



February 24, 2016

A-2015-2517744

Rosemary Chiavetta, Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

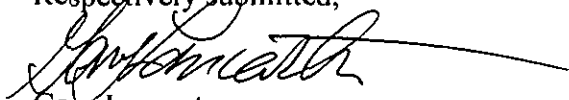
Re: Response to Request for Additional Information Regarding National Gas & Electric's  
Electric Generation Supplier License Application of National Gas & Electric, LLC

Dear Ms. Chiavetta,

Please find enclosed various documents submitted under my sworn verification in support of our response to request for additional information with respect to the pending application of National Gas & Electric, LLC to become a retail electric supplier in Pennsylvania. We believe that these applications are complete in all respects. If you have any questions, please do not hesitate to contact me for clarification.

We look forward to becoming a member and participating in the Pennsylvania retail energy markets.

Respectively submitted,

  
Gary Lancaster  
Assistant General Counsel  
National Gas & Electric, LLC

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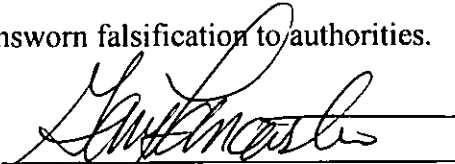
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**VERIFICATION**

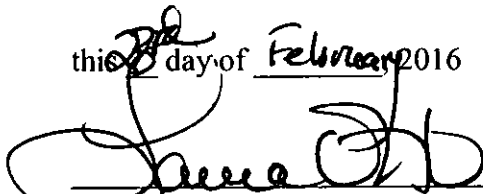
STATE OF TEXAS            )  
  )  
COUNTY OF HARRIS        )        SS:

I, Gary Lancaster, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
\_\_\_\_\_  
Gary Lancaster, Assistant General Counsel

Subscribed and sworn to before me

this 28 day of February 2016

  
\_\_\_\_\_  
Notary Public

[Stamp of Notary]



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**Exhibit 2.b.**

**BUSINESS ENTITY FILINGS AD REGISTRATION**

1. Reference Application, Section 2.b, Business Entity and Department of State Filings - Applicant has not provided proof of compliance with the Pennsylvania Department of State. Please provide original documents by using the submission method listed above.

**Attached:**

PA Authority to do Business


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Entity# : 6291861  
 Date Filed : 09/11/2015  
 Pedro A. Cortés  
 Secretary of the Commonwealth

**PENNSYLVANIA DEPARTMENT OF STATE  
 BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS**

Document will be returned to the name and address entered below.			Foreign Registration Statement DSCB: 15-412 (7/1/2015) 		
Otto, Laura K					
Name 2105 CityWest Blvd., Suite 100					
Address Houston TX 77042					
City	State	Zip Code			

Read all instructions prior to completing. This form may be submitted online at <https://www.corporations.pa.gov/>.

Fee: \$250

In compliance with the requirements of the applicable provisions of 15 Pa.C.S. § 412 (relating to foreign registration statement), the undersigned foreign association hereby states that:

1. The type of association is (check only one):

- Business Corporation     
  Limited Partnership     
  Business Trust  
 Nonprofit Corporation     
  Limited Liability (General) Partnership     
  Professional Association  
 Limited Liability Company     
  Limited Liability Limited Partnership

2. The full and proper name of the foreign association as registered in its jurisdiction of formation is:

National Gas & Electric, LLC

2A. If the name in 2 does not contain a required designator or if the name in 2 is not available for use in the Commonwealth, the alternate name under which the association is registering in this Commonwealth is:

A resolution of the governors adopting the name in 2A for use in registering to do business in this Commonwealth must be attached.

3. The jurisdiction of formation: TX

4. The street and mailing address of the association's principal office.

2105 CityWest Blvd., Suite 100,	Houston	TX	77042	United States
Number and street	City	State	Zip	Country

4B. The street and mailing address of the office, if any, required to be maintained by the law of the association's jurisdiction of formation in that jurisdiction:

2105 CityWest Blvd., Suite 100,	Houston	TX	77042	United States
Number and street	City	State	Zip	Country

PENN File: September 11,2015

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5. The (a) address of the association's registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

Complete part (a) OR (b) - not both:

(a) \_\_\_\_\_  
 Number and street                      City                      State                      Zip                      Country

OR

(b) c/o: CORPORATION SERVICE COMPANY                      DAUPHIN  
 Name of Commercial Registered Office Provider                      County

6. Check one of the following:

- The association may not have series.
- The association may have one or more series.

