



DIS Case Number: 00-1936-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:** Direct Energy Services LLC    **Country:** United States  
**Phone:** 866-348-4193    **Extension (if applicable):**    **Street:** 910 Louisiana Street  
**Website (if any):** www.directenergy.com    **City:** Houston    **Province/State:** TX  
**Postal Code:** 77002

### 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 |
|------------------------|------|-------------------------------------------|---------|-------|
| Direct Energy          | DBA  | 910 Louisiana Street<br>Houston, TX 77002 | Yes     | File  |
| Direct Energy Business | DBA  | 910 Louisiana Street<br>Houston, TX 77002 | 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 |
|------------------------|------|-------------------------------------------|---------|-------|
| Direct Energy          | DBA  | 910 Louisiana Street<br>Houston, TX 77002 | Yes     | File  |
| Direct Energy Business | DBA  | 910 Louisiana Street<br>Houston, TX 77002 | 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-Direct Energy Services  
3711 Market Street Suite 1000  
Philadelphia, PA 19104  
US  
contactdirectenergy@nrg.com  
8885487540

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

|                                      |                                   |                                                     |
|--------------------------------------|-----------------------------------|-----------------------------------------------------|
| <b>Phone:</b> 888-548-7540           | <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> csdirectenergy@nrg.com |                                   | <b>City:</b> Philadelphia <b>Province/State:</b> PA |
|                                      |                                   | <b>Postal Code:</b> 19104                           |

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

20-1340064

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

**Form of ownership:** Limited Liability Company (LLC)

**A-10. Identify current or proposed service areas**

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

### Service area selection

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

### Class of customer selection

Mercantile  
 Residential

### A-11. Start date

Indicate the approximate start date the applicant began/will begin offering services: 11-16-2000

### 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                                          |
|---------------------|-----------------------------|---------------------|--------------------------------------------------|
| Deborah Fry         | deborah.fry@nrg.com         | Assistant Secretary | 804 Carnegie Center<br>Princeton, NJ 08540<br>US |
| Judith Tompkins     | judy.tompkins@nrg.com       | Assistant Secretary | 804 Carnegie Center<br>Princeton, NJ 08540<br>US |
| A. Louis Teuscher   | louis.teuscher@nrg.com      | Vice President      | 910 Louisiana Street<br>Houston, TX 77002<br>US  |
| Ryan Sullivan       | ryan.sullivan@nrg.com       | Treasurer           | 804 Carnegie Center<br>Princeton, NJ 08540<br>US |
| Paolo Berard        | paolo.berard@nrg.com        | Secretary           | 910 Louisiana Street<br>Houston, TX 77002<br>US  |
| Elizabeth Killinger | elizabeth.killinger@nrg.com | President           | 910 Louisana Street<br>Houston, TX 77002<br>US   |

**A-13. Company history**

Direct Energy Services, LLC, now a subsidiary of Fortune 500 Company, NRG Energy, Inc. (NRG) since January 2021, has a customer base of approximately six million customers. NRG is a publicly traded U.S. company of sound financial standing and capable management, and is one of the industry's leading integrated power companies that powers homes and businesses throughout America. Direct Energy Services, LLC provides residential and small commercial customers with energy choice and support in managing their energy costs through a portfolio of innovative products and services

**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.

Application Experience and Plan Description: As part of Direct Energy's business model, Direct Energy Services, LLC, an NRG Energy, Inc. subsidiary since January 2021, brings the power of energy to customers by producing and selling energy ad related products and services. Direct Energy Services, LLC serves residential and small commercial customers in the state of Ohio. Direct Energy plans to continue customer acquisitions and retention efforts as part of its current business model and currently operates in 50 states and 8 Canadian provinces.

**B-3. Disclosure of liabilities and investigations**



## Public Utilities Commission

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

File Attached

### **B-4. Disclosure of consumer protection violations**

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

**No**

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

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

**No**

### **B-6. Environmental disclosures**

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

**PJM disclosure option chosen**



## Section C: Applicant Financial Capability and Experience

### C-1. Financial reporting

Provide a current link to the most recent Form 10-K filed with the Securities and Exchange Commission (SEC) or upload the form. If the applicant does not have a Form 10-K, submit the parent company's Form 10-K. If neither the applicant nor its parent is required to file Form 10-K, state that the applicant is not required to make such filings with the SEC and provide an explanation as to why it is not required.

