountain Energy Company's FERC Power Marketer License Number is ER11-4307.



Public Utilities  
Commission

# Application Attachments

## **Green Mountain Energy Company Corporate Structure**



## **Green Mountain Energy Company Corporate Structure**





**NRG Retail Northeast**  
3711 Market Street, Suite 1000  
Philadelphia, PA 19104

February 3, 2022

**RE: NRG Energy, Inc.'s Guarantee of the Obligations of Green Mountain Energy Company**

To Whom It May Concern:

Green Mountain Energy Company is a wholly owned subsidiary of NRG Energy, Inc. I certify that NRG Energy, Inc. guarantees the obligations of Green Mountain Energy Company.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Parsons", written in a cursive style.

Mark Parsons, Vice President

#### Exhibit 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."

Response: Green Mountain Energy Company does not have a credit rating, but its ultimate parent, NRG Energy, Inc.'s credit ratings from Moody's and Standard & Poor's are attached hereto as Exhibit C4, along with a statement by Vice President, Mark Parsons, guaranteeing the obligations of Green Mountain Energy Company, as Exhibit C4.1.

# NRG Energy Inc.

## Issuer Credit Rating

RATING TYPE	RATING	RATING DATE	LAST REVIEW DATE <a href="#">?</a>	REGULATORY IDENTIFIERS	CREDITWATCH/ OUTLOOK	CREDITWATCH/ OUTLOOK DATE
Local Currency LT	<b>BB+</b> <a href="#">Regulatory Disclosures</a>	24-Jul-2020	19-May-2021	EE UKE	Stable	12-May-2021
Foreign Currency LT	<b>BB+</b> <a href="#">Regulatory Disclosures</a>	24-Jul-2020	19-May-2021	EE UKE	Stable	12-May-2021



NRG Energy, Inc.

CONTACT ANALYST  
TOBY SHEA

SUMMARY

REPORTS

RATINGS & ASSESSMENTS

FINANCIALS

MARKET SIGNALS

CAPITAL STRUCTURE

METHODOLOGIES & FRAMEWORKS

TOOLS:

PEER COMPARISON

SCORECARD

REFERENCE:

SECTOR

RATINGS DEFINITIONS

TEAR SHEET

Reports

FILTER BY

Rating Action, Announcement +2

Region

Series

TOPICS / CREDIT FOUNDATIONS

DATE RANGE

SYNOPSIS

DATE	TYPE	TITLE   66 DOCUMENTS
28 Sep 2021	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
30 Mar 2021	Credit Opinion	NRG Energy, Inc.: Update following outlook change to stable from positive MOODY'S INVESTORS SERVICE
19 Mar 2021	Rating Action	Moody's affirms NRG's Ba1 CFR; changes outlook to stable from positive MOODY'S INVESTORS SERVICE
16 Oct 2020	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
24 Jul 2020	Rating Action	Moody's affirms NRG's Ba1 CFR; outlook positive MOODY'S INVESTORS SERVICE
30 Dec 2019	Credit Opinion	NRG Energy, Inc.: Update following upgrade to Ba1 MOODY'S INVESTORS SERVICE
13 Dec 2019	Rating Action	Moody's upgrades NRG's CFR to Ba1 from Ba2, outlook positive MOODY'S INVESTORS SERVICE
06 Nov 2019	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
13 Dec 2018	Credit Opinion	NRG Energy, Inc.: Update following ratings upgrade MOODY'S INVESTORS SERVICE
06 Dec 2018	Rating Action	Moody's upgrades NRG to Ba2, outlook positive MOODY'S INVESTORS SERVICE
06 Jul 2018	Credit Opinion	NRG Energy, Inc.: Update to credit analysis MOODY'S INVESTORS SERVICE
11 Oct 2017	Credit Opinion	NRG Energy, Inc.: A merchant power company undergoing a major transformation MOODY'S INVESTORS SERVICE

RATINGS

VIEW ALL

LONG TERM RATING

Ba1

LT Corporate Family Ratings - Dom Curr

19 MAR 2021

Not on Watch

SHORT TERM RATING

SGL-1

Speculative Grade Liquidity Rating

06 DEC 2018

Not on Watch

OUTLOOK

Stable

19 MAR 2021

OTHER DEBTS ON WATCH?

No

Source: Moody's Investors Service

ESG Scores

from Moody's Investors Service

ESG CREDIT IMPACT SCORE (CIS)

CIS-3

Moderately Negative

06 DEC 2021

ESG ISSUER PROFILE SCORES (IPS)

06 DEC 2021

ENVIRONMENTAL E-4 Highly Negative

SOCIAL S-3 Moderately Negative

GOVERNANCE G-3 Moderately Negative

Methodology

Source: Moody's Investors Service

Ticker

NRG

LEI

5E2UPK5SW04M13XY7I38

Moody's Org Id

806927478

Market Segment

Corporates

Industry

ENERGY: UNREG - ELECTR PRODUCTION

Peer Group

DATE	TYPE	TITLE   66 DOCUMENTS	Unreg Utilities and Unreg Power Companies
06 Oct 2017	Rating Action	Moody's revises NRG Energy's Outlook to Positive <a href="#">MOODY'S INVESTORS SERVICE</a>	Domicile UNITED STATES
› 18 Jul 2017	Credit Opinion	NRG Energy, Inc.: A merchant power company undergoing a major restructuring <a href="#">MOODY'S INVESTORS SERVICE</a>	
› 28 Nov 2016	Credit Opinion	NRG Energy, Inc.: A U.S. unregulated power company <a href="#">MOODY'S INVESTORS SERVICE</a>	
19 Oct 2016	Announcement	Moody's: Carbon reduction policies bring risk, opportunities for global unregulated utilities <a href="#">MOODY'S INVESTORS SERVICE</a>	
› 29 Apr 2016	Credit Opinion	NRG Energy, Inc.: A U.S. unregulated power company <a href="#">MOODY'S INVESTORS SERVICE</a>	
21 Mar 2016	Rating Action	Moody's Affirms NRG Energy's Ba3 CFR; Outlook Stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
17 Mar 2016	Announcement	Moody's: Sponsor strategy drives yieldco credit quality during market uncertainty while MLPs offer potential insight into sector recovery <a href="#">MOODY'S INVESTORS SERVICE</a>	
07 Dec 2015	Credit Opinion	NRG Energy, Inc. <a href="#">MOODY'S INVESTORS SERVICE</a>	
02 Feb 2015	Rating Action	Moody's assigns Baa3 rating to NRG's \$42 million City of Texas Bonds <a href="#">MOODY'S INVESTORS SERVICE</a>	
04 Apr 2014	Rating Action	Moody's assigns B1 rating to new \$1 billion senior unsecured notes and affirms NRG's Ba3 Corporate Family Rating; outlook stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
24 Jan 2014	Rating Action	Moody's places GenOn's Ratings Under Review for Downgrade, NRG's Ratings Unaffected <a href="#">MOODY'S INVESTORS SERVICE</a>	
13 Jan 2014	Rating Action	Moody's assigns B1 rating to new \$1,100 million senior unsecured notes and affirms NRG's Ba3 Corporate Family Rating <a href="#">MOODY'S INVESTORS SERVICE</a>	
21 Oct 2013	Rating Action	Moody's affirms NRG's ratings; outlook stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
1	2	3	Next › ››

<https://Moodys.ethicspoint.com>

BY TELEPHONE FROM THE UNITED STATES:  
Dial 1-866-330-MDYS (1-866-330-6397)

BY TELEPHONE FROM OUTSIDE THE UNITED STATES:  
Dial the AT&T Direct Dial Access® code for your location.  
  
Then, at the prompt, dial 866-330-MDYS (866-330-6397).

Privacy Policy

Proprietary Rights

Regulatory Affairs

Moody's Code of Professional Conduct

Cookie Settings

Help & Support

Contact Us

Submit a Complaint

MoodysAnalytics.com

Economy.com

Sitemap

Moody's

The Moo

Moody's

REGIONAL SITES: Global

© 2022 Moody's Investors Service, Inc., Moody's Analytics, Inc. and/or their affiliates and licensors. All rights reserved.

## NRG Retail Affiliates

State	Energy Plus Holdings LLC 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Independence Energy Group LLC d/b/a Cirro Energy 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Energy Plus Natural Gas LLC 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Green Mountain Energy Company 3711 Market Street, Suite 1000 Philadelphia, PA 19104	XOOM Energy [State], LLC 11208 Statesville Road Suite 200 Huntersville, NC 28078
AZ						
CA						Natural Gas: CTA0020
CT	Electric: Docket 09-01-21 April 22, 2009	Electric: Docket 11-11-04 January 4, 2012		Electric: Docket 11-05-20 December 21, 2011	Electric: Docket 13-01-18 May 15, 2013	Electric: 11-06-05 October 12, 2011
DE	Electric: Docket 11-156 Order No. 7698 April 19, 2011			Electric: Docket No. 10-404 Order Nos. 7894 (C&I) & 8035 (Res) Jan 11, 2011; Sept 20, 2011	Electric: Docket No. 11-313 Order No. 8036 September 20, 2011	Electric: Docket No. 12-563 Order No. 8318 March 19, 2013
DC	EA 11-6-5 May 5, 2011			Electric: EA 10-15 October 6, 2010	Electric: EA 11-16 July 12, 2011	Electric: EA 2013-28 January 13, 2014
GA						Natural Gas: GM-45 March 7, 20107
IL	Electric: Docket No. 10-0497 October 6, 2010	Electric: Docket No. 11-0277 May 4, 2011		Electric: Docket #11-0504 March 15, 2011; Aug 2, 2011 Natural Gas: Docket #15-0179 April 22, 2015	Electric: Docket No. 12-0477 & 11-0326 May 18, 2011; Oct 3, 2012 Natural Gas: Docket No. 16-0354 July 20, 2016	Electric: Docket No. 11-0705 December 13, 2011 Natural Gas: Docket No. 11-0724 December 13, 2011
IN						No licensing requirement
KY						No licensing requirement
ME				Electric: Docket # 2015-00224 September 11, 2015 Electric: IR-2058		Electric: Docket # 2012-00596 April 24, 2013
MD	Electric: IR-1805 May 26, 2010		Natural Gas: IR-2216 October 6, 2011	October 27, 2010; May 4, 2011 Natural Gas: IR-3480 May 13, 2015	Electric: IR-2790 & IR-2345 March 7, 2012; Oct 17, 2012 Natural Gas: IR-3752 November 30, 2016	Electric: IR-2445 December 21, 2011 Natural Gas: IR-2446 December 21, 2011
MA	Electric: CS-072 April 23, 2010			Electric: CS-081 May 18, 2011 Natural Gas: RA-154 March 8, 2016	Electric: CS-083 June 8, 2011	Electric: CS-088 September 29, 2011 Natural Gas: GS-RA-07 July 18, 2011
MI						Natural Gas: U-16802 August 25, 2011
MN						
NH				Electric: DM 15-287 December 28, 2015		Electric: DM 13-185 April 15, 2015
NJ	Electric: ESL-0087 Sept 2010	Electric: ESL-0100 July 18, 2012	Natural Gas: GSL-0100 March 9, 2011	Electric: ESL-0093 December 6, 2010 Natural Gas: GSL-0176 October 20, 2017	Electric: ESL-0098 March 30, 2011	Electric: ESL-0115 February 20, 2013 Natural Gas: GSL-0112 February 20, 2013
NY	Electric: Licensed - no license # given ESCO eligibility letter dated 8/8/07	Electric: Licensed - no license # given ESCO eligibility letter dated 5/3/11	Natural Gas: Licensed - no license # given (ESCO Code EPGS) GSCO eligibility letter dated 7/31/08	Licensed - no license # given (ESCO Code RELJ) ESCO eligibility letter dated 8/26/11 NGSCO eligibility letter dated 2/17/15	Electric & Natural Gas: Licensed - no license # given ESCO eligibility letters dated 4/8/2009 and 8/3/2011	Electric & Natural Gas: Licensed - no license # given ESCO Code: XOOM ESCO/NGSCO eligibility letter dated: 5/21/12
NC						
OH	Electric: 11-341E March 7, 2011	Electric: 12-552E August 16, 2012	Natural Gas: 11-222G August 5, 2011	Electric: 11-401E Oct 14, 2010; May 19, 2011 Natural Gas: 17-591G July 8, 2015	Electric: 18-0483E April 24, 2018	Electric: 13-716E July 22, 2013 Natural Gas: 11-223G January 4, 2012
PA	Electric: A-2009-2139745 January 14, 2010	Electric: A-2011-2262337 October 28, 2011 Natural Gas: A-2013-2396449 April 23, 2014		Electric: A-2010-2192350 Natural Gas: A-2015-2478293	Electric: A-2011-2229050 June 10, 2011; Feb 16, 2012 Natural Gas: A-2017-2583732 April 6, 2017	Electric: A-2012-2283821 October 24, 2012 Natural Gas: A-2012-2283967 December 20, 2012
RI				Electric: D-96-6(P7) August 12, 2015		Electric: D-96-6(A6) January 28, 2013
SC						
TN						
TX	Docket No. 36120 October 9, 2008				Electric: 10009 January 29, 2001	Electric: 10203 July 25, 2011
VA				Electric: E-32 May 28, 2015		Natural Gas: G-37 August 14, 2013
WV						
WI						

## NRG Retail Affiliates

State	Stream Energy [State], LLC 2745 Dallas Parkway, Suite 200 Plano, TX 75093	Direct Energy Services, LLC 910 Louisiana Street Houston, TX 77002	Direct Energy Business, LLC 1001 Liberty Ave., Suite 1200 Pittsburgh, PA 15222	Direct Energy Business Marketing, LLC (f/k/a Hess) 194 Wood Ave. South, Suite 200, Iselin, NJ 08830	Gateway Energy Services Corporation 910 Louisiana Street Houston, TX 77002	Bounce Energy, Inc. 910 Louisiana Street Houston, TX 77002
AZ			Wholesale Supply - APS Pilot			
CA			Electric: 1351 5/1/2000 Natural Gas: 0013 1/1/2015	Natural Gas: 0031 12/15/2016		
CT	Gas: 17-01 February 16, 2017	Electric: Docket No. 06-03-06RED2 6/7/2006 Natural Gas: Docket No. 01-04 9/23/2004	Electric: Docket No. 00-05-14RE01 9/27/2000 Natural Gas: 12-03 7/9/2012	Electric: 13-08-02 1/8/2014 Natural Gas: 13-03 5/7/2013		
DE	Electric: Docket No. 17-0340 Order No. 9137 October 31, 2017	Electric: Docket No. 05-370 Order No. 6790 12/6/2005	Electric: Docket No. 09-174 Order No. 5267 8/18/1999	Electric: Docket No. 14-204T Order No. 8425 7/31/2013		
DC	Electric: EA 11-11 December 7, 2011 Natural Gas: GA 2013-07 August 29, 2013	Electric: EA-05-3-5 Order No. 13816 11/14/2005	Electric: EA-04-4-4 5/11/2004	Electric: EA-2013-12 6/20/2013 Natural Gas: GA-2013-03-1 4/30/2013	Natural Gas: GA 03-4 9/1/2001	
GA	Natural Gas: GM-38 April 1, 2008			Gas Transport - No Lic.		
IL	Electric: 17-0033 February 23, 2017 Natural Gas: 17-0045 February 23, 2017	Electric: 05-0722 12/21/2005 Natural Gas: 05-0086 3/11/2005	Electric: 04-0811 2/8/2005	Natural Gas: No License Req.		
IN		No license req.		Gas Transport - No Lic.		
KY				Gas Transport - No Lic.		
ME		Electric: Docket # 2005-479 12/13/2005	Electric: Docket # 2011-201 7/5/2011	Electric: Docket No. 2013-00404 8/20/2013		
MD	Electric: IR-2742 January 26, 2011 Natural Gas: IR-2072 September 12, 2012	Electric: IR-719 4/20/2005 Gas: IR-791 12/14/2005	Electric: IR-437 3/27/2002 Natural Gas: IR-2697 10/3/2012	Electric: IR-3123 8/14/2013 Natural Gas: IR-3108 8/14/2013	Electric: IR-340 6/13/2001 Natural Gas: IR-334 6/13/2001	
MA		Electric: CS-047 8/26/2005 Natural Gas: GS-028 8/27/2004	Electric: CS-021 12/2/1999 Natural Gas: GS-052 3/14/2014	Natural Gas: GS-051 7/5/2013		
MI		Natural Gas: U-14537 12/20/2005 Electric: U-14724 12/20/2005	Electric: U-13609 11/7/2002	Gas Transport - No Lic.		
MN				Gas Transport - No Lic.		
NH		Electric: DM 15-513 2/5/2016	Electric: DM 15-373 12/31/2015	Electric: DM 13-260 10/9/2013 Natural Gas: DM 13-121 5/29/2013		
NJ	Electric: ESL-0109 June 22, 2018 Natural Gas: GSL-0120 June 22, 2018	Electric: ESL-0078 11/10/2005 Natural Gas: GSL-0088 4/20/2005	Electric: ESL-0165 8/18/1999 Natural Gas: GSL-0145 8/15/2012	Electric: ESL-0142 7/19/2013 Natural Gas: GSL-0128 6/21/2013	Electric: ESL-0166 8/18/1999 Natural Gas: GSL-0146 8/18/1999	
NY	Electric & Natural Gas: Licensed - no license # given ESCO Code: STRM ESCO eligibility letter dated: 7/13/12	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 11/2/2004	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 5/18/1998	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 5/16/2013	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 3/16/2000	
NC				Gas Transport - No Lic.		
OH	Electric: 17-1187E February 23, 2019 Natural Gas: 08-133G January 2, 2008	Electric: 00-1936-EL 12/2/2004 Natural Gas: 02-024G 7/19/2002	Electric: 00-005(10)E 10/27/2000	Natural Gas: 13-303G 5/6/2013		
PA	Electric: A-2010-2181867 September 2, 2010 Natural Gas: A-2012-2308991 September 27, 2012	Electric: A-110164 April 21, 2005 Natural Gas: A-125135 December 2, 2004	Electric: A-110025 7/31/1997 Natural Gas: A-125072 5/22/2014	Electric: A-2013-2368464 8/15/2013 Natural Gas: A-2013-2365792 8/15/2013	Electric: A-2009-2137275 12/21/2009 Natural Gas: A-2009-2138725 10/19/2009	Electric Broker/Marketer: A-2020-3020380 October 8, 2020 Natural Gas Broker/Maketer: A-2020-3023412 May 20, 2021
RI		Electric: D-96-6(U2) 8/3/2005 Natural Gas: 2378(T1) 9/28/2004	Electric: D-96-6(Z) 1/9/1998 Natural Gas: 2379(A3) 6/28/2013	Electric: D-96-6(J6) 8/14/2013 Natural Gas: 2379(Y2) 5/31/2013		
SC				Gas Transport - No Lic.		
TN				Gas Transport - No Lic.		
TX	Electric: 10104 January 21, 2005		Electric: 10011 2/20/2001			
VA		Electric: E-36 10/5/2016	Electric: E-38 5/31/2017	Natural Gas: G-7 6/6/2013	Electric: E-13 9/1/2004 Natural Gas: G-19 1/24/2004	
WV				Gas Transport - No Lic.		
WI				Gas Transport - No Lic.		