7. Effective date of registration of foreign association (check, and if appropriate complete, one of the following):

- The Foreign Registration Statement shall be effective upon filing in the Department of State.
- The Foreign Registration Statement shall be effective on: \_\_\_\_\_ at \_\_\_\_\_  
 Date (MM/DD/YYYY)                      Hour (if any)

8. To be completed by Limited Liability Companies only. Check, and if appropriate complete, one of the following:

- The association is a limited liability company which is not organized to render any of the below professional service(s).
  - The association is a restricted professional limited liability company organized to render one or more of the following professional service(s): (If this box is checked, one or more of the fields below must be checked.)
- Chiropractic     Dentistry                       Law                       Medicine and surgery  
 Optometry     Osteopathic medicine and surgery     Podiatric medicine     Public accounting  
 Psychology     Veterinary medicine

IN TESTIMONY WHEREOF, the undersigned association has caused this Foreign Registration Statement to be signed by a duly authorized representative thereof this 11th day of September, 2015

National Gas & Electric, LLC  
 \_\_\_\_\_  
 Name of Association  
 Paul Konikowski  
 \_\_\_\_\_  
 Signature  
 Vice President  
 \_\_\_\_\_  
 Title



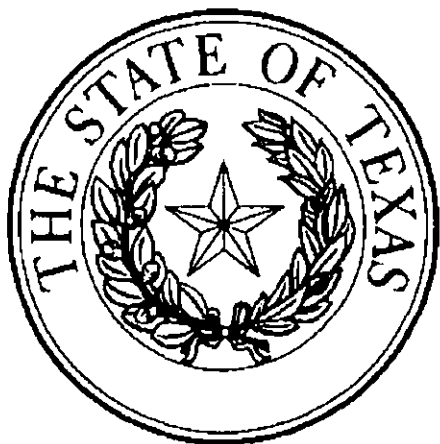
## Office of the Secretary of State

### Certificate of Fact

The undersigned, as Secretary of State of Texas, does hereby certify that the document, Certificate of Formation for National Gas & Electric, LLC (file number 801875137), a Domestic Limited Liability Company (LLC), was filed in this office on October 29, 2013.

It is further certified that the entity status in Texas is in existence.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on January 19, 2016.



