

**DIS Case Number: 04-1323-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:** Dynegy Energy Services East LLC    **Country:** United States  
**Phone:** 2148122820    **Extension (if applicable):**    **Street:** 6555 Sierra Drive  
**Website (if any):** www.dynegy.com    **City:** Irving    **Province/State:** TX  
**Postal Code:** 75039

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

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

Name	Type	Address	Active?	Proof
Dynegy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Better Buy Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Brighten Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
True Fit Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Honor Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File

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

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



Name	Type	Address	Active?	Proof
Dynegy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Better Buy Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Brighten Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
True Fit Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File
Honor Energy	DBA	6555 Sierra Drive Irving, TX 75039	Yes	File

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

Heather Moreno  
1925 West John Carpenter Fwy  
Irving, TX 75039  
US  
heather.moreno@vistracorp.com  
2148124052

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

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

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

<b>Phone:</b> 833-265-6999	<b>Extension (if applicable):</b>	<b>Country:</b> United States
<b>Fax:</b>	<b>Extension (if applicable):</b>	<b>Street:</b> 6555 Sierra Drive
<b>Email:</b> descustcare@dynegy.com		<b>City:</b> Irving
		<b>Province/State:</b> TX
		<b>Postal Code:</b> 75039

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

**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**

Commercial  
Industrial  
Mercantile  
Residential

**A-11. Start date**

Indicate the approximate start date the applicant began/will begin offering services: 11-11-2010

**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
Yuki Whitmire	rcf@vistracorp.com	Vice President, Associate General Counsel, Corporate Secretary	6555 Sierra Drive Irving, TX 75039 US



## Public Utilities Commission

Scott Hudson	rcf@vistracorp.com	President, Vistra Retail	6555 Sierra Drive Irving, TX 75039 US
Samudra Sen	rcf@vistracorp.com	Vice President	6555 Sierra Drive Irving, TX 75039 US
Kristopher Moldovan	rcf@vistracorp.com	Executive Vice President, CFO	6555 Sierra Drive Irving, TX 75039 US
Sydney Seiger	rcf@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Christy Dobry	rcf@vistracorp.com	Vice President, Controller	6555 Sierra Drive Irving, TX 75039 US
Carla Howard	rcf@vistracorp.com	Senior Vice President, General Tax Counsel	6555 Sierra Drive Irving, TX 75039 US
Darshan Bhate	rcf@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Gabe Vazquez	rcf@vistracorp.com	Vice President, Associate General Counsel	6555 Sierra Drive Irving, TX 75039 US
Gabriel Castro	rcf@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
John Duessel	rcf@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US
Carrie Kirby	rcf@vistracorp.com	Executive Vice President, Chief Administrative Officer	6555 Sierra Drive Irving, TX 75039 US
Tom Farrah	rcf@vistracorp.com	Senior Vice President, Chief Information Officer	6555 Sierra Drive Irving, TX 75039 US
Paul Reyes	rcf@vistracorp.com	Vice President	6555 Sierra Drive Irving, TX 75039 US
Stephanie Zapata Moore	rcf@vistracorp.com	Executive Vice President, General Counsel, Chief Compliance Officer	6555 Sierra Drive Irving, TX 75039 US
Claudia Morrow	rcf@vistracorp.com	Senior Vice President	6555 Sierra Drive Irving, TX 75039 US



## Public Utilities Commission

James Burke	rcf@vistracorp.com	Chief Executive Officer (CEO)	6555 Sierra Drive Irving, TX 75039 US
Daniel Kelly	rcf@vistracorp.com	Senior Vice President and Deputy General Counsel	6555 Sierra Drive Irving, TX 75039 US
Stacey Dore	rcf@vistracorp.com	EVP Chief Strategy & Sustainability Officer & Public Affairs	6555 Sierra Drive Irving, TX 75039 US
Stephen Muscato	rcf@vistracorp.com	Executive Vice President, President of Vistra Wholesale Operations and Development	6555 Sierra Drive Irving, TX 75039 US
William Quinn	rcf@vistracorp.com	Senior Vice President, Treasurer	6555 Sierra Drive Irving, TX 75039 US
Shawn Stuckley	rcf@vistracorp.com	Senior Vice President of Commercial Operations	6555 Sierra Drive Irving, TX 75039 US
Sam Siegel	rcf@vistracorp.com	Vice President of Wholesale Strategy	6555 Sierra Drive Irving, TX 75039 US

