



octopus
energy

March 14, 2023

VIA ELECTRONIC FILING

Jennifer French
Chair
Public Utilities Commission
180 East Broad Street
Columbus, OH 43215

Re: In the Matter of the Certificate No. 22-106968E – Application of Octopus Energy, LLC for a Ohio Competitive Retail Electric Service Provider License – State Orders & Decisions

Dear Ms. French:

Octopus Energy LLC (the "Company") hereby submits the following information in connection with the above-referenced proceeding regarding the states in which we, or any of our affiliates, is now or has been engaged in the retail sale of electricity.

Included in the documents attached are:

- ☐ Cover Letter
- ☐ State Orders & Decisions (from the state's public utility commission):
 - o Connecticut
 - o Delaware
 - o Illinois
 - o Maine
 - o Maryland
 - o Massachusetts
 - o New Jersey
 - o Ohio
 - o Pennsylvania
 - o Rhode Island
 - o Texas
 - o Washington D.C.

In accordance with Ohio Public Utility Commission (PUC) instructions, an electronic copy will be submitted through the OH ID Filing System.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Rebecca L DuPont
Director of Operations | Octopus Energy US
M: (833) 628-6888 | F: (281) 519-3971 | C: (713) 289-0288
Email: us-compliance@octoenergy.com



State Orders & Decisions

PAGE NUMBER	DATE ISSUED	STATE	LICENSE TYPE	LICENSE NUMBER	STATUS <i>(Licensed, Actively Marketing, Ceased, etc.)</i>
3-11	04/30/2019	Texas	Retail Electric Provider	10262	Licensed, Actively Marketing & Serving Load
12	03/25/2022	Ohio	Competitive Retail Electric Service Provider	22-106968E	Licensed Only, No Customers, No Marketing
13	04/05/2022	Rhode Island	Non Regulated Power Producer pursuant to R.I.G.L. 39-1-27.1(c).	D-96-6 (Y9)	Licensed Only, No Customers, No Marketing
14-16	05/24/2022	Maine	Competitive Retail Electric Provider	2022-00116	Licensed Only, No Customers, No Marketing
17	06/03/2022	Massachusetts	Competitive Supplier License	CS-195	Licensed Only, No Customers, No Marketing
18-19	08/23/2022	Washington D.C.	Retail Electric Provider	EA2022-02	Licensed Only, No Customers, No Marketing
20-25	09/07/2022	Connecticut	Electric Supplier License	22-05-02	Licensed Only, No Customers, No Marketing
26	09/28/2022	Maryland	Electric Supplier License	IR-4879	Licensed Only, No Customers, No Marketing
27	10/12/2022	New Jersey	Electric Power Supplier License	ESL-0258	Licensed Only, No Customers, No Marketing
28-38	12/08/2022	Pennsylvania	Electric Generation Services Supplier License	A-2022-3031529	Licensed Only, No Customers, No Marketing
39-42	02/22/2023	Delaware	Electric Supplier Certificate ("ESC")	22-0384	Licensed Only, No Customers, No Marketing
43-47	03/08/2023	Illinois	Alternative Retail Electric Supplier ("ARES")	22-0716	Licensed Only, No Customers, No Marketing

DOCKET NO. 48638

RECEIVED

APPLICATION OF EVOLVE ENERGY §
FOR A RETAIL ELECTRIC PROVIDER §
CERTIFICATE §

2019 APR 30 PM 3:57
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Evolve Energy, LLC for an option 1 retail electric provider (REP) certificate. The Commission approves the application and issues REP certificate number 10262 to Evolve Energy.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Evolve Energy is a domestic limited liability company registered with the Texas secretary of state on July 31, 2018, under file number 803079817.

Application

2. On August 29, 2018, Evolve Energy applied for a REP option 1 certificate to provide retail electric services throughout the State of Texas.
3. Evolve Energy submitted its application using the Commission-approved form, verified by oath or affirmation, and signed by Samit Shah, president of Evolve Energy.
4. On February 19, 2019 Evolve Energy amended its application.
5. Evolve Energy's amended application was on the Commission-approved form, verified by oath or affirmation, and signed by Michael Lee, chief executive officer of Evolve Energy.
6. In Order No. 6 issued February 28, 2019, the administrative law judge found the application administratively complete.

Basic Requirements

7. Evolve Energy, LLC is registered with the Texas secretary of state, and the name is not deceptive, misleading, vague, or duplicative of a name previously approved for use by an existing REP certificate holder.

321

00000001

8. Evolve Energy maintains an office located in Texas for the purpose of providing customer service, accepting service of process, and making available at that office books and records for inspection.

Financial Requirements

9. Evolve Energy meets the access to capital requirements because its guarantor has a tangible net worth greater than or equal to \$100 million, a minimum current ratio (current assets divided by current liabilities) of 1.0, and a debt-to-total capitalization ratio not greater than 0.60.
10. Evolve Energy will adequately protect customer deposits and residential advance payments by keeping such funds in a segregated cash account.
11. Evolve Energy reported that neither itself, nor any predecessor in interest, has a history of insolvency, bankruptcy, dissolution, merger or acquisition during the 60 months immediately preceding the application.

Technical and Managerial Requirements

12. Evolve Energy has demonstrated: (a) it has the capability to comply with all applicable ERCOT rules; (b) it has the capability to comply with all applicable ERCOT registration and certification requirements; (c) it will comply with all renewable energy portfolio standards; (d) its principals or permanent, managerial employees have at least 15 years combined experience in the competitive retail electric or gas industry; (e) it has at least one principal or permanent employee with five years of experience in energy commodity risk management of a substantial energy portfolio; (f) it has adequate staffing and employee training to meet all service level commitments; (g) it has the capability and effective procedures to be the primary point of contact for retail electric customers for distribution system service; (h) it has a customer service plan that complies with the Commission's customer protection and anti-discrimination rules.
13. Evolve Energy provided the name and resume of at least one principal or permanent employee who has at least five years of experience in energy commodity risk management of a substantial energy portfolio.

14. Evolve Energy reported that neither itself, nor its affiliates or principals have any complaint history, disciplinary record, or compliance record during the 10 years immediately preceding the application from any federal agency, self-regulatory organization, state public utility commission, state attorney general's office, other regulatory agency, the Texas Secretary of State, the Texas Comptroller's Office, or the Office of the Texas Attorney General.
15. Evolve Energy reported that neither itself nor its principals are currently under investigation or have been penalized by an attorney general or any state or federal regulatory authority for violation of any deceptive trade or consumer protection laws or regulations.
16. Evolve Energy reported that neither itself nor its principals have been convicted of or found liable for fraud, theft, larceny, deceit, or violations of any securities laws, customer protection laws, or deceptive trade laws.
17. Evolve Energy is not currently providing service to customers.

Informal Disposition

18. More than 15 days have passed since the completion of notice provided in this docket.
19. No person filed a protest or motion to intervene.
20. Evolve Energy and Commission Staff are the only parties to this proceeding.
21. No party requested a hearing and no hearing is needed.
22. Commission Staff recommended approval of the application.
23. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over the application under PURA¹ § 39.352.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.017.