## NRG Retail Affiliates

	Canada			U.S. - Texas						
State	XOOM Energy [State], LLC 11208 Statesville Road Suite 200 Huntersville, NC 28078	Direct Energy Marketing Limited 10303 Jasper Avenue, Suite 1850, Edmonton AB T5J 3M6, Canada	Direct Energy (B.C.) Limited 10303 Jasper Avenue, Suite 1850, Edmonton AB T5J 3M6, Canada	Reliant Energy Retail Services LLC 910 Louisiana St Houston, TX 77002	US Retailers LLC 910 Louisiana St Houston, TX 77002	Everything Energy LLC 910 Louisiana St Houston, TX 77002	Direct Energy, LP 910 Louisiana Street Houston, TX 77002	CPL Retail Energy, LP 910 Louisiana Street Houston, TX 77002	WTU Retail Energy, LP 910 Louisiana Street Houston, TX 77002	First Choice Power, LLC 910 Louisiana Street Houston, TX 77002
TX				Electric:10007 January 5, 2001	Electric:10177 October 27, 2008	Electric:10178 October 27, 2008	Electric: 10040	Electric: 10023	Electric: 10022	Electric: 10008
Alberta	Electric: File No. 342997 December 17, 2015 Natural Gas: File No. 342996 December 17, 2015	Electric: 311173 Issued 10/1/20; Expires 9/30/21 Natural Gas: 311172 Issued 10/1/20; Expires 9/30/21								
British Columbia			Natural Gas: A-5-20 Issued 10/14/20; Expires 10/31/21							
Manitoba		Natural Gas: 657 Issued 10/23/20; Expires 10/31/21								
New Brunswick		Natural Gas Marketer Issued 6/20/20; Expires 6/24/23								
Nova Scotia		Natural Gas: M08018 License issued 6/9/17 - does not expire								
Ontario	Electric: ER-2018-0297 February 28, 2019 Natural Gas: GM-2018-0298 February 28, 2019	Electric: Lic # ER-2020-0168 Issued: 8/27/20; Expires 8/26/25								
Saskatchewan		Natural Gas: No license required								
Quebec		Natural Gas: No license required								



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/08/2001	200100600480	FOREIGN LICENSE/FOR-PROFIT (FLF)	100.00	.00	.00	.00	.00

**Receipt**

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

C.T. CORPORATION SYSTEM  
17 S. HIGH STREET  
COLUMBUS, OH 43215

# STATE OF OHIO

**Ohio Secretary of State, J. Kenneth Blackwell**

**1199732**

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

**GREEN MOUNTAIN ENERGY COMPANY**

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

Document(s)

**FOREIGN LICENSE/FOR-PROFIT**

Document No(s):

**200100600480**

Authorization to transact business in Ohio is hereby given, until surrender, expiration or cancellation of this license.



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 21st day of December,  
A.D. 2000.

*J. Kenneth Blackwell*  
Ohio Secretary of State

12/20/00 WED 16:26 FAX 512 691 6151

GREEN MOUNTAIN ENERGY

0002



## Prescribed by **J. Kenneth Blackwell**

Please obtain fee amount and mailing instructions from the Forms Inventory List (using the 3 digit form # located at the bottom of this form). To obtain the Forms Inventory List or for assistance, please

call Customer Service:

Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

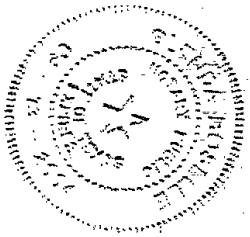
RECEIVED  
 SECRETARY OF STATE  
 2000 DEC 21 PM 4:14  
 CLIENT SERVICE CENTER

### FOREIGN CORPORATION APPLICATION FOR LICENSE

1. The name of the corporation is Green Mountain Energy Company
2. The application is made to secure a ☒ permanent ☐ temporary license.
3. The corporation was incorporated on 03/03/99 under the laws of the state of Delaware  
(month day year)
4. The corporation's principal office is located at  
3815 Capital of Texas Highway South, Suite 100  
 (street address)  
Austin Texas 78704  
 (city, township, or village) (state) (zip code)
5. The corporation's principal office within Ohio is to be located in ☒ Corp will not have an office in Ohio  
 \_\_\_\_\_, Ohio \_\_\_\_\_  
 (city, township, or village) (county) (zip code)
6. The corporation hereby appoints the following as its statutory agent upon whom process against the corporation may be served in the state of Ohio. The name and complete address of the statutory agent is: ( see item 3 in instructions)  
C T Corporation System 1300 East 9th Street  
 (name) (street and number)  
Cleveland, Ohio 44114  
 (city, village or township) (zip code)  
 (NOTE: P.O. Box addresses are not acceptable.)
7. The corporation irrevocably consents to service of process on the statutory agent listed above as long the authority of the agent continues, and to service of process upon the SECRETARY OF STATE if
  - (a) the agent cannot be found, or
  - (b) the corporation fails to designate another agent when required to do so, or
  - (c) the corporation's license to do business in Ohio expires or is cancelled.
8. The corporation will exercise the following corporate purpose(s) in Ohio:  
 (Please provide a brief but specific description; a general purpose clause is not sufficient.)  
selling of electricity in retail markets
9. Has the corporation obtained a license to transact business in Ohio at any time in the past? ☐ Yes ☒ No  
 If yes, prior License No. \_\_\_\_\_ issued \_\_\_\_\_  
 (date)
10. The date on which the corporation began transacting business in Ohio:  
☐ Date \_\_\_\_\_  
 OR  
☒ will begin business upon approval of application.



(date)



151-FLF

OH033 - 6/29/00 C T System, Online

Page 2 of 2

Version: 7/15/99

FROM CORPORATION TRUST DOVER 302-674-5863 (WED) 12.20'00 11:15/ST. 11:13/NO. 33008/0029 F 4/4

*State of Delaware*  
*Office of the Secretary of State*

---

PAGE 1

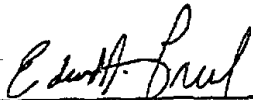
I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "GREEN MOUNTAIN ENERGY COMPANY" IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTIETH DAY OF DECEMBER, A.D. 2000.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

3011848 8300

001638725

  
Edward J. Freel, Secretary of State

AUTHENTICATION: 0867130

DATE: 12-20-00

## 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.

### **Response:**

Green Mountain Energy Company ("GMEC") utilizes a mix of marketing channels to reach potential customers and utilizes utility consolidated billing to provide billing statements to customers. GMEC has an in-house customer service team reachable via a toll free phone number to respond to customer inquiries and/or complaints. Services provided by the call center include handling calls regarding inquiries related to bills, awards, discretionary service orders, and other routine matters.

In addition, the team at GMEC has worked closely with the Public Service Commissions in each state to ensure both adherence to, and contribution toward, policies and regulations that will continue to promote the competitive landscape in the states of Illinois, Massachusetts, Maryland, New Jersey, New York and Pennsylvania.

GMEC employs a sales and marketing compliance review process that ensures that all customer-facing material is reviewed for regulatory and legal compliance prior to being deployed in the field. Our Creative Review Process (CRP) utilizes a Share Point site that serves as the central clearinghouse. All customer and external facing collateral material is submitted for review, including: all marketing message maps/documents; solicitation materials (direct mail, email, phone/door-to-door/face to face events/campaigns, etc.); marketing collateral; advertising (web, TV, radio, bill boards, etc.); agent training materials; agent scripts (sales, call center reps, TPV, etc.); welcome kits/letters; renewal letters; customer notices/communications; website content; press releases; etc. All GMEC employees involved in the production of customer facing materials have access to the CRP system and submit their materials for review and approval by our compliance review team.

As customer service and satisfaction are core principles of GMEC's business model, GMEC takes the necessary actions to ensure that it is in compliance with all regulatory requirements. GMEC includes the following core principles into its business operations:

- **Call Center Reps:** GMEC customer service agent training content covers customer choice, product details, and market/sales regulations within 80 hours of instructor led training, and 40 hours of on the job training. Upon completion of training, all agents are required to sign a Quality Assurance Agreement indicating that they understand specific market/sales regulations and that they will follow applicable guidelines. All call center agents are audited each month to ensure quality standards and compliance with regulations, and there are penalties for non-compliance.

## B-2. Experience and Plans

- **Full-time Quality Assurance Staff:** We employ full-time in-house staff located at our corporate office and in the field offices; their full time jobs are to train, monitor, evaluate, audit all face-to-face sales activities and proactively address concerns/issues in an effort to avoid/minimize complaints. They also ensure agents have the materials/ resources they need. Market managers are assigned to each state to manage all face-to-face product offers and campaigns and interact with agents/vendors on an ongoing basis.
- **Robust training and certification process:** All agent training is conducted either by our own QA analysts or a vendor trainer that has been certified by our QA analyst. GMEC provides all training materials. Training is ongoing depending on the season – in the summer – typically weekly. Agents trained on the code of ethics/consumer protection rules, uniform requirements, sales techniques, our products, and the proper procedures for completing the sales transaction and TPV.
- **Thorough auditing process:** includes performance measures and scoring metrics for individual agents. The goal is to identify trends/discrepancies that raise flags and help us to identify and address problems with our agents. Process includes face-to-face audits as well as audits of enrollment forms, TPV calls, and outbound surveying of customers.
- **Detailed performance measures for agents:** allows us to objectively rate and track agent performance; Agents rated on 10 areas of performance measured during face-to-face audits – range from visibility of ID badge, uniform/appearance, behavior, proper materials used, current disclosure statement, proper explanation of competition/restructuring, choice, utility and retailer roles; accuracy of product description, sales technique, accuracy of explanation of key terms, provision of rescission notice and copies of materials, proper completion of enrollment forms/tablet process, proper transfer to TPV.
- **Robust complaint handling/discipline process:** process established to address concerns/issues with agents; GMEC monitors and tracks all complaints and categorizes them according to severity, and to specifically identify major/mid-level complaints (disputed enrollments, misrepresentation, behavior, PUC complaints, etc.); established guidelines dictate course of disciplinary action.
- GMEC has made the Anti-Discrimination Rules easily accessible by the company's employees on a regular basis.
- GMEC will make customers aware of the process to file a complaint with GMEC and how to contact the Public Utilities Commission of Ohio.

### **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.

**Response:** Green Mountain Energy Company does not believe there are any liabilities or investigations – existing, pending or past – that could adversely impact the applicant as described, other than any disclosed in its filings with the U.S. Securities and Exchange Commission. For the sake of completeness, see attached Exhibit B3 for a listing of investigations and related matters for Green Mountain Energy Company and/or its affiliates.

## Summary of U.S. and Canadian Legal and/or Regulatory Proceedings

In the interest of full disclosure, certain NRG licensed retail entities have been the subject of legal and regulatory proceedings, which are summarized directly below with more detailed explanations following.

- Energy America, LLC has been the subject of legal and/or regulatory proceedings in Georgia and Michigan.
- Republic Power (d/b/a Energy America) has been the subject of regulatory proceedings in Texas.
- Direct Energy, LP has been the subject of legal and/or regulatory proceedings in Texas.
- Direct Energy Business, LLC has been the subject of a regulatory proceeding with the California ISO.
- Direct Energy Business, LLC has been the subject of a regulatory proceeding with the California Public Utilities Commission and Public Utilities Regulatory Authority in Connecticut.
- Direct Energy Services, LLC has been the subject of legal and/or regulatory proceedings in Connecticut, Maryland, Michigan, New York, Ohio, and with the Federal Energy Regulatory Commission (FERC).
- Direct Energy Marketing Limited (Canada) has been the subject of legal and/or regulatory proceedings in Alberta and Ontario, Canada.
- CPL Retail Energy, LP was issued a notice of violation in 2011 as a result of the PUCT (TX) compliance audit program.
- Gateway Energy Services Corporation (formerly known as ECONergy Energy Company, Inc.) had been the subject of legal and/or regulatory proceedings in New York and New Jersey.
- Gateway Energy Services Corporation d/b/a Gateway Power Services was issued a notice of violation in 2011 as a result of the PUCT compliance audit program.
- First Choice Power Special Purpose, LP (now named First Choice Power, LLC) has been the subject of legal and/or regulatory proceedings in Texas.
- Bounce Energy, Inc. has been the subject of legal and/or regulatory proceedings in Texas.
- Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business (“NRG”) has been the subject of legal and / or regulatory

proceedings in Illinois, Ohio, and Pennsylvania.

- Energy Plus Holdings LLC has been the subject of legal and / or regulatory proceedings in Connecticut.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

- Reliant Energy Retail Services LLC (RERS) has been the subject of legal and /or regulatory proceedings in Texas.
- XOOM Energy Connecticut, LLC (XOOM) has been the subject of legal and / or regulatory proceedings in Connecticut.
- XOOM Energy Texas, LLC (XOOM) has been the subject of legal and / or regulatory proceedings in Texas.

### **Energy America: Georgia**

In July 2000, Energy America was a respondent in a proceeding before the Georgia Public Service Commission (“GPSC”), docket number 12126-U. The proceeding resolved claims that Energy America enrolled door-to-door customers without appropriate authorizations. Energy America did not admit to any acts that violated any Georgia laws or regulations. However, Energy America did agree to a stipulation agreement that required implementation of certain measures, including establishing an energy fund to assist low income and elderly customers and paying costs and expenses to the GPSC.

In July 2003, Energy America was a respondent in a proceeding before the GPSC, docket number 16602-U. The proceeding resolved claims that Energy America enrolled customers without appropriate authorizations. Energy America did not admit to any acts that violated any Georgia laws or regulations. However, Energy America did agree to a stipulation agreement that required Energy America to credit the accounts of complaining customers and to contribute to Georgia’s Low-Income Heating Assistance Program.

In January 2004, the GPSC approved a stipulation agreement between Energy America and the staff of the GPSC to resolve a matter arising out of Energy America’s inadvertent failure to timely pay its provider of mailbox services (docket number 9557-U). Consistent with applicable rules, Energy America maintained a mailbox, as, among other things, the primary mailing address for certain payments, including Low Income Home Energy Assistance Program (“LIHEAP”) payments, and other correspondence from Energy America’s customers in the State. As a result of Energy America’s inadvertent failure to pay the vendor, payments sent to Energy America at the mailbox address were not forwarded to Energy America resulting in the disconnection of service to several customers. In resolution of these issues, Energy America agreed to reinstate the accounts of all affected customers and made a voluntary contribution to the LIHEAP fund.

### **Energy America: Michigan**

In July 2002, Energy America entered into an Assurance of Voluntary Compliance with the Michigan Attorney General's office to resolve alleged violations of the Michigan Consumer Protection Act. The assurance expired in August 2004 as Energy America had met all substantive terms of the Assurance. In the Assurance, Energy America agreed to de-enroll any consumers that alleged they did not authorize the company to enroll them for natural gas service unless Energy America could establish by clear and convincing evidence the consumers' allegations were invalid, to not make any false or misleading representations to consumers, to comply with written or verbal requests by consumers to stop soliciting them and to verify future.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

consumer enrollments through taped third party verification or by sending confirmation letters. Energy America did not admit to any acts that violated any Michigan laws or regulations. As part of the Assurance, Energy America paid costs and expenses to the Michigan Attorney General's office.

### **Republic Power (d/b/a Energy America): Texas**

In December 2003, Republic Power (d/b/a Energy America) entered into a Stipulation and Settlement Agreement with the Public Utility Commission of Texas ("PUCT"), docket number 28306, to resolve certain technical violations of the PUCT's rules relating to the selection or changes of retail electric providers ("REP"). A Notice of Violation ("NOV") issued by the PUCT alleged that (i) a pre-checked box on the Company's internet customer enrollment form failed to properly "provide a statement with a box that must be checked by the customer to indicate that the customer has read and agrees to select the REP to provide electric service and the time and date of the customer's enrollment"; (ii) the Company's "Terms of Service" document did not contain a required "Electricity Facts Label"; and (iii) the enrollment package e-mailed by the company to new customers enrolled via the internet failed to include a document entitled "Your Rights As A Customer." Republic Power acknowledged its technical violation of the checkbox requirement and, in fact, had corrected the technical violation prior to the NOV. No customer complaints were received by the PUCT regarding the violation.

The Stipulation and Settlement Agreement also addressed certain complaints that arose out of Republic Power's telemarketing efforts, as conducted by several third party telemarketing firms. In violation of Republic Power's instructions, the telemarketing firms had switched certain customers without obtaining proper approval or without making certain required disclosures required by PUCT rules. Republic Power addressed this situation by suspending telemarketing activities, terminating relationships with these vendors, and implementing a number of controls and compliance measures before resuming telemarketing activities. Pursuant to the Stipulation and Settlement Agreement, in consideration of an administrative penalty of \$750,000, all matters that were the subject of the NOV and customer switching related complaints that occurred on or before August 31, 2003 were deemed fully resolved. As part of the settlement, the PUCT staff and Republic Power acknowledged that customer confusion about the restructured retail electric market may have been a contributing factor to the lodging of some customer complaints.



The parties pledged to work together cooperatively to identify and expeditiously resolve any further problems.

### **Direct Energy, LP: Texas**

In December, 2002, the PUCT issued NOVs to 25 different REPs who missed the requisite 21-day timeframe for responding to customer complaints forwarded by the PUCT. In addition, there were a number of alleged violations for failing to provide sufficient documentation related to a complaint. Many of these cases were resolved through settlement agreements, which were subsequently approved by the PUCT. Republic Power, LP (d/b/a/ Energy America), operating under the certificated name, Direct Energy, LP, received two NOVs and worked with PUCT Staff to reach a settlement in both cases. The settlements included recommended administrative penalties totaling \$25,650. In March 2007 the PUCT Staff filed proposed final orders in this case.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

---

In August 2007, Direct Energy and the Staff of the PUCT filed a Settlement Agreement and Report to the Commission (Docket No. 34671) to resolve a matter related to differing interpretations of the existing PUCT rules for renewal of electric service with respect to small commercial customers. Direct Energy's renewal practice for small commercial customers was to send renewal notices to its customers whose contracts were about to expire. The notices offered to renew the contracts for another 24-month term, and would be effective if the customer did not take action by a specific, disclosed date. The notices included the appropriate disclosures of the renewal product's terms, including notice of an early cancellation fee. Each small commercial customer was also provided the opportunity to contact the Company to decline the renewal offer without penalty. This process allowed Direct Energy's customers to continue receiving service with the Company on a product comparable to their existing contract without taking any further action.

