

Green Mountain Energy Company P.O. Box 689008 Austin, Texas 78768 greenmountain.com

December 9, 2011

Via Federal Express

Pennsylvania Public Utility Commission Secretary Keystone Building, 2nd Floor, Room N201 Harrisburg, PA 17120

Docket No. A-2011-2229050

Green Mountain Energy Company

Updates to Electric Supplier License Application

RECEIVED

DEC 9 2011

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Ladies and Gentlemen,

Re:

Green Mountain Energy Company ("Green Mountain") was issued a License Electric Generation Supplier for large commercial, industrial and governmental customers in the Commonwealth of Pennsylvania on June 10, 2011 (Docket No. A-2011-2229050).

Green Mountain now requests that the Commission amend our license to include (i) all commercial customers in the Commonwealth of Pennsylvania and (ii) residential customers in the PPL, PECO and Duquesne service territories in the Commonwealth of Pennsylvania.

Green Mountain provides the attached updated responses to Questions 4.c. 4.d. 4.e. 4.h. 6, 8.a, 8.c and 9.a of Green Mountain's application. The Attachment for Ouestion 6 is a Proof of Service. All parties listed in the Proof of Service have been provided copies of this submission.

Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,

L. Michelle Cutrer Assistant General Counsel Green Mountain Energy Company 300 West 6th Street, 9th Floor

A. Mille to

Austin, Texas 78701 Phone: (512) 691-6127

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OPERATIONS 4.

a.	APPLICANT'S PRESENT OPERATIONS: (select and complete the appropriate statement)
	The Applicant is presently doing business in Pennsylvania as a
	municipal electric corporation electric cooperative local gas distribution company provider of electric generation, transmission or distribution services Other; Identify the nature of service being rendered.
	Prior to March 1, 2011, Applicant purchased and resold power from one wind farm located in Pennsylvania. Applicant continues to purchase RECs from this wind farm, through an affiliate.
	or
	The Applicant is not presently doing business in Pennsylvania.
b.	APPLICANT'S PROPOSED OPERATIONS: The Applicant proposes to operate as a (may check multiple):
	Generator of electricity Supplier of electricity Aggregator engaged in the business of supplying electricity Broker/Marketer engaged in the business of supplying electricity services Electric Cooperative and supplier of electric power Other (Describe):
	 Definitions Supplier – an entity that sells electricity to end-use customers utilizing the jurisdictional transmission and distribution facilities of an EDC. Aggregator - an entity that purchases electric energy and takes title to electric energy as an intermediary for sale to retail customers. Broker/Marketer - an entity that acts as an intermediary in the sale and purchase of electric energy but does not take title to electric energy.
C.	PROPOSED SERVICES: Describe in detail the electric services or the electric generation services which the Applicant proposes to offer.
	Applicant will serve as an Electric Generation Supplier (EGS) to Commercial, Industrial and Governmental customers in Pennsylvania.
	Applicant will serve as an Electric Generation Supplier (EGS) to Residential customers in the following areas: PECO, PPL and Duquesne.

d.	PROPOSED SERVICE AREA: Provide a list of each Electric Distribution Company for which the Applicant proposes to provide service.			
		Applicant plans to provide EGS services to Commercial, Industrial and Governmental customers in the following areas: PPL, PECO, Duquesne, Met Ed, Penelec, Penn Power (once consolidated into PJM), UGI, West Penn, Citizen's Electric Company, Orange and Rockland Company, Wellsboro Electric Company.		
		In addition, Applicant plans to provide EGS services to Residential customers in the following areas: PECO and PPL.		
e.	CUSTO	OMERS: Applicant proposes to provide services to:		
		Residential Customers Small Commercial Customers - (25 kW and Under) Large Commercial Customers - (Over 25 kW) Industrial Customers Governmental Customers All of above Other (Describe):		
f.	PROP	OSED MARKETING METHOD (check all that apply)		
	X X X	Internal – Applicant will use its own internal resources/employees for marketing External EGS – Applicant will contract with a PUC LICENSED EGS broker/marketer Affiliate – Applicant will use a NON-EGS affiliate marketing company and or individuals. External Third-Party – Applicant will contract with a NON-EGS third party marketing company and or individuals Other (Describe):		
	DOOR	TO DOOD CALES. Will the Applicant be implementing door to door color activities?		
g.		TO DOOR SALES: Will the Applicant be implementing door to door sales activities? Yes		
	X	No		
		If yes, will the Applicant be using a Third Party Verification procedure? Not applicable.		
		Yes No		
		If yes, describe the Applicant's Third Party Verification procedures. Not applicable.		

h.	START DATE: Provide the approximate date the Applicant proposes to begin services within the Commonwealth. March 1, 2012 (subject to approval of license and completion of all applicable requirements). 5. COMPLIANCE
a.	CRIMINAL/CIVIL PROCEEDINGS: State specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, has been or is currently the defendant of a criminal or civil proceeding within the last five (5) years.
	Identify all such proceedings (active or closed), by name, subject and citation; whether before an administrative body or in a judicial forum. If the Applicant has no proceedings to list, explicitly state such.
	See Attachment for Question 5.a.
b.	SUMMARY: If applicable; provide a statement as to the resolution or present status of any such proceedings listed above.
	See Attachment for Question 5.b.
c.	CUSTOMER/REGULATORY/PROSECUTORY ACTIONS: Identify all formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutory agency against the Applicant, an affiliate, a predecessor of either, or a person identified in this Application, for the prior five (5) years, including but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of Attorney General. If the Applicant has no actions or complaints to list, explicitly state such.
	See Attachment for Question 5.c.

d. SUMMARY: If applicable; provide a statement as to the resolution or present status of any actions listed

above.