2. The application complies with the requirements of PURA § 39.352 and 16 Texas Administrative (TAC) § 25.107.
3. Evolve Energy designated its election for option 1 REP certification to provide retail electric services throughout the state of Texas as required by 16 TAC § 25.107(d)(1).
4. Evolve Energy maintains a Texas business location in satisfaction of PURA § 39.352(b)(4) and 16 TAC § 25.107(e)(2).
5. The name Evolve Energy Power, LLC is not deceptive, misleading, vague, otherwise contrary to 16 TAC § 25.272, or duplicative, in compliance with 16 TAC § 25.107(e)(1)(B).
6. Evolve Energy has demonstrated compliance with the access to capital requirements in 16 TAC § 25.107(f)(1)(A).
7. Evolve Energy has agreed to comply with 16 TAC § 25.107(f)(5) and § 25.108, relating to the billing and collection of transition charges.
8. Evolve Energy has at least one principal or employee who has five years of experience in energy commodity risk management of a substantial energy portfolio, as required by 16 TAC § 25.107(g)(1)(E).
9. Evolve Energy has demonstrated that it will protect customer deposits and residential advance payments as required by 16 TAC § 25.107(f)(2)(A).
10. Evolve Energy has demonstrated compliance with the requirements of 16 TAC § 25.107(g)(1)(A) through (C) regarding registering with and certification by ERCOT, and compliance with 16 TAC § 25.173, regarding renewable portfolio standards.
11. Evolve Energy has demonstrated that it has experience in competitive retail electric service or a related industry; it has principals or employees who are sufficiently experienced in the competitive electric industry or the competitive gas industry; it is committed to adequate staffing and training; it will be the primary point of contact for its customers; and it has a customer service plan that complies with the Commission's customer protection and anti-discrimination rules as required by 16 TAC §§ 25.107(g)(1)(D) through (H).
12. Evolve Energy made the appropriate disclosures required by 16 TAC § 25.107(g)(2).

13. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission issues REP option 1 certificate number 10262 to Evolve Energy to provide retail electric services in the State of Texas.
2. Evolve Energy must provide service only under the name set forth in the granted certificate.
3. Evolve Energy must continuously maintain an office within Texas for the purpose of providing customer service, accepting service of process, and making available in that office books and records sufficient to establish compliance with the requirements of PURA and applicable Commission rules.
4. Evolve Energy must notify the Commission within five working days of any change in its office address, business address, telephone numbers or contact information.
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 30th day of April 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE



DOCKET NO. 51384

**APPLICATION OF EVOLVE RETAIL
ENERGY, LLC TO AMEND ITS
RETAIL ELECTRIC PROVIDER
CERTIFICATE**

§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF APPROVAL

This Notice of Approval addresses the October 2, 2020 application of Evolve Retail Energy, LLC to amend its retail electric provider (REP) certificate number 10262. On October 7, 8, 28, 30, December 2, 2020, and January 5, 2021, Evolve filed supplemental information. Evolve requests the amendment to reflect a change in upstream ownership, a change in technical and managerial qualifications, and the addition of two assumed names.

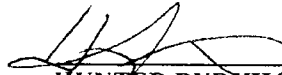
Evolve is a Texas limited liability company registered with the Texas secretary of state under filing number 802982152. Evolve registered the assumed names of Octopus Energy and Octopus with the Texas secretary of state on September 25, 2020.

On February 4, 2021, Commission Staff recommended approval of Evolve's application and determined that its application meets the requirements of 16 TAC § 25.107.

Accordingly, the administrative law judge concludes that Evolve's application satisfies the requirements of 16 TAC § 25.107. The Commission approves Evolve's application and amends REP certificate number 10262.

Signed at Austin, Texas the 16th day of February 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'HB', is written over a horizontal line.

**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**

DOCKET NO. 52618

APPLICATION OF EVOLVE RETAIL	§	PUBLIC UTILITY COMMISSION
ENERGY, LLC TO AMEND ITS	§	
RETAIL ELECTRIC PROVIDER	§	OF TEXAS
CERTIFICATE	§	

NOTICE OF APPROVAL

This Notice of Approval addresses Evolve Retail Energy, LLC's September 20, 2021 application to amend its retail electric provider (REP) certificate number 10262. Evolve seeks the amendment to change its name and contact information, and to reflect a change in its technical and managerial qualifications.

Evolve is a Texas limited liability company registered with the Texas secretary of state under filing number 802982152. On August 11, 2021, Evolve filed with the Texas secretary of state a certificate of amendment changing its name to Octopus Energy LLC.

On November 12, 2021, Commission Staff recommended approval of the application.

Evolve's application for amendments to its REP certificate provides the information required to demonstrate that it has met the requirements of 16 Texas Administrative Code (TAC) § 25.107(e)(1)(B). Evolve complied with 16 TAC § 25.107(e)(1)(B) by changing its name to one that is not deceptive, misleading, vague, or duplicate of any existing REP name. The secretary of state approved the corporate name change on August 12, 2021 in file number 802982152.

Evolve's application for amendment to its REP certificate provides the information required to demonstrate that it has met the requirements of 16 TAC § 25.107(i)(1), by notifying the Commission within five working days of any change in its business address, telephone numbers, authorized contacts, or other contact information. Evolve provided updated information for its toll-free phone number, fax number, physical address, website, and authorized representative.

Further, Evolve's application for amendment to its REP certificate provides the information required to demonstrate that it has met the requirements of 16 TAC § 25.107(g)(1)(E) by providing the resume of a permanent employee whose experience amounted to more than five years managing energy portfolios with minimum values greater than \$10,000,000.

For the foregoing reasons, Evolve's application satisfies the requirements of 16 TAC § 25.107. The Commission amends Evolve's REP certificate number 10262.¹

Signed at Austin, Texas the 16th day of November 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ Administrative approval of this uncontested application has no precedential value in a future proceeding.



**Public Utilities
Commission**

Jenifer French, Chair

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

Competitive Retail Electric Service Provider Certificate

Certified Entity:
Octopus Energy LLC

114 Main Street, Suite 500
Houston, TX 77002

Certificate Number: **22-106968E**

Effective Date: March 25, 2022

Expiration Date: March 05, 2024

Issued Pursuant to Case Number(s):

22-0079-EL-CRS

The above referenced entity is hereby certified to provide competitive retail electric **Power Marketer** services within the State of Ohio.

The certification of competitive retail electric service providers is governed by Chapters 4901:1-24 and 4901:1-21 of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code. This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

The certified entity is subject to all rules and regulations of the Public Utilities Commission of Ohio now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **25 day of March, 2022.**



By Order of
The Public Utilities Commission of Ohio

Tanowa M. Troupe, Secretary
Debbie Ryan, Acting Secretary
Donielle M. Hunter, Acting Secretary
Susan Patterson, Acting Secretary



STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES & CARRIERS
89 Jefferson Boulevard
Warwick, Rhode Island 02888
(401) 941-4500

April 5, 2022

Rebecca DuPont
Director of Operations
114 Main Street, Ste. 500
Houston, TX 77002

Re: Octopus Energy LLC's Application for Registration as a Non Regulated Power Producer pursuant to R.I.G.L. 39-1-27.1(c). Division Docket D-96-6 (Y9)

Dear Ms. DuPont:

The Division of Public Utilities has reviewed Octopus Energy, LLC's application for registration as a nonregulated power producer, pursuant to R.I.G.L. 39-1-27.1(c) and the Division's Rules Applicable to Nonregulated Power Producers. The application is complete as to the statutory requirements of 39-1-27.1(c), itemized in statute at (i) through (ix) and the Division's rules.

The Division accepts the registration application of Octopus Energy, LLC as a nonregulated power producer. In conformance with the law, please note that the registration must be updated within ten days of any change to the information included in your application.