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos  
Secretary of State

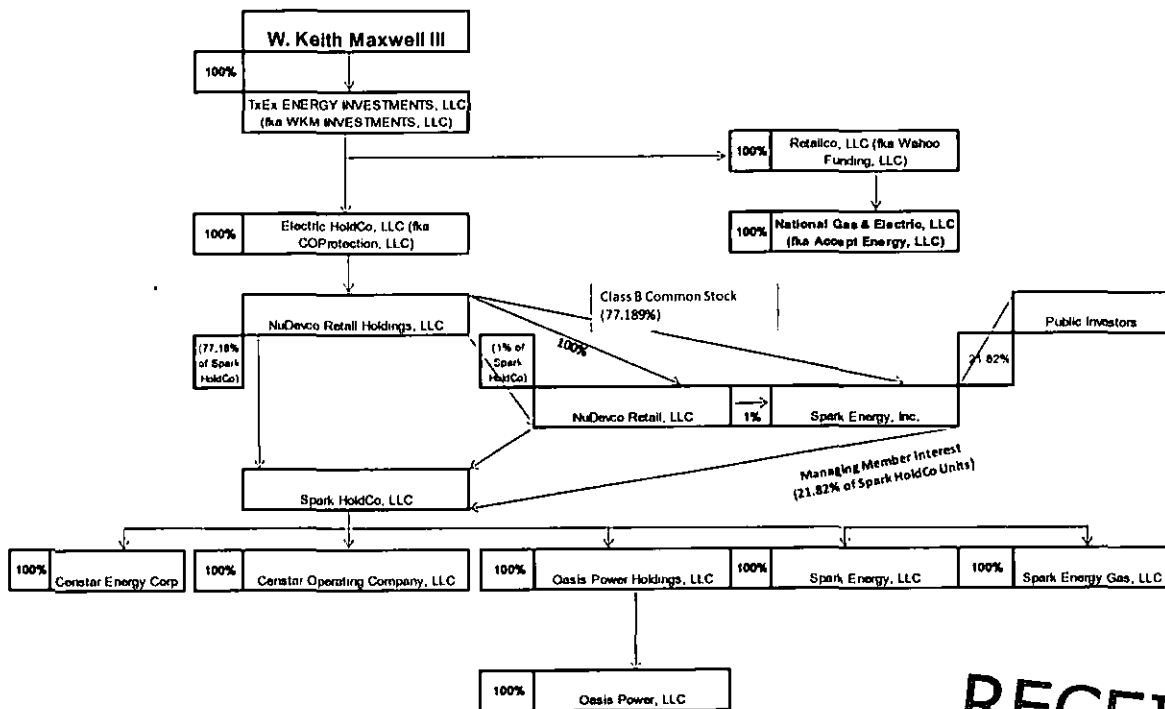


**Exhibit 3.a  
Affiliates**

2. Reference Application, Section 3.a, Affiliates -Applicant has stated National Gas & Electric, LLC does not have any affiliates doing business in Pennsylvania. Please explain if the Company or any affiliates are doing business in other states or countries and provide the names, addresses and state whether the affiliates are jurisdictional public utilities. If the Applicant does not have any affiliates doing business in any other state or country, explicitly state so. Please provide original documents by using the submission method listed above.

**RESPONSE:**

National Gas & Electric's affiliate status has changed since initially filing the original application. Attached please find an organizational chart with affiliated companies or affiliated interests associated with the retail electricity and retail gas businesses of Applicant, together with a list of jurisdictions the business entities are engaged in the retail electricity business:



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**Spark Energy/Spark Energy Gas**

State	Utility
<b>Arizona</b>	Southwest Gas Corporation (SWG)
	UniSource Energy Services
<b>California</b>	Pacific Gas & Electric (PG&E)
	San Diego Gas & Electric (SDG&E)
	Southern California Gas Company (SoCal)
	Southwest Gas Corporation (SWG)
<b>Colorado</b>	Public Service Company of Colorado (PSCO)
<b>Connecticut</b>	Connecticut Natural Gas
	Southern Connecticut Gas
	Yankee Gas
	Connecticut Lighting & Power
	United Illuminating
<b>Florida</b>	Florida City Gas
	Florida Public Utilities
	Peoples Gas/TECO
<b>Illinois</b>	Nicor Gas Company
	North Shore Gas
	Peoples Gas
	ComEd
<b>Indiana</b>	Citizens Gas
	NIPSCO
<b>Maryland</b>	Baltimore Gas & Electric (BG&E)
<b>Massachusetts</b>	Bay State Gas
	National Grid - KeySpan Colonial
	National Grid - KeySpan Boston
	National Grid - KeySpan Essex
	NStar
<b>Michigan</b>	Consumers Energy Gas (CMS)
<b>Nevada</b>	Southwest Gas Corporation (SWG)
<b>New Jersey</b>	Public Service Electric & Gas (PSEG)
<b>New York</b>	Consolidated Edison (ConEd)
	National Grid
	KeySpan Long Island
	National Grid - Niagara Mohawk (NIMO)
<b>Ohio</b>	Columbia Gas of Ohio (COH)
	Dominion East Ohio (DEO)
<b>Pennsylvania</b>	PPL Electric Utilities
	PECO
<b>Texas</b>	AEP - Texas Central
	AEP - Texas North
	Centerpoint Energy
	Oncor
	Texas New Mexico Power Company (TNMP)



### Oasis Energy

State	Utility
<b>Illinois</b>	ComEd
<b>Maryland</b>	Baltimore Gas & Electric (BG&E)
	PEPCO
<b>Massachusetts</b>	National Grid (MECO)
	NStar
<b>New Jersey</b>	Public Service Electric & Gas (PSEG)
<b>New York</b>	Consolidated Edison (ConEd)
	KeySpan Long Island
<b>Pennsylvania</b>	Columbia Gas (COLPAG)
	Duquesne Light (Duqe)
	PECO
	Peoples Natural Gas (Peoples)
	PPL
	West Penn Power_First Energy (Alleg)