After investigating Direct Energy's renewal practices, PUCT Staff concluded that Direct Energy and Staff interpreted the existing rules related to renewals differently and that Direct Energy's interpretation was incorrect. Specifically, PUCT Staff believes that renewing customers for a time period greater than 31 days requires the customer's affirmative consent; however, it was explicitly noted in the Settlement Agreement that:

- Direct Energy and PUCT Staff interpreted the PUCT rules "differently, and although Staff contends that the Company's interpretation of this rule was incorrect, Staff found no evidence of any willful or negligent violation."
- "Direct Energy fully cooperated with Staff's investigation."
- "After being notified of Staff's concerns regarding Direct Energy's contract renewal practices, the Company voluntarily modified its contract renewal practices to address the issues raised by Staff."

In December 2007, the Commission issued a Final Order approving a revised Settlement Agreement between Commission Staff and Direct Energy, in which DirectEnergy agreed to: 1) provide notice to all affected customers that they are no longer subject to a term commitment and may choose another service plan or provider without being charged a cancellation fee; 2) provide refunds of early cancellation penalties that may have been levied; and 3) expend \$695,000 to fund the development and presentation of an education program regarding the retail electric market in the Electric Reliability Council of Texas targeted to small commercial customers in lieu of paying an administrative penalty.

---

Prior to April 2009, Direct Energy, LP failed to render monthly bills to some of its Texas customers in accordance with PUCT rules as a result of the transition of its previous billing system to a comprehensive customer information and billing system. In response to the delayed billings, Direct Energy self-reported the issue to Commission Staff.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

Commission Staff initiated an investigation in the matter. Direct Energy fully cooperated with the investigation. Direct Energy developed and instituted corrective action plans related to its billing system that are designed to ensure that the billing system renders timely bills. In addition, Direct Energy prepared its call center to be responsive to customer needs; set up a special toll-free phone number dedicated to answering customer questions and working with customers on deferred payment plans; conducted an outreach program to contact affected customers to advise them of the issue and to assure them that Direct Energy would work with them on extended payment arrangements once the customers received their bills; and sent letters to impacted customers with a gift card.

On June 19, 2009, Direct Energy and Commission Staff filed an Agreement resolving the violation. On August 14, 2009, the PUCT issued a Final Order approving the Settlement Agreement, in which Direct Energy agreed pay an administrative penalty of \$200,000. The agreement stipulated that Direct Energy complied with PUCT rules relating to bill payments and adjustments while resolving the issues presented, and that those actions ameliorated the impact on the small percentage of Direct Energy's customers who were impacted by the transition complications. In addition, the agreement acknowledged Direct Energy's efforts to conform to the Customer Protection Rules in good faith, and that there was no evidence of Direct Energy's willful violation of those rules, and that Direct Energy worked aggressively to resolve the problem and manage customer impacts.

---

In September 2013, Direct Energy, LP ("Direct Energy") entered into a Settlement Agreement with Staff of the PUCT to resolve the PUCT's investigation of Direct Energy for violations of the PUCT's substantive rules relating to telephonic enrollment, record retention, a customer's right of rescission, re-enrollment without affirmative consent, and informal complaint handling. The Settlement Agreement provides for a resolution of the issues and an administrative penalty of \$28,000. The Settlement Agreement provides that

Direct Energy worked diligently to keep Commission Staff informed of its progress to resolve the issues and was proactive in communicating with and working with affected customers to minimize the impacts to them. Direct Energy's mitigation efforts included the addition of 180 agents to the call center since December 2012, and setting a new company policy to respond to complaints in less than the 21-day requirement.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41832\\_5\\_77230\\_5.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41832_5_77230_5.pdf)

---

In June 2015, Direct Energy, LP agreed to pay an administrative penalty in the amount of \$220,000 under a settlement with Staff of the Public Utility Commission of Texas to resolve allegations that it initiated disconnection of customers during a weather moratorium. As a result of an administrative error, Direct initiated disconnections for failure to maintain a current balance above the disconnection balance against 252 customers in counties affected by the extreme weather emergencies, of which ten disconnections were completed by Oncor. Since that time, Direct Energy has proactively implemented more efficient internal controls to ensure that TDU notifications of a weather emergency are implemented within one hour of receipt of that notification.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/44833\\_3\\_86030\\_0.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/44833_3_86030_0.pdf)

---

In August 2017, Direct Energy, LP agreed to pay an administrative penalty in the amount of \$70,000 under a settlement with Staff of the Public Utility Commission of Texas to resolve allegations of non-compliance with Public Utility Regulatory Act §§ 17.001(a) and 39.101(b)(6), as well as 16 Texas Administrative Code §§ 25.474, relating to selection of a retail electric provider; 25.475, relating to general retail electric provider requirements; 25.481, related to unauthorized charges, and 25.495, relating to unauthorized change of retail electric provider.

Commission Staff investigated a series of informal complaints relating to door-to-door sales vendors from January 1, 2014 through February 1, 2016. These complaints included both those received by the Commission's Customer Protection Division as well as by Direct Energy. Direct ceased door-to-door solicitations in Texas on December 1, 2016.

Door-to-door sales re-commenced approximately a year later after some process improvements and continue today.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362\\_4\\_95195\\_7.PDF](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362_4_95195_7.PDF)

---

In 2017, Direct Energy, LP received two separate Notices of Investigation from the Public Utility Commission of Texas related to demand response. The first allegation was due to an administrative error in submission of the baseline data for the demand response customer. The second allegation was due to gaps within a demand response customer's usage data that was supplied by the host utility. These separate investigations were combined by commission staff and both were settled with a warning from the Commission.

---

In 2019, Direct Energy, LP, Bounce Energy, LLC, and First Choice Power, LLC received Notices of Investigation from the Public Utility Commission of Texas (PUCT) related to (1) violations of PURA § 39.101 and 16 Texas Administrative Code (TAC) §25.474, relating to selection of retail electric provider and § 25.475, relating to general retail electric provider requirements and information disclosures to residential and small commercial customers; and (2) violations of 16 TAC § 25.483, relating to disconnection of service. These separate investigations were combined by commission staff and, collectively, the parties agreed to pay an administrative penalty in the amount of \$250,000 under a settlement with Staff of the PUCT to resolve these allegations. The allegations were due to failure to modify a software system to correctly capture the rule requirements associated with enrollments made at retail locations, a delay in payment acknowledgements, and a policy related to the disconnection of customers after a second nonpayment (or bounced check).

### **Direct Energy Business, LLC: California ISO**

In August 2008, the California ISO ("CAISO") issued a \$93,364 penalty against Strategic Energy, LLC (n/k/a Direct Energy Business, LLC) in connection with a failure by a contracting partner, San Diego Gas & Electric, to adequately report load meter data for the April 27 – May 28, 2007 trading days. Strategic Energy identified this error and promptly self-reported it to the CAISO; however, pursuant to the CAISO's tariff, which is approved by the Federal Energy Regulatory Commission ("FERC"), a penalty is mandatory. Strategic Energy worked with its Wholesale Compliance team to develop procedures to prevent future occurrences of this nature.

### **Direct Energy Business, LLC: California (Penalty Assessment – Non-Compliance)**

In July 2017, Direct Energy Business, LLC ("DEB") was notified by the Energy Division of the California Public Utilities Commission ("CPUC") that there was a deficiency in DEB's monthly compliance Resource Adequacy load forecast filing for September 2017 by 16.99 MW. The CPUC allowed a seven day extension to procure the required resources; however, we were unable to execute a contract for the deficiency with the only counterparty that had available supply in time to meet the CPUC's deadline. This resulted in the CPUC assessing a penalty of \$6.66/kWh, which equaled to \$113,000.

### **Direct Energy Business, LLC: Connecticut**

PUCT Docket 19-02-13

Date of Resolution: New/Ongoing

On February 11, 2019, the Public Utilities Regulatory Authority opened the above-referenced docket to consider whether to issue a declaratory ruling finding that the alleged supplier practice of altering the price of business customers' fixed-price contracts violated the Connecticut Unfair Trade Practices Act (CUTPA). After conducting the investigation, the Authority did not issue such a declaratory ruling but rather, in a letter issued on July 19, 2019, referred the matter to the Department of Consumer Protection

and the Attorney General on the grounds that “the Authority has reason to believe that Direct’s...increases to business customers’ fixed-price contracts may violate state law.” The conclusion of this matter has no immediate impacts on Direct Energy. It will be up to the Department of Consumer Protection, the agency with the primary authority to enforce CUTPA, to determine whether further action is warranted. If so, it can seek the assistance of the Attorney General in taking any further action against Direct Energy.

### **Direct Energy Services, LLC: Connecticut**

PUC Docket 13-07-17

Date of Resolution: May 1, 2019

In June 2013, the Connecticut Public Utilities Regulatory Authority (“PURA”) opened an investigation into the trade practices of three electric suppliers in the state, which included Direct Energy (“Direct”). The PURA alleged that it had received numerous customer complaints regarding billing, slamming and quality of service against Direct. In October 2013, Direct answered a series of interrogatories issued by the PURA. PURA staff and the Office of Consumer Counsel propounded additional interrogatories in mid-2015, which Direct Energy has answered. After nearly six (6) years of regulatory review, PURA rendered a final decision in this proceeding in which in May 2019 that included a civil penalty of \$1.5 million, a prohibition of new residential sales for six months and a one-year marketing audit oversight process that concludes on November 17, 2020. As an outgrowth of the PURA final decision, Direct Energy has ceased sales via the door-to-door sales channel, instituted additional internal controls and enhanced its sales quality assurance and oversight process with its Sales Quality Framework. The Sales Quality Framework is an internal audit control that regularly monitors our vendor/subcontractor sales and marketing activities for all applicable sales channels, i.e., web-based, door-to-door, outbound telemarketing, in-bound telemarketing, etc.

---

PUC Docket 06-03-06RE03

Date of Resolution: August 26, 2015

In October 2014, the PURA re-opened Direct’s licensing docket as a result of Direct’s self-report regarding a process breakdown that resulted in a failure to send renewal notices to customers. The PURA intends to fully examine Direct’s compliance with the Connecticut General Statutes, and determine if civil penalties will be applied. Direct had already begun to issue refunds to impacted customers when it submitted the information about its renewal notices.

### **Direct Energy Services, LLC: Maryland**

On May 15, 2019 Staff of the Maryland Public Service Commission (MDPSC) filed a complaint against Direct Energy Services, LLC (Direct Energy) that they had violated Maryland law. The MDPSC then issued a Letter order on May 17, 2019 requiring Direct Energy to file an answer to the complaint by June 18, 2019 and to appear before a hearing on July 17<sup>th</sup>. On June 18<sup>th</sup>, Direct Energy submitted evidence within its answer requesting the complete and immediate dismissal of the Staff complaint. Prior to the July

17<sup>th</sup> hearing, the MD PSC has delegated this matter to the Public Utility Law Judge Division for a finding of whether a pattern or practice exists as described above and a new docket, Case No. 9614, has been created for this matter.

**Direct Energy Services, LLC: Michigan**

PUC Case U-14537

Date of Resolution: February 28, 2013

In February 2013, the Michigan Public Service Commission (“MPSC”) issued an order accepting Direct Energy Services’ (“Direct”) self-report regarding allegations of slamming by field sales agents. Four agents purposefully manipulated Direct’s quality assurance measures by impersonating customers for third-party verification calls, thereby fraudulently enrolling multiple small business accounts. In response to several slamming complaints received by the MPSC, Direct immediately terminated the agents, suspended sales and conducted a thorough investigation. Direct submitted a formal self-report regarding the violations of applicable anti-slamming laws and regulations, proposing remedial quality assurance measures, retraining of agents, implementation of paper contracting, regular quality meetings with MPSC staff and a charitable donation to a regional organization. MPSC accepted Direct’s self-report without any changes to the proposed remedial actions, and after a six month suspension of small business field sales, MPSC approved Direct’s restarting offfield sales in the region.

---

PUC Case U-18121

Date of Resolution: January 12, 2017

On January 12, 2017, the Michigan Public Service Commission (“MPSC”) issued an order relating to a settlement with Direct Energy Services, LLC (“DES”). The terms of the settlement agreement is that DES agrees to: (1) pay a fine of \$35,000 to be paid to the State of Michigan within 30 days of the Commission order approving the agreement; (2) continue a moratorium on door-to-door sales that began on November 1, 2016, that shall continue for 90 days following the date of the order approving this agreement; (3) submit new training materials within 45 days of the order approving this agreement with actual training of DES’ Michigan agents to be completed within 90 days; (4) present Michigan Agency for Energy (MAE) Staff by March 31, 2017 with technologies that enhance customer identification and consent, and secure enrollment processes; (5) implement the Whitepages process described in Attachment 1 to the settlement agreement; (6) meet monthly with the MAE Staff for a period of 12 months to discuss progress with compliance with this settlement agreement and any other related matter; (7) develop with MAE Staff a template for processing complaints; and (8) reopen this docket should the MAE State Response Division identify any reoccurrence of the unauthorized switching of any customers by DES salesperson, which may result in fines, permanent moratorium on door-to-door sales and telemarketing, and or potential license revocation.

**Direct Energy Services, LLC: New York**

PUC Case 13-M-0224

Date of Resolution: Ongoing

In July 2013, the New York Public Service Commission (“PSC”) issued a Show Cause Order to Direct Energy Services, LLC (operating through its subsidiary NYSEG Solutions, LLC (formerly NYSEG Solutions, Inc.). In 2012, Direct had purchased NYSEG Solutions, Inc. from Iberdrola USA Solutions, Inc. (“Iberdrola”), an affiliate of Iberdrola, S.A., which owned the utility - New York State Electric and Gas Company (“NYSEG”). In the same year, Iberdrola entered into a Trademark License Agreement with Direct, whereby Direct was granted a non-exclusive, non-transferable, non-assignable license to use the NYSEG Solutions, Inc. name and marks for a period of up to five years. The Show Cause Order required Direct to show cause why the PSC should not prohibit its continued use of the name “NYSEG Solutions” when marketing to customers. The PSC’s Order alleged that use of the name NYSEG Solutions would create an impression with consumers that they were dealing with the utility rather than with an affiliate of Direct Energy, and that subsequent disclaimers may not undo that association. Direct Energy filed its response in September 2013. Prior to the PSC’s Show Cause Order, Direct had engaged in good faith negotiations with PSC Staff to add certain disclaimers to NYSEG Solutions’ marketing materials and other notices. Staff approved the materials on an interim basis, and assured Direct that this interim period would continue until the PSC convened a generic proceeding to investigate all uses by energy service companies of the trade names and trademarks similar to those used by utilities regulated by the Commission. No such generic proceeding had been initiated when the Show Cause Order was issued. In April 2014, the PSC issued Discovery Requests to Direct, and Direct has submitted the information requested. The case remains open at the Commission.

**Direct Energy Services, LLC: Ohio**

In February 26, 2013, the Public Utilities Commission of Ohio (“PUCO”) issued a letter of probable non-compliance to Direct Energy (“DE”), citing concerns with DE’s compliance with Ohio Administrative Code (O.A.C.) §4901:1-29-12 (B), which states, in part, “Customer bills issued by or for retail natural gas suppliers and governmental aggregators shall be accurate and understandable...”. DE met with Staff on March 14, 2013 to propose a corrective action plan that included four main areas covering rate discrepancies, customer correspondence, municipal aggregation errors, and data mismatches. On June 26, 2013, DE met with Staff as a follow-up to review findings from its corrective action plan. DE showed it had made significant changes to its internal control environment, in which over 49,000 accounts were corrected where discrepancies existed and issued over \$1,052,000 in refunds. Staff believed DE fulfilled the requirements to comply with the O.A.C. §4901:1-29-12 (B) at the time and requested for a quarterly summary of its discrepancy reports to be provided for the next year.

**Direct Energy Services, LLC: FERC**

In August 2014, FERC issued an Order Approving Stipulation and Consent Agreement, resolving a nonpublic investigation conducted by FERC’s Office of



Enforcement (“Enforcement”) stemming from a self-report by Direct Energy. The investigation examined whether Direct Energy violated the FERC’s Anti-Market Manipulation Rule by manipulating natural gas prices during May 2012 in order to benefit its related financial positions. Direct Energy acted promptly when it became aware of the facts, and following an extensive self-report and cooperation during a subsequent non-public investigation conducted by Enforcement, Direct Energy agreed to pay a civil penalty of \$20,000 to resolve any potential civil and administrative disputes arising from Enforcement’s investigation and to disgorge profits related to this activity.

### **Direct Energy Marketing Limited: Alberta, Canada**

One of Direct Energy’s Canadian affiliates is Direct Energy Marketing Limited (“DEML”), which operates a business unit in Alberta called Direct Energy Regulated Services (“DERS”). DERS is a regulated retail provider of natural gas and electricity. As such DERS is often involved in regulatory proceedings in the natural course of operating a regulated business. In addition, DERS is also subject to regular regulatory investigations and audits as required by Alberta legislation. None of these investigations or audits has resulted in any negative findings against DERS.

---

In March 2014, a judge certified a class action lawsuit against Direct Energy Marketing Limited. The plaintiff, a DERS customer in Beaumont, Alberta, brought this claim on behalf of herself and all other similarly situated customers. She sought damages for alleged illegal interest and late payment penalties. This matter was settled in 2015 with no admission or finding of fault by DERS.

---

In May of 2016, based on an action brought by Service Alberta, a government consumer protection agency, Direct Energy Marketing Limited (“DEML”) pleaded guilty to three charges under the Fair Trading Act related to activity in 2014 and 2015. DEML pleaded guilty to one count of: failing to refund timely; a non-compliant contract; and entering into a marketing contract without complying with the proper requirements. In addition to the plea, a fine of \$13,000 CAD was assessed. By the time of DEML’s plea, DEML had already revised its internal processes to address the enumerated concerns.

### **Direct Energy Marketing Limited: Ontario, Canada**

In June 2003, the Ontario Energy Board (“OEB”) issued a Notice of Administrative Penalty (“Notice”) against DEML in its capacity as a retail energy supplier business in Ontario, doing business as Direct Energy. The Notice was based on a finding that in 21 instances customer contracts had been forged and that, as a consequence, DEML had breached its retailer licenses by requesting a customer enrollment without the customers’ written authorization to do so. A penalty totaling CDN\$157,500 (\$7,500 per instance) was imposed.



---

In April 2009, the OEB issued a Notice against DEML. The Notice was based on a finding that a DEML door-to-door agent was found to have made a false, misleading or deceptive statement to a consumer. The OEB determined that DEML contravened section 88.4(2) of the Act, in that it engaged in an unfair practice as defined in section 2 of Ontario Regulation 200/02. The OEB also determined that DEML contravened section 2.1 of the Code of Conduct for Gas Marketers.

The OEB made an Order on May 5, 2009, under subsection 112.5 of the *Ontario Energy Board Act, 1998* (the “Act”) requiring DEML to pay an administrative penalty in the amount of \$15,000 for contravening an enforceable provision of the Act and the Code of Conduct for Gas Marketers.

---

In 2009, the OEB commenced an inspection into DEML’s business practice relating to the methodology employed to calculate early termination fees (“ETFs”).