Very truly yours,

John Bell
Chief Accountant

cc: Luly Massaro, Commission Clerk

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2022-00116

May 24, 2022

OCTOPUS ENERGY, LLC
Application for License to Operate
As A Competitive Electricity Provider

ORDER GRANTING LICENSE

BARTLETT, Chairman; DAVIS and SCULLY, Commissioners

I. SUMMARY

Through this Order, Octopus Energy LLC (Octopus or the Company) is issued a license to operate as a competitive electricity provider furnishing supplier services to all customer classes throughout Central Maine Power and Versant Power's service territories pursuant to Chapter 305 of the Commission's Rules.

II. APPLICATION AND DECISION

On April 18, 2022, Octopus applied to the Commission to operate in Maine as a competitive electricity provider pursuant to Chapter 305. The Company proposes to provide supplier services to all customer classes throughout Central Maine Power and Versant Power's service territories and has met all the Chapter 305 filing requirements.

As a licensed competitive electricity provider, the Company is required to comply with all applicable requirements and regulations, including all conditions of licensing, assignments, customer protection rules, and the filing of annual reports. To the extent that a licensed competitive electricity provider uses third-parties to assist in obtaining customers during the course of its business, Chapter 305 § 4(C) of the Commission's rules places the responsibility on the competitive electricity provider for violations of the provisions of this section by representatives or agents acting on the competitive electricity provider's behalf. Chapter 305 § 2(C)(3) also requires a competitive electricity provider to use reasonable efforts to avoid conducting business with any entity acting as a competitive electricity provider in Maine without a license from the Commission. Therefore, if the Company uses a third party to market its services, it is responsible to ensure that the third party has met any licensing requirements of the Commission.

Pursuant to a Delegation Order dated April 23, 2008 in Docket No. 2008-185, *PUBLIC UTILITIES COMMISSION, Delegation of Authority to License Competitive Electricity Providers*, the Commission delegated to the Director of Technical Analysis the authority under 35-A M.R.S. §§ 3203 (1) & (2) and Chapter 305, §2 to license competitive electricity providers. The Commission no longer has a Director of Technical Analysis and all existing delegation orders that delegate Commission authority to the Director of Technical Analysis is now delegated to the Director of Electric and Gas Utility Industries.

Accordingly, it is

O R D E R E D

1. That Octopus Energy LLC is hereby issued a license to operate as a competitive electricity provider pursuant to Chapter 305 of the Commission's Rules, to provide supplier services to all customer classes in Central Maine Power and Versant Power's service territories pursuant to Chapter 305 of the Commission's Rules; and
2. That this license is effective on the date of this Order and valid until revoked or suspended by the Commission pursuant to section 3(A)(4) of Chapter 305, or abandoned by the licensee pursuant to sections 2(D)(10) and 2(D)(11) of Chapter 305 of the Commission's Rules.

Dated at Hallowell, Maine, this 24th day of May, 2022.

BY ORDER OF THE DIRECTOR OF ELECTRIC AND GAS UTILITY INDUSTRIES



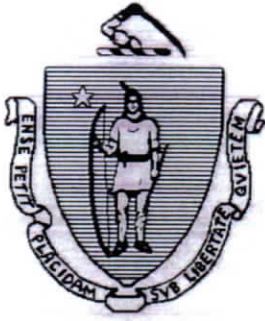
Faith Huntington

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

ONE SOUTH STATION, 5TH FLOOR
BOSTON, MASSACHUSETTS 02110
617-305-3500

Competitive supplier license application - new
220 CMR 11.05



Submit an original paper copy to: Secretary Mark D. Marini, One South Station, 5th floor, Boston, MA 02110. Include all required attachments (e.g. training certificate, NEPOOL letter) with this application, and clearly indicate which question each attachment is associated with. Include a check in the amount of \$100.00, payable to the Commonwealth of Massachusetts. Submit an electronic copy of the application to: dpu.electricsupply@mass.gov and andrew.w.strumfels@mass.gov. Applicant must file a license renewal application annually.

I. GENERAL BUSINESS INFORMATION

1. Legal name of applicant: Octopus Energy LLC
Doing business as (D/B/A): N/A
2. Business address: 114 Main Street, Suite 500 Houston, TX 77002
3. If a corporation, association, or partnership:
 - (a) Organized under the laws of which state: Texas
 - (b) Date of organization: 04/06/2018
 - (c) Attach a copy of the articles of incorporation, association, partnership agreement or other document regarding legal organization.
 - (d) Attach a copy of the by-laws, if applicable.

Required information is provided in Exhibit 3.

4. Name and title of all officers and directors, partners, or other similar officials (add additional rows as necessary):

Required information is provided in Exhibit 4.

5. Name, title, toll-free telephone number, and email address of customer service contact person:

Kelly Rankine	Operations Team Lead
Name	Title
(833) 628-6888	kelly.rankine@octoenergy.com
Toll-free telephone number (required)	Email

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET N.W., SUITE 800
WASHINGTON, D.C. 20005**

ORDER

August 23, 2022

**FORMAL CASE NO. EA2022-02, IN THE MATTER OF THE APPLICATION OF
OCTOPUS ENERGY LLC FOR AN ELECTRICITY SUPPLIER LICENSE, Order
No. 21522**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants a license to Octopus Energy LLC (“Octopus Energy” or “Applicant”) to function as an electricity supplier in the District of Columbia.¹ Octopus Energy LLC’s license is effective upon issuance of this Order.

II. BACKGROUND

2. On January 19, 2022, Octopus Energy filed its license application.² Specifically, Octopus Energy intends to operate as a marketer of electricity pursuant to § 4601 in Chapter 46 (Electricity Suppliers) of Title 15 of the District of Columbia Municipal Regulations.³ The Applicant represents that it intends to serve residential, commercial, and industrial customers in the District of Columbia. Octopus Energy filed supplemental information on February 11, 16, 18, and August 2, 2022.⁴

III. DISCUSSION

3. Our review of the information contained in Octopus Energy’s application and supplemental filings demonstrates that it has met all the prescribed licensing requirements and that the Applicant has the ability and the financial integrity to serve

¹ D.C. Official Code § 34-1501(17) (2001) defines, in part, an electricity supplier as “a person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity for sale to customers.”

² *Formal Case No. EA2022-02, In the Matter of the Application of Octopus Energy LLC for an Electricity Supplier License (“Formal Case No. EA2022-02”)*, Application of Octopus Energy LLC filed January 19, 2022

³ *See* 65 DCR 9970-9989 (September 28, 2018).

⁴ *Formal Case No. EA2022-02*, Octopus Energy LLC filed supplemental information February 11, 16, 18, and August 2, 2022.

electricity customers in the District of Columbia. The Commission also finds that granting Octopus Energy's application will serve the public interest by fostering competition in the District's energy market. Accordingly, Octopus Energy's application is approved.

THEREFORE, IT IS ORDERED THAT:

4. The application of Octopus Energy LLC for a license to conduct business in the District of Columbia as an electricity supplier is hereby **GRANTED**. Octopus Energy LLC's license is effective upon issuance of this Order.

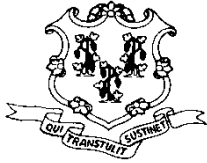
A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

A handwritten signature in black ink, reading "Brinda Westbrook-Sedgwick". The signature is written in a cursive, flowing style.

CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**



STATE OF CONNECTICUT

**PUBLIC UTILITIES REGULATORY AUTHORITY
TEN FRANKLIN SQUARE
NEW BRITAIN, CT 06051**

**DOCKET NO. 22-05-02 APPLICATION OF OCTOPUS ENERGY, LLC FOR A
CONNECTICUT ELECTRIC SUPPLIER LICENSE**

September 7, 2022

DECISION

On May 2, 2022, the Public Utilities Regulatory Authority (Authority or PURA) received an application (Application) for a Connecticut Electric Supplier License from Octopus Energy, LLC (Octopus or Company) requesting that the Authority grant it an Electric Supplier License to serve residential and business customers in Connecticut.

The Authority has reviewed all of the information in the record pursuant to § 16-245 of the General Statutes of Connecticut (Conn. Gen. Stat.). Based on that review, the Authority finds that Octopus has satisfied all of the application requirements and that it possesses the technical, financial, and managerial capability to operate as an Electric Supplier. The Company is granted an Electric Supplier License to serve residential and business customers effective as of the date of this Decision but subject to the Orders below. Octopus' website is <https://www.octopusenergy.com> and its toll-free customer service number is (833) 628-6888. The Authority may, at a future date, convene a Technical Meeting with the Company to review the requirements for Self-Reporting to the EnergizeCT Rate Board, or to review Connecticut supplier licensing, filing, and marketing requirements or other topics.

Octopus is advised to consult any Decision(s) and/or evidence in the following PURA Dockets before marketing in Connecticut. This information is intended to guide the Company as to the proper conduct of suppliers and other requirements to operate as a supplier in Connecticut. This listing does not reflect a complete list of all requirements and is provided as a reference and in addition to the Statutes and Regulations that govern the operation of Connecticut suppliers.

- Docket No. 98-06-17, DPUC Investigation Into Billing and Metering Protocols and Appropriate Cost Sharing Allocations Among Electric Distribution Companies and Electric Suppliers;
- Docket No. 05-08-05RE02, DPUC Investigation into the Process by Which Customers Can Choose an Electric Supplier When Initiating Electric Service – Amended Referral Program;
- Docket No. 06-10-22, PURA Monitoring the State of Competition in the Electric Industry;
- Docket No. 07-01-21, DPUC Declaratory Ruling RE: Release of Customer Information Pursuant to Conn. Gen. Stat. 16-245o;
- Docket No. 07-05-33, DPUC Administration of Disclosure Label Requirements and Examination of Direct Billing by Electric Suppliers;
- Docket No. 10-06-24, DPUC Review of the Current Status of the Competitive Supplier and Aggregator Market in Connecticut and Marketing Practices and Conduct of Participants in that Market;
- Docket No. 13-07-18, PURA Establishment of Rules for Electric Suppliers and Electric Distribution Companies Concerning Operations and Marketing in the Electric Retail Market;
- Docket No. 14-07-17, PURA Development of Standard Summary Form of Material Contract Terms;
- Docket No. 14-07-19, PURA Investigation Into Redesign of the Residential Billing Format;
- Docket No. 14-07-19RE01, PURA Investigation into Redesign of Residential Electric Billing Format – Billing Format Clarification;
- Docket No. 14-07-19RE05, PURA Investigation into Redesign of Residential Electric Billing Format – Review of Summary Information, Implementation and Display; and
- Docket No. 15-06-15, PURA Variable Electric Rate Study.

ORDERS FOR COMPANY

To comply with the Orders below, the Company shall file an electronic version of each requested document through the Authority's website at www.ct.gov/pura. Submissions filed in compliance with the Authority's Orders must be identified by all three of the following: Docket Number, Title, and Order number.

1. On or before thirty days from the date of this Decision, and before it begins marketing in Connecticut, Octopus shall submit to the Authority for approval the website address for Octopus's Connecticut operating website which shall provide all of the information as required by the Authority's Decision dated November 5, 2014, in Docket No. 13-07-18, PURA Establishment of Rules for Electric Suppliers and Electric Distribution Companies Concerning Operations and Marketing in the Electric Retail Market. (2014 Decision), p. 13. These requirements are:
 - The supplier's official name and trade name(s), if any;
 - All PURA docket numbers and titles pertaining specifically to the supplier to show its regulatory history in Connecticut, including all licensing and

relicensing dockets and history of dockets of companies acquired through mergers or license transfers, and all PURA investigation dockets that have been concluded;

- Customer service contact information, including a phone number at which a live company representative(s) (not an answering service) must be available during normal business hours;
- PURA contact information; and
- A list of, and information concerning, all generally available offers, renewable products, and information about the source of renewable energy (e.g., RECs), standard contracts, and enrollment forms.

The Authority must approve the website before Octopus may begin marketing to customers.

2. Octopus shall comply with all relevant statutes, regulations, and Authority Decisions, some of which are more specifically identified herein. Octopus maintains an obligation to remain current as to changes in statutes, regulations, or other applicable administrative law.
3. Octopus shall submit a complete Third Party Agent Form pursuant to Conn. Gen. Stat. § 16-245o(h)(9) as discussed in the 2014 Decision, p. 30. Such form shall be filed as Compliance, identified as “Third Party Agent Form”, and submitted in Octopus’s licensing Docket No. 22-05-02 before Octopus begins marketing in Connecticut and annually thereafter as of October 15th in Docket No. 22-05-02. The Third Party Agent Form can be found via the Authority’s website at [Information for Electric Suppliers](#).
4. Octopus shall submit a complete Company Contact Information Form as discussed in the 2014 Decision, p. 31. Such form shall be filed as Compliance, identified as “Company Contact Information”, and submitted in Octopus’s licensing Docket No. 22-05-02 before Octopus begins marketing in Connecticut and annually as of October 15th or within ten days of any changes to the information thereafter in Docket No. 22-05-02. The Company Contact Information Form can be found via the Authority’s website at [Information for Electric Suppliers](#).
5. Within 20 days of the date of this Decision and annually thereafter by September 15th, Octopus shall file an updated Disclosure Label as discussed in the Decision dated February 27, 2008, in Docket No. 07-05-33, DPUC Administration of Disclosure Label Requirements and Examination of Direct Billing by Electric Suppliers, Section II.A. Statutory Requirements Regarding Disclosure and Order No. 3. Such information shall be filed as Compliance, identified as “Disclosure Label”, and submitted in Octopus’s licensing docket, Docket No. 22-05-02. The Disclosure Label Forms for electric suppliers and distribution companies form can be found via the Authority’s website at [Information for Electric Suppliers](#).