See Attachment for Question 5.d.

d. TAXATION: Complete the TAX CERTIFICATION STATEMENT attached as Appendix F to this application.

All sections of the Tax Certification Statement must be completed. Absence (submitting N/A) of any of the TAX identifications numbers (items 7A through 7C) shall be accompanied by supporting documentation or an explanation validating the absence of such information.

Items 7A and 7C on the Tax Certification Statement are designated by the Pennsylvania Department of Revenue. Item 7B on the Tax Certification Statement is designated by the Internal Revenue Service.

See Tax Certificate Statement, Attachment for Question 7.d.

8. TECHNICAL FITNESS:

To ensure that the present quality and availability of service provided by electric utilities does not deteriorate, the Applicant shall provide sufficient information to demonstrate technical fitness commensurate with the service proposed to be provided.

a.) EXPERIENCE, PLAN, STRUCTURE: such information may include:

- Applicant's previous experience in the electricity industry.
- Summary and proof of licenses as a supplier of electric services in other states or jurisdictions.
- Type of customers and number of customers Applicant currently serves in other jurisdictions.
- Staffing structure and numbers as well as employee training commitments.
- Business plans for operations within the Commonwealth.
- Documentation of membership in PJM, ECAR, MAAC, other regional reliability councils, or any other membership or certification that is deemed appropriate to justify competency to operate as an EGS within the Commonwealth.
- Any other information appropriate to ensure the technical capabilities of the Applicant.

See Attachment for Question 8.a. See Attachment for Question 8.a for 'Summary and proof of license as a supplier of electric services in other states or jurisdictions' and 'Business plans for operations in the Commonwealth.'

b.) OFFICERS: Identify Applicant's chief officers including names and their professional resumes.

See Attachment for Question 8.b.

c.) FERC FILING: Applicant has:				
	Filed an Application with the Federal Energy Regulatory Commission to be a Power Marketer.			
X	Received approval from FER0	Received approval from FERC to be a Power Marketer at Docket or Case Number ER10-2555-000		
	Not applicable	NRG Power Marketing, LLC will be the power marketer for Green Mountain Energy Company.		

9. **DISCLOSURE STATEMENT**:

- a. Disclosure Statements: If proposing to serve Residential and/or Small Commercial (under 25 kW) customers, provide a Residential and/or Small Commercial disclosure statement. A sample disclosure statement is provided as Appendix G to this Application.
 - Electricity should be priced in clearly stated terms to the extent possible. Common definitions should be
 used. All consumer contracts or sales agreements should be written in plain language with any exclusions,
 exceptions, add-ons, package offers, limited time offers or other deadlines prominently communicated.
 Penalties and procedures for ending contracts should be clearly communicated.

See Attachment for Question 9.a.

(Select only one of the following)

10. <u>VERIFICATIONS, ACKNOWLEDGEMENTS, AND AGREEMENTS</u>

- a. PJM LOAD SERVING ENTITY REQUIREMENT: As a prospective EGS, the applicant understands that those EGSs which provide retail electric supply service (i.e. takes title to electricity) must provide either:
 - proof of registration as a PJM Load Serving Entity (LSE), or
 - proof of a contractual arrangement with a registered PJM LSE that facilitates the retail electricity services of the EGS.

 See Attachment for Question 10.a.

The Applicant understands that compliance with this requirement must be filed within 120 days of the Applicant receiving a license. As well, the Applicant understands that compliance with this requirement may be filed with this instant application.

AGREED - Applicant has included compliance with this requirement in the instant application, labeled in correspondence with this section (10). See Attachment for Question 10.

AGREED - Applicant will provide compliance with this requirement within 120 days of receiving its license

ACKNOWLEDGED - Applicant is not proposing to provide retail electric supply service at this time, and therefore is not presently obligated to provide such information

b. STANDARDS OF CONDUCT AND DISCLOSURE: As a condition of receiving a license, Applicant agrees to conform to any Uniform Standards of Conduct and Disclosure as set forth by the Commission. Further, the Applicant agrees that it must comply with and ensure that its employees, agents, representatives, and independent contractors comply with the standards of conduct and disclosure set out in Commission regulations at 52 Pa. Code § 54.43.

△ AGREED

Application for Approval

Attachment for Question 6 - Proof of Service

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PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

Application for Approval

Attachment for Question 8.a - Technical Fitness

a) Experience, Plan, Structure

Business plans.

- a. Summary provide competitive products and services and top notch customer service to Pennsylvania residential, commercial and industrial customers.
- b. Products Green Mountain will offer a variety of products to residential customers, including but not limited to fixed and variable rate products; and to commercial and industrial customers, including but not limited to a fixed rate product and a managed index product.
- c. Implementation
 - i. License and Registration
 - 1. PJM membership and compliance requirements
 - 2. Pennsylvania Public Utility Commission registration
 - 3. EDC registration
 - 4. EDC EDI compliance
 - ii. Business development
 - 1. Identify, hire and train staff and resources
 - 2. Develop and test infrastructure
 - 3. Ensure all corporate and direct support functions are online

d. Execution

- i. Sales execution will be to residential, commercial and industrial customers
- ii. Scttlements: External procedures as defined by PJM and EDCs and internal procedures
- iii. Customer service and billing functions

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Application for Approval

Updates to Attachment for Question 8.a - Technical Fitness

a) Experience, Plan, Structure

Summary and proof of licenses as a supplier of electric services in other states or jurisdictions

Green Mountain Energy Company is licensed to serve, and currently serves, residential and commercial retail electric customers in the States of Texas and New York. Green Mountain has provided copies of:

- 1) an Order of the Public Utility Commission of Texas, dated January 29, 2001, granting Green Mountain Energy Company certification as a Retail Electric Provider in the state of Texas; and
- 2) a letter from the State of New York Department of Public Service, dated April 8, 2009, acknowledging that Green Mountain Energy Company has been deemed eligible to serve residential and non-residential electric customers in New York State.