### A-13. Company history

On April 2, 2015, Dynegy, Inc. ('Dynegy') acquired Duke Energy Retail Sales, LLC ('DERS'), (the 'Acquisition'). Following DERS' acquisition by Dynegy, DERS become a wholly owned subsidiary of Dynegy Energy Services, LLC ('DES') and renamed Dynegy Energy Services (East), LLC ('DES-East'). Following the Acquisition, Dynegy became the ultimate parent company of DES-East.

On April 9, 2018, Dynegy Inc. ('Dynegy') and Vistra Corp. ('Vistra') merged with and into Vistra (the 'Merger'). Following the Merger, Vista became the ultimate parent company of Dynegy Energy Services (East), LLC.

### A-14. Secretary of State

Secretary of State Link:

## Section B: Applicant Managerial Capability and Experience

### B-1. Jurisdiction of operations



## Public Utilities Commission

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

File Attached

### **B-2. Experience and plans**

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

File(s) attached

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

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

File Attached

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

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

**No**

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

Has the applicant, affiliate, or a predecessor of the applicant had any certification, license, or application to provide retail natural gas or retail/wholesale electric service denied, curtailed,



## Public Utilities Commission

suspended, revoked, or cancelled or been terminated or suspended from any of Ohio's Natural Gas or Electric Utility's Choice programs within the past two years?

**No**

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

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

### **PJM disclosure option chosen**

## Section C: Applicant Financial Capability and Experience

### **C-1. Financial reporting**

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

Financial Reports Link(s): <https://investor.vistracorp.com/financials>

### **C-2. Financial statements**

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



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

Links to Financial Statement(s): <https://investor.vistracorp.com/financials>

### **C-3. Forecasted financial statements**

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

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

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

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

Preferred to file confidentially

### **C-4. Credit rating**

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

This does not apply





#### C-5. Credit report

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

Preferred to file this information confidentially

#### C-6. Bankruptcy information

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

- Applicant
- Parent company of the applicant
- Affiliate company that guarantees the financial obligations of the applicant
- Any owner or officer of the applicant

No

#### C-7. Merger information

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

No

#### C-8. Corporate structure

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



File(s) attached

### C-9. Financial arrangements

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

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

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

1. The applicant itself states that it is investment grade rated by Moody's Investors Service, Standard & Poor's Financial Services, or Fitch Ratings and provides evidence of rating from the rating agencies. If you provided a credit rating in C-4, reference the credit rating in the statement.
2. The applicant's parent company is investment grade rated (by Moody's, Standard & Poor's, or Fitch) and guarantees the financial obligations of the applicant to the LDU(s). Provide a copy of the most recent credit opinion from Moody's, Standard & Poor's or Fitch.
3. The applicant's parent company is not investment grade rated by Moody's, Standard & Poor's or Fitch but has substantial financial wherewithal **in the opinion of the Staff reviewer** to guarantee the financial obligations of the applicant to the LDU(s). The parent company's financials and a copy of the parental guarantee must be included in the application if the applicant is relying on this option.
4. The applicant can provide evidence of posting a letter of credit with the LDU(s) listed as the beneficiary, in an amount sufficient to satisfy the collateral requirements of the LDU(s).

Preferred to file confidentially

## Section D: Applicant Technical Capacity

### D-1. Operations

Power Marketers/Generators: Describe the operational nature of the applicant's business, specifying whether operations will include the generation of power for retail sales, the



scheduling of retail power for transmission and delivery, the provision of retail ancillary services, as well as other services used to arrange for the purchase and delivery of electricity to retail customers.

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.