6. Octopus is under a continuing obligation to notify the Authority of any changes to the information provided in the Application. The Company shall file any updates in its original licensing docket within 10 business days of any change. This includes, but is not limited to, changes in management personnel or changes in financial conditions.
7. Octopus shall upload (Self-Report) all generally available generation rate offers to the EnergizeCT.com website. See, correspondence dated August 25, 2017, in Docket No. 13-07-18; see also, 2014 Decision, p. 4. Octopus must contact the Authority to obtain its Self-Reporting credentials. Further information on Self-Reporting can be found at the PURA/Supplier Login link at <https://www.energizect.com>.
8. On or before January 30th of each year, Octopus shall file with the Authority the annual report required by Conn. Gen. Stat. § 16-245p(a), including all information specified in Conn. Gen. Stat. § 16-245p(b). Such information shall be filed as Compliance, identified as "Annual Report," and submitted in Octopus' licensing docket, Docket No. 22-05-02.
9. On or before October 15th of each year, Octopus shall file with the Authority the annual report demonstrating compliance with Connecticut's renewable energy portfolio requirements required by Conn. Agencies Regs. § 16-245a-1(a) and Conn. Gen. Stat. § 16-243q. Such information shall be filed as Compliance, identified as "RPS Information" and submitted in the annual RPS Compliance Docket established by the Authority.
10. Not less than 20 days before Octopus executes its first contract for the sale of electric generation services to an end-user customer in Connecticut, the Company shall file with the Authority an affidavit concerning its capability to exchange data with the electric distribution companies in accordance with Conn. Agencies Regs. § 16-245-3(b). Octopus is encouraged to participate in the Electronic Business Transaction (EBT) Working Group. Information regarding the EBT Working Group is available via the Authority's website at [Information for Electric Suppliers](#).
11. Octopus shall provide the Authority with any changes to its customer service practices, procedures or policies in writing at least 10 business days prior to the effective date of such changes. Such information shall be filed as Compliance, identified as "Customer Service Practices", and submitted in Octopus' licensing docket, Docket No. 22-05-02.
12. Pursuant to the Conn. Agencies Regs. § 16-245-2(g)(1), Octopus shall maintain all records of customer complaints for a minimum of three (3) years from the date of the complaint. The Company shall maintain its customer complaint records to indicate: (1) the date of the complaint; (2) the name and address of the complainant; (3) the address or location of the complaint; (4) a description of the complaint; and (5) a description of the resolution of the complaint. A customer

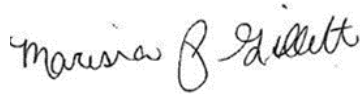
complaint is defined as any inquiry or expression of dissatisfaction from a customer.

13. Octopus shall not begin marketing activities or enrolling customers in Connecticut until all of its forms and standard contracts have been submitted to and approved by the Authority in writing.
14. Octopus must inform the Authority, by Correspondence in its licensing Docket No. 22-05-02, of its intention to develop distributed generation or connected microgrid projects for any of its existing electric supply customers; its intention to offer electric supply to any of its existing distributed generation or connected microgrid customers; or its intention to initiate a distributed generation or connected microgrid project which would also include electric supply. The Authority may require Octopus to provide marketing materials, contracts, and terms and conditions for any of these customer projects.
15. Pursuant to the Conn. Agencies Regs. § 16-245-2, Octopus is required to file an application for a periodic review of its electric supplier license. Octopus shall submit its five-year license review no later than forty-five (45) days prior to five years after the date of this Decision, or sooner if required by revised regulations. The Electric Supplier Review Application is available via the Authority's website at [Information for Electric Suppliers](#).

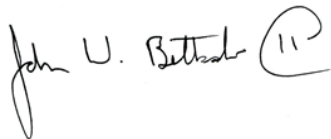
DOCKET NO. 22-05-02

**APPLICATION OF OCTOPUS ENERGY, LLC FOR A
CONNECTICUT ELECTRIC SUPPLIER LICENSE**

This Decision is adopted by the following Commissioners:



Marissa P. Gillett



John W. Betkoski, III



Michael A. Caron

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Public Utilities Regulatory Authority, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



Jeffrey R. Gaudiosi, Esq.
Executive Secretary
Public Utilities Regulatory Authority

09/07/2022

Date

JASON M. STANEK
CHAIRMAN

MICHAEL T. RICHARD
ANTHONY J. O'DONNELL
ODOGWU OBI LINTON
PATRICE M. BUBAR



PUBLIC SERVICE COMMISSION

#9, 9/28/22 AM; ML#s 238213 and 241770
License Reference No.: IR-4879

September 28, 2022

Rebecca L. Dupont
Octopus Energy, LLC
114 Main Street, Suite 500
Houston, TX 77002
Rebecca.dupont@octoenergy.com

Dear Ms. Dupont:

On December 16, 2021, Octopus Energy LLC ("Company") filed an Application for a License to Supply Electricity or Electric Generation Services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on August 3, 2022.

After considering this matter at the September 28, 2022 Administrative Meeting, the Commission granted the Company a license to supply electricity or electric generation services in Maryland (License Reference Number IR-4879). The license granted by the Commission under this Letter Order is limited solely to electricity supplier services for the customer classes and service territories applied for and recommended by Staff. Additionally, the Company is directed to provide marketing and training materials specific to its Maryland operations to the Commission Staff and Office of People's Counsel 30 days prior to utilization of the materials in Maryland.

Finally, the Company is reminded that it is under a continuing obligation to notify the Commission within 30 days of any changes to the information upon which the Commission relied in granting this license. A copy of the supplemental or updated information is required to be filed concurrently with the Office of People's Counsel.

By Direction of the Commission,

/s/ Andrew S. Johnston

Andrew S. Johnston
Executive Secretary

ASJ/st

PHIL MURPHY
GOVERNOR

SHEILA OLIVER
LT. GOVERNOR



State of New Jersey
BOARD OF PUBLIC UTILITIES
44 South Clinton Avenue
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/
(609)777-3300

Joseph L. Fiordaliso
President

Mary-Anna Holden
Commissioner

Dianne Solomon
Commissioner

Bob Gordon
Commissioner

Dr. Zenon Christodoulou
Commissioner

October 12, 2022

Rebecca DuPont
Director of Operations
Octopus Energy LLC
221 River Street, 9th Floor
Hoboken, New Jersey 07030

Re: **Electric Power Supplier Initial License**
Dkt. No. EE22020036L

Dear Ms. DuPont:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its October 12, 2022 Agenda meeting, the New Jersey Board of Public Utilities ("Board") voted to issue an Electric Power Supplier License, number ESL-0258 to Octopus Energy LLC. Pursuant to N.J.A.C. 14:4-5.6, this license shall not expire so long as a license renewal fee accompanied by an annual information update form is submitted to the Board within 30 days prior to the annual **anniversary date of October 12th**.

This license is effective October 12, 2022. This license and the rights thereunder are **Non-Transferable**.

This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the licensee. Licensees shall comply with all applicable law, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.

If you have any questions, please contact Jehvson Espiritu at (609) 913-6261.

Sincerely,

A handwritten signature in cursive script that reads "Carmen D. Diaz".

Carmen D. Diaz
Acting Secretary

CDD/joe

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held December 8, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Application of Octopus Energy LLC for
Approval to Offer, Render, Furnish, or Supply
Electricity or Electric Generation Services as a
Supplier of Retail Electric Power

Docket Number:
A-2022-3031529

ORDER

BY THE COMMISSION:

On March 22, 2022, the Pennsylvania Public Utility Commission (Commission) accepted Octopus Energy LLC's (Octopus Energy), Utility Code 1125066, application to provide electric generation supplier (EGS) services as a supplier in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania. The application was filed pursuant to the Commission's regulations at 52 Pa. Code §§ 54.31-54.43, which became effective on August 8, 1998, and which were established under Section 2809 of the Public Utility Code, 66 Pa. C.S. § 2809. For the reasons expressed in this Order, the Commission approves the application consistent with this Order.

Legal Standard

Section 2809 provides in pertinent part that:

License Requirement.--No person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators and other entities, shall engage in the business of an electric generation supplier in this Commonwealth unless the person or corporation holds a license issued by the Commission.