### Censtar Energy

State	Utility
<b>New Jersey</b>	Public Service Electric & Gas (PSEG)
<b>New York</b>	Consolidated Edison (ConEd)
	National Grid
	Orange & Rockland
	NYSEG
	Rochester Gas & Electric
<b>Ohio</b>	Dominion East Ohio
	Duke Energy
	First Energy
	Cleveland Illuminating
	Toledo Edison
	Ohio Edison
	AEP Power
	AEP Columbus Southern Power



**Exhibit 3.b  
Predecessors**

3. Reference Application, Section 3.b, Predecessors -Applicant has stated National Gas & Electric, LLC does not have any predecessors that have done business in Pennsylvania. Please explain if the Applicant has any predecessors that have operated in any other state or country within the preceding five years, including addresses, web addresses, and telephone numbers, if applicable. If the Applicant does not have any predecessors that have done business, explicitly state so. Please provide original documents by using the submission method listed above.

**RESPONSE:**

National Gas & Electric, LLC (fka Accept Energy, LLC) does not have any predecessors that have done business in Pennsylvania. Accept Energy, LLC did not do business in Pennsylvania.

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**FEB 29 2016**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

Corporations Section  
P.O. Box 13697  
Austin, Texas 78711-3697



Carlos H. Cascos  
Secretary of State

**Office of the Secretary of State**

**CERTIFICATE OF FILING  
OF**

National Gas & Electric, LLC  
801875137

[formerly: Accept Energy, LLC]

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Amendment for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 07/20/2015

Effective: 07/20/2015



Carlos H. Cascos  
Secretary of State

FEB 29 2016

 PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

**Exhibit 5.a  
 Criminal/Civil Proceedings**

4. Reference Application, Section 5.a, Criminal/Civil Proceedings Proposed Services - Applicant states National Gas & Electric, LLC has no proceedings to list. Please explain if any affiliates, predecessors, or any person identified in this Application has been or is currently the defendant of any criminal or civil proceedings within the last five years. Please identify all such proceedings by name, subject and citation, whether it was before an administrative body or in a judicial forum. If the Applicant, affiliates, predecessors, and all people identified in this application have none, explicitly state so. Please provide an original document by using the submission method listed above.

**RESPONSE:**

National Gas & Electric, LLC has not yet conducted its business of providing retail electricity and gas to its targeted customer base, and has not had any Criminal or Civil Proceedings filed against it. Please see below the Civil Proceedings filed against Spark Energy, its affiliate in the last five years:

Entity Served	Date Served on CSC	Jurisdiction Filed	First Named Plaintiff	Status
SPARK ENERGY, INC. & SPARK ENERGY GAS, LP	12/17/2015	New Jersey	JOHN MELVILLE (Class Action)	Open
SPARK ENERGY GAS, LP	09/16/2015	California	MARY SARTORI	Open
SPARK ENERGY	07/20/2015	California	RAYMOND R. KHANI	Dismissed
SPARK ENERGY, L.P. AND/OR SPARK ENERGY, LLC	07/02/2015	Maryland	EASTSIDE MOTORSPORTS, INC	
SPARK ENERGY, LLC	05/28/2015	California	MARGARET SMITH	Open
SPARK ENERGY LLC	05/08/2015	Massachusetts	KEVIN CRICK	Settled
SPARK ENERGY GAS, LLC	04/24/2015	California	CUAUHTLAHTOUAC HERNANDEZ	Settled
SPARK ENERGY GAS, LLC	12/08/2014	Illinois	DAVID HOY	Settled
SPARK ENERGY LLC	12/05/2014	California	DON T SHERRILLO	Settled
SPARK ENERGY, LLC	11/17/2014	Illinois	ERICA WOODS	Settled
SPARK ENERGY, LLC	09/09/2014	Illinois	HI-TECH SPECIALISTS, INC.	Settled
SPARK ENERGY, L.P.	08/15/2014	Illinois	THE POWER COMPANY USA LLC	
SPARK ENERGY	11/4/2013	New York	TODD BANKS (CLASS ACTION)	Open
SPARK ENERGY	09/12/2013	Illinois	ROBERT HUTCHINS	Settled
SPARK ENERGY GAS, LP	08/22/2013	Maryland	BETHANY SENECA BAY APARTMENTS, LLC	Settled
SPARK ENERGY GAS, LP	12/27/2012	Texas	SAMIR FAKHOURY	Settled
SPARK ENERGY VENTURES LLC	11/29/2012	Texas	CHERI DAVES	Settled
SPARK ENERGY LP	07/13/2012	Texas	CROSSROAD OF LIFE ASSEMBLY OF GOD	Settled
SPARK ENERGY GAS L P	06/18/2012	Texas	JEFFREY WILLIAMS	Settled