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

File(s) attached

#### **D-2. Operations Expertise & Key Technical Personnel**

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

File(s) attached

#### **D-3. FERC Power Marketer and License Number**

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

DESE received approval from FERC to be a Power Marketer at FERC Docket Number: ER21-2303-000



Public Utilities  
Commission

# Application Attachments

# BUSINESS DETAILS & FILINGS

Close

## Business Details

Entity #:	1435831	Business Name:	DYNEGY ENERGY SERVICES (EAST), LLC
Filing Type:	FOREIGN LIMITED LIABILITY COMPANY	Status:	Active
Original Filing Date:	01/28/2004	Exp. Date:	-

## AGENT/REGISTRANT INFORMATION

CAPITOL CORPORATE SERVICES, INC.  
4568 MAYFIELD RD.  
STE. 204  
CLEVELAND OH 44121  
04/02/2015  
Active

Business ID Theft  
Protect Yourself

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

State(s)	Legal Entity	Commodity
California	Ambit California, LLC	Gas
California	Everyday Energy, LLC	Gas
California	Viridian Energy PA, LLC	Gas
D.C.	Ambit Northeast, LLC	Electric
D.C.	Ambit Northeast, LLC	Gas
D.C.	Energy Services Providers, Inc.	Electric
D.C.	Everyday Energy, LLC	Electric
D.C.	Everyday Energy, LLC	Gas
D.C.	Public Power, LLC (CT)	Electric
D.C.	Viridian Energy PA, LLC	Electric
D.C.	Viridian Energy PA, LLC	Gas
Delaware	Ambit Northeast, LLC	Electric
Delaware	Everyday Energy, LLC	Electric
Delaware	Viridian Energy PA, LLC	Electric
Illinois	Ambit Illinois, LLC	Gas
Illinois	Ambit Northeast, LLC	Electric
Illinois	Dynegy Energy Services, LLC	Electric
Illinois	Dynegy Energy Services, LLC	Gas
Illinois	Energy Services Providers, Inc.	Electric
Illinois	Everyday Energy, LLC	Electric
Illinois	Everyday Energy, LLC	Gas
Illinois	Illinois Power Marketing Company	Electric
Illinois	Public Power, LLC (CT)	Electric
Illinois	TriEagle Energy, LP	Electric
Illinois	U.S. Gas & Electric, Inc.	Gas
Illinois	Viridian Energy PA, LLC	Electric
Illinois	Viridian Energy PA, LLC	Gas
Indiana	Ambit Midwest, LLC	Gas
Indiana	Everyday Energy, LLC	Gas
Indiana	U.S. Gas & Electric, Inc.	Gas
Indiana	Viridian Energy PA, LLC	Gas
Kentucky	U.S. Gas & Electric, Inc.	Gas
Maine	Ambit Northeast, LLC	Electric
Maine	Energy Rewards, LLC	Electric
Maine	Massachusetts Gas & Electric, Inc.	Electric
Maine	Dynegy Marketing and Trade	Electric
Maryland	Ambit Northeast, LLC	Electric
Maryland	Ambit Northeast, LLC	Gas
Maryland	Energy Services Providers, Inc.	Electric
Maryland	Everyday Energy, LLC	Electric
Maryland	Everyday Energy, LLC	Gas
Maryland	Public Power & Utility of Maryland, LLC	Electric
Maryland	TriEagle Energy, LP	Electric
Maryland	U.S. Gas & Electric, Inc.	Gas
Maryland	Viridian Energy PA, LLC	Electric
Maryland	Viridian Energy PA, LLC	Gas