Invoices for 7,860 of these early termination inquiries resulted in overcharges to customers which totaled approximately \$950,000. Another 6,627 invoices resulted in undercharges to customers which totaled approximately \$2 million.

DEML reimbursed all customers who paid an overcharge, with interest. DEML also paid the OEB an administrative penalty of \$700,000.

### **Direct Energy Marketing Limited: Canada**

In 2012, the Competition Bureau (the “Bureau”) initiated proceedings under the abuse of dominance provisions of the *Competition Act*. The Bureau alleges that DEML intentionally implemented anti-competitive practices related to its water heater return policies and procedures.

### **CPL Retail Energy, LP: Texas**

In May 2011, CPL Retail Energy, LP entered into a settlement agreement with Staff of the PUCT in Docket No. 39285. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, CPL Retail Energy agreed to pay an administrative penalty of \$18,000 for alleged violations committed by the company.

### **Gateway Energy Services Corporation (formerly known as ECONergy Energy Company, Inc.): New York**

In December 2003, ECONergy Energy Company (“ECONergy”) appealed and settled a finding by the New York State Consumer Protection Board that the Company was in violation of the New York No Call Registry based on calls allegedly made by an independent marketing firm. ECONergy was fined approximately \$10,000.

---

In April 2002, the Office of the Attorney General of the State of New York filed a lawsuit against ECONergy, alleging that ECONergy violated various consumer protection laws. This matter was settled on December 6, 2002 when both parties executed a Stipulation of Resolution. As part of the settlement, ECONergy was ordered to pay \$25,000 and abide by certain monitoring requirements.

**Gateway Energy Services Corporation: New Jersey**

Recently in 2018, Gateway Energy Services Corporation submitted a self-report compliance issue to the New Jersey Board of Public Utilities regarding variable rate pricing for some of its customers. In September 2018 Gateway settled the matter by paying a \$13,500 fine and agreed to additional reporting requirements to the agreed upon customer refunds. Direct Energy subsequently instituted the additional reporting requirements and internal controls.

**Gateway Energy Services Corporation d/b/a Gateway Power Services: Texas**

In 2011, Gateway Energy Services Corp. d/b/a Gateway Power Services (“Gateway”) entered into a settlement agreement with Staff of the PUCT. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, Gateway agreed to pay an administrative penalty of \$17,000 for alleged violations committed by the company.

**First Choice Power Special Purpose, LP: Texas**

First Choice Power Special Purpose, LP (“First Choice”) entered into a settlement agreement in 2010 with Staff of the PUCT. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, First Choice agreed to pay an administrative penalty of \$16,500 for alleged violations committed by the company.

**First Choice Power Special Purpose, LP: Texas**

In March 2013, First Choice Power Special Purpose, LP entered into a settlement agreement with Staff of the PUCT regarding alleged violations concerning selection of a retail electric provider. The settlement agreement provided for a resolution of the issues and an administrative penalty of \$25,000. The violations related to nine separate customer complaints of an unauthorized switch received by the PUCT during the period January 2011 – October 2011.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41208\\_4\\_75322\\_9.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41208_4_75322_9.pdf)

---

**Reliant Energy Northeast, LLC: Illinois**

Subpoena to Reliant Energy Northeast d/b/a NRG Home from the Office of the Attorney General for the State of Illinois (September 2019) relating to NRG Home's sales and marketing practices. To date, the Illinois Attorney General has not filed any complaint against NRG Home.

**Reliant Energy Northeast, LLC: Ohio**

On December 8, 2020 – Staff of the Public Utility Commission of Ohio filed a Joint Stipulation it entered into with Reliant Energy Northeast LLC d/b/a NRG Business, NRG Home and NRG Retail Solutions ('NRG' or 'Company') to resolve concerns raised by Staff in a Notice of Probable Non-Compliance dated November 27, 2019 ('Notice Letter' or 'Notice'), which largely addressed alleged enrollment violations. NRG was able to demonstrate that its sales performance program and enrollment process are designed to minimize enrollment errors and incentivize compliant sales agent behavior, as reflected in the Company's very low complaint to sales ratio. The Stipulation is not an admission or a finding of liability and represents a reasonable compromise between the parties, including forfeiture of a civil penalty. It was filed with the Commission with a recommendation to approve the settlement as being in the public interest. The matter awaits further action by the Commission, see Case No. 20-1758-GE-UNC.

**Reliant Energy Northeast, LLC: Pennsylvania**

On September 29, 2020, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") and Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business ("NRG") filed a Joint Petition for Approval of Settlement to resolve issues related to an informal investigation initiated by I&E. I&E's investigation stemmed from informal complaints received by the Commission's Bureau of Consumer Services from residential customers related to the unauthorized enrollment of their accounts by NRG, several of which were self-reported by NRG to PUC Staff. I&E Staff was satisfied with NRG's sales performance program and was unable to identify any improvements to NRG's sales quality assurance program. Although NRG disputes or disagrees with the allegations levied by I&E, it agrees to the settlement terms as a compromise, including payment of a civil penalty. The matter awaits action by the PUC, see Docket No. M-2020-3006647.

---

### **Energy Plus Holdings LLC: Connecticut**

On September 30, 2020 - the Prosecutorial Division of the Connecticut Public Utilities Regulatory Authority, Office of Education, Outreach, and Enforcement ("Prosecutorial" or "EOE") and Energy Plus Holdings, LLC ("Energy Plus") filed a Settlement Agreement to resolve issues regarding compliance with Conn. Gen. Stat.

§ 16-245d regarding properly conveying supply summary information to the electric distribution companies for display on customer bills. This Settlement Agreement was approved by the Public Utilities Regulatory Authority on November 4th, 2020 (Docket# 09-01-21). Energy Plus paid a civil penalty of \$282,200 to the State of Connecticut and will refund sixty-nine customers a total of \$5,888.50.

---

### **Reliant Energy Retail Services LLC: Texas**

On October 12, 2018 Staff of the Public Utility Commission of Texas (the "PUCT") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUCT Staff's investigation of RERS relating to timely issuance of bills and providing bills electronically in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 48773 (available at:

[http://interchange.puc.texas.gov/Documents/48773\\_1\\_996113.PDF](http://interchange.puc.texas.gov/Documents/48773_1_996113.PDF) ). The settlement was approved by the PUCT.

On July 13, 2020, Staff of the Public Utility Commission of Texas (the "PUCT") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUCT Staff's investigation of RERS relating to maintaining and producing authorization of verification and energizing customers on the agreed approximate start dates in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 51045 (available at:

[http://interchange.puc.texas.gov/Documents/51045\\_1\\_1075201.PDF](http://interchange.puc.texas.gov/Documents/51045_1_1075201.PDF) ). The settlement was approved by the PUCT.

---

### **XOOM Energy Connecticut, LLC: Connecticut**

CT PURA, Docket No. 18-12-22. Suppliers in Connecticut are obliged to provide the supply rate for a customer's upcoming bill cycle to the local distribution utility for placement on a customer's bill. Due to widespread technical issues with the implementation of this requirement, the Public Utilities Regulatory Authority authorized suppliers who were found to be incorrectly conveying "next cycle rate" information on customer bills to participate in a voluntary amnesty program to remedy past issues.

XOOM Energy elected to participate in this program and reported on its status. PURA thereafter audited certain customer bills and found additional issues. As a result, XOOM

revised its amnesty plan and agreed to provide refunds in the amount of \$154,150 to 3,261 customers. PURA accepted the plan and did not impose any civil penalty.

**XOOM Energy Texas, LLC: Texas**

On October 16, 2019 Staff of the Public Utility Commission of Texas (the “PUCT”) and XOOM Energy Texas, LLC (“XOOM”) entered into a Settlement Agreement to resolve and conclude PUCT Staff’s investigation of XOOM relating selection of a retail electric provider in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 50102 (available at: [http://interchange.puc.texas.gov/Documents/50102\\_1\\_1037759.PDF](http://interchange.puc.texas.gov/Documents/50102_1_1037759.PDF)). The settlement was approved by the PUCT.

**Exhibit 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.)

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.

**Response:** See attached letter from Duke Energy.



139 East Fourth  
EX396  
Cincinnati, Ohio 45202

February 4, 2022

Green Mountain Energy has met the Electric Collateral obligations for Duke Energy Corporation as of February 4, 2022.

***Tom Hunt***

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



## **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. If vendors or third parties are or will be utilized for any activities listed in this application, provide the name, contact information for each, and list which activities they will perform. Also, indicate which activities will be performed directly by the company. Please note that this information is required to be updated within 30 days of any changes.

### **Response:**

Green Mountain Energy Company ("GMEC") has the necessary technical and managerial resources to comply with all scheduling, operating, planning, reliability, customer registration and settlement policies, rules, guidelines and procedures to operate as a retail electric and natural gas supplier. As an active retail energy provider in the states of Illinois, Massachusetts, Maryland, New Jersey, New York, Pennsylvania and Texas, GMEC has firsthand knowledge of the customer operations and utility business management and will leverage its technical and managerial expertise, in combination with its relationships with the attached business partners to successfully develop and implement the infrastructure, systems, and processes to reliably provide service to Ohio consumers. Please see the attached list of GMEC's Key Operating Personnel.



**GREEN MOUNTAIN ENERGY COMPANY - KEY OPERATING PERSONNEL****Mark Parsons, Vice President and General Manager**

910 Louisiana Street, Houston, TX 77002

Phone: 713-537-2825

[Mark.Parsons@nrg.com](mailto:Mark.Parsons@nrg.com)

Mr. Parsons is the General Manager of Green Mountain Energy. Mr. Parsons is passionate about leveraging the power of consumer choice to change the way power is made. Ensuring customers have access to compelling green power solutions at home, at work and on the go is the driving force of Mr. Parson's role. He is responsible for the performance and direction of Green Mountain and oversees a wide range of functions such as brand and go-to-market strategy, customer experience, marketing execution, pricing and margin management, financial reporting, offer and product innovation, market share, customer count, and campaign design. Over Mr. Parsons 15 years within the deregulated energy industry across many retail brands, he has been instrumentally involved in transitioning a regulated electric utility into the largest retail energy provider in Texas. He has also helped launch new retailers into positions of power in the industry. He's held many roles in IT, project management, operations and general management throughout the years. Additionally, Mr. Parsons has served in roles focused on strategy development, mergers/acquisitions, and process and systems integration. He earned his bachelor's degree in economics from the University of Texas and his master's degree in business administration from Baylor University.

**Jordon McConnell, Vice President, Sales Strategy**

3711 Market Street, Suite 1000, Philadelphia, PA 19104

Phone: 267.295.0625

[Jordon.McConnell@nrg.com](mailto:Jordon.McConnell@nrg.com)

Jordon McConnell leads Sales, Sales Operations and Quality for NRG's retail business in the Northeast. Over the course of his career, Mr. McConnell has gained experience in a broad range of business functions including marketing, sales, product development, operations and financial analysis. Jordon has held leadership positions in a number of industries including energy, finance, professional services and business information with emphasis on consumer and small business segments. Prior to joining NRG Jordon led marketing strategy and helped launch the digital retail channel for D&B's small business segment. Previously Jordon held business development roles in the eBusiness segments of Prudential Securities and FirstUSA Bank. Jordon holds an MBA from the University of Delaware and a BA from Bucknell University.

**Jeff Wilkinson, Senior Director – Sales & Channel/Campaign Management**

910 Louisiana Street, Suite 14034C, Houston, TX 77002

Phone: 713.537.3037

[Jwilkinson@nrg.com](mailto:Jwilkinson@nrg.com)

Jeff Wilkinson leads Sales and Channel/Campaign Management for NRG's retail business in Texas and the Northeast. In this role, Mr. Wilkinson is responsible for supporting and enabling the marketing and sales organizations at NRG to deliver on their sales and customer retention objectives while providing outstanding experiences for residential and small commercial customers. He has nearly 20 years of experience in the retail energy industry, having joined Reliant, an NRG company, shortly after restructuring in Texas. Prior to his role at NRG, Jeff served as a Product Marketing Manager for high-availability servers at Compaq Computer Corporation and as a Naval Architect with J. Ray McDermott Engineering. Jeff holds an MBA from Rice University and a BS from Texas A&M University.

**Brian Grant, Billing Operations, East Retail**

3711 Market Street, Suite 1000, Philadelphia, PA 19104

Phone: 267.295.0625

[Brian.C.Grant@nrg.com](mailto:Brian.C.Grant@nrg.com)

Mr. Grant is responsible for defining the processes and procedures for the day to day IT functions, operations and quality assurance protocols for NRG Retail in the Northeast. His daily responsibilities include ensuring that all enrollments process accurately and efficiently through all of NRG's internal systems and integration points with its external vendors. Mr. Grant brings a strong background in operational processes and quality assurance. During his tenure, Mr. Grant successfully implemented a quality assurance project life cycle process that included the implementation of new technology hardware as well as processes and gates to increase the accuracy and efficiency of the energy enrollment process and customer service platforms. His continual focus on quality assurance and streamlined operational processes will ensure that NRG is poised to offer a best in class service experience to retail customers.

**Barry Gessner, Director Mass Retail and Demand Response;  
Market Operations**

804 Carnegie Center, Princeton, NJ 08540

Phone: 609.524.4516

[Barry.Gessner@nrg.com](mailto:Barry.Gessner@nrg.com)

Barry Gessner joined NRG Energy through its acquisition of Energy Plus in 2011. He is responsible for scheduling electricity purchases in ISO-NE, MISO, NYISO, PJM, and Canada; hedging electricity supply purchases to mitigate market cost volatility; meeting renewable portfolio standards and voluntary green power program requirements; and cost forecasting and market settlements. Prior to his roles at NRG, Mr. Gessner was responsible for custom pricing of large commercial and industrial customers at Liberty Power. Mr. Gessner holds an MBA from Villanova University, a BS Economics from Penn State, and is a GARP certified Energy Risk Professional.

**Steven Haugenes, Vice President – Natural Gas**

194 Wood Avenue South, Suite 200

Iselin, NJ 08830

Phone: 732-516-3074

[Steven.Haugenes@directenergy.com](mailto:Steven.Haugenes@directenergy.com)

Steve currently leads NRG's Natural Gas Operations and Trading team responsible for overseeing all-natural gas operational, commercial supply and trading activities. Steve has more than 30 years of experience in trading, origination, risk management and finance, and has a strong record of success at NRG, Direct Energy, Hess Energy Marketing and the Military. He received a Bachelor of Science degree in Management from the United States Military Academy, West Point in 1989 and an MBA From the Stern School of Business, NYU in 1995. Steve has been a Chartered Financial Analyst (CFA) Chart holder since 2004 and attended the Harvard Program for Emerging Leaders in 2006.

**Victoria Benoit, Offer Pricing & Revenue Management**

910 Louisiana Street, Suite 22002C, Houston, TX 77002

Phone: 713.537.5278

[Victoria.Benoit@nrg.com](mailto:Victoria.Benoit@nrg.com)

Victoria Benoit leads offer pricing and revenue management for the Green Mountain, Stream, and XOOM brands for NRG's retail business in Texas and the Northeast. In her role, she ensures that our go-to-market strategies deliver on our brand and corporate goals. Additionally, she is responsible for special projects such as the valuation of companies being considered for Mergers and Acquisitions. Victoria has 20 years of experience in the retail energy industry, including roles in customer operations, IT project management, and financial planning and analysis. Prior to her current role at NRG, she served in financial analyst roles for Direct Energy and Enron Corp. Victoria holds a BS in Commerce from the University of Virginia.

**Rebecca Emrick, Director of Marketing, Green Mountain Energy**

910 Louisiana Street, Houston, Texas 77002

Phone: 713.537.2066

[Rebecca.Emrick@nrg.com](mailto:Rebecca.Emrick@nrg.com)

Rebecca leads a team responsible for brand strategy, marketing execution, customer communications, digital engagement, creative development and sales-related collateral. She has served in multiple capacities during her marketing career, including developing mass media campaigns, which consisted of television, radio and billboard promotions, and creating customer communications and touch points for acquisition and retention. Rebecca has led teams to re-engineer creative formats, which resulted in increased response rates, a streamlined development process and an increase in team productivity. It's with her support and guidance that her teams have produced multiple award-winning communications recognized by marketing experts. Rebecca's leadership in marketing communications spans many segments over many years. She has served a variety of audiences in the B2B and B2C worlds throughout the deregulated energy industry, insurance business and financial services industry. She also sits on the board of the Green Mountain Sun Club, a nonprofit program that supports solar and sustainability projects for nonprofit organizations. Rebecca earned her bachelor's degree in public relations from Texas Tech University.

**Bill Clayton, Vice-President – Customer Care & Retention Sales**

910 Louisiana Street, Suite 20000B, Houston Texas 77002

Phone: 713.537.3333

[William.Clayton@NRG.com](mailto:William.Clayton@NRG.com)

Bill Clayton leads Customer Care and Retention Sales for NRG's retail business in Texas and the Northeast. In this role, Mr. Clayton oversees the company's engagement centers and mid-office operations for residential and small commercial customers. With over three decades of experience, Bill has in-depth knowledge of utilities and retail electric industries. Bill has managed specialized consumer programs and has held various roles within residential load management, field operations, retail marketing, community marketing, program development and retail operations. Bill graduated summa cum laude from Abilene Christian University with a bachelor's degree in Political Science.

# **Competitive Retail Electric Service Affidavit**

County of Galveston :

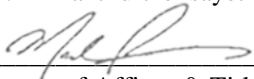
State of Texas :

Mark Parsons, Affiant, being duly sworn/affirmed, hereby states that:

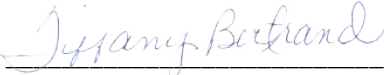
1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information 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.

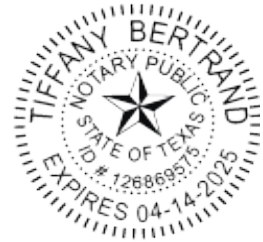
13. Affiant further sayeth naught.

  
\_\_\_\_\_  
Signature of Affiant & Title

Sworn and subscribed before me this 14 day of Feb., 2022  
Month Year

  
\_\_\_\_\_  
Signature of official administering oath

Tiffany Bertrand  
\_\_\_\_\_  
Print Name and Title



My commission expires on 04/14/2025

---

## **Green Mountain Energy Company Corporate Structure**



## **Green Mountain Energy Company Corporate Structure**







**NRG Retail Northeast**  
3711 Market Street, Suite 1000  
Philadelphia, PA 19104

February 3, 2022

**RE: NRG Energy, Inc.'s Guarantee of the Obligations of Green Mountain Energy Company**

To Whom It May Concern:

Green Mountain Energy Company is a wholly owned subsidiary of NRG Energy, Inc. I certify that NRG Energy, Inc. guarantees the obligations of Green Mountain Energy Company.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Parsons", written in a cursive style.