Green Mountain Energy Company is also currently licensed to serve non-residential retail electric customers in New Jersey, Illinois, Massachusetts, Delaware and the District of Columbia. Attached are copies of:

- 1) a letter from the State of New Jersey Board of Public Utilities ("New Jersey BPU"), dated March 30, 2011, stating that the New Jersey BPU voted to issue a license to Green Mountain Energy Company and a copy of a License as an Electric Power Supplier issued by the New Jersey BPU, effective March 30, 2011;
- 2) an Order from the Illinois Commerce Commission, effective May 18, 2011, granting Green Mountain Energy Company a Certificate of Service Authority to operate as an alternative retail electric supplier;
- a letter from the Massachusetts Department of Public Utilities, dated June 8, 2011, stating that the Department has approved Green Mountain's application for a Competitive Supplier license in the Commonwealth of Massachusetts;
- 4) an Order of the Public Service Commission of the District of Columbia, dated July 12, 2011, granting Green Mountain a license to conduct business in the District of Columbia as an electricity supplier; and
- 5) a certified Order of the Public Service Commission of the State of Delaware, dated September 20, 2011, granting Green Mountain a certificate to operated as an Electric Supplier within the State of Delaware.

On May 20, 2011, Green Mountain Energy Company applied for a license to serve commercial retail electric customers in the State of Maryland. This license application is currently pending.



STATE OF NEW JERSEY

Board of Public Utilities
Two Gateway Center – Suite 801
Newark, NJ 07102
www.ni.gov/bpu/

Kristi Izzo Secretary of the Board Tel. # (973) 648-3426

Governor
Kim Guadagno

Chris Christie

Lt. Governor

March 30, 2011

Ms. L. Michelle Cutrer Assistant General Counsel Green Mountain Energy Company P.O. Box 689008 Austin, Texas 78768

Re:

Electric Power Supplier Initial License

Dkt. No. EE11020095L

Dear Ms. Cutrer:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its March 30, 2011 Agenda meeting, the New Jersey Board of Public Utilities voted to issue a License as an Electric Power Supplier to Green Mountain Energy Company. Your license number is ESL-0098.

The enclosed License is effective March 30, 2011 and expires on March 29, 2012. 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 registrant. Registrants 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 Anna Procopio at (609) 292-1681.

Sincerely,

Kristi Izzo

Secretary of the Board

KI/alp Encl.(s)



Board of Public Utilities

Two Gateway Center - Suite 801, Newark, New Jersey 07102

HEREBY LICENSES

Green Mountain Energy Company

211 Carnegie Center Drive Princeton, New Jersey 08540

To conduct business in the State of New Jersey as an

Electric Power Supplier

Kristi Izzo

Secretary of the Board

Registration No.

on No. ESL-0098

Effective Date:

March 30, 2011

Expiration Date:

March 29, 2012

MADES 745

LITHO IN U.S.A.

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Green Mountain Energy Company :

:

Application for Certificate of :

Service Authority under Section : 11-0326

16-115 of the Public Utilities Act.

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On April 5, 2011, Green Mountain Energy Company ("Applicant" or "Green Mountain") 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 III. Adm. Code 451 ("Part 451"). Applicant submitted its certificate of publication showing that on April 7, 2011, proper notice of the application was published in the official State newspaper. The Administrative Law Judge requested clarification of certain matters contained in the application. Applicant filed a verified response to the Administrative Law Judge on May 3, 2011. A proposed order was served on Applicant. No brief on exceptions was filed by Applicant.

II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

Applicant requests authority to offer the sale of electricity and power to eligible nonresidential retail customers with annual electrical consumption greater than 15,000 kilowatt-hours ("kWh") in the service territory of Commonwealth Edison Company ("ComEd").

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

Applicant, a Delaware corporation, principally markets and sells retail renewable electricity products to residential and commercial customers. Applicant is a wholly owned subsidiary of NRG Energy, Inc., which is the ultimate parent of Reliant Energy Northeast LLC ("REN"). Currently, REN is licensed to sell electric supply services in Illinois, Maryland, Pennsylvania, Washington D.C., New Jersey and Delaware.

Green Mountain has been serving both retail and commercial retail electric customers in Texas since 2001 and in New York since August 2009. Green Mountain

also provides "renewable energy credit" supply and marketing services to an incumbent utility in Oregon. Green Mountain is a licensed Green Power Marketer in the State of New Jersey. Green Mountain also markets and sells renewable energy credits and carbon offsets nationwide. Green Mountain served residential and commercial retail electric customers in the Commonwealth of Pennsylvania from October 1998 until May 2006, in the State of New Jersey from March 2000 until early 2006, and in the State of Ohio from September 2001 until the end of 2005.