State(s)	Legal Entity	Commodity
Massachusetts	Ambit Northeast, LLC	Electric
Massachusetts	Ambit Northeast, LLC	Gas
Massachusetts	Dynegy Energy Services (East), LLC	Electric
Massachusetts	Everyday Energy, LLC	Electric
Massachusetts	Massachusetts Gas & Electric, Inc.	Electric
Massachusetts	Public Power, LLC (CT)	Electric
Massachusetts	Viridian Energy PA, LLC	Gas
Massachusetts	Viridian Energy, LLC	Electric
Michigan	Ambit Midwest, LLC	Gas
Michigan	Energy Services Providers, Inc.	Electric
Michigan	Everyday Energy, LLC	Gas
Michigan	U.S. Gas & Electric, Inc.	Gas
Michigan	Viridian Energy PA, LLC	Gas
Montana	Big Sky Gas, LLC	Gas
New Hampshire	Ambit Northeast, LLC	Electric
New Hampshire	Energy Rewards, LLC	Electric
New Hampshire	Everyday Energy, LLC	Electric
New Hampshire	Viridian Energy, LLC	Electric
New Jersey	Ambit Northeast, LLC	Electric
New Jersey	Ambit Northeast, LLC	Gas
New Jersey	Energy Services Providers, Inc.	Electric
New Jersey	Everyday Energy NJ, LLC	Electric
New Jersey	Everyday Energy NJ, LLC	Gas
New Jersey	TriEagle Energy, LP	Electric
New Jersey	U.S. Gas & Electric, Inc.	Gas
New Jersey	Viridian Energy PA, LLC	Electric
New Jersey	Viridian Energy PA, LLC	Gas
New York	Ambit New York, LLC	Electric
New York	Ambit New York, LLC	Gas
New York	Energy Services Providers, Inc.	Electric
New York	Everyday Energy, LLC	Electric
New York	Everyday Energy, LLC	Gas
New York	Public Power, LLC (CT)	Electric
New York	Public Power, LLC (CT)	Gas
New York	U.S. Gas & Electric, Inc.	Electric
New York	U.S. Gas & Electric, Inc.	Gas
New York	Viridian Energy NY, LLC	Gas
New York	Viridian Energy NY, LLC	Electric
New York	Viridian Energy PA, LLC	Gas
Ohio	Ambit Northeast, LLC	Electric
Ohio	Ambit Northeast, LLC	Gas
Ohio	Dynegy Energy Services (East), LLC	Electric
Ohio	Dynegy Energy Services (East), LLC	Gas
Ohio	Energy Services Providers, Inc.	Electric
Ohio	Everyday Energy, LLC	Electric
Ohio	Everyday Energy, LLC	Gas