Financial Reports Link(s): Direct Energy Services, LLC 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 10-Ks, and can be found here: <https://investors.nrg.com/financial-information/sec-filings>

### 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): Direct Energy Services, LLC 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 10-Ks, and can be found here: <https://investors.nrg.com/financial-information/sec-filings>

### 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**.



## Public Utilities Commission

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

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

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

Preferred to file confidentially

### C-4. Credit rating

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

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**

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. acquired 100% of the membership interest in Centrica US Holdings, Inc. (now named Direct Energy U.S. Holdings Inc.). Direct Energy Services, LLC will retain its licenses and all customers currently served by the Companies will continue to be served by the Companies.

#### **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: Direct Energy Services, LLC has the resources and expertise to successfully deliver power along with providing excellent customer service. With extensive experience in both the gas and electric industries, Direct Energy Services, LLC will draw on the technical capability of its own personnel, who have industry-leading experience in providing energy services in retail markets, along with utilizing the technical capability of its ultimate parent company, NRG Energy, Inc. Direct Energy Services, LLC has the contractual relationships with outside parties and partners to provide energy supply to end use customers and has the operational backing of its affiliates to maximize efficiency in providing high quality service to customers. Direct Energy Services, LLC has experience as a competitive supplier in the Midwest region and the familiarity with operations in the region. Moreover, through its experience as a competitive power supplier in Ohio, Direct Energy Services, LLC is familiar with the interests of Ohio customers.

**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).

Direct Energy Services, LLC maintains a current FERC Market Based Rate Tariff, which is under docket ER11-1846-000.



Public Utilities  
Commission

# Application Attachments

## **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:**

Direct Energy Services, LLC 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 natural gas supplier. Direct Energy Services, LLC has firsthand knowledge of customer operations and utility business management. Direct Energy Services, LLC will leverage its technical and managerial expertise in combination with its relationships with business partners as described in Exhibit D-1 to successfully develop and implement the infrastructure, systems, and processes to reliably provide service to Ohio consumers. Further, Direct Energy Services, LLC intends to leverage its key internal operating personnel.

**Direct Energy Services, LLC****List of Key Operating Personnel:****Mark Eddings, Vice President, Direct Energy Services, LLC**

910 Louisiana Street, Houston, TX 77002

Phone: 713-537-2264

[Mark.Eddings@nrg.com](mailto:Mark.Eddings@nrg.com)**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)**Jeff Wilkinson, Senior Director – Sales & Channel/Campaign Management**

910 Louisiana Street, Houston, TX 77002

Phone: 713-537-3037

[Jwilkinson@nrg.com](mailto:Jwilkinson@nrg.com)**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)**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)**Rachel Gupta, Senior Manager – Pricing & Revenue Management**

910 Louisiana Street, Houston, TX 77002

Phone: 713-877-5719

[Rachel.Gupta@nrg.com](mailto:Rachel.Gupta@nrg.com)**Bill Clayton, Vice-President – Customer Care & Retention Sales**

910 Louisiana Street, Houston Texas 77002

Phone: 713.537.3333

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



# NRG Energy Inc.

## Issuer Credit Rating

| RATING TYPE         | RATING                                               | RATING DATE | LAST REVIEW DATE | REGULATORY IDENTIFIERS |
|---------------------|------------------------------------------------------|-------------|------------------|------------------------|
| Local Currency LT   | <b>BB+</b><br><a href="#">Regulatory Disclosures</a> | 24-Jul-2020 | 31-May-2022      | EE UKE                 |
| Foreign Currency LT | <b>BB+</b>                                           | 24-Jul-2020 | 31-May-2022      | EE UKE                 |

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NRG Energy, Inc.

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### Reports

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Date Range

SYNOPSIS

| DATE        | TYPE                            | TITLE   113 DOCUMENTS                                                                             |  |
|-------------|---------------------------------|---------------------------------------------------------------------------------------------------|--|
| 01 Sep 2022 | Announcement of Periodic Review | Moody's announces completion of a periodic review for a group of North American Utilities issuers |  |
| 28 Sep 2021 | Announcement of Periodic Review | Moody's announces completion of a periodic review of ratings of NRG Energy, Inc.                  |  |
| 30 Mar 2021 | Credit Opinion                  | NRG Energy, Inc.: Update following outlook change to stable from positive                         |  |
| 19 Mar 2021 | Rating Action                   | Moody's affirms NRG's Ba1 CFR; changes outlook to stable from positive                            |  |
| 16 Dec 2020 | Issuer Profile                  | NRG Energy, Inc.: Key Facts and Statistics - LTM September 2020                                   |  |
| 16 Oct 2020 | Announcement of Periodic Review | Moody's announces completion of a periodic review of ratings of NRG Energy, Inc.                  |  |
| 24 Jul 2020 | Rating Action                   | Moody's affirms NRG's Ba1 CFR; outlook positive                                                   |  |
| 30 Dec 2019 | Credit Opinion                  | NRG Energy, Inc.: Update following upgrade to Ba1                                                 |  |
| 13 Dec 2019 | Rating Action                   | Moody's upgrades NRG's CFR to Ba1 from Ba2, outlook positive                                      |  |
| 06 Nov 2019 | Announcement of Periodic Review | Moody's announces completion of a periodic review of ratings of NRG Energy, Inc.                  |  |
| 02 May 2019 | Issuer Profile                  | NRG Energy, Inc.: Key Facts and Statistics - FYE December 2018                                    |  |