66 Pa. C.S. § 2809.

An electric generation supplier is defined as:

A person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company, or that purchases, brokers, arranges or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

66 Pa. C.S. § 2803.

Applicant

Octopus Energy is a foreign limited liability company corporation, formed on April 6, 2018, in the State of Texas under the name of Evolve Retail Energy, LLC. On August 12, 2021, Evolve Retail Energy, LLC was approved to amend its name to Octopus Energy LLC. Octopus Energy registered to do business in the Commonwealth of Pennsylvania on November 12, 2021. Octopus Energy proposes to act as a supplier of retail electric power to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers. Octopus Energy has indicated that it will be taking title to the electricity.

Regarding the financial and technical requirements of the license application, Octopus Energy has submitted a signed letter from its financial institution indicating sufficient funding to finance its operations upon licensure, as well as a Dun & Bradstreet credit rating assessing Octopus Energy in stable condition. Octopus Energy provided audited 2019 and 2020 financial statements for Evolve Retail Energy, LLC. Octopus Energy has also supplied an organizational chart, a business plan, previous experience in the electric and natural gas industry, and extensive résumé data for its chief officers. Finally, Octopus Energy has provided proof of PJM Interconnection LLC (PJM) Membership as a Load Serving Entity (LSE). We find that sufficient information has been provided by Octopus Energy to demonstrate its financial and technical fitness in order to be licensed as a supplier of retail electric power in the Commonwealth of Pennsylvania.

Financial Security Requirements

Octopus Energy has provided a \$250,000 surety bond as required.

It should be noted that, the licensee must comply with the Commission's regulations at 52 Pa. Code § 54.40(a) stating that an EGS license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code §54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Furthermore, each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, at least 30-days prior to the EGS's current financial security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary

stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

We take this opportunity to remind the licensee that failure to file an approved financial instrument at least 30-days before the current financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

Disposition

Octopus Energy has provided proofs of publication in the Pennsylvania newspapers and proofs of service to the interested parties as required by the Commission. As of November 29, 2022, no protests have been filed.

We find that the applicant:

1. Is fit, willing, and able to properly perform the service proposed in conformance with applicable provisions of the Public Utility Code and lawful Commission orders and regulations.
2. Has agreed to lawfully abide by all Commission regulations, procedures, and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

3. That the proposed service, to the extent authorized by the license, will be consistent with the public interest and the policy declared in the Electricity Generation Customer Choice and Competition Act.

Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation, and convenience of the public.

Regulatory Requirements

As an electric generation supplier, Octopus Energy, is required to comply with all applicable provisions of the Public Utility Code, Commission regulations and Commission Orders. *See* 66 Pa. C.S. § 2809(e). We will not address or list all such provisions in this Order, but will, however, highlight a few of them in this section.

Since Octopus Energy will be serving residential customers, it is important to note that a licensee must comply with, and be governed by, applicable Chapter 56 residential service regulations as set forth in the Commission Order *Guidelines for Maintaining Customer Service at the Same Level of Quality Pursuant to 66 Pa. C.S. § 2807(d), and Assuring Conformance with 52 Pa. Code Chapter 56 Pursuant to 66 Pa. C.S. § 2809(e) and (f)*, at Docket No. M-00960890 F0011, Order entered July 11, 1997. Thus, we deem it appropriate to reiterate certain items with respect to Chapter 56 of our regulations.

Chapter 56 (52 Pa Code Chapter 56) is applicable to residential accounts. An EGS cannot physically disconnect a residential customer from the electricity grid; therefore, the rules relating to residential service termination are not applicable to EGSs. An EGS may seek to terminate its generation service through an appropriate written notice to the customer and the distribution company. The residential customer can then attempt to repair their relationship with the supplier, seek a new supplier, or return to utility service at default service rates in accordance with the utility's obligations under Section 2807(e), 66 Pa. C.S. § 2807(e). The customer would only be disconnected from the electricity grid

pursuant to appropriate regulations if the customer failed to meet its obligations to the utility or the EGS that has been designated by the Commission as the provider of last resort.

Since Octopus Energy will be serving residential and small commercial customers, it is important to note that a licensee must comply with the customer information regulations at 52 Pa. Code § 54.1, *et. seq.* that, among other things, address customer disclosure, billing information and contract expiration notices. Additionally, we specifically note that the licensee must comply with, and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure for licensees set out in Commission regulations at 52 Pa. Code § 54.43 that were enacted to protect consumers of this Commonwealth. These standards include, *inter alia*, the provision of timely and accurate information about the services offered by the licensee, the practice of nondiscrimination in service in regard to race, color, religion, national origin, marital status, etc., the safeguarding of a consumer's personal information, and compliance with applicable state and federal consumer protection laws.

We further note that the licensee and its agents must comply with the Commission's sales and marketing regulations at 52 Pa. Code § 111.1, *et seq.* applicable to residential customers. Among other things, these regulations require the licensee and its agents to provide accurate information about products and services being offered and prohibit a licensee and its agents from engaging in misleading or deceptive conduct and from making false or misleading representations. Also, we take this opportunity to remind the licensee of its agreement to abide by, and to ensure that its employees, representatives, agents, and independent contractors abide by all applicable federal and state laws, and Commission regulations, procedures and orders, including Emergency Orders, which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

We also note that that the licensee must comply with our decision in Docket No. M-2010-2157431, Motion adopted at the February 11, 2010, Public Meeting, regarding EGS membership in the PJM Interconnection LLC (PJM). Specifically, our Motion directed that such EGS applicants must file with the Commission, within 120 days of receiving an EGS license, proof of membership in PJM as an LSE or proof of a contractual arrangement with an existing PJM LSE that facilitates the applicant's retail operations. Since Octopus Energy is taking title to electricity, it is required to comply with this requirement and has already provided proof of PJM Memberships as an LSE.

Furthermore, should Octopus Energy employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as an EGS if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to Octopus Energy.

Finally, in order to assist in compliance with the regulatory requirements, we bring to your attention the Commission's Office of Competitive Market Oversight (OCMO) that serves to informally assist suppliers in participating in the retail market. OCMO is responsible for responding to questions from stakeholders, such as EGSs, regarding the competitive retail market. Additional responsibilities include monitoring issues hindering the development of a competitive retail market and facilitating informal dispute resolution between default service providers and suppliers. We advise you to contact OCMO and provide an email address to be included in their distribution list that is used to alert suppliers and utilities of important matters impacting the competitive retail market. OCMO can be reached at ra-OCMO@pa.gov.

Required Reports and Fees

As an electric generation supplier, Octopus Energy, is required to provide various reports and remit fees to the Commission on a periodic basis. We will not address or list

all such reports or fees in this Order, but will, however, highlight a few of them in this section.

Electric generation suppliers are required to file with the Commission quarterly reports due by the thirtieth day after the end of each calendar quarter. In addition, EGSs are required to file with the Commission an annual report on or before April 30 each year. These reports identify the EGS's gross Pennsylvania intrastate operating revenues from the prior calendar quarter for quarterly reports and the prior calendar year for the annual reports,¹ among other information. These quarterly and annual reports are to be filed with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

Electric generation suppliers are also required to remit to the Commission applicable annual and supplemental fees authorized by Act 155 of 2014.² These fees were established by order of the Commission³ as (1) a flat annual fee of \$350 to be paid by all licensed suppliers and brokers regardless of reported gross intrastate operating revenues due to the Commission by July 1 of each year and (2) a supplemental fee—to be paid only by EGS suppliers—based on each supplier's gross intrastate operating revenues due to the Commission within thirty days of EGSs receiving the supplemental fee invoice. The fees are to be sent to Pennsylvania Public Utility Commission, Bureau of Administrative Services Fiscal Office, 400 North Street, Harrisburg, PA, 17120. Make checks payable to “Commonwealth of Pennsylvania.”