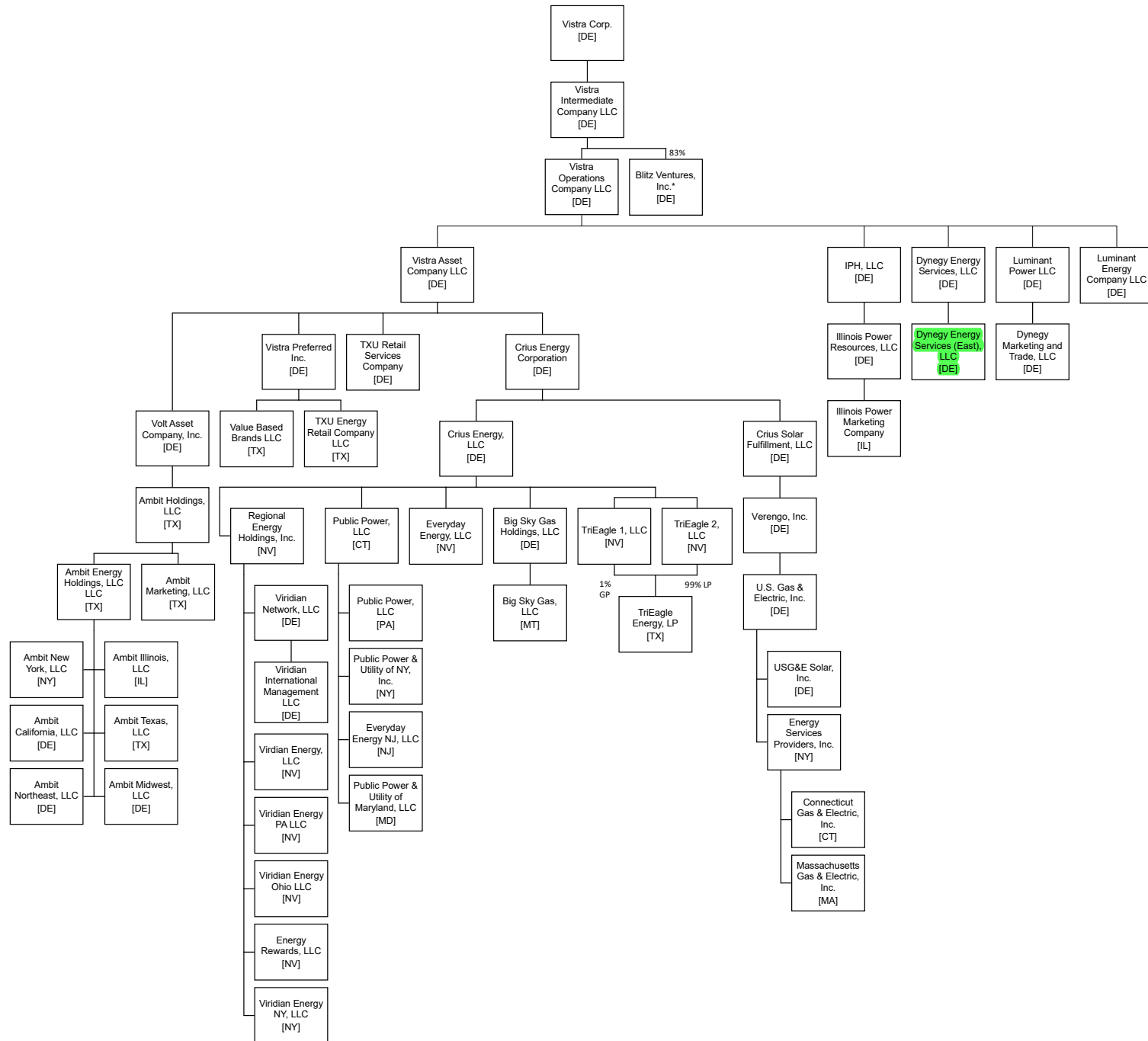
State(s)	Legal Entity	Commodity
Ohio	Public Power, LLC (CT)	Electric
Ohio	TriEagle Energy, LP	Electric
Ohio	U.S. Gas & Electric, Inc.	Gas
Ohio	Viridian Energy Ohio LLC	Electric
Ohio	Viridian Energy Ohio LLC	Gas
Ohio	Viridian Energy PA, LLC	Electric
Ohio	Viridian Energy PA, LLC	Gas
Pennsylvania	Ambit Northeast, LLC	Electric
Pennsylvania	Ambit Northeast, LLC	Gas
Pennsylvania	Dynegy Energy Services (East), LLC	Electric
Pennsylvania	Energy Services Providers, Inc.	Electric
Pennsylvania	Everyday Energy, LLC	Electric
Pennsylvania	Everyday Energy, LLC	Gas
Pennsylvania	Public Power, LLC (PA)	Electric
Pennsylvania	TriEagle Energy, LP	Electric
Pennsylvania	U.S. Gas & Electric, Inc.	Gas
Pennsylvania	Viridian Energy PA, LLC	Electric
Pennsylvania	Viridian Energy PA, LLC	Gas
Rhode Island	Ambit Northeast, LLC	Electric
Rhode Island	Public Power, LLC (CT)	Electric
Rhode Island	Viridian Energy, LLC	Electric
Texas	Ambit Texas, LLC	Electric
Texas	TriEagle Energy, LP	Electric
Texas	TXU Energy Retail Company LLC	Electric
Texas	Value Based Brands LLC	Electric
Virginia	Ambit Northeast, LLC	Gas
Virginia	Viridian Energy PA, LLC	Gas



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

\*\*All ownership interest 100% unless otherwise indicated.

As of September 2022



\* 83% of common stock of Blitz Ventures, Inc. is owned by Vistra Intermediate Company LLC, with the remaining 17% owned by third party.

## **Exhibit D-1**

### **Operations**

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

Dynegy Energy Services (East), LLC markets electricity as a licensed competitive retail electricity services supplier in Ohio to residential and non-residential customers. Dynegy Energy Services (East), LLC will contract electricity purchases for retail sales, as well as nominate and schedule retail electricity for delivery to residential and non-residential choice customers.