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

S-4

Highly Negative

SOCIAL

S-3

Moderately Negative

GOVERNANCE

G-3

Moderately Negative

Methodology

ESG Peer Comparison

Source: Moody's Investors Service

Ticker

NRG

LEI

5E2UPK5SW04M13XY7138

Moody's Org Id

806927478

Market Segment

Corporates

Industry

ENERGY: UNREG - ELECTRICITY PRODUCTION

Peer Group

Privacy - Terms

9/26/22, 2:03 PM

NRG Energy, Inc. | Reports | Moody's

| DATE          | TYPE            | TITLE   113 DOCUMENTS                                                                                                                                       |   |
|---------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| › 13 Dec 2018 | Credit Opinion  | <b>NRG Energy, Inc.: Update following ratings upgrade</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                                    |   |
| › 06 Dec 2018 | Rating Action   | <b>Moody's upgrades NRG to Ba2, outlook positive</b> <a href="#">MOODY'S INVESTORS SERVICE</a>                                                              | 🔖 |
| › 06 Jul 2018 | Credit Opinion  | <b>NRG Energy, Inc.: Update to credit analysis</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                                           |   |
| › 18 May 2018 | Issuer Profile  | <b>NRG Energy, Inc.: Key Facts and Statistics - FYE December 2017</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                        |   |
| › 30 Nov 2017 | Issuer In-Depth | <b>NRG Energy, Inc.: Covenant Quality Pre-Sale Snapshot: \$870m _% Senior Notes due 2028</b> ⓘ <a href="#">MOODY'S INVESTORS SERVICE</a>                    |   |
| › 11 Oct 2017 | Credit Opinion  | <b>NRG Energy, Inc.: A merchant power company undergoing a major transformation</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                          |   |
| › 06 Oct 2017 | Rating Action   | <b>Moody's revises NRG Energy's Outlook to Positive</b> <a href="#">MOODY'S INVESTORS SERVICE</a>                                                           | 🔖 |
| › 09 Aug 2017 | Issuer Comment  | <b>Dynegy Inc.: Offer to buy back \$1.25 billion of 2019 senior notes is credit positive</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                 |   |
| › 31 Jul 2017 | Issuer Comment  | <b>New York Federal Judge Dismisses Challenge of Nuclear Subsidy</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                         |   |
| › 18 Jul 2017 | Credit Opinion  | <b>NRG Energy, Inc.: A merchant power company undergoing a major restructuring</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                           |   |
| › 17 Jul 2017 | Issuer Comment  | <b>NRG's Restructuring Plan Is Credit Positive</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                                           |   |
| › 13 Jul 2017 | Issuer Comment  | <b>NRG Energy, Inc.: NRG to reduce debt and simplify financial disclosure, a credit positive.</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>            |   |
| › 22 May 2017 | Issuer Profile  | <b>NRG Energy, Inc.: Key Facts and Statistics - FYE December 2016</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a>                                        |   |
| › 06 Feb 2017 | Issuer Comment  | <b>GenOn Energy, Inc.: GenOn Mid-Atlantic's letter of credit transaction has limited credit implications</b> ⓘ<br><a href="#">MOODY'S INVESTORS SERVICE</a> |   |

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Unreg Utilities and Unreg Power Companies