¹ See 52 Pa. Code § 54.39(a) and (b)

² See 66 Pa. C.S. § 2209(g).

³ *Final Implementation Order on Implementation of Act 155 of 2014*, at pgs. 3-8, Docket No. M-2014-2448825 (Order entered April 24, 2015) (*Final Implementation Order*).

Conclusion

We find that Octopus Energy LLC is fit, willing, and able to properly perform the functions of an electric generation supplier, has agreed to abide by all Commission regulations, procedures, and orders, and has proposed to provide such service consistent with the public interest and the policies declared in the Electricity Generation Customer Choice and Competition Act. Upon full consideration of all matters of record, we find that approval of this application is necessary and proper for the service, accommodation, and convenience of the public; **THEREFORE,**

IT IS ORDERED:

1. That the application of Octopus Energy LLC is hereby approved, consistent with this Order.
2. That a license be issued authorizing Octopus Energy LLC the right to begin to offer, render, furnish, or supply electricity or electric generation services as a supplier to residential, small commercial (25 kW and under demand), large commercial (over 25 kW demand), industrial, and governmental customers in all of the electric distribution company service territories throughout the Commonwealth of Pennsylvania.
3. That Octopus Energy LLC must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, at least 30-days prior to the EGS's current financial security expiration date.

4. That if Octopus Energy LLC should employ any independent consultants to arrange for the sale of its energy products to end-users, it must inform such independent consultants that they will be required to be licensed as electric generation suppliers if they arrange for the sale of energy products to end-users from another supplier or suppliers in addition to Octopus Energy LLC.

5. That Octopus Energy LLC shall file a quarterly report with the Pennsylvania Public Utility Commission by the thirtieth day after the end of each calendar quarter as required by 52 Pa. Code § 54.39(a).

6. That Octopus Energy LLC shall file an annual report with the Pennsylvania Public Utility Commission by April 30 of each year as required by 52 Pa. Code § 54.39(b).

7. That Octopus Energy LLC shall remit all applicable annual fees by July 1 of each year and remit supplemental fees by the thirtieth day of receiving the supplemental fee invoice to the Pennsylvania Public Utility Commission as required by 66 Pa. C.S. § 2209(g).

8. That a copy of this Order be served on the Pennsylvania Department of Revenue - Bureau of Compliance, Business License Clearance Division, and the Pennsylvania Public Utility Commission's Alternate Energy Credits Administrator.

9. That this proceeding at Docket No. A-2022-3031529 be closed.

BY THE COMMISSION,

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

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: December 8, 2022

ORDER ENTERED: December 8, 2022

**AN BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
OCTOPUS ENERGY LLC FOR AN ELECTRIC)
SUPPLIER CERTIFICATION WITHIN THE) PSC DOCKET NO. 22-0384
STATE OF DELAWARE)
(SUBMITTED MAY 12, 2022, AMENDED JULY)
21, 2022; AMENDED JANUARY 30, 2023)

ORDER NO. 10187

AND NOW, this 22nd day of February 2023, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on May 12, 2022, Octopus Energy LLC (the “Company” or “Octopus Energy”) submitted to the Commission an outdated application for an Electric Supplier Certificate (“ESC”) to provide electricity in the State of Delaware pursuant 26 *Del. C.* §§ 1001-1020, the Electric Utility Restructuring Act (the “Act”)¹, and 26 *Del. Admin. C.* § 3001, the Commission’s Rules for Certification and Regulation of Electric Suppliers (the “Supplier Rules”); and

WHEREAS, on May 27, 2022, Commission Staff (“Staff”) sent a letter to the Company requesting a current valid application; and

WHEREAS, on July 21, 2022, Octopus Energy submitted the correct application (the “Application”) for an ESC; and

WHEREAS, the Application, however, was deficient in meeting the Commission’s minimum filing requirements (“MFRs”), codified at 26 *Del. Admin. C.* § 3001-2.0. On August 18, 2022, Staff sent the Company a letter requesting more information and engaged in information gathering over the course of the following six (6) months; and

WHEREAS, on January 30, 2023, the Company submitted all required documents and

¹ Unless otherwise noted, capitalized terms shall have the meanings ascribed to them in the Act and the Supplier Rules.

thereby filed a complete application (“Application”) pursuant to the Act and the Supplier Rules; and

WHEREAS, Commission Staff (“Staff”) submitted to the Commission a memorandum dated February 15, 2023 which the Commission incorporates herein by reference, in which Staff recommended that the Commission issue an Electric Supplier Certificate to authorize the Company to provide Electric Supply Services in the State of Delaware because the Application fulfills all of the requirements set forth in the Act and the Supplier Rules. In particular, Staff reported that the Company presented evidence to support its financial, operational, managerial, and technical ability to provide Electric Supply Service within the State of Delaware;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Octopus Energy is hereby granted a certificate to do business and operate as an Electric Supplier within the State of Delaware. Under this Electric Supplier Certificate, the Company is authorized to provide Electric Supply Service within the State of Delaware consistent with and in accordance with the Act and the Supplier Rules.
2. Octopus Energy is hereby notified that a violation of any applicable order, statute, regulation, rule, or other controlling authority may be enforced by sanctions in accordance with §§ 1012(a) and 1019 of the Act and § 3001-10.2 of the Supplier Rules.
3. Octopus Energy shall file such reports and pay such fees and assessments as may be required or imposed under 26 *Del. C.* §§ 114 and 115, § 1012(c)(2) of the Act, and §§ 3001-3.9 and 3.10 of the Supplier Rules.
4. Octopus Energy consents to the jurisdiction of the courts of the State of Delaware for all acts or omissions related to its offering of Electric Supply Services in Delaware.
5. Octopus Energy is hereby placed on notice that the costs of this proceeding will be

charged to it pursuant to 26 *Del. C.* § 114(b)(1).

6. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway
Joann Conaway, Commissioner

Harold Gray
Harold Gray, Commissioner

Manubhai Karia
Manubhai "Mike" Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson
Donna Nickerson, Secretary



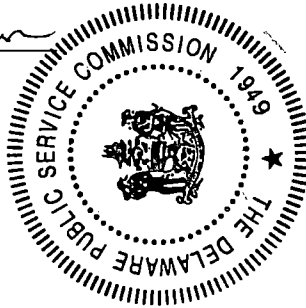
/s/ Dallas Winslow

Dallas Winslow, Commissioner

***Voted via Teleconference pursuant to 29 Del. C. §
10006(A)(d)***

ATTEST:

Donna Nickerson
Donna Nickerson, Secretary



STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Octopus Energy LLC	:	
	:	
Application for Certificate of Service	:	22-0716
Authority under Section 16-115 of the	:	
Public Utilities Act.	:	

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On December 1, 2022, Octopus Energy LLC (“Applicant”) filed a verified Application with the Illinois Commerce Commission (“Commission”) requesting a certificate of service authority to operate as an alternative retail electric supplier (“ARES”) in Illinois pursuant to Section 16-115 of the Public Utilities Act (“Act”), 220 ILCS 5/1-101 *et seq.*, and 83 Ill. Adm. Code 451 (“Part 451”). Applicant requests a certificate of service authority to serve all eligible residential, commercial, and industrial customers in the Commonwealth Edison Company (“ComEd”) and the Ameren Illinois Company d/b/a Ameren Illinois (“Ameren”) service territories, under Subpart D of Part 451.