FEB 29 2016

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**Exhibit 5.c  
Customer/Regulatory/Prosecutory Actions**

5. Reference Application, Section 5.c, Customer/Regulatory/Prosecutory Actions - Applicant states National Gas & Electric, LLC has no actions or complaints to list. Please explain if any affiliates, predecessors, or any person identified in this Application has any formal or escalated actions or complaints filed with or by a customer, regulatory agency, or prosecutor agency for the prior five years, including, but not limited to customers, Utility Commissions, and Consumer Protection Agencies such as the Offices of the Attorney General. If there have been no actions or complaints with any affiliates, predecessors, or any person identified in this Application, explicitly state so. Please provide an original document by using the submission method listed above.

**RESPONSE:**

National Gas & Electric, LLC has not yet conducted its business of providing retail electricity and gas to its targeted customer base, and has not had any formal complaints filed against it. Please see below the formal consumer complaints against Spark Energy, its affiliate.

Illinois Commerce Commission:

15-0388 Philip L. Bernstein

-vs-

Spark Energy, L.P.

Complaint as to Spark failed to send me notice of annual contract expiration in Chicago, Illinois.

Date Filed: June 11, 2015

Status: Initial — Proposed Order

15-0409 Kathleen Clyde

-vs-

Spark Energy Gas, LP

Complaint as to no notification of contract expiring and raising rates without my knowledge.

Date Filed: July 1, 2015

Status: Initial — Closed

15-0525 Marcy Sartori

-vs-

Spark Energy Gas, LP

Complaint as to request for partial refund when gas fixed rate expired, Spark Energy's "variable competitive" rate inflated two to three times Nicor Gas rate per therm resulting in excessively high bills in Joliet, Illinois.

Date Filed: September 14, 2015

Status: Initial — Hearing Pending



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Please see the below chart of informal customer complaint for National Gas & Electric's affiliated interests – Spark Energy, Oasis Energy and Censtar Energy:



Please see the below chart of informal customer complaint for National Gas & Electric's affiliated interests – Spark Energy, Oasis Energy and Censtar Energy:

**SPARK ENERGY**

<b>2011</b>	<b>8</b>	<b>2014</b>	<b>310</b>
CAPUC	1	BPU	12
ICC	3	CAPUC	6
PPUCT	1	ICC	167
PUCT	3	MIPSC	8
<b>2012</b>	<b>203</b>	MPSC	19
CAPUC	5	PPUCT	21
ICC	95	PUCO	9
MIPSC	7	PUCT	58
MPSC	30	PURA	10
PPUCT	5	<b>2015</b>	<b>399</b>
PUCO	9	BPU	8
PUCT	37	CAPUC	19
PURA	15	ICC	180
<b>2013</b>	<b>133</b>	MIPSC	32
BPU	6	MPSC	9
CAPUC	5	PPUCT	30
ICC	58	PUCO	10
MIPSC	9	PUCT	44
MPSC	15	PURA	67
PPUCT	13	<b>2016</b>	<b>67</b>
PUCO	2	BPU	1
PUCT	22	CAPUC	1
PURA	3	ICC	38
		MIPSC	10
		MPSC	1
		PPUCT	3
		PUCO	1
		PUCT	6
		PURA	6
		<b>Grand Total</b>	<b>1120</b>



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OASIS ENERGY

<b>2011</b>	<b>76</b>
MPSC	43
NYPSC	33
<b>2012</b>	<b>67</b>
MPSC	39
NYPSC	28
<b>2013</b>	<b>82</b>
MPSC	68
NYPSC	14
<b>2014</b>	<b>59</b>
BPU	2
DPU	3
MPSC	40
NYPSC	14
<b>2015</b>	<b>54</b>
BPU	3
DPU	2
ICC	3
MPSC	31
NYPSC	15
<b>2016</b>	<b>8</b>
ICC	1
MPSC	4
NYPSC	3
<b>(blank)</b>	
<b>(blank)</b>	
<b>Grand Total</b>	<b>346</b>