## **Exhibit B3**

### **Material Change Notice for Company or Affiliate**

#### **Licenses/Serving Customers**

On June 1, 2022, Ambit New York, LLC notified the New York State Department of Public Service that it will provide notice to all its New York customers and inform that Ambit will return them to utility service beginning August 1, 2022. Ambit will continue to retain its New York retail gas and electric license.

On July 22, 2022, the Public Utilities Regulatory Authority of Connecticut approved the relinquishment of supplier licenses and a return to customers back to utility service as of the next meter read for Public Power, LLC, Connecticut Gas & Electric, Inc., Everyday Energy, LLC and Viridian Energy, LLC and a relinquishment of Ambit Northeast, LLC's supplier license as of September 30, 2022 after a return of Ambit's customers back to utility service as of the September meter read.

#### **Regulatory Actions Update**

##### **Public Power LLC – Connecticut, Docket #07-06-13 (December 2019)**

The Public Utilities Regulatory Authority of Connecticut approved a settlement on July 22, 2022 under which Public Power, LLC would make a contribution to the electric distribution companies to reduce hardship arrearages to resolved alleged violations related to incorrect “next cycle rate” information on customer bills that occurred prior to Vistra Corp.’s acquisition of Public Power.

##### **Ambit Northeast, LLC – Ohio, Case No. 19-0556-EL-UNC (October 2018)**

The Ohio Public Utility Commission (“PUCO”) sent a Notice of Probable Non-Compliance to Ambit Northeast on June 9, 2021, regarding an allegation of unauthorized enrollment submitted by one customer through PUCO’s informal complaint process. On May 18, 2022, PUCO approved the joint settlement stipulation that involved auditing 25% of enrollments received through September 17, 2023, providing incremental training, and paying a forfeiture.

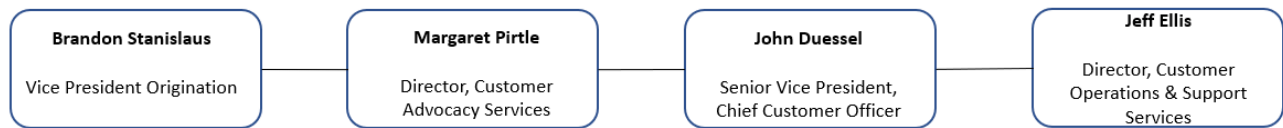
##### **Ambit California, LLC – California, DR-CTA-00134-1, DR-CTA-00134-2 (June 2020)**

The California Public Utilities Commissions (“CPUC”) requested that Ambit provide a copy of the third-party verifications associated with inbound enrollments to Ambit’s Customer Care call center. Ambit was unable to locate two of the requested verifications, and as a result, the CPUC issued a \$2,000 penalty which Ambit paid on September 2, 2020.

##### **Ambit California, LLC – California, CPED Investigation No.00069 (June 2022)**

The California Public Utilities Commissions (“CPUC”) issued data requests seeking information between January 1, 2018 through July 31, 2021. The CPUC requested that Ambit provide a copy of the third-party verifications associated with inbound enrollments to Ambit’s Customer Care call center and web enrollments. Ambit was unable to provide 120 of the requested verifications, and as a result, the CPUC issued a citation for each authorization record.

## Managerial Leadership:



### **Brandon Stanislaus**

Vice President, Origination

Years of Experience: 20+

Brandon is responsible for commodity cost forecasting and portfolio management of the commodity price risk associated with Vistra's subsidiaries' retail electricity sales through procurement of power and power related products. The portfolio value is in the range of \$3 billion dollars. He also leads a retail gas sales team with large industrial and commercial customers across the state of Texas. Brandon joined Vistra Corp. in October 2016 with multiple years of relevant experience in roles such as Power & Gas Origination, Power Generation Account Manager, and Director of Strategic Origination.

Brandon has a bachelor's degree in industrial distribution from Texas A&M University as well as a MBA from The University of Texas at Austin.