Mark Parsons, Vice President


#### Exhibit 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."

Response: Green Mountain Energy Company does not have a credit rating, but its ultimate parent, NRG Energy, Inc.'s credit ratings from Moody's and Standard & Poor's are attached hereto as Exhibit C4, along with a statement by Vice President, Mark Parsons, guaranteeing the obligations of Green Mountain Energy Company, as Exhibit C4.1.

# NRG Energy Inc.

## Issuer Credit Rating

RATING TYPE	RATING	RATING DATE	LAST REVIEW DATE 	REGULATORY IDENTIFIERS	CREDITWATCH/ OUTLOOK	CREDITWATCH/ OUTLOOK DATE
Local Currency LT	<b>BB+</b> <a href="#">Regulatory Disclosures</a>	24-Jul-2020	19-May-2021	EE UKE	Stable	12-May-2021
Foreign Currency LT	<b>BB+</b> <a href="#">Regulatory Disclosures</a>	24-Jul-2020	19-May-2021	EE UKE	Stable	12-May-2021

NRG Energy, Inc.

CONTACT ANALYST  
TOBY SHEA

SUMMARY

REPORTS

RATINGS & ASSESSMENTS

FINANCIALS

MARKET SIGNALS

CAPITAL STRUCTURE

METHODOLOGIES & FRAMEWORKS

TOOLS:

PEER COMPARISON

SCORECARD

REFERENCE:

SECTOR

RATINGS DEFINITIONS

TEAR SHEET

Reports

FILTER BY

Rating Action, Announcement +2

Region

Series

TOPICS / CREDIT FOUNDATIONS

DATE RANGE

SYNOPSIS

DATE	TYPE	TITLE   66 DOCUMENTS
28 Sep 2021	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
30 Mar 2021	Credit Opinion	NRG Energy, Inc.: Update following outlook change to stable from positive MOODY'S INVESTORS SERVICE
19 Mar 2021	Rating Action	Moody's affirms NRG's Ba1 CFR; changes outlook to stable from positive MOODY'S INVESTORS SERVICE
16 Oct 2020	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
24 Jul 2020	Rating Action	Moody's affirms NRG's Ba1 CFR; outlook positive MOODY'S INVESTORS SERVICE
30 Dec 2019	Credit Opinion	NRG Energy, Inc.: Update following upgrade to Ba1 MOODY'S INVESTORS SERVICE
13 Dec 2019	Rating Action	Moody's upgrades NRG's CFR to Ba1 from Ba2, outlook positive MOODY'S INVESTORS SERVICE
06 Nov 2019	Announcement of Periodic Review	Moody's announces completion of a periodic review of ratings of NRG Energy, Inc. MOODY'S INVESTORS SERVICE
13 Dec 2018	Credit Opinion	NRG Energy, Inc.: Update following ratings upgrade MOODY'S INVESTORS SERVICE
06 Dec 2018	Rating Action	Moody's upgrades NRG to Ba2, outlook positive MOODY'S INVESTORS SERVICE
06 Jul 2018	Credit Opinion	NRG Energy, Inc.: Update to credit analysis MOODY'S INVESTORS SERVICE
11 Oct 2017	Credit Opinion	NRG Energy, Inc.: A merchant power company undergoing a major transformation MOODY'S INVESTORS SERVICE

RATINGS

VIEW ALL

LONG TERM RATING

Ba1

LT Corporate Family Ratings - Dom Curr

19 MAR 2021

Not on Watch

SHORT TERM RATING

SGL-1

Speculative Grade Liquidity Rating

06 DEC 2018

Not on Watch

OUTLOOK

Stable

19 MAR 2021

OTHER DEBTS ON WATCH?

No

Source: Moody's Investors Service

ESG Scores

from Moody's Investors Service

ESG CREDIT IMPACT SCORE (CIS)

CIS-3

Moderately Negative

06 DEC 2021

ESG ISSUER PROFILE SCORES (IPS)

06 DEC 2021

ENVIRONMENTAL E-4 Highly Negative

SOCIAL S-3 Moderately Negative

GOVERNANCE G-3 Moderately Negative

Methodology

Source: Moody's Investors Service

Ticker

NRG

LEI

5E2UPK5SW04M13XY7I38

Moody's Org Id

806927478

Market Segment

Corporates

Industry

ENERGY - UNREG - ELECTR PRODUCTION

Peer Group

DATE	TYPE	TITLE   66 DOCUMENTS	Unreg Utilities and Unreg Power Companies
06 Oct 2017	Rating Action	Moody's revises NRG Energy's Outlook to Positive <a href="#">MOODY'S INVESTORS SERVICE</a>	Domicile UNITED STATES
› 18 Jul 2017	Credit Opinion	NRG Energy, Inc.: A merchant power company undergoing a major restructuring <a href="#">MOODY'S INVESTORS SERVICE</a>	
› 28 Nov 2016	Credit Opinion	NRG Energy, Inc.: A U.S. unregulated power company <a href="#">MOODY'S INVESTORS SERVICE</a>	
19 Oct 2016	Announcement	Moody's: Carbon reduction policies bring risk, opportunities for global unregulated utilities <a href="#">MOODY'S INVESTORS SERVICE</a>	
› 29 Apr 2016	Credit Opinion	NRG Energy, Inc.: A U.S. unregulated power company <a href="#">MOODY'S INVESTORS SERVICE</a>	
21 Mar 2016	Rating Action	Moody's Affirms NRG Energy's Ba3 CFR; Outlook Stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
17 Mar 2016	Announcement	Moody's: Sponsor strategy drives yieldco credit quality during market uncertainty while MLPs offer potential insight into sector recovery <a href="#">MOODY'S INVESTORS SERVICE</a>	
07 Dec 2015	Credit Opinion	NRG Energy, Inc. <a href="#">MOODY'S INVESTORS SERVICE</a>	
02 Feb 2015	Rating Action	Moody's assigns Baa3 rating to NRG's \$42 million City of Texas Bonds <a href="#">MOODY'S INVESTORS SERVICE</a>	
04 Apr 2014	Rating Action	Moody's assigns B1 rating to new \$1 billion senior unsecured notes and affirms NRG's Ba3 Corporate Family Rating; outlook stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
24 Jan 2014	Rating Action	Moody's places GenOn's Ratings Under Review for Downgrade, NRG's Ratings Unaffected <a href="#">MOODY'S INVESTORS SERVICE</a>	
13 Jan 2014	Rating Action	Moody's assigns B1 rating to new \$1,100 million senior unsecured notes and affirms NRG's Ba3 Corporate Family Rating <a href="#">MOODY'S INVESTORS SERVICE</a>	
21 Oct 2013	Rating Action	Moody's affirms NRG's ratings; outlook stable <a href="#">MOODY'S INVESTORS SERVICE</a>	
1	2	3	Next › ››

<https://Moodys.ethicspoint.com>

**BY TELEPHONE FROM THE UNITED STATES:**  
Dial 1-866-330-MDYS (1-866-330-6397)

**BY TELEPHONE FROM OUTSIDE THE UNITED STATES:**  
Dial the AT&T Direct Dial Access® code for your location.  
  
Then, at the prompt, dial 866-330-MDYS (866-330-6397).

[Privacy Policy](#)

[Proprietary Rights](#)

[Regulatory Affairs](#)

[Moody's Code of Professional Conduct](#)

[Cookie Settings](#)

[Help & Support](#)


[Contact Us](#)


[Submit a Complaint](#)

[Moody'sAnalytics.com](#)

[Economy.com](#)

[Sitemap](#)

 [Moody's](#)

 [The Moo](#)



REGIONAL SITES: 

Global

© 2022 Moody's Investors Service, Inc., Moody's Analytics, Inc. and/or their affiliates and licensors. All rights reserved.

## NRG Retail Affiliates

State	Energy Plus Holdings LLC 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Independence Energy Group LLC d/b/a Cirro Energy 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Energy Plus Natural Gas LLC 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Reliant Energy Northeast LLC d/b/a NRG Home/NRG Business 3711 Market Street, Suite 1000 Philadelphia, PA 19104	Green Mountain Energy Company 3711 Market Street, Suite 1000 Philadelphia, PA 19104	XOOM Energy [State], LLC 11208 Statesville Road Suite 200 Huntersville, NC 28078
AZ						
CA						Natural Gas: CTA0020
CT	Electric: Docket 09-01-21 April 22, 2009	Electric: Docket 11-11-04 January 4, 2012		Electric: Docket 11-05-20 December 21, 2011	Electric: Docket 13-01-18 May 15, 2013	Electric: 11-06-05 October 12, 2011
DE	Electric: Docket 11-156 Order No. 7698 April 19, 2011			Electric: Docket No. 10-404 Order Nos. 7894 (C&I) & 8035 (Res) Jan 11, 2011; Sept 20, 2011	Electric: Docket No. 11-313 Order No. 8036 September 20, 2011	Electric: Docket No. 12-563 Order No. 8318 March 19, 2013
DC	EA 11-6-5 May 5, 2011			Electric: EA 10-15 October 6, 2010	Electric: EA 11-16 July 12, 2011	Electric: EA 2013-28 January 13, 2014
GA						Natural Gas: GM-45 March 7, 20107
IL	Electric: Docket No. 10-0497 October 6, 2010	Electric: Docket No. 11-0277 May 4, 2011		Electric: Docket #11-0504 March 15, 2011; Aug 2, 2011 Natural Gas: Docket #15-0179 April 22, 2015	Electric: Docket No. 12-0477 & 11-0326 May 18, 2011; Oct 3, 2012 Natural Gas: Docket No. 16-0354 July 20, 2016	Electric: Docket No. 11-0705 December 13, 2011 Natural Gas: Docket No. 11-0724 December 13, 2011
IN						No licensing requirement
KY						No licensing requirement
ME				Electric: Docket # 2015-00224 September 11, 2015 Electric: IR-2058		Electric: Docket # 2012-00596 April 24, 2013
MD	Electric: IR-1805 May 26, 2010		Natural Gas: IR-2216 October 6, 2011	October 27, 2010; May 4, 2011 Natural Gas: IR-3480 May 13, 2015	Electric: IR-2790 & IR-2345 March 7, 2012; Oct 17, 2012 Natural Gas: IR-3752 November 30, 2016	Electric: IR-2445 December 21, 2011 Natural Gas: IR-2446 December 21, 2011
MA	Electric: CS-072 April 23, 2010			Electric: CS-081 May 18, 2011 Natural Gas: RA-154 March 8, 2016	Electric: CS-083 June 8, 2011	Electric: CS-088 September 29, 2011 Natural Gas: GS-RA-07 July 18, 2011
MI						Natural Gas: U-16802 August 25, 2011
MN						
NH				Electric: DM 15-287 December 28, 2015		Electric: DM 13-185 April 15, 2015
NJ	Electric: ESL-0087 Sept 2010	Electric: ESL-0100 July 18, 2012	Natural Gas: GSL-0100 March 9, 2011	Electric: ESL-0093 December 6, 2010 Natural Gas: GSL-0176 October 20, 2017	Electric: ESL-0098 March 30, 2011	Electric: ESL-0115 February 20, 2013 Natural Gas: GSL-0112 February 20, 2013
NY	Electric: Licensed - no license # given ESCO eligibility letter dated 8/8/07	Electric: Licensed - no license # given ESCO eligibility letter dated 5/3/11	Natural Gas: Licensed - no license # given (ESCO Code EPGS) GSCO eligibility letter dated 7/31/08	Licensed - no license # given (ESCO Code RELJ) ESCO eligibility letter dated 8/26/11 NGSCO eligibility letter dated 2/17/15	Electric & Natural Gas: Licensed - no license # given ESCO eligibility letters dated 4/8/2009 and 8/3/2011	Electric & Natural Gas: Licensed - no license # given ESCO Code: XOOM ESCO/NGSCO eligibility letter dated: 5/21/12
NC						
OH	Electric: 11-341E March 7, 2011	Electric: 12-552E August 16, 2012	Natural Gas: 11-222G August 5, 2011	Electric: 11-401E Oct 14, 2010; May 19, 2011 Natural Gas: 17-591G July 8, 2015	Electric: 18-0483E April 24, 2018	Electric: 13-716E July 22, 2013 Natural Gas: 11-223G January 4, 2012
PA	Electric: A-2009-2139745 January 14, 2010	Electric: A-2011-2262337 October 28, 2011 Natural Gas: A-2013-2396449 April 23, 2014		Electric: A-2010-2192350 Natural Gas: A-2015-2478293	Electric: A-2011-2229050 June 10, 2011; Feb 16, 2012 Natural Gas: A-2017-2583732 April 6, 2017	Electric: A-2012-2283821 October 24, 2012 Natural Gas: A-2012-2283967 December 20, 2012
RI				Electric: D-96-6(P7) August 12, 2015		Electric: D-96-6(A6) January 28, 2013
SC						
TN						
TX	Docket No. 36120 October 9, 2008				Electric: 10009 January 29, 2001	Electric: 10203 July 25, 2011
VA				Electric: E-32 May 28, 2015		Natural Gas: G-37 August 14, 2013
WV						
WI						

## NRG Retail Affiliates

State	Stream Energy [State], LLC 2745 Dallas Parkway, Suite 200 Plano, TX 75093	Direct Energy Services, LLC 910 Louisiana Street Houston, TX 77002	Direct Energy Business, LLC 1001 Liberty Ave., Suite 1200 Pittsburgh, PA 15222	Direct Energy Business Marketing, LLC (f/h/a Hess) 194 Wood Ave. South, Suite 200, Iselin, NJ 08830	Gateway Energy Services Corporation 910 Louisiana Street Houston, TX 77002	Bounce Energy, Inc. 910 Louisiana Street Houston, TX 77002
AZ			Wholesale Supply - APS Pilot			
CA			Electric: 1351 5/1/2000 Natural Gas: 0013 1/1/2015	Natural Gas: 0031 12/15/2016		
CT	Gas: 17-01 February 16, 2017	Electric: Docket No. 06-03-06RED2 6/7/2006 Natural Gas: Docket No. 01-04 9/23/2004	Electric: Docket No. 00-05-14RE01 9/27/2000 Natural Gas: 12-03 7/9/2012	Electric: 13-08-02 1/8/2014 Natural Gas: 13-03 5/7/2013		
DE	Electric: Docket No. 17-0340 Order No. 9137 October 31, 2017	Electric: Docket No. 05-370 Order No. 6790 12/6/2005	Electric: Docket No. 09-174 Order No. 5267 8/18/1999	Electric: Docket No. 14-204T Order No. 8425 7/31/2013		
DC	Electric: EA 11-11 December 7, 2011 Natural Gas: GA 2013-07 August 29, 2013	Electric: EA-05-3-5 Order No. 13816 11/14/2005	Electric: EA-04-4-4 5/11/2004	Electric: EA-2013-12 6/20/2013 Natural Gas: GA-2013-03-1 4/30/2013	Natural Gas: GA 03-4 9/1/2001	
GA	Natural Gas: GM-38 April 1, 2008			Gas Transport - No Lic.		
IL	Electric: 17-0033 February 23, 2017 Natural Gas: 17-0045 February 23, 2017	Electric: 05-0722 12/21/2005 Natural Gas: 05-0086 3/11/2005	Electric: 04-0811 2/8/2005	Natural Gas: No License Req.		
IN		No license req.		Gas Transport - No Lic.		
KY				Gas Transport - No Lic.		
ME		Electric: Docket # 2005-479 12/13/2005	Electric: Docket # 2011-201 7/5/2011	Electric: Docket No. 2013-00404 8/20/2013		
MD	Electric: IR-2742 January 26, 2011 Natural Gas: IR-2072 September 12, 2012	Electric: IR-719 4/20/2005 Gas: IR-791 12/14/2005	Electric: IR-437 3/27/2002 Natural Gas: IR-2697 10/3/2012	Electric: IR-3123 8/14/2013 Natural Gas: IR-3108 8/14/2013	Electric: IR-340 6/13/2001 Natural Gas: IR-334 6/13/2001	
MA		Electric: CS-047 8/26/2005 Natural Gas: GS-028 8/27/2004	Electric: CS-021 12/2/1999 Natural Gas: GS-052 3/14/2014	Natural Gas: GS-051 7/5/2013		
MI		Natural Gas: U-14537 12/20/2005 Electric: U-14724 12/20/2005	Electric: U-13609 11/7/2002	Gas Transport - No Lic.		
MN				Gas Transport - No Lic.		
NH		Electric: DM 15-513 2/5/2016	Electric: DM 15-373 12/31/2015	Electric: DM 13-260 10/9/2013 Natural Gas: DM 13-121 5/29/2013		
NJ	Electric: ESL-0109 June 22, 2018 Natural Gas: GSL-0120 June 22, 2018	Electric: ESL-0078 11/10/2005 Natural Gas: GSL-0088 4/20/2005	Electric: ESL-0165 8/18/1999 Natural Gas: GSL-0145 8/15/2012	Electric: ESL-0142 7/19/2013 Natural Gas: GSL-0128 6/21/2013	Electric: ESL-0166 8/18/1999 Natural Gas: GSL-0146 8/18/1999	
NY	Electric & Natural Gas: Licensed - no license # given ESCO Code: STRM ESCO eligibility letter dated: 7/13/12	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 11/2/2004	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 5/18/1998	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 5/16/2013	Electric & Natural Gas: licensed - no license # given Eligibility letter dated 3/16/2000	
NC				Gas Transport - No Lic.		
OH	Electric: 17-1187E February 23, 2019 Natural Gas: 08-133G January 2, 2008	Electric: 00-1936-EL 12/2/2004 Natural Gas: 02-024G 7/19/2002	Electric: 00-005(10)E 10/27/2000	Natural Gas: 13-303G 5/6/2013		
PA	Electric: A-2010-2181867 September 2, 2010 Natural Gas: A-2012-2308991 September 27, 2012	Electric: A-110164 April 21, 2005 Natural Gas: A-125135 December 2, 2004	Electric: A-110025 7/31/1997 Natural Gas: A-125072 5/22/2014	Electric: A-2013-2368464 8/15/2013 Natural Gas: A-2013-2365792 8/15/2013	Electric: A-2009-2137275 12/21/2009 Natural Gas: A-2009-2138725 10/19/2009	Electric Broker/Marketer: A-2020-3020380 October 8, 2020 Natural Gas Broker/Maketer: A-2020-3023412 May 20, 2021
RI		Electric: D-96-6(U2) 8/3/2005 Natural Gas: 2378(T1) 9/28/2004	Electric: D-96-6(Z) 1/9/1998 Natural Gas: 2379(A3) 6/28/2013	Electric: D-96-6(J6) 8/14/2013 Natural Gas: 2379(Y2) 5/31/2013		
SC				Gas Transport - No Lic.		
TN				Gas Transport - No Lic.		
TX	Electric: 10104 January 21, 2005		Electric: 10011 2/20/2001			
VA		Electric: E-36 10/5/2016	Electric: E-38 5/31/2017	Natural Gas: G-7 6/6/2013	Electric: E-13 9/1/2004 Natural Gas: G-19 1/24/2004	
WV				Gas Transport - No Lic.		
WI				Gas Transport - No Lic.		