On December 15, 2022, Applicant filed an Amended Application. A ruling was issued by the Administrative Law Judge (“ALJ”) on December 19, 2022, requesting additional information. Applicant submitted its certificate of publication showing that on December 22, 2022, notice of the Application was published in the Official State Newspaper. Applicant submitted Amended Applications on January 27, 2023, and February 2, 2023, containing additional information about licensing in other states and the requested amended bond information, respectively. Because the information necessary to grant the requested relief is contained in the Application and Amended Applications, no hearing is necessary. No petitions for leave to intervene were filed and there are no contested issues.

II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

Applicant is a limited liability company created under the laws of Texas and is licensed to do business in Illinois. Applicant requests a certificate of authority to operate as an ARES under Subpart D of Part 451. Applicant seeks to serve all eligible residential, commercial, and industrial customers in the ComEd and Ameren service territories. Applicant states that it has notified the designated agents of ComEd and Ameren that it seeks a certificate to offer the sale of electricity and power authority in each respective service territory.

Applicant is currently authorized as a retail electric supplier in Texas serving load. Applicant was also recently licensed in Ohio, Massachusetts, Maine, Rhode Island,

Washington D.C., Connecticut, Maryland, New Jersey, and Pennsylvania but is not yet serving customers in those states. Applicant currently has applications pending in New Hampshire, New York, and Delaware. Applicant asserts it has not been denied an electric supplier license, nor has it had an electric supplier license suspended or revoked by any state.

III. REQUIREMENTS UNDER SECTION 16-115(d) OF THE ACT

A. General

Applicant certifies that it will comply with all applicable regulations; that it will provide service only to retail customers eligible to take such services; that it will comply with informational and reporting requirements established by Commission rule; and that it will comply with all other applicable Federal, State, regional and industry laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an ARES. Additionally, Applicant has agreed to submit good faith schedules of transmission and energy in accordance with applicable tariffs. Applicant certifies that it will provide for review by Commission Staff on a confidential basis data related to contracts for the purchase and sale of electric power and energy. Applicant has agreed to adopt and follow rules relating to customer authorizations, billing records, and retail electric services and agrees to retain requests for delivery services transmitted to utilities for a period of not less than two calendar years after the calendar year in which they are created or the length of the contract. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

Applicant certifies that it shall comply with all terms and conditions required by Section 16-115A(c) of the Act. Applicant certifies that any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that it is offering or selling to the customer. Applicant also certifies that before any customer is switched from another supplier, it will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. Applicant further certifies that it will provide documentation to the Commission and to customers that substantiates any claims made regarding the technologies and fuel types used to generate the electricity offered or sold to customers.

Applicant certifies it will provide to its customers itemized billing statements that describe the products and services provided to the customer and their prices; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. Applicant certifies that it will provide the Commission's electric education internet address to all residential and small commercial retail customers. Applicant certifies that it will provide the Commission's electric education internet address to all residential and small commercial retail customers. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of ARES that have been found in the last 3 years by the Commission to have failed to provide service in accordance with the terms of their contracts. Applicant certifies it will

maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority.

Applicant agrees that in the event it bills any residential customer directly for supply, it shall ensure that when marketing to residential customers who receive any type of low-income energy assistance, Applicant will have entered into the necessary agreements to allow low-income customers to receive Low Income Home Energy Assistance Program ("LIHEAP") benefits and Percentage of Income Payment Plan ("PIPP") benefits. In the event that Applicant is granted Commission authorization to provide supplier single billing to residential customers, Applicant ensures that, when marketing to residential customers who receive any type of low-income energy assistance, Applicant will have entered into the necessary agreements to allow low-income customers to receive LIHEAP benefits and PIPP benefits.

Applicant certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. Applicant also certifies that it will source electricity from clean coal facilities as required by Section 16-115(d)(5) of the Act.

Applicant states it will impose no limitations on the number of customers or maximum load to be served. It states it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, or in any other respect whereby denial or differences are based on race gender or income. It states it will not deny service to a customer or group of customers based on locality nor establish any unreasonable differences as to prices, terms and conditions, services, products, or facilities as between localities.

Applicant provides evidence that it is duly licensed to transact business in Illinois. Pursuant to the requirements of Section 451.50 of Part 451, Applicant provides a License or Permit Bond issued by a qualifying surety authorized to transact business in Illinois. Applicant is seeking to provide single billing services.

B. Financial, Technical, and Managerial Requirements

Applicant asserts that it meets the financial qualifications set forth in Parts 451.320(a)(3) and 451.510(a), as demonstrated in Attachment C and Amended Attachment C. Applicant will not provide electric power and energy with property, plant, and equipment that it owns, controls, or operates.

Applicant asserts that it meets the technical and managerial qualifications set forth in Sections 451.330 and 451.340 of Part 451. Applicant asserts that it will not use electric generation that it owns, controls or operates in serving customers. Attachment E to the Application provides the names and relevant occupational backgrounds for Applicant's qualified staff people pursuant to Section 451.330. Applicant provides a telephone number and facsimile number through which it states a staff member can be reached at all times. Attachments E and F to the Application provides information on Applicant's managerial qualifications pursuant to Sections 451.340.

Applicant states it is not relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.

IV. CUSTOMER COMPLAINTS

Applicant asserts that it is not the subject of any lawsuits that were filed in a court of law or formal complaints that were filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations. Applicant discloses that it has been the subject of 33 complaints regarding other issues with the Public Utility Commission of Texas over the past 60 months. All complaints have reportedly been resolved and are considered closed.

V. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the Application, all attachments and the subsequent Amended Applications provided by Applicant regarding the technical, financial, and managerial requirements and all other requirements of the Act and Part 451 and finds that the Applicant sufficiently demonstrates compliance with the requirements.

The Commission concludes that Octopus Energy LLC's request for a Certificate of Service Authority to operate as an ARES in the ComEd and Ameren service territories should be granted and should include the following authority:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Octopus Energy LLC is granted service authority to operate as an Alternative Retail Electric Supplier as follows:

SERVICES TO BE PROVIDED: The sale of electricity and power and single billing service.

CUSTOMERS TO BE SERVED: All eligible residential, commercial, and industrial retail customers.

GEOGRAPHIC REGION(S) SERVED: For the sale of electricity and power in the service area of Commonwealth Edison Company and Ameren Illinois Company d/b/a Ameren Illinois.

VI. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Octopus Energy LLC, a limited liability company organized under the laws of Texas, seeks a certificate of service authority to operate as an alternative retail electric supplier under Section 16-115 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact, as required by Section 16-115(d) of the Act;
- (4) Octopus Energy LLC has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to all eligible retail customers throughout the service areas of

Commonwealth Edison Company and Ameren Illinois Company d/b/a Ameren Illinois; as well as to provide single billing services;

- (5) Octopus Energy LLC has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451; and
- (6) Octopus Energy LLC should be granted a certificate of service authority to operate as an alternative retail electric supplier as specified in Section V of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Octopus Energy LLC is hereby granted a certificate of service authority as set forth in Section V of this Order.

IT IS FURTHER ORDERED that Octopus Energy LLC shall comply with all applicable Commission rules and orders now and as hereafter amended.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 8th day of March, 2023.

(SIGNED) CARRIE ZALEWSKI

Chairman

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Case No(s). 22-0079-EL-CRS

Summary: Correspondence Updated List of States Octopus Energy LLC is currently licensed to sell electricity and corresponding orders electronically filed by Ms. Rebecca L. DuPont on behalf of Octopus Energy LLC.