### **Margaret Pirtle**

Director, Customer Advocacy Services

Years of Experience: 12+

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

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

Continued

**John Duessel**

Senior Vice President, Chief Customer Officer

Years of Experience: 10+

John Duessel is a Vice President and the Chief Customer Officer for Vistra and has over 10 years of experience in the competitive electricity industry. John joined Vistra's predecessor (Energy Future Holdings Corp. (EFH)) in April 2010 and has been the Chief Customer Officer for Vistra since October 2016. In his current role, John leads the customer experience services organizations that are responsible for delivering exceptional experiences to customers for Vistra's retail subsidiaries.

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

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

**Jeff Ellis**

Director, Customer Operations & Support Services

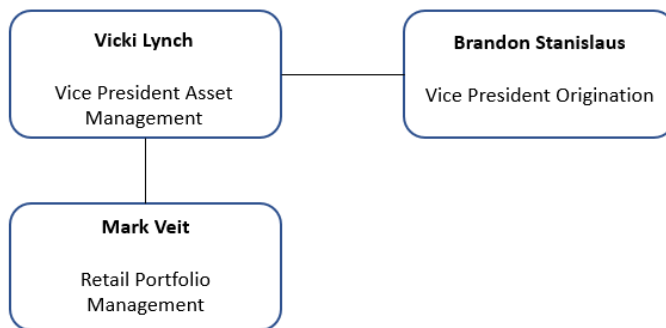
Years of Experience 20+

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

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

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

## Technical Leadership:



### Vicki Lynch

Vice President Asset Management-PJM

Years of Experience: 20+

Vicki Lynch is the Vice President Asset Management at Vistra and has over 25 years of experience in the competitive electricity industry having worked previously with Orange & Rockland Utilities, Inc., GenOn Energy, and Dynegy (Vistra subsidiary) in the areas such as managing bid optimization company initiative to develop and implement best practices and build and automate quantitative solutions for bidding optimization and continuous improvement. Vicki has a bachelor's degree as well as a master's degree, both in Mechanical Engineering, from Manhattan College. Vicki holds a certification in Pragmatic Marketing from the Pragmatic Institute.

### Mark Veit

Senior Director, Commercial Analytics & Asset Optimization

Years of Experience: 20+

Mark Veit is the Senior Director, Commercial Analytics & Asset Optimization and has over 20 years of experience in the competitive electricity industry having worked at Vistra's predecessor (Dynegy) in the areas of application development, data architecture, retail analytics, commercial asset management, risk analysis, and asset optimization.

### Brandon Stanislaus

Vice President, Origination

Years of Experience: 20+

Brandon is responsible for commodity cost forecasting and portfolio management of the commodity price risk associated with Vistra's subsidiaries' retail electricity sales through procurement of power and power related products. The portfolio value is in the range of \$3 billion dollars. He also leads a retail gas sales team with large industrial and commercial customers across the state of Texas. Brandon joined Vistra Corp. in October 2016 with multiple years of relevant experience in roles such as Power & Gas Origination, Power Generation Account Manager, and Director of Strategic Origination. Brandon has a bachelor's degree in industrial distribution from Texas A&M University as well as a MBA from The University of Texas at Austin.

## **Exhibit B-2**

### **Experience and Plans**

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

#### **Experience**

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

#### **Contracting with Customers**

Dynegy Energy Services (East), LLC ("Applicant") is actively participating in Ohio's competitive retail electric market. Applicant markets its products through the traditional channels of partnership, digital advertising, municipal aggregation, telemarketing, and in-person marketing. The Applicant markets under the assumed names of Dynegy, Better Buy Energy, and Brighten Energy.

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

1. *Web Enrollment.* Potential customers can visit [www.dynegy.com](http://www.dynegy.com) where they may be able to enroll online or contact The Applicant's Customer Care Center.
2. *Telephonic Enrollment.* Potential customers may be solicited over the phone by The Applicant and/or vendor(s) in a way that is compliant with the rules and regulations as set by the Public Utilities Commission of Ohio (PUCO).
3. *Customer Care Center.* Potential customers can call The Applicant's Customer Care Center. A call center representative can enroll in a service plan that is compliant with the rules and regulations as set by the Public Utilities Commission of Ohio (PUCO).
4. *Retention Center.* The Applicant may make outbound calls to existing or former customers for renewal or re-enrollment purposes.