**CENSTAR ENERGY**

<b>2013</b>	<b>10</b>
NY PSC	10
<b>2014</b>	<b>32</b>
NY PSC	20
PUCO	12
<b>2015</b>	<b>11</b>
NY PSC	3
PUCO	8
<b>2016</b>	<b>5</b>
NY PSC	3
PUCO	2
<b>(blank)</b>	
(blank)	
<b>Grand Total</b>	<b>58</b>



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**Exhibit 7.f**

**National Gas Sales Tax License number and Revenue ID**

6. Reference Application, Section 7.f, Taxation -Applicant has provided a Tax Certification Statement, however the Sales Tax License number and the Revenue ID number are missing. Please provide an original document by using the submission method listed above.

Sales Tax License: 67-53573-1

Revenue ID: 1001244283

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**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**



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**Exhibit 8.a  
Technical Fitness**

7. Reference Application, Section 8.a, Technical Fitness -Applicant has indicated it is seeking licenses in Illinois, Maryland, and Ohio. Please provide any licenses the company has obtained since filing this application.

National Gas & Electric, LLC is currently licensed to supply gas and electric in the following states:

- New York
- Illinois
- Ohio
- Maryland

*Licenses attached*

National Gas & Electric, LLC currently has its natural gas and electricity licenses pending in

- New Jersey
- Pennsylvania

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**Department of  
Public Service**

**Public Service Commission**  
Audrey Zibelman  
Chair

Patricia L. Acampora  
Gregg C. Sayre  
Diane X. Burman  
Commissioners

Kimberly A. Harriman  
General Counsel  
Kathleen H. Burgess  
Secretary

Three Empire State Plaza, Albany, NY 12223-1350  
www.dps.ny.gov

November 25, 2015

Mr. David Hennekes  
Vice President  
National Gas & Electric, LLC  
12140 Wickchester, Suite 100  
Houston, TX 77079

RE: National Gas & Electric, LLC – ESCO Code NATI

Dear Mr. Hennekes:

Thank you for submitting your Retail Access Application Package to become an Energy Services Company (ESCO) serving residential and non-residential natural gas and electric customers in New York State. This letter is to inform you that documentation submitted in your application package has been reviewed by Staff and established to be in compliance with the New York State Public Service Commission's ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices, the Home Energy Fair Practices and other applicable regulations.

I am also pleased to notify you that National Gas & Electric, LLC has successfully met the Commission's EDI Phase I certification requirements for all core bill ready and utility rate ready transactions effective November 24, 2015. All requirements for this initial stage of your eligibility determination have been satisfied.

Please be advised that you may now continue with the utility approval stage of the eligibility process by contacting those companies in whose service territories you intend to participate. The utility stage normally consists of a creditworthiness determination, completion of Phase III EDI testing and the execution of any operating or billing service agreements. Please note that each utility's eligibility requirements pertain to only their retail access programs.

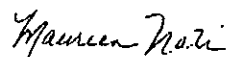
Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. It would be helpful if National Gas & Electric, LLC notifies Staff of the actual production date in the utility service territories you intend to enroll customers. At that point I will confirm that your final eligibility requirements have been satisfied.

Be advised that to maintain your ESCO eligibility, you must notify Staff of any substantive legal, financial or business related changes to your company as they occur. If your business plan changes and you decide to expand your service offerings, you must immediately submit the appropriate documentation for Staff review and determination of how it affects your current eligibility.

If you are using vendors to provide ESCO related services (e.g., EDI), the ESCO remains fully responsible for any activities the vendors perform. If you have not already done so, or if you have changed vendors since last reporting them to us, please provide Staff a list with contact information for all vendors that you are now using. It is your responsibility to send marketing materials to us for review before you begin marketing to residential customers. ***Finally, you must submit a statement annually, by January 31<sup>st</sup>, indicating that the information in your original or most recent updated Retail Access Application (RAAF) remains current, or submit a revised RAAF with statement identifying revisions.***

We will only post your company's contact information on our Website once you have completed the eligibility process and are ready to begin enrolling customers. Please do not hesitate to contact me at (518) 473-8175 or [Maureen.Nati@dps.ny.gov](mailto:Maureen.Nati@dps.ny.gov) if you have any further questions or concerns.