**Domicile**  
UNITED STATES

| MOODY'S INTEGRITY HOTLINE                                                                                                                                                                                                                                                                                                                                                                  | TERMS & CONDITIONS                                                                                                                                                                                                     | CONTACT US                                                                           | EXPLORE                                                                                                                                  | CONNECT                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>VIA THE INTERNET:</p> <p><a href="https://Moodys.ethicspoint.com">https://Moodys.ethicspoint.com</a></p> <p>BY TELEPHONE FROM THE UNITED STATES:</p> <p>Dial 1-866-330-MDYS (1-866-330-6397)</p> <p>BY TELEPHONE FROM OUTSIDE THE UNITED STATES:</p> <p>Dial the AT&amp;T Direct Dial Access® code for your location.</p> <p>Then, at the prompt, dial 866-330-MDYS (866-330-6397).</p> | <p>Terms of Use</p> <p>Privacy Policy</p> <p>Proprietary Rights</p> <p>MIS Code of Professional Conduct</p> <p>Modern Slavery and Human Trafficking Statement</p> <p>Gender Pay Gap Reports</p> <p>Cookie Settings</p> | <p>Careers</p> <p>Help &amp; Support</p> <p>Contact Us</p> <p>Submit a Complaint</p> | <p>Investor Relations</p> <p>Regulatory</p> <p><a href="#">MoodysAnalytics.com</a></p> <p><a href="#">Economy.com</a></p> <p>Sitemap</p> | <p> @Moody</p> <p> Moody's</p> <p> The Moo</p> |
| REGIONAL SITES:                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                        |                                                                                      |                                                                                                                                          | <div>Global</div>                                                                                                                                                                                                                                                                                       |

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### **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:

In the interest of full disclosure, certain NRG licensed retail entities have been the subject of legal and regulatory proceedings, which are summarized below. For information regarding NRG Energy, Inc.'s involvement in material litigation arising out of its participation in U.S. wholesale or retail energy markets, please see the Form 10-K and Form 10-Q filings which can be found at [www.sec.gov](http://www.sec.gov), CIK# 0001013871 or <http://investors.nrg.com/financial-information/sec-filings>.

Direct Energy Services, LLC 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 from the last two years for Direct Energy Services, LLC and/or its affiliates.

NRG INVESTIGATIONS



| ENTITY                        | REGULATORY AGENCY                                                                                                                                          | DATE OF INCIDENT | DOCKET / PUC CASE NO.   | JURISDICTION / | SUMMARY PUBLIC NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reliant Energy Northeast, LLC | Public Utility Commission of Ohio                                                                                                                          | 12/8/2020        | Case No. 20-1758-GE-UNC | Ohio           | On March 24, 2021the Public Utilities Commission of Ohio adopted a Joint Stipulation entered into by Commission Staff and 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. See Case No. 20-1758-GE-UNC.                                                                                                                                                                                                                         |
| Reliant Energy Northeast, LLC | Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E")                                                                   | 9/29/2020        | M-2020-3006647          | Pennsylvania   | On March 25, 2021, the Pennsylvania Public Utility Commission issued a Final Order approving a Joint Petiton for Approval of Settlement between the PUC'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"). The Settlement resolved 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. See Docket No. M-2020-3006647. |
| Energy Plus Holdings LLC      | Connecticut - Public Utility Regulatory Authority                                                                                                          | 9/30/2020        | Docket # 09-01-21       | 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.                                                                                                                                                                                                                                                                                                                                                          |
| Energy Plus Holdings LLC      | Prosecutorial Division of the Connecticut Public Utillities Regulatory Authority, Office of Education, Outreach and Enforcement ("Prosecutorial" or "EOE") | 9/30/2020        | N/A                     | 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.                                                                                                                                                                                                                                                                                                                                                          |
| Green Mountain Energy Company | Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E")                                                                   | 1/8/2021         | M-2021-3009235          | Pennsylvania   | On February 24, 2022, the Pennsylvania Public Utility Commission issued a Final Order approving a Joint Petition for Approval of Settlement between the PUC's Bureau of Investigation and Enforcement ("PA BIE") and Green Mountain Energy Company ("Green Mountain") relating to sales and enrollment practices in Pennsylvania. PA BIE alleged that Green Mountain switched customers to its service without proper authorization in certain instances. Green Mountain agreed to pay a civil penalty of \$156,000 (not inclusive of any customer refunds), along with certain injunctive relief, such as required reporting. Ssee Docket No. M-2021-3009235 (available at: <a href="https://www.puc.pa.gov/pcdocs/1711074.pdf">https://www.puc.pa.gov/pcdocs/1711074.pdf</a> ).                                                                                                                                                                                                                                                                                                                    |
| XOOM Energy Ohio, LLC         | Public Utility Commission of Ohio                                                                                                                          | 6/1/2021         | 22-267-GE-COI           | Ohio           | In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a notice of probable non-compliance to XOOM Energy Ohio, LLC ("XOOM Energy"), citing concerns with XOOM Energy's compliance with marketing, sales, and enrollment regulations in Ohio. In April 2022, PUCO opened a formal investigation into these same issues. XOOM Energy is cooperating with the investigation, which remains ongoing and has not been subject of any hearing to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Direct Energy Services, LLC   | Public Utility Commission of Ohio                                                                                                                          | 6/1/2021         | 22-583-GE-UNC           | Ohio           | In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a Notice of Probable Non-compliance to Direct Energy Services ("DES"), citing concerns with DE's compliance with marketing, sales, and enrollment regulations in Ohio. On June 10, 2022 DES and PUCO Staff signed a joint stipulation of settlement in the matter. The Office of Consumer Counsel intervned to be heard on the settlement. The matter is pending.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**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