Applicant applied for a license to serve commercial and industrial retail electric customers in the State of New Jersey on January 21, 2011. The New Jersey Board of Public Utilities approved Applicant's license application at a meeting on March 30, 2011. On March 2, 2011, Applicant applied for a license to serve commercial, governmental and industrial retail electric customers in the Commonwealth of Pennsylvania. Applicant indicates this license application is currently pending.

Applicant does not intend to install, operate, or maintain generation, transmission, or distribution facilities within the State of Illinois. Therefore, no demonstration of compliance with the requirements of Section 451.20(f)(2) has been made and Applicant's employees are not permitted to perform such functions, and other entities are not permitted to perform such functions pursuant to contractual arrangements with Applicant.

Applicant has certified 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; that it will comply with informational and reporting requirements pursuant to Section 16-112 of the Act; and that it will comply with all other applicable 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 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. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

Applicant agrees to 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 16-116(d)(5) of the Act.

Applicant certifies that it has not been denied an electric supplier license in any state in the United States; it has not had an electric supplier license suspended or revoked by any state in the United States.

Pursuant to the requirements of Section 451.50 of Part 451, Applicant provided a License or Permit Bond in the amount of \$150,000 issued by a qualifying surety authorized to transact business in Illinois.

IV. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115

Applicant asserts that it meets the financial qualifications set forth in Section 16-115(d)(1). Included in attachments to its application were documents intended to demonstrate that it meet the requirements of Section 451.220(a)(3). Applicant certifies that it is a member of PJM Interconnection ("PJM") and that it will purchase 100% of its physical energy from PJM for delivery to the service territory of the utility for which Applicant is seeking certification. Applicant also provided documents to support its assertions.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.230 and 451.240 of Part 451. In attachments to its application and amended application, Applicant identified the personnel who purportedly satisfy the criteria and provided biographical information for these individuals.

In attachments to the application, Applicant indicated that over the last five years it had numerous informal complaints filed against it, primarily in Texas. With regard to formal complaints; however, Applicant indicates that there have only been six formal complains filed against it over the last five years and that each was either resolved or dismissed. Finally, Applicant provided documents indicating that for the period August 1, 2010 through January 31, 2011, Applicant had a "Lower than Average Rate of Complaints" score in Texas.

Applicant provided a telephone number and facsimile number where its staff can be directly reached at all times. Having reviewed the information submitted by Applicant, the Commission concludes that Applicant meets the financial, technical, and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Subpart C of Part 451.

Green Mountain requested an order to protect certain information used to meet the requirements of Section 451.230 and 451.240 from public disclosure. Applicant says this information consists of commercially sensitive information regarding Green Mountain employees and commercially sensitive information regarding employees of subsidiaries of NRG Energy, Inc.

Green Mountain argues that disclosure of this information and use by a competitor is apt to cause competitive harm to Green Mountain and affiliates that it relies on in conducting business. Green Mountain argues that disclosure of information regarding the expertise and responsibilities of employees as well as company organization would give competitors a list from which to recruit employees to the

disadvantage of Green Mountain and its affiliates. Green Mountain claims disclosure of such information would also give competitors knowledge of how Green Mountain organizes and conducts its business internally, which could allow competitors an unfair advantage.

Green Mountain indicates that it is a wholly-owned subsidiary of NRG Energy and that NRG Energy is also the ultimate parent of Reliant Energy Northeast LLC. Green Mountain reports that in connection with REN's application for a certificate of service authority in Illinois, Docket No. 11-0080, REN requested confidential treatment of NRG Energy employee information. Green Mountain says that the March 15, 2011 Order in Docket No. 11-0080 granted confidential treatment of the information for a two-year period. Green Mountain claims that information for which it requests confidential treatment is the same type of information for which a similar request was granted in Docket No. 11-0080.

The requirements of Part 451 are applicable to all applicants seeking a certificate of service authority in Illinois. Although modified from time to time, these rules have been in affect since 1999. It is the general policy of the Commission that documents that it maintains are open to public inspection. The Commission notes that generally speaking, over the last twelve years the information relating to technical and managerial requirements, Sections 451.230 and 451.240, as well as similar subsections of other subparts, have been treated as public information. The Commission's decision in Docket No. 11-0080 appears to be an exception to the rule and the Commission does not believe it should constitute a change in general policy. Instead, the Commission concludes that that Green Mountain's request for confidential treatment should be denied.

V. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments along with the supplementary information 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, therefore, that Applicant's request for a certificate of service authority to operate as an ARES in Illinois should be granted and should include the following authority:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Green Mountain Energy Company is granted service authority to operate as an Alternative Retail Electric Supplier as follows:

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

CUSTOMERS TO BE SERVED: All eligible nonresidential retail customers with annual electrical consumption greater than 15,000 kilowatt-hours.

GEOGRAPHIC REGION(S) SERVED: The service area of Commonwealth Edison Company.

VI. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) Applicant, Green Mountain Energy Company a business organized under the laws of Delaware, 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)(1) of the Act;
- (4) Applicant's request for a protective order to prevent public disclosure of certain information should be denied;
- (5) Applicant has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to eligible nonresidential retail customers throughout the area certified herein;
- (6) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 III. Adm. Code 451; and
- (7) Green Mountain Energy Company should be granted the 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 Green Mountain Energy Company is hereby granted the Certificate of Service Authority as set forth in Section V of this Order.

IT IS FURTHER ORDERED that Green Mountain Energy Company's request for a protective order to prevent public disclosure of certain information is hereby denied.

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

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

By order of the Commission this 18th day of May, 2011.