Sincerely,



Maureen Nati  
Office of Consumer Services

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

National Gas & Electric, LLC :  
 :  
Application for Certificate of : 15-0577  
Service Authority under Section 16- :  
115 of the Public Utilities Act. :

ORDER

By the Commission:

**I. PRELIMINARY MATTERS**

On October 21, 2015, National Gas & Electric, 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 submitted its certificate of publication showing that on November 1, 2015, notice of the application was published in the Official State Newspaper. The Administrative Law Judge requested further information of certain matters in the application. On November 10, 2015, Applicant filed an Amended Application. On November 16, 2015, Applicant filed an errata to its Amended Application. On December 14, 2015, Applicant filed a Second Amended Application. On December 22, 2015, Applicant filed a Supplemental Filing for Second Amended ARES Application.

**II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT**

Applicant is a limited liability company, under the laws of Texas. Applicant requests a certificate of authority to operate as an ARES. Applicant seeks a certificate to serve industrial, commercial and residential customers in the Commonwealth Edison Company service territory. Applicant is not currently licensed as an ARES in Illinois or any other jurisdiction. Applicant has an electric supplier license application pending in Ohio. Applicant states it is not affiliated with any utility, and does not own transmission or generation facilities. Applicant does not seek authority to provide single-billing services, under subpart F of Part 451.

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

#### **A. General**

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; 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. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

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.

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 16-116(d)(5) of the Act. Applicant states that it will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

Pursuant to the requirements of Subpart D of Part 451, 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 commits to 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 include materials comprising the consumer education program pursuant to Section 16-117 of the Act with all initial mailings to

potential residential and small commercial retail customers and before executing any agreements or contracts with such customers. Applicant certifies that it will also provide consumer education program materials pursuant to Section 16-117 of the Act, at no charge to residential and small commercial retail customers, upon request. Applicant certifies that it will provide to residential and small commercial retail customers on a semi-annual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last three years by the Commission to have failed to provide service in accordance with the terms of their contracts pursuant to Section 16-117(g) (4) (C) of the Act.

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

#### **B. Financial, Technical, and Managerial Requirements**

Applicant asserts that it meets the financial qualifications criteria set forth in Part 451.320(a). Included in Attachment D to the application is information intended to demonstrate that Applicant meets the criteria.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.330 and 451.340 of Part 451. The application and Exhibits E, F, and G contain information regarding the technical and managerial qualifications of Applicant's staff and its agents or contractors. Attachment F to the application includes a corporate organizational chart. Applicant provided a telephone number and facsimile number through which it states a staff member can be reached at all times.

Applicant states it is relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451, and includes this information in Attachment G.

The Applicant further certifies that in the event it bills any residential customer directly for supply, the Applicant shall ensure that when marketing to residential customers who receive any type of low income energy assistance, the Applicant has 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 Program ("PIPP") benefits.

#### **IV. CUSTOMER COMPLAINTS**

Applicant discloses that it is not the subject of any lawsuits that were filed in a court of law. Applicant further states that it has no other formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.



Applicant further discloses that it has two affiliated interests, Spark Energy, LLC ("Spark Energy") and Oasis Energy, LLC ("Oasis Energy"). According to the Second Amended Application and the Supplemental Filing to the Second Amended Application, Spark Energy has had three formal complaints filed against it in Illinois, and no other formal complaints filed in other states. Additionally, Spark Energy has had 360 informal complaints filed against it in Illinois for calendar year 2015. Oasis Energy has not had any formal complaints filed against it in any state, and only three informal complaints filed against it in Illinois for calendar year 2015.

#### **V. REQUEST FOR CONFIDENTIAL TREATMENT**

Application seeks confidential treatment of certain redacted information filed in attachments with the Application. Applicant indicates that these documents contain highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Petitioner given the highly competitive nature of the electric industry. The Commission has reviewed the request for confidential treatment and finds that it is appropriate to grant a two-year period of confidential treatment for the redacted information in the attachments to the Application. The Commission concurs with Applicant that disclosure of the redacted information and use by a competitor is apt to cause the Applicant competitive harm. Applicant's confidential information in the Commission's possession should, therefore, be accessible only by the Commission and Commission Staff, unless such information is or becomes publicly available from another source.

#### **VI. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY**

The Commission has reviewed the Application, Amended Application and all attachments 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 National Gas & Electric, 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.

CUSTOMERS TO BE SERVED: All eligible residential and nonresidential retail customers.