## NRG Retail Affiliates

	Canada			U.S. - Texas						
State	XOOM Energy [State], LLC 11208 Statesville Road Suite 200 Huntersville, NC 28078	Direct Energy Marketing Limited 10303 Jasper Avenue, Suite 1850, Edmonton AB T5J 3M6, Canada	Direct Energy (B.C.) Limited 10303 Jasper Avenue, Suite 1850, Edmonton AB T5J 3M6, Canada	Reliant Energy Retail Services LLC 910 Louisiana St Houston, TX 77002	US Retailers LLC 910 Louisiana St Houston, TX 77002	Everything Energy LLC 910 Louisiana St Houston, TX 77002	Direct Energy, LP 910 Louisiana Street Houston, TX 77002	CPL Retail Energy, LP 910 Louisiana Street Houston, TX 77002	WTU Retail Energy, LP 910 Louisiana Street Houston, TX 77002	First Choice Power, LLC 910 Louisiana Street Houston, TX 77002
TX				Electric:10007 January 5, 2001	Electric:10177 October 27, 2008	Electric:10178 October 27, 2008	Electric: 10040	Electric: 10023	Electric: 10022	Electric: 10008
Alberta	Electric: File No. 342997 December 17, 2015 Natural Gas: File No. 342996 December 17, 2015	Electric: 311173 Issued 10/1/20; Expires 9/30/21 Natural Gas: 311172 Issued 10/1/20; Expires 9/30/21								
British Columbia			Natural Gas: A-5-20 Issued 10/14/20; Expires 10/31/21							
Manitoba		Natural Gas: 657 Issued 10/23/20; Expires 10/31/21								
New Brunswick		Natural Gas Marketer Issued 6/20/20; Expires 6/24/23								
Nova Scotia		Natural Gas: M08018 License issued 6/9/17 - does not expire								
Ontario	Electric: ER-2018-0297 February 28, 2019 Natural Gas: GM-2018-0298 February 28, 2019	Electric: Lic # ER-2020-0168 Issued: 8/27/20; Expires 8/26/25								
Saskatchewan		Natural Gas: No license required								
Quebec		Natural Gas: No license required								



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
01/08/2001	200100600480	FOREIGN LICENSE/FOR-PROFIT (FLF)	100.00	.00	.00	.00	.00

**Receipt**

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

C.T. CORPORATION SYSTEM  
17 S. HIGH STREET  
COLUMBUS, OH 43215

# STATE OF OHIO

**Ohio Secretary of State, J. Kenneth Blackwell**

**1199732**

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

**GREEN MOUNTAIN ENERGY COMPANY**

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

Document(s)

**FOREIGN LICENSE/FOR-PROFIT**

Document No(s):

**200100600480**

Authorization to transact business in Ohio is hereby given, until surrender, expiration or cancellation of this license.



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 21st day of December,  
A.D. 2000.

*J. Kenneth Blackwell*  
Ohio Secretary of State

12/20/00 WED 16:26 FAX 512 691 6151

GREEN MOUNTAIN ENERGY

0002

Prescribed by **J. Kenneth Blackwell**

Please obtain fee amount and mailing instructions from the Forms Inventory List (using the 3 digit form # located at the bottom of this form). To obtain the Forms Inventory List or for assistance, please

call Customer Service:

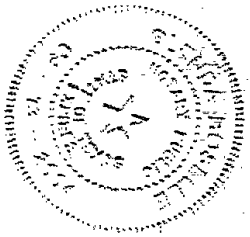
Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

RECEIVED  
SECRETARY OF STATE  
2000 DEC 21 PM 4:14  
CLIENT SERVICE CENTER

**FOREIGN CORPORATION APPLICATION FOR LICENSE**

1. The name of the corporation is Green Mountain Energy Company
2. The application is made to secure a ☒ permanent ☐ temporary license.
3. The corporation was incorporated on 03/03/99 under the laws of the state of Delaware  
(month day year)
4. The corporation's principal office is located at  
3815 Capital of Texas Highway South, Suite 100  
(street address)  
Austin Texas 78704  
(city, township, or village) (state) (zip code)
5. The corporation's principal office within Ohio is to be located in ☒ Corp will not have an office in Ohio  
\_\_\_\_\_, Ohio \_\_\_\_\_  
(city, township, or village) (county) (zip code)
6. The corporation hereby appoints the following as its statutory agent upon whom process against the corporation may be served in the state of Ohio. The name and complete address of the statutory agent is: ( see item 3 in instructions)  
C T Corporation System 1300 East 9th Street  
(name) (street and number)  
Cleveland, Ohio 44114  
(city, village or township) (zip code)  
(NOTE: P.O. Box addresses are not acceptable.)
7. The corporation irrevocably consents to service of process on the statutory agent listed above as long the authority of the agent continues, and to service of process upon the SECRETARY OF STATE if  
(a) the agent cannot be found, or  
(b) the corporation fails to designate another agent when required to do so, or  
(c) the corporation's license to do business in Ohio expires or is cancelled.
8. The corporation will exercise the following corporate purpose(s) in Ohio:  
(Please provide a brief but specific description; a general purpose clause is not sufficient.)  
selling of electricity in retail markets
9. Has the corporation obtained a license to transact business in Ohio at any time in the past? ☐ Yes ☒ No  
If yes, prior License No. \_\_\_\_\_ issued \_\_\_\_\_  
(date)
10. The date on which the corporation began transacting business in Ohio:  
☐ Date \_\_\_\_\_  
OR  
☒ will begin business upon approval of application.

(date)



151-FLF

OH033 - 6/29/00 C T System, Online

Page 2 of 2

Version: 7/15/99

FROM CORPORATION TRUST DOVER 302-674-5863 (WED) 12.20'00 11:15/ST. 11:13/NO. 33008/0029 F 4/4

*State of Delaware*  
*Office of the Secretary of State*

---

PAGE 1

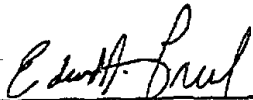
I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "GREEN MOUNTAIN ENERGY COMPANY" IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTIETH DAY OF DECEMBER, A.D. 2000.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

3011848 8300

001638725

  
Edward J. Freel, Secretary of State

AUTHENTICATION: 0867130

DATE: 12-20-00

## 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.

### Response:

Green Mountain Energy Company ("GMEC") utilizes a mix of marketing channels to reach potential customers and utilizes utility consolidated billing to provide billing statements to customers. GMEC has an in-house customer service team reachable via a toll free phone number to respond to customer inquiries and/or complaints. Services provided by the call center include handling calls regarding inquiries related to bills, awards, discretionary service orders, and other routine matters.

In addition, the team at GMEC has worked closely with the Public Service Commissions in each state to ensure both adherence to, and contribution toward, policies and regulations that will continue to promote the competitive landscape in the states of Illinois, Massachusetts, Maryland, New Jersey, New York and Pennsylvania.

GMEC employs a sales and marketing compliance review process that ensures that all customer-facing material is reviewed for regulatory and legal compliance prior to being deployed in the field. Our Creative Review Process (CRP) utilizes a Share Point site that serves as the central clearinghouse. All customer and external facing collateral material is submitted for review, including: all marketing message maps/documents; solicitation materials (direct mail, email, phone/door-to-door/face to face events/campaigns, etc.); marketing collateral; advertising (web, TV, radio, bill boards, etc.); agent training materials; agent scripts (sales, call center reps, TPV, etc.); welcome kits/letters; renewal letters; customer notices/communications; website content; press releases; etc. All GMEC employees involved in the production of customer facing materials have access to the CRP system and submit their materials for review and approval by our compliance review team.

As customer service and satisfaction are core principles of GMEC's business model, GMEC takes the necessary actions to ensure that it is in compliance with all regulatory requirements. GMEC includes the following core principles into its business operations:

- **Call Center Reps:** GMEC customer service agent training content covers customer choice, product details, and market/sales regulations within 80 hours of instructor led training, and 40 hours of on the job training. Upon completion of training, all agents are required to sign a Quality Assurance Agreement indicating that they understand specific market/sales regulations and that they will follow applicable guidelines. All call center agents are audited each month to ensure quality standards and compliance with regulations, and there are penalties for non-compliance.

## B-2. Experience and Plans

- **Full-time Quality Assurance Staff:** We employ full-time in-house staff located at our corporate office and in the field offices; their full time jobs are to train, monitor, evaluate, audit all face-to-face sales activities and proactively address concerns/issues in an effort to avoid/minimize complaints. They also ensure agents have the materials/ resources they need. Market managers are assigned to each state to manage all face-to-face product offers and campaigns and interact with agents/vendors on an ongoing basis.
- **Robust training and certification process:** All agent training is conducted either by our own QA analysts or a vendor trainer that has been certified by our QA analyst. GMEC provides all training materials. Training is ongoing depending on the season – in the summer – typically weekly. Agents trained on the code of ethics/consumer protection rules, uniform requirements, sales techniques, our products, and the proper procedures for completing the sales transaction and TPV.
- **Thorough auditing process:** includes performance measures and scoring metrics for individual agents. The goal is to identify trends/discrepancies that raise flags and help us to identify and address problems with our agents. Process includes face-to-face audits as well as audits of enrollment forms, TPV calls, and outbound surveying of customers.
- **Detailed performance measures for agents:** allows us to objectively rate and track agent performance; Agents rated on 10 areas of performance measured during face-to-face audits – range from visibility of ID badge, uniform/appearance, behavior, proper materials used, current disclosure statement, proper explanation of competition/restructuring, choice, utility and retailer roles; accuracy of product description, sales technique, accuracy of explanation of key terms, provision of rescission notice and copies of materials, proper completion of enrollment forms/tablet process, proper transfer to TPV.
- **Robust complaint handling/discipline process:** process established to address concerns/issues with agents; GMEC monitors and tracks all complaints and categorizes them according to severity, and to specifically identify major/mid-level complaints (disputed enrollments, misrepresentation, behavior, PUC complaints, etc.); established guidelines dictate course of disciplinary action.
- GMEC has made the Anti-Discrimination Rules easily accessible by the company's employees on a regular basis.
- GMEC will make customers aware of the process to file a complaint with GMEC and how to contact the Public Utilities Commission of Ohio.

### **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.

**Response:** Green Mountain Energy Company does not believe there are any liabilities or investigations – existing, pending or past – that could adversely impact the applicant as described, other than any disclosed in its filings with the U.S. Securities and Exchange Commission. For the sake of completeness, see attached Exhibit B3 for a listing of investigations and related matters for Green Mountain Energy Company and/or its affiliates.



## Summary of U.S. and Canadian Legal and/or Regulatory Proceedings

In the interest of full disclosure, certain NRG licensed retail entities have been the subject of legal and regulatory proceedings, which are summarized directly below with more detailed explanations following.

- Energy America, LLC has been the subject of legal and/or regulatory proceedings in Georgia and Michigan.
- Republic Power (d/b/a Energy America) has been the subject of regulatory proceedings in Texas.
- Direct Energy, LP has been the subject of legal and/or regulatory proceedings in Texas.
- Direct Energy Business, LLC has been the subject of a regulatory proceeding with the California ISO.
- Direct Energy Business, LLC has been the subject of a regulatory proceeding with the California Public Utilities Commission and Public Utilities Regulatory Authority in Connecticut.
- Direct Energy Services, LLC has been the subject of legal and/or regulatory proceedings in Connecticut, Maryland, Michigan, New York, Ohio, and with the Federal Energy Regulatory Commission (FERC).
- Direct Energy Marketing Limited (Canada) has been the subject of legal and/or regulatory proceedings in Alberta and Ontario, Canada.
- CPL Retail Energy, LP was issued a notice of violation in 2011 as a result of the PUCT (TX) compliance audit program.
- Gateway Energy Services Corporation (formerly known as ECONergy Energy Company, Inc.) had been the subject of legal and/or regulatory proceedings in New York and New Jersey.
- Gateway Energy Services Corporation d/b/a Gateway Power Services was issued a notice of violation in 2011 as a result of the PUCT compliance audit program.
- First Choice Power Special Purpose, LP (now named First Choice Power, LLC) has been the subject of legal and/or regulatory proceedings in Texas.
- Bounce Energy, Inc. has been the subject of legal and/or regulatory proceedings in Texas.
- Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business (“NRG”) has been the subject of legal and / or regulatory

proceedings in Illinois, Ohio, and Pennsylvania.

- Energy Plus Holdings LLC has been the subject of legal and / or regulatory proceedings in Connecticut.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

- Reliant Energy Retail Services LLC (RERS) has been the subject of legal and /or regulatory proceedings in Texas.
- XOOM Energy Connecticut, LLC (XOOM) has been the subject of legal and / or regulatory proceedings in Connecticut.
- XOOM Energy Texas, LLC (XOOM) has been the subject of legal and / or regulatory proceedings in Texas.

### **Energy America: Georgia**

In July 2000, Energy America was a respondent in a proceeding before the Georgia Public Service Commission (“GPSC”), docket number 12126-U. The proceeding resolved claims that Energy America enrolled door-to-door customers without appropriate authorizations. Energy America did not admit to any acts that violated any Georgia laws or regulations. However, Energy America did agree to a stipulation agreement that required implementation of certain measures, including establishing an energy fund to assist low income and elderly customers and paying costs and expenses to the GPSC.

In July 2003, Energy America was a respondent in a proceeding before the GPSC, docket number 16602-U. The proceeding resolved claims that Energy America enrolled customers without appropriate authorizations. Energy America did not admit to any acts that violated any Georgia laws or regulations. However, Energy America did agree to a stipulation agreement that required Energy America to credit the accounts of complaining customers and to contribute to Georgia’s Low-Income Heating Assistance Program.

In January 2004, the GPSC approved a stipulation agreement between Energy America and the staff of the GPSC to resolve a matter arising out of Energy America’s inadvertent failure to timely pay its provider of mailbox services (docket number 9557-U). Consistent with applicable rules, Energy America maintained a mailbox, as, among other things, the primary mailing address for certain payments, including Low Income Home Energy Assistance Program (“LIHEAP”) payments, and other correspondence from Energy America’s customers in the State. As a result of Energy America’s inadvertent failure to pay the vendor, payments sent to Energy America at the mailbox address were not forwarded to Energy America resulting in the disconnection of service to several customers. In resolution of these issues, Energy America agreed to reinstate the accounts of all affected customers and made a voluntary contribution to the LIHEAP fund.

### **Energy America: Michigan**

In July 2002, Energy America entered into an Assurance of Voluntary Compliance with the Michigan Attorney General's office to resolve alleged violations of the Michigan Consumer Protection Act. The assurance expired in August 2004 as Energy America had met all substantive terms of the Assurance. In the Assurance, Energy America agreed to de-enroll any consumers that alleged they did not authorize the company to enroll them for natural gas service unless Energy America could establish by clear and convincing evidence the consumers' allegations were invalid, to not make any false or misleading representations to consumers, to comply with written or verbal requests by consumers to stop soliciting them and to verify future.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

consumer enrollments through taped third party verification or by sending confirmation letters. Energy America did not admit to any acts that violated any Michigan laws or regulations. As part of the Assurance, Energy America paid costs and expenses to the Michigan Attorney General's office.

### **Republic Power (d/b/a Energy America): Texas**

In December 2003, Republic Power (d/b/a Energy America) entered into a Stipulation and Settlement Agreement with the Public Utility Commission of Texas ("PUCT"), docket number 28306, to resolve certain technical violations of the PUCT's rules relating to the selection or changes of retail electric providers ("REP"). A Notice of Violation ("NOV") issued by the PUCT alleged that (i) a pre-checked box on the Company's internet customer enrollment form failed to properly "provide a statement with a box that must be checked by the customer to indicate that the customer has read and agrees to select the REP to provide electric service and the time and date of the customer's enrollment"; (ii) the Company's "Terms of Service" document did not contain a required "Electricity Facts Label"; and (iii) the enrollment package e-mailed by the company to new customers enrolled via the internet failed to include a document entitled "Your Rights As A Customer." Republic Power acknowledged its technical violation of the checkbox requirement and, in fact, had corrected the technical violation prior to the NOV. No customer complaints were received by the PUCT regarding the violation.

The Stipulation and Settlement Agreement also addressed certain complaints that arose out of Republic Power's telemarketing efforts, as conducted by several third party telemarketing firms. In violation of Republic Power's instructions, the telemarketing firms had switched certain customers without obtaining proper approval or without making certain required disclosures required by PUCT rules. Republic Power addressed this situation by suspending telemarketing activities, terminating relationships with these vendors, and implementing a number of controls and compliance measures before resuming telemarketing activities. Pursuant to the Stipulation and Settlement Agreement, in consideration of an administrative penalty of \$750,000, all matters that were the subject of the NOV and customer switching related complaints that occurred on or before August 31, 2003 were deemed fully resolved. As part of the settlement, the PUCT staff and Republic Power acknowledged that customer confusion about the restructured retail electric market may have been a contributing factor to the lodging of some customer complaints.

The parties pledged to work together cooperatively to identify and expeditiously resolve any further problems.

### **Direct Energy, LP: Texas**

In December, 2002, the PUCT issued NOVs to 25 different REPs who missed the requisite 21-day timeframe for responding to customer complaints forwarded by the PUCT. In addition, there were a number of alleged violations for failing to provide sufficient documentation related to a complaint. Many of these cases were resolved through settlement agreements, which were subsequently approved by the PUCT. Republic Power, LP (d/b/a/ Energy America), operating under the certificated name, Direct Energy, LP, received two NOVs and worked with PUCT Staff to reach a settlement in both cases. The settlements included recommended administrative penalties totaling \$25,650. In March 2007 the PUCT Staff filed proposed final orders in this case.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

---

In August 2007, Direct Energy and the Staff of the PUCT filed a Settlement Agreement and Report to the Commission (Docket No. 34671) to resolve a matter related to differing interpretations of the existing PUCT rules for renewal of electric service with respect to small commercial customers. Direct Energy's renewal practice for small commercial customers was to send renewal notices to its customers whose contracts were about to expire. The notices offered to renew the contracts for another 24-month term, and would be effective if the customer did not take action by a specific, disclosed date. The notices included the appropriate disclosures of the renewal product's terms, including notice of an early cancellation fee. Each small commercial customer was also provided the opportunity to contact the Company to decline the renewal offer without penalty. This process allowed Direct Energy's customers to continue receiving service with the Company on a product comparable to their existing contract without taking any further action.

After investigating Direct Energy's renewal practices, PUCT Staff concluded that Direct Energy and Staff interpreted the existing rules related to renewals differently and that Direct Energy's interpretation was incorrect. Specifically, PUCT Staff believes that renewing customers for a time period greater than 31 days requires the customer's affirmative consent; however, it was explicitly noted in the Settlement Agreement that:

- Direct Energy and PUCT Staff interpreted the PUCT rules "differently, and although Staff contends that the Company's interpretation of this rule was incorrect, Staff found no evidence of any willful or negligent violation."
- "Direct Energy fully cooperated with Staff's investigation."
- "After being notified of Staff's concerns regarding Direct Energy's contract renewal practices, the Company voluntarily modified its contract renewal practices to address the issues raised by Staff."