October 11, 2022

Direct Energy Services, LLC has met the Electric Collateral obligations for Duke Energy Corporation as of October 11, 2022.

*Tom Hunt*

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



UNITED STATES OF AMERICA  
STATE OF OHIO  
OFFICE OF THE SECRETARY OF STATE

*I, Frank LaRose, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign business entities; that said records show DIRECT ENERGY SERVICES, LLC, a Delaware Limited Liability Company, Registration Number 1473703, was registered in the State of Ohio on June 30, 2004, is currently authorized to transact business in this state.*



*Witness my hand and the seal of the  
Secretary of State at Columbus, Ohio  
this 10th day of October, A.D. 2022.*

A handwritten signature in blue ink that reads "Frank LaRose".

**Ohio Secretary of State**

**Validation Number: 202228303964**



October 13, 2022

**RE: NRG Energy, Inc.'s Guarantee of the Obligations of Direct Energy Services, LLC**

To Whom It May Concern:

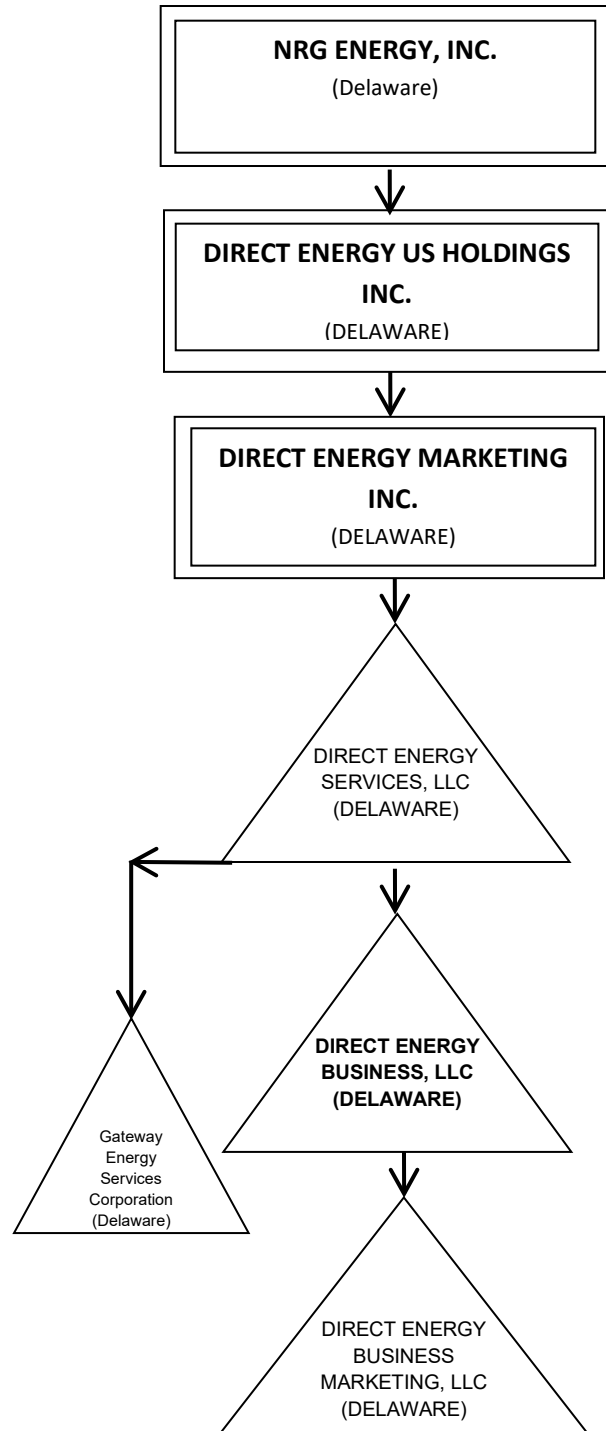
Direct Energy Services, LLC is a wholly owned subsidiary of NRG Energy, Inc. I certify that NRG Energy, Inc. guarantees the obligations of Direct Energy Services, LLC in this market.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas A. Smith". The signature is written in a cursive, flowing style.