(SIGNED) DOUGLAS P. SCOTT

Chairman



THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK GOVERNOR

TIMOTHY P. MURRAY LIEUTENANT GOVERNOR

RICHARD K. SULLIVAN, JR. SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION BOSTON, MA 02110 (617) 305-3500 ANN G. BERWICK CHAIR

JOLETTE A. WESTBROOK COMMISSIONER

June 8, 2011

L. Michelle Cutrer, Assistant General Counsel Green Mountain Energy Company 300 West 6th Street, Suite 900 Austin, TX 78701

Re: Competitive Supplier Application

Dear Ms. Cutrer,

The Department of Public Utilities ("Department") has reviewed Green Mountain Energy Company's application for a Competitive Supplier license in the Commonwealth of Massachusetts and is pleased to inform you that the Department has approved your application. Please find enclosed a copy of your approved application. Your license number is EB-083.

As a condition of maintaining this license, Green Mountain Energy Company must file updated information within 30 days of any material or organic change in the information required by 220 C.M.R. § 11.05(2), and must comply with all relevant requirements of G.L. c. 164 and the regulations promulgated thereunder, including 220 C.M.R. §§ 11.00, 12.00 et seq. If you decide to request renewal of your license next year, please submit your renewal application no later than July 1, 2012.

Sincerely,

Enclosure (approved application without exhibits)



The Commonwealth of Massachi

DEPARTMENT OF PUBLIC UTILITIES MISSIONERS, D.P.U.
ONE SOUTH STATION, 2ND FLOOR

BOSTON, MA 02110

617-305-3500

Competitive Supplier and Electricity Broker License Application Pursuant to 220 C.M.R. § 11.00 et seq.

itted P

	. REQUI	RES ANNUAL FEE a	and ANNUAL RENEWA	L
			ronic copy on diskette or th a \$100.00 annual fee.	CD-ROM forma
Applic	cation Type:	Appl	ying For:	
	■ New □ Renewal	٠,	■ Competitive Supplie □ Electricity Broker I	
1.	Legal Name of Appl	icant: <u>Green Mounta</u>	in Energy Company	
	Doing business as (D	D/B/A): not applicabl	<u>e</u>	
2.	Business Address:	300 West 6 th Street, Austin, Texas 78701		
3.	(b) Date of organizat(c) Attach a copy of agreement or other	the laws of which state tion: <u>March 3, 1999</u> the articles of incorpo	e: <u>Delaware</u> ration, association, partne legal organization. <u>See</u>	rship Attachment for 3
4.	Name, Title, and Bus similar Officials: Se	siness Address of all C ee Attachment for 4	Officers and Directors, Par	rtners, or other

EA - 11 - 16 - 6 +

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA: 1333 H STREET N.W., 2ND FLOOR, WEST TOWER WASHINGTON, D.C. 20005

4H 20H JUL 12 PA 3: 3

<u>ORDER</u>

July 12, 2011

FORMAL CASE NO. EA 11-16, IN THE MATTER OF THE APPLICATION OF GREEN MOUNTAIN ENERGY COMPANY FOR AN ELECTRICITY LICENSE, Order No. 16445

- 1. By this Order, the Public Service Commission of the District of Columbia ("Commission") grants a license to Green Mountain Energy Company ("GMEC" or "Applicant") to function as an electricity supplier in the District of Columbia. Specifically, GMEC intends to operate as a marketer of electricity for commercial and industrial customers in the District of Columbia, pursuant to Section 34-1505 of the "Retail Electric Competition and Consumer Protection Act of 1999 ("Act")."
- 2. On May 23, 2011, GMEC filed its license application.³ Pursuant to the Commission's licensing requirements as set forth in Order No. 11796,⁴ GMEC has provided the following information:
 - a) Proof of technical and managerial competence;
 - b) An affidavit of compliance with applicable Federal and District of Columbia environmental laws and regulations dated May 19, 2011;
 - c) Proof of financial integrity to include financial statements;
 - d) Proof that GMEC has registered with the Department of Consumer and Regulatory Affairs to do business in the District of Columbia;
 - e) An affidavit that GMEC is subject to all applicable taxes;

D.C. Official Code § 34-1501(17)(2001 Ed.) 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."

D.C. Official Code § 34-1505; see generally §§ 34-1501-1520.

Formal Case No. EA 11-16, In the Matter of the Application of Green Mountain Energy Company for an Electricity License, Application of Green Mountain Energy Company filed May 23, 2011. Green Mountain Energy Company submitted supplemental information regarding this application on July 1 and 5, 2011.

Formal Case No. 945, In the Matter of the Investigation into Electric Service Market Competition and Regulatory Practices, Order No. 11796 at Attachment C, rel. September 20, 2000.

- f) An affidavit dated May 19, 2011, stating that GMEC will comply with all the requirements of all orders and regulations of the Commission; and
- g) Applicant's website address: www.greenmountain.com.
- 3. After a complete review of the application, the Commission finds that granting the application of Green Mountain Energy Company will serve the public interest. The information contained in its application demonstrates that the Applicant has the ability and the financial integrity to serve electricity customers in the District of Columbia.

THEREFORE, IT IS ORDERED THAT:

4. The application of Green Mountain Energy Company for a license to conduct business in the District of Columbia as an electricity supplier is hereby GRANTED.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

CHIEF CLERK:

JESSÉ P. CLAY, JR.