#### **Providing Contracted Services**

Dynegy Energy Services (East), LLC currently provides residential and non-residential customers with affordable electricity in Ohio.

### **Providing Billing Statements**

Dynegy Energy Services (East), LLC provides consolidated billing with the utility for residential and commercial customers and offers dual billing to industrial customers.

### **Responding to Customer Inquiries and Complaints**

Dynegy Energy Services (East), LLC's Call Center Operations operates a telephone customer service center to answer any questions that customers may have. These agents are well trained to handle disputes that may arise from the customer. Any complaints or disputes that are not resolved by the front-line agent may be escalated to a supervisor within the call center who serves as the primary point of contact for dispute resolution for the customer. The agent transfers the customer to a supervisor who attempts to resolve the dispute while on the phone with the customer. If research or follow up is required, the supervisor will negotiate a mutually agreed upon callback time once all research is gathered.

Dynegy Energy Services (East), LLC works with customers to reach a mutually agreeable resolution with the goal of achieving customer satisfaction. If a customer requests to speak to Dynegy Energy Services (East), LLC's corporate office, the Office of the President within Corporate Customer Advocacy Services is available to assist in resolution of a customer's dispute as well.



# **Competitive Retail Electric Service Affidavit**

**County of Dallas:**

**State of Texas:**

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

1. The information provided within the certification or certification renewal application and supporting information is complete, true, and accurate to the best knowledge of affiant, and that it will amend its application while it is pending if any substantial changes occur regarding the information provided.
2. The applicant will timely file an annual report of its intrastate gross receipts, gross earnings, and sales of kilowatt-hours of electricity pursuant to Sections 4905.10(A), 4911.18(A), and 4928.06(F), Ohio Revised Code.
3. The applicant will timely pay any assessment made pursuant to Sections 4905.10, 4911.18, and 4928.06(F), Ohio Revised Code.
4. The applicant will comply with all applicable rules and orders adopted by the Public Utilities Commission of Ohio pursuant to Title 49, Ohio Revised Code.
5. The applicant will cooperate fully with the Public Utilities Commission of Ohio, and its Staff on any utility matter including the investigation of any consumer complaint regarding any service offered or provided by the applicant.
6. The applicant will fully comply with Section 4928.09, Ohio Revised Code regarding consent to the jurisdiction of Ohio Courts and the service of process.
7. The applicant will comply with all state and/or federal rules and regulations concerning consumer protection, the environment, and advertising/promotions.
8. The applicant will use its best efforts to verify that any entity with whom it has a contractual relationship to purchase power is in compliance with all applicable licensing requirements of the Federal Energy Regulatory Commission and the Public Utilities Commission of Ohio.
9. The applicant will cooperate fully with the Public Utilities Commission of Ohio, the electric distribution companies, the regional transmission entities, and other electric suppliers in the event of an emergency condition that may jeopardize the safety and reliability of the electric service in accordance with the emergency plans and other procedures as may be determined appropriate by the Commission.
10. If applicable to the service(s) the applicant will provide, it will adhere to the reliability standards of (1) the North American Electric Reliability Council (NERC), (2) the appropriate regional reliability council(s), and (3) the Public Utilities Commission of Ohio.
11. The Applicant will inform the Public Utilities Commission of Ohio of any material change to the information supplied in the application within 30 days of such material change, including any change in contact person for regulatory purposes or contact person for Staff use in investigating consumer complaints.

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

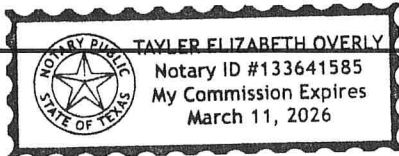
Gabe Vazquez  
Gabe Vazquez  
Vice President & Associate General Counsel

Sworn and subscribed before me this 3 day of February 2023.

Taylor Elizabeth Overly  
Signature of official administering oath

Taylor Elizabeth Overly  
Notary Public

My commission expires on March 11, 2026



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

**2/3/2023 4:20:45 PM**

**in**

**Case No(s). 04-1323-EL-CRS**

**Summary: In the Matter of the Application of Dynegy Energy Services East LLC**