Thomas Smith, Senior Vice President, Chief Risk Officer  
NRG Energy, Inc.

Corporate Structure



## Exhibit B1 - Jurisdictions of Operations NRG Retail Affiliates

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

## Exhibit B1 - Jurisdictions of Operations NRG Retail Affiliates

| State | Stream Energy [State],<br>LLC<br>2745 Dallas Parkway, Suite                                                   | Direct Energy Services,<br>LLC<br>910 Louisiana                                                   | Direct Energy Business,<br>LLC<br>1001 Liberty Ave., Suite                                  | Direct Energy Business Marketing,<br>LLC (f/k/a Hess)<br>1001 Liberty Ave., Suite<br>1200   | Gateway Energy Services<br>Corporation<br>910 Louisiana                                     | Bounce Energy, Inc.<br>910 Louisiana Street<br>Houston, TX 77002                                                                 |
|-------|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| AZ    |                                                                                                               |                                                                                                   | Wholesale Supply - APS Pilot                                                                |                                                                                             |                                                                                             |                                                                                                                                  |
| CA    |                                                                                                               |                                                                                                   | Electric: 1351<br>5/1/2000<br>Natural Gas:<br>0013                                          | Natural Gas:<br>0031<br>12/15/2016                                                          |                                                                                             |                                                                                                                                  |
| CT    | Gas: 17-01<br>February 16, 2017                                                                               | Electric: Docket No. 06-03-06RE02<br>6/7/2006<br>Natural Gas: Docket No. 01-04-0000<br>11/14/2005 | Electric: Docket No. 00-05-14RE01<br>9/27/2000<br>Natural Gas: 12-                          | Electric: 13-08-02<br>1/8/2014<br>Natural Gas: 13-03                                        |                                                                                             |                                                                                                                                  |
| DE    | Electric: Docket No. 17-0340<br>Order No.                                                                     | Electric: Docket No. 05-370<br>Order No.                                                          | Electric: Docket No. 09-174<br>Order No.                                                    | Electric: Docket No. 14-204T<br>Order No. 8425<br>7/31/2013                                 |                                                                                             |                                                                                                                                  |
| DC    | Electric: EA 11-11<br>December 7, 2011                                                                        | Electric: EA 05-05-05<br>Order No. 13816<br>11/14/2005                                            | Electric: EA-04-4-4<br>5/11/2004                                                            | Electric: EA-2013-12<br>6/20/2013<br>Natural Gas: GA-2013-03-1                              | Natural Gas: GA 03-4<br>9/1/2001                                                            |                                                                                                                                  |
| GA    | Natural Gas: GM-38                                                                                            |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| IL    | Electric: 17-0033<br>February 23, 2017<br>Natural Gas: 17-0045<br>February 23, 2017                           | Electric: 05-0722<br>11/14/2005<br>Natural Gas: 05-0088<br>3/11/2005                              | Electric: 04-0811<br>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                                                                       | Electric: Docket # 2011-201                                                                 | Electric: Docket No. 2013-00404                                                             |                                                                                             |                                                                                                                                  |
| MD    | Electric: IR-2742<br>January 26, 2011<br>Natural Gas: IR-2072<br>September 12, 2012                           | Electric: IR-719<br>4/20/2005<br>Gas: IR-791<br>12/14/2005                                        | Electric: IR-437<br>3/27/2002<br>Natural Gas: IR-2697<br>10/3/2012                          | Electric: IR-3123<br>8/14/2013<br>Natural Gas: IR-3108<br>8/14/2013                         | Electric: IR-340<br>6/13/2001<br>Natural Gas: IR-334<br>6/13/2001                           |                                                                                                                                  |
| MA    |                                                                                                               | Electric: CS-047<br>8/26/2005<br>Natural Gas: GS-028                                              | Electric: CS-021<br>12/2/1999<br>Natural Gas: GS-052                                        | Natural Gas: GS-051<br>7/5/2013                                                             |                                                                                             |                                                                                                                                  |