In December 2007, the Commission issued a Final Order approving a revised Settlement Agreement between Commission Staff and Direct Energy, in which Direct Energy agreed to: 1) provide notice to all affected customers that they are no longer subject to a term commitment and may choose another service plan or provider without being charged a cancellation fee; 2) provide refunds of early cancellation penalties that may have been levied; and 3) expend \$695,000 to fund the development and presentation of an education program regarding the retail electric market in the Electric Reliability Council of Texas targeted to small commercial customers in lieu of paying an administrative penalty.

---

Prior to April 2009, Direct Energy, LP failed to render monthly bills to some of its Texas customers in accordance with PUCT rules as a result of the transition of its previous billing system to a comprehensive customer information and billing system. In response to the delayed billings, Direct Energy self-reported the issue to Commission Staff.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

Commission Staff initiated an investigation in the matter. Direct Energy fully cooperated with the investigation. Direct Energy developed and instituted corrective action plans related to its billing system that are designed to ensure that the billing system renders timely bills. In addition, Direct Energy prepared its call center to be responsive to customer needs; set up a special toll-free phone number dedicated to answering customer questions and working with customers on deferred payment plans; conducted an outreach program to contact affected customers to advise them of the issue and to assure them that Direct Energy would work with them on extended payment arrangements once the customers received their bills; and sent letters to impacted customers with a gift card.

On June 19, 2009, Direct Energy and Commission Staff filed an Agreement resolving the violation. On August 14, 2009, the PUCT issued a Final Order approving the Settlement Agreement, in which Direct Energy agreed pay an administrative penalty of \$200,000. The agreement stipulated that Direct Energy complied with PUCT rules relating to bill payments and adjustments while resolving the issues presented, and that those actions ameliorated the impact on the small percentage of Direct Energy's customers who were impacted by the transition complications. In addition, the agreement acknowledged Direct Energy's efforts to conform to the Customer Protection Rules in good faith, and that there was no evidence of Direct Energy's willful violation of those rules, and that Direct Energy worked aggressively to resolve the problem and manage customer impacts.

---

In September 2013, Direct Energy, LP ("Direct Energy") entered into a Settlement Agreement with Staff of the PUCT to resolve the PUCT's investigation of Direct Energy for violations of the PUCT's substantive rules relating to telephonic enrollment, record retention, a customer's right of rescission, re-enrollment without affirmative consent, and informal complaint handling. The Settlement Agreement provides for a resolution of the issues and an administrative penalty of \$28,000. The Settlement Agreement provides that

Direct Energy worked diligently to keep Commission Staff informed of its progress to resolve the issues and was proactive in communicating with and working with affected customers to minimize the impacts to them. Direct Energy's mitigation efforts included the addition of 180 agents to the call center since December 2012, and setting a new company policy to respond to complaints in less than the 21-day requirement.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41832\\_5\\_77230\\_5.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41832_5_77230_5.pdf)

---

In June 2015, Direct Energy, LP agreed to pay an administrative penalty in the amount of \$220,000 under a settlement with Staff of the Public Utility Commission of Texas to resolve allegations that it initiated disconnection of customers during a weather moratorium. As a result of an administrative error, Direct initiated disconnections for failure to maintain a current balance above the disconnection balance against 252 customers in counties affected by the extreme weather emergencies, of which ten disconnections were completed by Oncor. Since that time, Direct Energy has proactively implemented more efficient internal controls to ensure that TDU notifications of a weather emergency are implemented within one hour of receipt of that notification.

### **Summary of U.S. and Canadian Legal and/or Regulatory Proceedings**

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/44833\\_3\\_86030\\_0.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/44833_3_86030_0.pdf)

---

In August 2017, Direct Energy, LP agreed to pay an administrative penalty in the amount of \$70,000 under a settlement with Staff of the Public Utility Commission of Texas to resolve allegations of non-compliance with Public Utility Regulatory Act §§ 17.001(a) and 39.101(b)(6), as well as 16 Texas Administrative Code §§ 25.474, relating to selection of a retail electric provider; 25.475, relating to general retail electric provider requirements; 25.481, related to unauthorized charges, and 25.495, relating to unauthorized change of retail electric provider. Commission Staff investigated a series of informal complaints relating to door-to-door sales vendors from January 1, 2014 through February 1, 2016. These complaints included both those received by the Commission's Customer Protection Division as well as by Direct Energy. Direct ceased door-to-door solicitations in Texas on December 1, 2016. Door-to-door sales re-commenced approximately a year later after some process improvements and continue today.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362\\_4\\_95195\\_7.PDF](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/47362_4_95195_7.PDF)

---

In 2017, Direct Energy, LP received two separate Notices of Investigation from the Public Utility Commission of Texas related to demand response. The first allegation was due to an administrative error in submission of the baseline data for the demand response customer. The second allegation was due to gaps within a demand response customer's usage data that was supplied by the host utility. These separate investigations were combined by commission staff and both were settled with a warning from the Commission.

---

In 2019, Direct Energy, LP, Bounce Energy, LLC, and First Choice Power, LLC received Notices of Investigation from the Public Utility Commission of Texas (PUCT) related to (1) violations of PURA § 39.101 and 16 Texas Administrative Code (TAC) §25.474, relating to selection of retail electric provider and § 25.475, relating to general retail electric provider requirements and information disclosures to residential and small commercial customers; and (2) violations of 16 TAC § 25.483, relating to disconnection of service. These separate investigations were combined by commission staff and, collectively, the parties agreed to pay an administrative penalty in the amount of \$250,000 under a settlement with Staff of the PUCT to resolve these allegations. The allegations were due to failure to modify a software system to correctly capture the rule requirements associated with enrollments made at retail locations, a delay in payment acknowledgements, and a policy related to the disconnection of customers after a second nonpayment (or bounced check).

### **Direct Energy Business, LLC: California ISO**

In August 2008, the California ISO ("CAISO") issued a \$93,364 penalty against Strategic Energy, LLC (n/k/a Direct Energy Business, LLC) in connection with a failure by a contracting partner, San Diego Gas & Electric, to adequately report load meter data for the April 27 – May 28, 2007 trading days. Strategic Energy identified this error and promptly self-reported it to the CAISO; however, pursuant to the CAISO's tariff, which is approved by the Federal Energy Regulatory Commission ("FERC"), a penalty is mandatory. Strategic Energy worked with its Wholesale Compliance team to develop procedures to prevent future occurrences of this nature.

### **Direct Energy Business, LLC: California (Penalty Assessment – Non-Compliance)**

In July 2017, Direct Energy Business, LLC ("DEB") was notified by the Energy Division of the California Public Utilities Commission ("CPUC") that there was a deficiency in DEB's monthly compliance Resource Adequacy load forecast filing for September 2017 by 16.99 MW. The CPUC allowed a seven day extension to procure the required resources; however, we were unable to execute a contract for the deficiency with the only counterparty that had available supply in time to meet the CPUC's deadline. This resulted in the CPUC assessing a penalty of \$6.66/kWh, which equaled to \$113,000.

### **Direct Energy Business, LLC: Connecticut**

PUCT Docket 19-02-13

Date of Resolution: New/Ongoing

On February 11, 2019, the Public Utilities Regulatory Authority opened the above-referenced docket to consider whether to issue a declaratory ruling finding that the alleged supplier practice of altering the price of business customers' fixed-price contracts violated the Connecticut Unfair Trade Practices Act (CUTPA). After conducting the investigation, the Authority did not issue such a declaratory ruling but rather, in a letter issued on July 19, 2019, referred the matter to the Department of Consumer Protection

and the Attorney General on the grounds that “the Authority has reason to believe that Direct’s...increases to business customers’ fixed-price contracts may violate state law.” The conclusion of this matter has no immediate impacts on Direct Energy. It will be up to the Department of Consumer Protection, the agency with the primary authority to enforce CUTPA, to determine whether further action is warranted. If so, it can seek the assistance of the Attorney General in taking any further action against Direct Energy.

### **Direct Energy Services, LLC: Connecticut**

PUC Docket 13-07-17

Date of Resolution: May 1, 2019

In June 2013, the Connecticut Public Utilities Regulatory Authority (“PURA”) opened an investigation into the trade practices of three electric suppliers in the state, which included Direct Energy (“Direct”). The PURA alleged that it had received numerous customer complaints regarding billing, slamming and quality of service against Direct. In October 2013, Direct answered a series of interrogatories issued by the PURA. PURA staff and the Office of Consumer Counsel propounded additional interrogatories in mid-2015, which Direct Energy has answered. After nearly six (6) years of regulatory review, PURA rendered a final decision in this proceeding in which in May 2019 that included a civil penalty of \$1.5 million, a prohibition of new residential sales for six months and a one-year marketing audit oversight process that concludes on November 17, 2020. As an outgrowth of the PURA final decision, Direct Energy has ceased sales via the door-to-door sales channel, instituted additional internal controls and enhanced its sales quality assurance and oversight process with its Sales Quality Framework. The Sales Quality Framework is an internal audit control that regularly monitors our vendor/subcontractor sales and marketing activities for all applicable sales channels, i.e., web-based, door-to-door, outbound telemarketing, in-bound telemarketing, etc.

---

PUC Docket 06-03-06RE03

Date of Resolution: August 26, 2015

In October 2014, the PURA re-opened Direct’s licensing docket as a result of Direct’s self-report regarding a process breakdown that resulted in a failure to send renewal notices to customers. The PURA intends to fully examine Direct’s compliance with the Connecticut General Statutes, and determine if civil penalties will be applied. Direct had already begun to issue refunds to impacted customers when it submitted the information about its renewal notices.

### **Direct Energy Services, LLC: Maryland**

On May 15, 2019 Staff of the Maryland Public Service Commission (MDPSC) filed a complaint against Direct Energy Services, LLC (Direct Energy) that they had violated Maryland law. The MDPSC then issued a Letter order on May 17, 2019 requiring Direct Energy to file an answer to the complaint by June 18, 2019 and to appear before a hearing on July 17<sup>th</sup>. On June 18<sup>th</sup>, Direct Energy submitted evidence within its answer requesting the complete and immediate dismissal of the Staff complaint. Prior to the July



17<sup>th</sup> hearing, the MD PSC has delegated this matter to the Public Utility Law Judge Division for a finding of whether a pattern or practice exists as described above and a new docket, Case No. 9614, has been created for this matter.

**Direct Energy Services, LLC: Michigan**

PUC Case U-14537

Date of Resolution: February 28, 2013

In February 2013, the Michigan Public Service Commission (“MPSC”) issued an order accepting Direct Energy Services’ (“Direct”) self-report regarding allegations of slamming by field sales agents. Four agents purposefully manipulated Direct’s quality assurance measures by impersonating customers for third-party verification calls, thereby fraudulently enrolling multiple small business accounts. In response to several slamming complaints received by the MPSC, Direct immediately terminated the agents, suspended sales and conducted a thorough investigation. Direct submitted a formal self-report regarding the violations of applicable anti-slamming laws and regulations, proposing remedial quality assurance measures, retraining of agents, implementation of paper contracting, regular quality meetings with MPSC staff and a charitable donation to a regional organization. MPSC accepted Direct’s self-report without any changes to the proposed remedial actions, and after a six month suspension of small business field sales, MPSC approved Direct’s restarting offfield sales in the region.

---

PUC Case U-18121

Date of Resolution: January 12, 2017

On January 12, 2017, the Michigan Public Service Commission (“MPSC”) issued an order relating to a settlement with Direct Energy Services, LLC (“DES”). The terms of the settlement agreement is that DES agrees to: (1) pay a fine of \$35,000 to be paid to the State of Michigan within 30 days of the Commission order approving the agreement; (2) continue a moratorium on door-to-door sales that began on November 1, 2016, that shall continue for 90 days following the date of the order approving this agreement; (3) submit new training materials within 45 days of the order approving this agreement with actual training of DES’ Michigan agents to be completed within 90 days; (4) present Michigan Agency for Energy (MAE) Staff by March 31, 2017 with technologies that enhance customer identification and consent, and secure enrollment processes; (5) implement the Whitepages process described in Attachment 1 to the settlement agreement; (6) meet monthly with the MAE Staff for a period of 12 months to discuss progress with compliance with this settlement agreement and any other related matter; (7) develop with MAE Staff a template for processing complaints; and (8) reopen this docket should the MAE State Response Division identify any reoccurrence of the unauthorized switching of any customers by DES salesperson, which may result in fines, permanent moratorium on door-to-door sales and telemarketing, and or potential license revocation.

**Direct Energy Services, LLC: New York**

PUC Case 13-M-0224

Date of Resolution: Ongoing

In July 2013, the New York Public Service Commission (“PSC”) issued a Show Cause Order to Direct Energy Services, LLC (operating through its subsidiary NYSEG Solutions, LLC (formerly NYSEG Solutions, Inc.). In 2012, Direct had purchased NYSEG Solutions, Inc. from Iberdrola USA Solutions, Inc. (“Iberdrola”), an affiliate of Iberdrola, S.A., which owned the utility - New York State Electric and Gas Company (“NYSEG”). In the same year, Iberdrola entered into a Trademark License Agreement with Direct, whereby Direct was granted a non-exclusive, non-transferable, non-assignable license to use the NYSEG Solutions, Inc. name and marks for a period of up to five years. The Show Cause Order required Direct to show cause why the PSC should not prohibit its continued use of the name “NYSEG Solutions” when marketing to customers. The PSC’s Order alleged that use of the name NYSEG Solutions would create an impression with consumers that they were dealing with the utility rather than with an affiliate of Direct Energy, and that subsequent disclaimers may not undo that association. Direct Energy filed its response in September 2013. Prior to the PSC’s Show Cause Order, Direct had engaged in good faith negotiations with PSC Staff to add certain disclaimers to NYSEG Solutions’ marketing materials and other notices. Staff approved the materials on an interim basis, and assured Direct that this interim period would continue until the PSC convened a generic proceeding to investigate all uses by energy service companies of the trade names and trademarks similar to those used by utilities regulated by the Commission. No such generic proceeding had been initiated when the Show Cause Order was issued. In April 2014, the PSC issued Discovery Requests to Direct, and Direct has submitted the information requested. The case remains open at the Commission.

**Direct Energy Services, LLC: Ohio**

In February 26, 2013, the Public Utilities Commission of Ohio (“PUCO”) issued a letter of probable non-compliance to Direct Energy (“DE”), citing concerns with DE’s compliance with Ohio Administrative Code (O.A.C.) §4901:1-29-12 (B), which states, in part, “Customer bills issued by or for retail natural gas suppliers and governmental aggregators shall be accurate and understandable...”. DE met with Staff on March 14, 2013 to propose a corrective action plan that included four main areas covering rate discrepancies, customer correspondence, municipal aggregation errors, and data mismatches. On June 26, 2013, DE met with Staff as a follow-up to review findings from its corrective action plan. DE showed it had made significant changes to its internal control environment, in which over 49,000 accounts were corrected where discrepancies existed and issued over \$1,052,000 in refunds. Staff believed DE fulfilled the requirements to comply with the O.A.C. §4901:1-29-12 (B) at the time and requested for a quarterly summary of its discrepancy reports to be provided for the next year.

**Direct Energy Services, LLC: FERC**

In August 2014, FERC issued an Order Approving Stipulation and Consent Agreement, resolving a nonpublic investigation conducted by FERC’s Office of

Enforcement (“Enforcement”) stemming from a self-report by Direct Energy. The investigation examined whether Direct Energy violated the FERC’s Anti-Market Manipulation Rule by manipulating natural gas prices during May 2012 in order to benefit its related financial positions. Direct Energy acted promptly when it became aware of the facts, and following an extensive self-report and cooperation during a subsequent non-public investigation conducted by Enforcement, Direct Energy agreed to pay a civil penalty of \$20,000 to resolve any potential civil and administrative disputes arising from Enforcement’s investigation and to disgorge profits related to this activity.

### **Direct Energy Marketing Limited: Alberta, Canada**

One of Direct Energy’s Canadian affiliates is Direct Energy Marketing Limited (“DEML”), which operates a business unit in Alberta called Direct Energy Regulated Services (“DERS”). DERS is a regulated retail provider of natural gas and electricity. As such DERS is often involved in regulatory proceedings in the natural course of operating a regulated business. In addition, DERS is also subject to regular regulatory investigations and audits as required by Alberta legislation. None of these investigations or audits has resulted in any negative findings against DERS.

---

In March 2014, a judge certified a class action lawsuit against Direct Energy Marketing Limited. The plaintiff, a DERS customer in Beaumont, Alberta, brought this claim on behalf of herself and all other similarly situated customers. She sought damages for alleged illegal interest and late payment penalties. This matter was settled in 2015 with no admission or finding of fault by DERS.

---

In May of 2016, based on an action brought by Service Alberta, a government consumer protection agency, Direct Energy Marketing Limited (“DEML”) pleaded guilty to three charges under the Fair Trading Act related to activity in 2014 and 2015. DEML pleaded guilty to one count of: failing to refund timely; a non-compliant contract; and entering into a marketing contract without complying with the proper requirements. In addition to the plea, a fine of \$13,000 CAD was assessed. By the time of DEML’s plea, DEML had already revised its internal processes to address the enumerated concerns.

### **Direct Energy Marketing Limited: Ontario, Canada**

In June 2003, the Ontario Energy Board (“OEB”) issued a Notice of Administrative Penalty (“Notice”) against DEML in its capacity as a retail energy supplier business in Ontario, doing business as Direct Energy. The Notice was based on a finding that in 21 instances customer contracts had been forged and that, as a consequence, DEML had breached its retailer licenses by requesting a customer enrollment without the customers’ written authorization to do so. A penalty totaling CDN\$157,500 (\$7,500 per instance) was imposed.

---

In April 2009, the OEB issued a Notice against DEML. The Notice was based on a finding that a DEML door-to-door agent was found to have made a false, misleading or deceptive statement to a consumer. The OEB determined that DEML contravened section 88.4(2) of the Act, in that it engaged in an unfair practice as defined in section 2 of Ontario Regulation 200/02. The OEB also determined that DEML contravened section 2.1 of the Code of Conduct for Gas Marketers.

The OEB made an Order on May 5, 2009, under subsection 112.5 of the *Ontario Energy Board Act, 1998* (the “Act”) requiring DEML to pay an administrative penalty in the amount of \$15,000 for contravening an enforceable provision of the Act and the Code of Conduct for Gas Marketers.

---

In 2009, the OEB commenced an inspection into DEML’s business practice relating to the methodology employed to calculate early termination fees (“ETFs”).

Invoices for 7,860 of these early termination inquiries resulted in overcharges to customers which totaled approximately \$950,000. Another 6,627 invoices resulted in undercharges to customers which totaled approximately \$2 million.