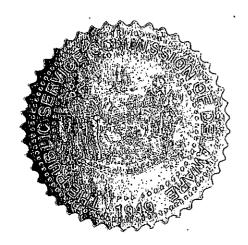
ACTING COMMISSION SECRETARY



The Public Service Commission

STATE OF DELAWARE)	
COUNTY OF KENT	}	SS

I,	Alisa C.	Bentley	· .	, Secretary
of the PUBLIC	SERVICE COM	MISSION OF D	ELAWARE, do here	by certify that
I have compared	d the attached Ord	der with the orig	ginal adopted by said	l Commission,
and that it is a t	rue and correct tra	anscript of Orde	er No. <u>8036</u>	,
Docket No. 11	-313	·		•
			to subscribed my ha	
the seal of the C	Commission this_	twentieth	Septeml day of	oer A.D.,
20				•



Secretary

Document No. 30-11-81-05-01

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)		
OF GREEN MOUNTAIN ENERGY COMPANY)		
FOR A CERTIFICATE TO PROVIDE)	PSC DOCKET NO.	11-313
ELECTRIC SUPPLY SERVICES WITHIN)	•	
THE STATE OF DELAWARE)		
(FILED JULY 21, 2011))		

ORDER NO. 8036

ELECTRIC SUPPLIER CERTIFICATE

This 20th day of September, 2011, the Commission determines and Orders the following:

- 1. On July 21, 2011, Green Mountain Energy Company ("Green Mountain Energy" or "Company") filed an application seeking certification as a retail electric supplier. See 26 Del. C. \$\$1001(3), 1001(14), 1012. Under the Electric Utilities Restructuring Act of 1999 (the "Act"), "electric suppliers" are not "public utilities" and the resulting sales of electric supply service to retail customers are not subject to traditional forms of rate-regulation. See 26 Del. C. §§ 102(2), 202(f).
- 2. In its application, Green Mountain Energy reports that it is an electric supplier that will be providing retail energy services to industrial and commercial customers.
- 3. Staff reports that the Company's application fulfills all the requirements for an Electric Supplier Certificate to act as an electric supplier as set forth in the Commission's Rules for Certification and Regulations of Electric Suppliers (the "ES Rules").

PSC Docket No. 11-313, Order No. 8036 Cont'd

In particular, Staff reports that the Company appears to possess the financial, operational, managerial, and technical capabilities to operate as an electric supplier. As required by Section 2.2 of the ES Rules, the Company provided the appropriate affidavits of publication of notice of its application in the <u>Delaware State News</u> and <u>The News Journal</u>. Staff confirms that there were no comments, interventions, or protests filed in the instant docket within the required 20-day notice period. Based on Staff's report, the Commission has determined to issue an Electric Supplier Certificate to Green Mountain Energy allowing it to offer electric supply services in this State consistent with the scheme adopted by the Act and the ES Rules.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FRWER THAN THREE COMMISSIONERS:

- 1. That, pursuant to 26 Del. C. §1012(a) and the Commission's "Rules for Certification and Regulations of Electric Suppliers", Green Mountain Energy Company is hereby granted a certificate to operate as an "Electric Supplier" within this State. Under this certificate, Green Mountain Energy Company is authorized to provide Electric Supply Service within this State in accordance with 26 Del. C. ch. 10.
- 2. That the Company shall at all times provide its Electric Supply Service in accordance with the requirements imposed by 26 Del. C. Ch. 10 and the Commission's "Rules for Certification and Regulations of Electric Suppliers" as presently adopted or as may be hereafter amended or supplemented. The Company is hereby notified that a violation of any applicable statute, rule or other controlling authority may be enforced by the sanctions permitted by 26 Del. C.

¹ See 26 Del. C. ch. 10

PSC Docket No. 11-313, Order No. 8036 Cont'd S\$1012(a) and 1019 and \$10.2 of the "Rules for Certification and Regulations of Electric Suppliers".

- 3. That Green Mountain Energy Company shall, pursuant to the provisions of 26 Del. C. §1012(c)(2) and §§3.9 and 3.10 of the "Rules for Certification and Regulations of Electric Suppliers," file such reports and pay such fees and assessments as may be required or may be imposed by 26 Del. C. §§114 and 115.
- 4. That Green Mountain Energy Company 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 this State.
- 5. That Green Mountain Energy Company is hereby placed on notice that the costs of the proceedings will be charged to it under the provisions of 26 Del. C. §114(b) (1).
- 6. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Chair

Commissioner

Commissioner

Commissioner

BY ORDER OF THE COMMISSION:

Commissioner

ATTEST:

Secretary

Application for Approval

Updates to Attachment for Question 8.a - Technical Fitness

Business plans.

- a. Summary provide competitive products and services and top notch customer service to Pennsylvania residential, commercial and industrial customers.
- b. Products Green Mountain will offer a variety of products to residential customers, including but not limited to fixed and variable rate products; and to commercial and industrial customers, including but not limited to a fixed rate product and a managed index product.
- c. Implementation
 - i. License and Registration
 - 1. PJM membership and compliance requirements
 - 2. Pennsylvania Public Utility Commission registration
 - 3. EDC registration
 - 4. EDC EDI compliance
 - ii. Business development
 - 1. Identify, hire and train staff and resources
 - 2. Develop and test infrastructure
 - 3. Ensure all corporate and direct support functions are online

d. Execution

- i. Sales execution will be to residential, commercial and industrial customers
- ii. Settlements: External procedures as defined by PJM and EDCs and internal procedures
- iii. Customer service and billing functions

Application for Approval

Attachment for Question 9.a - Disclosure Statement

Green Mountain Energy Company Disclosure Statement

This is an agreement for electric generation service, between Green Mountain Energy Company and [customer's name and full address].