| MI    |                                                                                                               | Natural Gas: U-14537<br>12/20/2005<br>Electric: U-                                                | Electric: U-13609<br>11/7/2002                                                              | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| MN    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| NH    |                                                                                                               | Electric: DM 15-513<br>2/5/2016                                                                   | Electric: DM 15-373<br>12/31/2015                                                           | Electric: DM 13-260<br>10/9/2013<br>Natural Gas: DM 13-                                     |                                                                                             |                                                                                                                                  |
| NJ    | Electric: ESL-0109<br>June 22, 2018<br>Natural Gas: GSL-0120                                                  | Electric: ESL-0078<br>11/10/2005<br>Natural Gas: GSL-0088                                         | Electric: ESL-0165<br>8/18/1999<br>Natural Gas: GSL-0145                                    | Electric: ESL-0142<br>7/19/2013<br>Natural Gas: GSL-0128                                    | Electric: ESL-0166<br>8/18/1999<br>Natural Gas: GSL-0146                                    |                                                                                                                                  |
| NY    | Electric & Natural Gas: Licensed - no license # given<br>ESCO Code:<br>ESCO eligibility letter dated: 7/13/12 | Electric & Natural Gas: licensed - no license # given<br>Eligibility letter dated 11/2/2004       | Electric & Natural Gas: licensed - no license # given<br>Eligibility letter dated 5/18/1998 | Electric & Natural Gas: licensed - no license # given<br>Eligibility letter dated 5/16/2013 | Electric & Natural Gas: licensed - no license # given<br>Eligibility letter dated 3/16/2000 |                                                                                                                                  |
| NC    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| OH    | Electric: 17-1187E<br>February 23, 2019<br>Natural Gas: 08-133G<br>January 21, 2008                           | Electric: 00-1936-EL<br>12/2/2004<br>Natural Gas: 02-024G                                         | Electric: 00-005(10)E<br>10/27/2000                                                         | Natural Gas: 13-303G<br>5/6/2013                                                            |                                                                                             |                                                                                                                                  |
| PA    | Electric: A-2010-2181867<br>September 2, 2010<br>Natural Gas: A-2012-2308991<br>September 27, 2012            | Electric: A-110164<br>April 21, 2005<br>Natural Gas: A-125135<br>December 2, 2004                 | Electric: A-110025<br>7/31/1997<br>Natural Gas: A-125072<br>5/22/2014                       | Electric: A-2013-2368464<br>8/15/2013<br>Natural Gas: A-2013-2365792<br>8/15/2013           | Electric: A-2009-2137275<br>12/21/2009<br>Natural Gas: A-2009-2138725<br>10/19/2009         | Electric Broker/Marketer:<br>A-2020-3020380<br>October 8, 2020<br>Natural Gas Broker/Marketer:<br>A-2020-3023412<br>May 20, 2021 |
| RI    |                                                                                                               | Electric: D-96-6(U2)<br>8/3/2005<br>Natural Gas:<br>2378(T1)                                      | Electric: D-96-6(Z)<br>1/9/1998<br>Natural Gas:<br>2379(A3)                                 | Electric: D-96-6(J6)<br>8/14/2013<br>Natural Gas:<br>2379(Y2)                               |                                                                                             |                                                                                                                                  |
| SC    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| TN    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| TX    | Electric: 10104<br>January 21, 2005                                                                           |                                                                                                   | Electric: 10011<br>2/20/2001                                                                |                                                                                             |                                                                                             |                                                                                                                                  |
| VA    |                                                                                                               | Electric: E-36<br>10/5/2016                                                                       | Electric: E-38<br>5/31/2017                                                                 | Natural Gas: G-7<br>6/6/2013                                                                | Electric: E-13<br>9/1/2004<br>Natural Gas: G-19                                             |                                                                                                                                  |
| WV    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |
| WI    |                                                                                                               |                                                                                                   |                                                                                             | Gas Transport - No Lic.                                                                     |                                                                                             |                                                                                                                                  |