DEML reimbursed all customers who paid an overcharge, with interest. DEML also paid the OEB an administrative penalty of \$700,000.

### **Direct Energy Marketing Limited: Canada**

In 2012, the Competition Bureau (the “Bureau”) initiated proceedings under the abuse of dominance provisions of the *Competition Act*. The Bureau alleges that DEML intentionally implemented anti-competitive practices related to its water heater return policies and procedures.

### **CPL Retail Energy, LP: Texas**

In May 2011, CPL Retail Energy, LP entered into a settlement agreement with Staff of the PUCT in Docket No. 39285. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, CPL Retail Energy agreed to pay an administrative penalty of \$18,000 for alleged violations committed by the company.

### **Gateway Energy Services Corporation (formerly known as ECONergy Energy Company, Inc.): New York**

In December 2003, ECONergy Energy Company (“ECONergy”) appealed and settled a finding by the New York State Consumer Protection Board that the Company was in violation of the New York No Call Registry based on calls allegedly made by an independent marketing firm. ECONergy was fined approximately \$10,000.

---

In April 2002, the Office of the Attorney General of the State of New York filed a lawsuit against ECONergy, alleging that ECONergy violated various consumer protection laws. This matter was settled on December 6, 2002 when both parties executed a Stipulation of Resolution. As part of the settlement, ECONergy was ordered to pay \$25,000 and abide by certain monitoring requirements.

**Gateway Energy Services Corporation: New Jersey**

Recently in 2018, Gateway Energy Services Corporation submitted a self-report compliance issue to the New Jersey Board of Public Utilities regarding variable rate pricing for some of its customers. In September 2018 Gateway settled the matter by paying a \$13,500 fine and agreed to additional reporting requirements to the agreed upon customer refunds. Direct Energy subsequently instituted the additional reporting requirements and internal controls.

**Gateway Energy Services Corporation d/b/a Gateway Power Services: Texas**

In 2011, Gateway Energy Services Corp. d/b/a Gateway Power Services (“Gateway”) entered into a settlement agreement with Staff of the PUCT. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, Gateway agreed to pay an administrative penalty of \$17,000 for alleged violations committed by the company.

**First Choice Power Special Purpose, LP: Texas**

First Choice Power Special Purpose, LP (“First Choice”) entered into a settlement agreement in 2010 with Staff of the PUCT. This agreement resolved and concluded an investigation that was initiated as part of a compliance audit program applicable to all retail electric providers as instituted by the PUCT. As part of the settlement, First Choice agreed to pay an administrative penalty of \$16,500 for alleged violations committed by the company.

**First Choice Power Special Purpose, LP: Texas**

In March 2013, First Choice Power Special Purpose, LP entered into a settlement agreement with Staff of the PUCT regarding alleged violations concerning selection of a retail electric provider. The settlement agreement provided for a resolution of the issues and an administrative penalty of \$25,000. The violations related to nine separate customer complaints of an unauthorized switch received by the PUCT during the period January 2011 – October 2011.

[http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41208\\_4\\_75322\\_9.pdf](http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/41208_4_75322_9.pdf)

---

**Reliant Energy Northeast, LLC: Illinois**

Subpoena to Reliant Energy Northeast d/b/a NRG Home from the Office of the Attorney General for the State of Illinois (September 2019) relating to NRG Home's sales and marketing practices. To date, the Illinois Attorney General has not filed any complaint against NRG Home.

**Reliant Energy Northeast, LLC: Ohio**

On December 8, 2020 – Staff of the Public Utility Commission of Ohio filed a Joint Stipulation it entered into with Reliant Energy Northeast LLC d/b/a NRG Business, NRG Home and NRG Retail Solutions ('NRG' or 'Company') to resolve concerns raised by Staff in a Notice of Probable Non-Compliance dated November 27, 2019 ('Notice Letter' or 'Notice'), which largely addressed alleged enrollment violations. NRG was able to demonstrate that its sales performance program and enrollment process are designed to minimize enrollment errors and incentivize compliant sales agent behavior, as reflected in the Company's very low complaint to sales ratio. The Stipulation is not an admission or a finding of liability and represents a reasonable compromise between the parties, including forfeiture of a civil penalty. It was filed with the Commission with a recommendation to approve the settlement as being in the public interest. The matter awaits further action by the Commission, see Case No. 20-1758-GE-UNC.

**Reliant Energy Northeast, LLC: Pennsylvania**

On September 29, 2020, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E") and Reliant Energy Northeast LLC d/b/a Reliant Energy, NRG Business Solutions, Reliant-NRG, NRG Residential Solutions, NRG Retail Solutions, NRG Home and NRG Business ("NRG") filed a Joint Petition for Approval of Settlement to resolve issues related to an informal investigation initiated by I&E. I&E's investigation stemmed from informal complaints received by the Commission's Bureau of Consumer Services from residential customers related to the unauthorized enrollment of their accounts by NRG, several of which were self-reported by NRG to PUC Staff. I&E Staff was satisfied with NRG's sales performance program and was unable to identify any improvements to NRG's sales quality assurance program. Although NRG disputes or disagrees with the allegations levied by I&E, it agrees to the settlement terms as a compromise, including payment of a civil penalty. The matter awaits action by the PUC, see Docket No. M-2020-3006647.

---

### **Energy Plus Holdings LLC: Connecticut**

On September 30, 2020 - the Prosecutorial Division of the Connecticut Public Utilities Regulatory Authority, Office of Education, Outreach, and Enforcement ("Prosecutorial" or "EOE") and Energy Plus Holdings, LLC ("Energy Plus") filed a Settlement Agreement to resolve issues regarding compliance with Conn. Gen. Stat.

§ 16-245d regarding properly conveying supply summary information to the electric distribution companies for display on customer bills. This Settlement Agreement was approved by the Public Utilities Regulatory Authority on November 4th, 2020 (Docket# 09-01-21). Energy Plus paid a civil penalty of \$282,200 to the State of Connecticut and will refund sixty-nine customers a total of \$5,888.50.

---

### **Reliant Energy Retail Services LLC: Texas**

On October 12, 2018 Staff of the Public Utility Commission of Texas (the "PUC") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUC Staff's investigation of RERS relating to timely issuance of bills and providing bills electronically in accordance with PUC rules. The Settlement Agreement is filed in PUC Docket No. 48773 (available at:

[http://interchange.puc.texas.gov/Documents/48773\\_1\\_996113.PDF](http://interchange.puc.texas.gov/Documents/48773_1_996113.PDF) ). The settlement was approved by the PUC.

On July 13, 2020, Staff of the Public Utility Commission of Texas (the "PUC") and Reliant Energy Retail Services LLC ("RERS") entered into a Settlement Agreement to resolve and conclude PUC Staff's investigation of RERS relating to maintaining and producing authorization of verification and energizing customers on the agreed approximate start dates in accordance with PUC rules. The Settlement Agreement is filed in PUC Docket No. 51045 (available at:

[http://interchange.puc.texas.gov/Documents/51045\\_1\\_1075201.PDF](http://interchange.puc.texas.gov/Documents/51045_1_1075201.PDF) ). The settlement was approved by the PUC.

---

### **XOOM Energy Connecticut, LLC: Connecticut**

CT PURA, Docket No. 18-12-22. Suppliers in Connecticut are obliged to provide the supply rate for a customer's upcoming bill cycle to the local distribution utility for placement on a customer's bill. Due to widespread technical issues with the implementation of this requirement, the Public Utilities Regulatory Authority authorized suppliers who were found to be incorrectly conveying "next cycle rate" information on customer bills to participate in a voluntary amnesty program to remedy past issues.

XOOM Energy elected to participate in this program and reported on its status. PURA thereafter audited certain customer bills and found additional issues. As a result, XOOM

revised its amnesty plan and agreed to provide refunds in the amount of \$154,150 to 3,261 customers. PURA accepted the plan and did not impose any civil penalty.

**XOOM Energy Texas, LLC: Texas**

On October 16, 2019 Staff of the Public Utility Commission of Texas (the “PUCT”) and XOOM Energy Texas, LLC (“XOOM”) entered into a Settlement Agreement to resolve and conclude PUCT Staff’s investigation of XOOM relating selection of a retail electric provider in accordance with PUCT rules. The Settlement Agreement is filed in PUCT Docket No. 50102 (available at: [http://interchange.puc.texas.gov/Documents/50102\\_1\\_1037759.PDF](http://interchange.puc.texas.gov/Documents/50102_1_1037759.PDF)). The settlement was approved by the PUCT.



**Exhibit 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.)

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.

**Response:** See attached letter from Duke Energy.



139 East Fourth  
EX396  
Cincinnati, Ohio 45202

February 4, 2022

Green Mountain Energy has met the Electric Collateral obligations for Duke Energy Corporation as of February 4, 2022.

***Tom Hunt***

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



## **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. If vendors or third parties are or will be utilized for any activities listed in this application, provide the name, contact information for each, and list which activities they will perform. Also, indicate which activities will be performed directly by the company. Please note that this information is required to be updated within 30 days of any changes.

### **Response:**

Green Mountain Energy Company ("GMEC") has the necessary technical and managerial resources to comply with all scheduling, operating, planning, reliability, customer registration and settlement policies, rules, guidelines and procedures to operate as a retail electric and natural gas supplier. As an active retail energy provider in the states of Illinois, Massachusetts, Maryland, New Jersey, New York, Pennsylvania and Texas, GMEC has firsthand knowledge of the customer operations and utility business management and will leverage its technical and managerial expertise, in combination with its relationships with the attached business partners to successfully develop and implement the infrastructure, systems, and processes to reliably provide service to Ohio consumers. Please see the attached list of GMEC's Key Operating Personnel.

**GREEN MOUNTAIN ENERGY COMPANY - KEY OPERATING PERSONNEL****Mark Parsons, Vice President and General Manager**

910 Louisiana Street, Houston, TX 77002

Phone: 713-537-2825

[Mark.Parsons@nrg.com](mailto:Mark.Parsons@nrg.com)

Mr. Parsons is the General Manager of Green Mountain Energy. Mr. Parsons is passionate about leveraging the power of consumer choice to change the way power is made. Ensuring customers have access to compelling green power solutions at home, at work and on the go is the driving force of Mr. Parson's role. He is responsible for the performance and direction of Green Mountain and oversees a wide range of functions such as brand and go-to-market strategy, customer experience, marketing execution, pricing and margin management, financial reporting, offer and product innovation, market share, customer count, and campaign design. Over Mr. Parsons 15 years within the deregulated energy industry across many retail brands, he has been instrumentally involved in transitioning a regulated electric utility into the largest retail energy provider in Texas. He has also helped launch new retailers into positions of power in the industry. He's held many roles in IT, project management, operations and general management throughout the years. Additionally, Mr. Parsons has served in roles focused on strategy development, mergers/acquisitions, and process and systems integration. He earned his bachelor's degree in economics from the University of Texas and his master's degree in business administration from Baylor University.

**Jordon McConnell, Vice President, Sales Strategy**

3711 Market Street, Suite 1000, Philadelphia, PA 19104

Phone: 267.295.0625

[Jordon.McConnell@nrg.com](mailto:Jordon.McConnell@nrg.com)

Jordon McConnell leads Sales, Sales Operations and Quality for NRG's retail business in the Northeast. Over the course of his career, Mr. McConnell has gained experience in a broad range of business functions including marketing, sales, product development, operations and financial analysis. Jordon has held leadership positions in a number of industries including energy, finance, professional services and business information with emphasis on consumer and small business segments. Prior to joining NRG Jordon led marketing strategy and helped launch the digital retail channel for D&B's small business segment. Previously Jordon held business development roles in the eBusiness segments of Prudential Securities and FirstUSA Bank. Jordon holds an MBA from the University of Delaware and a BA from Bucknell University.

**Jeff Wilkinson, Senior Director – Sales & Channel/Campaign Management**

910 Louisiana Street, Suite 14034C, Houston, TX 77002

Phone: 713.537.3037

[Jwilkinson@nrg.com](mailto:Jwilkinson@nrg.com)

Jeff Wilkinson leads Sales and Channel/Campaign Management for NRG's retail business in Texas and the Northeast. In this role, Mr. Wilkinson is responsible for supporting and enabling the marketing and sales organizations at NRG to deliver on their sales and customer retention objectives while providing outstanding experiences for residential and small commercial customers. He has nearly 20 years of experience in the retail energy industry, having joined Reliant, an NRG company, shortly after restructuring in Texas. Prior to his role at NRG, Jeff served as a Product Marketing Manager for high-availability servers at Compaq Computer Corporation and as a Naval Architect with J. Ray McDermott Engineering. Jeff holds an MBA from Rice University and a BS from Texas A&M University.

**Brian Grant, Billing Operations, East Retail**

3711 Market Street, Suite 1000, Philadelphia, PA 19104

Phone: 267.295.0625

[Brian.C.Grant@nrg.com](mailto:Brian.C.Grant@nrg.com)

Mr. Grant is responsible for defining the processes and procedures for the day to day IT functions, operations and quality assurance protocols for NRG Retail in the Northeast. His daily responsibilities include ensuring that all enrollments process accurately and efficiently through all of NRG's internal systems and integration points with its external vendors. Mr. Grant brings a strong background in operational processes and quality assurance. During his tenure, Mr. Grant successfully implemented a quality assurance project life cycle process that included the implementation of new technology hardware as well as processes and gates to increase the accuracy and efficiency of the energy enrollment process and customer service platforms. His continual focus on quality assurance and streamlined operational processes will ensure that NRG is poised to offer a best in class service experience to retail customers.

**Barry Gessner, Director Mass Retail and Demand Response;  
Market Operations**

804 Carnegie Center, Princeton, NJ 08540

Phone: 609.524.4516

[Barry.Gessner@nrg.com](mailto:Barry.Gessner@nrg.com)

Barry Gessner joined NRG Energy through its acquisition of Energy Plus in 2011. He is responsible for scheduling electricity purchases in ISO-NE, MISO, NYISO, PJM, and Canada; hedging electricity supply purchases to mitigate market cost volatility; meeting renewable portfolio standards and voluntary green power program requirements; and cost forecasting and market settlements. Prior to his roles at NRG, Mr. Gessner was responsible for custom pricing of large commercial and industrial customers at Liberty Power. Mr. Gessner holds an MBA from Villanova University, a BS Economics from Penn State, and is a GARP certified Energy Risk Professional.

**Steven Haugen, Vice President – Natural Gas**

194 Wood Avenue South, Suite 200

Iselin, NJ 08830

Phone: 732-516-3074

[Steven.Haugen@directenergy.com](mailto:Steven.Haugen@directenergy.com)

Steve currently leads NRG's Natural Gas Operations and Trading team responsible for overseeing all-natural gas operational, commercial supply and trading activities. Steve has more than 30 years of experience in trading, origination, risk management and finance, and has a strong record of success at NRG, Direct Energy, Hess Energy Marketing and the Military. He received a Bachelor of Science degree in Management from the United States Military Academy, West Point in 1989 and an MBA From the Stern School of Business, NYU in 1995. Steve has been a Chartered Financial Analyst (CFA) Chart holder since 2004 and attended the Harvard Program for Emerging Leaders in 2006.

**Victoria Benoit, Offer Pricing & Revenue Management**

910 Louisiana Street, Suite 22002C, Houston, TX 77002

Phone: 713.537.5278

[Victoria.Benoit@nrg.com](mailto:Victoria.Benoit@nrg.com)

Victoria Benoit leads offer pricing and revenue management for the Green Mountain, Stream, and XOOM brands for NRG's retail business in Texas and the Northeast. In her role, she ensures that our go-to-market strategies deliver on our brand and corporate goals. Additionally, she is responsible for special projects such as the valuation of companies being considered for Mergers and Acquisitions. Victoria has 20 years of experience in the retail energy industry, including roles in customer operations, IT project management, and financial planning and analysis. Prior to her current role at NRG, she served in financial analyst roles for Direct Energy and Enron Corp. Victoria holds a BS in Commerce from the University of Virginia.

**Rebecca Emrick, Director of Marketing, Green Mountain Energy**

910 Louisiana Street, Houston, Texas 77002

Phone: 713.537.2066

[Rebecca.Emrick@nrg.com](mailto:Rebecca.Emrick@nrg.com)

Rebecca leads a team responsible for brand strategy, marketing execution, customer communications, digital engagement, creative development and sales-related collateral. She has served in multiple capacities during her marketing career, including developing mass media campaigns, which consisted of television, radio and billboard promotions, and creating customer communications and touch points for acquisition and retention. Rebecca has led teams to re-engineer creative formats, which resulted in increased response rates, a streamlined development process and an increase in team productivity. It's with her support and guidance that her teams have produced multiple award-winning communications recognized by marketing experts. Rebecca's leadership in marketing communications spans many segments over many years. She has served a variety of audiences in the B2B and B2C worlds throughout the deregulated energy industry, insurance business and financial services industry. She also sits on the board of the Green Mountain Sun Club, a nonprofit program that supports solar and sustainability projects for nonprofit organizations. Rebecca earned her bachelor's degree in public relations from Texas Tech University.

**Bill Clayton, Vice-President – Customer Care & Retention Sales**

910 Louisiana Street, Suite 20000B, Houston Texas 77002

Phone: 713.537.3333

[William.Clayton@NRG.com](mailto:William.Clayton@NRG.com)

Bill Clayton leads Customer Care and Retention Sales for NRG's retail business in Texas and the Northeast. In this role, Mr. Clayton oversees the company's engagement centers and mid-office operations for residential and small commercial customers. With over three decades of experience, Bill has in-depth knowledge of utilities and retail electric industries. Bill has managed specialized consumer programs and has held various roles within residential load management, field operations, retail marketing, community marketing, program development and retail operations. Bill graduated summa cum laude from Abilene Christian University with a bachelor's degree in Political Science.

# **Competitive Retail Electric Service Affidavit**

County of Galveston :

State of Texas :

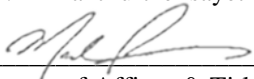
Mark Parsons, Affiant, being duly sworn/affirmed, hereby states that:

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.

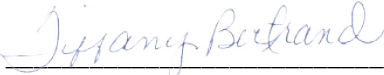


12. The facts set forth above are true and accurate to the best of his/her knowledge, information, and belief and that he/she expects said applicant to be able to prove the same at any hearing hereof.

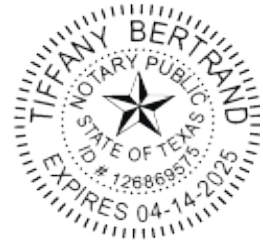
13. Affiant further sayeth naught.

  
Signature of Affiant & Title

Sworn and subscribed before me this 14 day of Feb., 2022  
Month Year

  
Signature of official administering oath

Tiffany Bertrand  
Print Name and Title



My commission expires on 04/14/2025

---

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

**2/16/2022 4:00:44 PM**

**in**

**Case No(s). 18-0483-EL-CRS**

**Summary: In the Matter of the Application of Green Mountain Energy Company**