Background

Green Mountain Energy Company is licensed by the Pennsylvania Public Utility Commission to offer and supply electric generation services in Pennsylvania. Our Pennsylvania Public Utility Commission (PUC) license number is A-2011-2229050.

We set the generation prices and charges that you pay. The Public Utility Commission regulates distribution prices and services. The Federal Energy Regulatory Commission regulates transmission prices and services.

You will receive a single bill from [EDC name] (your EDC) that will contain [EDC name] (your EDC) charges and Green Mountain charges.

Right of Rescission

You may cancel this agreement at any time before midnight of the third business day after receiving this disclosure.

Definitions

Agreement: This Disclosure Statement, as well as your Enrollment Form, Welcome or Renewal Letter, and any amendments to these documents from time to time.

Distribution Charge: Charge for delivering electricity over a distribution system to the home or business from the transmission system.

EDC: Electric Distribution Company. Your EDC is [EDC name].

Generation Charge: Charge for production of electricity.

kWh: A kilowatt hour. This is a measurement of your use of electricity.

Transmission Charge: Charge for moving high voltage electricity from a generation facility to the distribution lines of an electric distribution company.

Initial Term: The Initial Term is the time period during which you will receive a fixed price (if you have a fixed term Agreement with us).

Terms of Service

1. Basic Service Prices

Fixed Price / Fixed Term Agreement — You agree to pay [per kWh rate]. This price includes Transmission Charges and Estimated Total State Taxes, including the Gross Receipts Tax, but excludes applicable state and local Sales Taxes. Each month your bill for electricity will be calculated by multiplying this rate per kWh by the amount of electricity used in the billing cycle.

Month-to-Month Variable Price Agreement – If you have a month-to-month Agreement with us, the price is subject to change each month. Your rate for the initial month is [per kWh rate]. This price includes Transmission Charges and Estimated Total State Taxes, including the Gross Receipts Tax, but excludes applicable state and local Sales Taxes. The variable price will reflect the cost of electricity in the PJM market, including energy, capacity, settlement, ancillaries, related transmission and distribution charges and other PJM market-related factors. You can find our current variable price at www.greenmountain.com (enter your zip code) or by calling us at [(8XX) –XXX-XXXX].

2. Length of Agreement

Fixed Price / Fixed Term Agreement – You will buy your electricity generation service for the above street address from Green Mountain Energy Company beginning on a date set by [*EDC name*] (your EDC) and will continue for [XXX] months. (Initial Term)

Month-to-Month Variable Price Agreement – You will buy your electricity generation service for the above street address from Green Mountain Energy Company beginning on the date set by [*EDC name*] (your EDC) and will continue on a month-to-month basis, until cancelled by you or Green Mountain as described in Section 4.

3. Cancellation

Customer Initiated Cancellation: You may cancel your Agreement to purchase electricity by providing 30 days advance notice. To cancel this Agreement, please contact Green Mountain Energy Company by phone at 1-[8XX-XXX-XXXX]. You will be responsible for all Green Mountain charges incurred up to the date of cancellation. In addition, if you have a fixed term Agreement with us and you cancel this Agreement before the end of your Initial Term, you will also be responsible for the early cancellation fee mentioned below in the amount of \$[XX.XX].

Non-Payment: If your electric service is terminated by your EDC, then this agreement is cancelled on the date that your electric service is terminated. You will owe us for amounts unpaid for our charges for electric generation service up to the date of termination. In addition, if you have a fixed term Agreement with us and this Agreement is cancelled before the end of your Initial Term, you will also be responsible for the early cancellation fee mentioned below in the amount of \$[XX.XX].

Company Initiated Cancellation: If we cancel this agreement for any reason other than for customer non-payment, we will follow applicable rules in providing notice to you.

Customer Move: If the customer moves from the address listed above, this Agreement is cancelled.

4. Penalties, Fees and Exceptions

IF YOU HAVE A FIXED PRICE / FIXED TERM AGREEMENT WITH US AND YOU CANCEL THIS AGREEMENT AFTER THE THREE (3) DAY RESCISSION PERIOD REFERENCED ABOVE AND BEFORE THE END OF YOUR INITIAL TERM, WE WILL CHARGE YOU A CANCELLATION FEE IN THE AMOUNT OF \$[XX.XX].

5. Billing and Payment

You will receive a single bill from [EDC name] (your EDC) that will contain [EDC name] charges and Green Mountain charges. Failure to pay your bills on time may result in late payment penalties and in discontinuation of service.

6. Renewal Provision/Agreement Expiration/Change in Terms

If you have a fixed term agreement with us and it is approaching the expiration date, we will send you two advance written notices in separate mailings between 45 and 90 days before the expiration date. We will explain your options in these 2 advance notices.

If we propose to change our terms of service in any type of agreement, we will send you two advance written notices in separate mailings between 45 and 90 days before the effective date of the changes.

7. Dispute Procedures

If you have any questions, concerns or complaints about your bill, please contact us by calling our Customer Care Representatives at 1-[8XX-XXX-XXXX] or by emailing us at [XXX]@greenmountain.com. If for any reason you are not satisfied with our response, you may contact the Pennsylvania Public Utility Commission at P.O. Box 3265, Harrisburg, PA 17105-3265 or by calling 1-800-692-7380.