### **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:

In the interest of full disclosure, certain NRG licensed retail entities have been the subject of legal and regulatory proceedings, which are summarized below. For information regarding NRG Energy, Inc.'s involvement in material litigation arising out of its participation in U.S. wholesale or retail energy markets, please see the Form 10-K and Form 10-Q filings which can be found at [www.sec.gov](http://www.sec.gov), CIK# 0001013871 or <http://investors.nrg.com/financial-information/sec-filings>.

Direct Energy Services, LLC 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 from the last two years for Direct Energy Services, LLC and/or its affiliates.

NRG INVESTIGATIONS



| ENTITY                        | REGULATORY AGENCY                                                                                                                                         | DATE OF INCIDENT | DOCKET / PUC CASE NO.   | JURISDICTION / | SUMMARY PUBLIC NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reliant Energy Northeast LLC  | Public Utility Commission of Ohio                                                                                                                         | 12/8/2020        | Case No. 20-1758-GE-UNC | Ohio           | On March 24, 2021, the Public Utilities Commission of Ohio adopted a Joint Stipulation, entered into by Commission Staff and 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. See Case No. 20-1758-GE-UNC.                                                                                                                                                                                                                       |
| Reliant Energy Northeast LLC  | Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E")                                                                  | 9/29/2020        | M-2020-3006647          | Pennsylvania   | On March 25, 2021, the Pennsylvania Public Utility Commission issued a Final Order approving a Joint Petition for Approval of Settlement between the PUC'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"). The Settlement resolved 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. See Docket No. M-2020-3006647. |
| Energy Plus Holdings LLC      | Connecticut - Public Utility Regulatory Authority                                                                                                         | 9/30/2020        | Docket # 09-01-21       | 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.                                                                                                                                                                                                                                                                                                                                                           |
| Energy Plus Holdings LLC      | Prosecutorial Division of the Connecticut Public Utilities Regulatory Authority, Office of Education, Outreach and Enforcement ("Prosecutorial" or "EOE") | 9/30/2020        | N/A                     | 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.                                                                                                                                                                                                                                                                                                                                                             |
| Green Mountain Energy Company | Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement ("I&E")                                                                  | 1/8/2021         | M-2021-3009235          | Pennsylvania   | On February 24, 2022, the Pennsylvania Public Utility Commission issued a Final Order approving a Joint Petition for Approval of Settlement between the PUC's Bureau of Investigation and Enforcement ("PA BIE") and Green Mountain Energy Company ("Green Mountain") relating to sales and enrollment practices in Pennsylvania. PA BIE alleged that Green Mountain switched customers to its service without proper authorization in certain instances. Green Mountain agreed to pay a civil penalty of \$156,000 (not inclusive of any customer refunds), along with certain injunctive relief, such as required reporting. Ssee Docket No. M-2021-3009235 (available at: <a href="https://www.puc.pa.gov/pcdocs/1711074.pdf">https://www.puc.pa.gov/pcdocs/1711074.pdf</a> ).                                                                                                                                                                                                                                                                                                                     |
| XOOM Energy Ohio, LLC         | Public Utility Commission of Ohio                                                                                                                         | 6/1/2021         | 22-267-GE-COI           | Ohio           | In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a notice of probable non-compliance to XOOM Energy Ohio, LLC ("XOOM Energy"), citing concerns with XOOM Energy's compliance with marketing, sales, and enrollment regulations in Ohio. In April 2022, PUCO opened a formal investigation into these same issues. XOOM Energy is cooperating with the investigation, which remains ongoing and has not been subject of any hearing to date.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Direct Energy Services, LLC   | Public Utility Commission of Ohio                                                                                                                         | 6/1/2021         | 22-583-GE-UNC           | Ohio           | In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a Notice of Probable Non-compliance to Direct Energy Services ("DES"), citing concerns with DE's compliance with marketing, sales, and enrollment regulations in Ohio. On June 10, 2022 DES and PUCO Staff signed a joint stipulation of settlement in the matter. The Office of Consumer Counsel intervned to be heard on the settlement. The matter is pending.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

# **Competitive Retail Electric Service Affidavit**

County of HARRIS :

State of TEXAS :

PAOLO BERARD, Affiant, being duly sworn/affirmed, hereby states that:

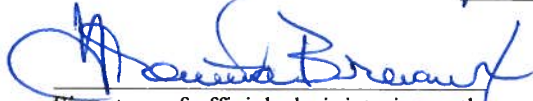
1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information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

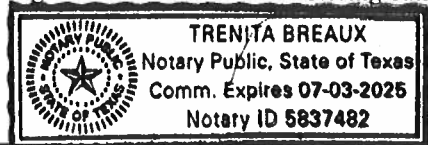
13. Affiant further sayeth naught.

 SECRETARY  
Signature of Affiant & Title

Sworn and subscribed before me this 1ST day of November, 2022  
Month Year

  
Signature of official administering oath

Trenita Breaux, Notary Public  
Print Name and Title



My commission expires on 07/03/2025

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

**11/1/2022 3:00:44 PM**

**in**

**Case No(s). 00-1936-EL-CRS**

**Summary: In the Matter of the Application of Direct Energy Services LLC**