8. Power Outages and Emergencies

If you have an electrical emergency or a power outage, you should immediately contact your EDC:

PPL Electric Utilities Corporation at 1-800-342-5775 PECO Energy Company at 1-800-841-4141

9. Limitations of Liability and Warranty/Force Majeure

YOU AGREE THAT EVENTS OF FORCE MAJEURE MAY RESULT IN INTERRUPTIONS IN SERVICE AND THAT WE WILL NOT BE RESPONSIBLE FOR SUPPLYING ELECTRICITY TO YOU AND WE WILL NOT BE LIABLE FOR THOS INTERRUPTIONS. YOU AGREE THAT OUR LIABILITY NOT EXCUSED BY REASON OF FORCE MAJEURE OR OTHERWISE WILL BE LIMITED TO DIRECT ACTUAL DAMAGES ONLY; AND NEITHER OF US IS LIABLE TO THE OTHER FOR CONSEQUENTIAL, INCIDENTAL, PUNITIVE, EXEMPLARY OR INDIRECT DAMAGES. WE MAKE NO REPRESENTATIONS OR WARRANTIES AND WE EXPRESSLY DISCLAIM ALL OTHER WARRANTIES, WRITTEN OR ORAL, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

10. Authorization to Release Customer Information

By entering into this Agreement, you authorize Green Mountain Energy Company to obtain information that we may need to provide electricity service to you, including your account information and usage history. We will not give or sell your personal information to any unaffiliated third-party unless you provide us with your consent or unless we are required to do so by law.

11. Other Provisions

This Disclosure Statement along with your Enrollment Form, Welcome or Renewal Letter constitutes your entire Agreement between you and Green Mountain Energy Company with regard to your purchase of electric generation and other related services from Green Mountain Energy Company. This Agreement supersedes all prior agreements between us, either written or oral. This Agreement is subject to any Law enacted during the term of this Agreement. "Law" means any law, legislation, statute, regulation, rule, tariff, decision, writ, order, decree or judgment, or any interpretations by any court, agency or instrumentality that has jurisdiction. You may not assign this Agreement with us, in whole or in part, or any of your rights or obligations under this Agreement without our prior written consent. Green Mountain Energy Company may, without your consent: (i) as a part of any financing or other financial arrangements, assign, sell or pledge this agreement or its accounts, revenues or proceeds; or (ii) assign this agreement to an affiliate of Green Mountain Energy Company: or (iii) assign this agreement to any

other person or entity succeeding to all or a substantial portion of the assets of Green Mountain Energy Company or a competitive electricity supplier licensed to do business in Pennsylvania.

12. Contact Information

Generation Supplier Name: Green Mountain Energy Company

Address: [XXX] [XXX]

Phone Number: 1-[8XX-XXX-XXXX]

Internet Address: www.greenmountain.com

Electric Distribution Company Name: [PECO] [or] [PPL]

Provider of Last Resort Name: [PECO] [or] [PPL]
Address: [PECO Customer Service [PPL

2301 Market Street Customer Contact Center P.O. Box 8699 827 Hausman Road Allentown, PA 18104-9392]

Timadolphia, TA 19101] Allettown, TA 10104-3

Phone Number: [1 (800) 494-4000] [1 (800) 342-5775]

Public Utility Commission (PUC)

Address: P.O. Box 3265 Harrisburg, PA 17105-3265

Choice Hotline Number: 1-800-692-7380

14. Universal Service Program:

Your EDC has programs available to customers who are on a limited or fixed income to assist them with utility bills. Some of these programs might include bill payment assistance and weatherization services.

Information on your EDC's Universal Service Program can be obtained by contacting: PECO at 1-800-841-4141 PPL Electric Utilities at 1-800-342-5775.

CERTIFICATE OF SERVICE

On this 9th day of December, 2011, I certify that a true and correct copy of the foregoing amendments to the application form for licensing with the Commonwealth of Pennsylvania as an Electric Generation Supplier and all attachments have been served upon the following:

Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17120

Office of the Small Business Advocate Commerce Building, Suite 1102 300 North Second Street Harrisburg, PA 17101

Legal Department West Penn Power d/b/a Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15601-1689

Regulatory Affairs Duquesne Light Company 411 Seventh Street, MD 16-4 Pittsburgh, PA 15219

Legal Department First Energy 2800 Pottsville Pike Reading, PA 19612

Citizen's Electric Company Attn: EGS Coordination 1775 Industrial Boulevard Lewisburg, PA 17837

Wellsboro Electric Company Attn: EGS Coordination 33 Austin Street P.O. Box 128 Wellsboro, PA 16901 Office of the Attorney General Bureau of Consumer Protection Strawberry Square, 14th Floor Harrisburg, PC 17120

Commonwealth of Pennsylvania Department of Revenue Bureau of Compliance Harrisburg, PA 17128-0946

Manager Energy Acquisition PECO Energy Company 2301 Market Street Philadelphia, PA 19101-8699

Legal Department Attn: Paul Russell PPL Two North Ninth Street Allentown, PA 18108-1179

UGI Utilities, Inc. Attn: Rates Dept. – Choice Coordinator 2526 N. 12th Street, Suite 360 P.O. Box 12677 Reading, PA 19612-2677

Director of Customer Energy Services Orange and Rockland Company 390 West Route 59 Spring Valley, NY 10977-5300

RECEIVED

DEC 9 2011

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

L. Michelle Cutrer

Assistant General Counsel

Green Mountain Energy Company