GEOGRAPHIC REGION(S) SERVED: For the sale of electricity and power in the service area of Commonwealth Edison Company.

## VII. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) Applicant, National Gas & Electric, LLC, a corporation 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) Applicant has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to all eligible residential and nonresidential retail customers throughout the service area of Commonwealth Edison Company;
- (5) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451;and
- (6) Section 7(g) of the Illinois Freedom of Information Act (5/ILCS 140/7) exempts from public disclosure:
 

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;
- (7) Applicant's redacted information falls within the exemption stated in Finding (6);
- (8) The documents and portions of documents for which Applicant seeks proprietary treatment should be exempt from public disclosure under Section 7(g) of the Freedom of Information Act and Section 5-109 of the Act for a period of two years from the date this Order is entered; and
- (9) National Gas & Electric, LLC should be granted a certificate of service authority to operate as an alternative retail electric supplier as specified in Section VI of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that National Gas & Electric, LLC is hereby granted a Certificate of Service Authority as set forth in Section VI of this Order.

IT IS FURTHER ORDERED that National Gas & Electric, LLC 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 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 20<sup>th</sup> day of January, 2016.

(SIGNED) BRIEN SHEAHAN

CHAIRMAN

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

National Gas & Electric, LLC :  
: :  
Application for Certificate of : 15-0634  
Service Authority under Section :  
19-110 of the Public Utilities Act. :

ORDER

By the Commission:

**I. PROCEDURAL HISTORY**

On December 10, 2015, National Gas & Electric, LLC ("Applicant" or "NG&E") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority as an alternative gas supplier ("AGS") in Illinois pursuant to Section 19-110 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 551 ("Part 551").

The Administrative Law Judge requested further information of certain matters in the application. On December 22, 2015, Applicant filed an amended application. On January 7, 2016, Applicant filed a second amended application. Applicant also submitted its certificate of publication showing that on January 8, 2016, notice of the application was published in the Official State Newspaper.

**II. AUTHORITY**

Statutory provisions applicable to the certification of alternative gas suppliers are set forth in Section 19-110 of the Act. Subsection 19-110(a) provides in part that Section 19-110 applies only to alternative gas suppliers serving or seeking to serve residential or small commercial customers. Provisions relating to the AGS application process are contained in Subsections (b), (c), (d) and (e). Among other things, the applicant must identify the areas to be served and types of service to be offered, and demonstrate sufficient technical, financial and managerial fitness to provide the proposed services. Generally speaking, the Commission is required to enter an order within 45 days after publication of a "properly filed" application.

Commission rules for certification of alternative gas suppliers are set forth in Part 551. Procedures and requirements pertaining to the application process are contained in Sections 551.20 through 551.110. Procedures for reporting continuing compliance are set out in Sections 551.120 through 551.170.

### **III. DESCRIPTION OF THE APPLICANT AND OF THE PROPOSED AGS SERVICES**

Applicant is a Limited Liability Company organized and existing under the laws of Texas. Applicant provided documentation from the Office of the Secretary of State, State of Illinois, demonstrating that Applicant is licensed to transact business in the State of Illinois. Applicant is a newly formed competitive retail electric and natural gas service provider with plans to selectively expand into deregulated state and utility territories. Applicant states that it plans to serve all residential, commercial and industrial customers in the Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company utility territories.

### **IV. AGS REQUIREMENTS AND OBLIGATIONS**

Pursuant to Section 551.20(a), an AGS must certify that it will comply with all Federal, State, regional and industry rules practices, policies, procedures, and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interstate natural gas system and that it will submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant certifies that it will comply with all applicable terms and conditions required by Section 19-115 of the Act and that it will submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant asserts it will serve customers who are eligible to take service from an AGS; that it will comply with informational and reporting requirements established by Commission rule; and that it will comply with all other applicable laws and regulations and Commission rules and orders pursuant to Section 551.20.

Applicant indicates it has not been denied a natural gas license in any state in the United States. Applicant indicates it has not had a natural gas supplier license suspended or revoked by any state in the United States. Applicant indicates it has a gas supplier application pending in Ohio, Maryland and New Jersey.

In accordance with Section 551.40, Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition, Applicant agrees to confidential treatment of customer data.

Applicant certifies that all 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 residential or small commercial customer. Applicant agrees that before any small commercial customer is switched from another supplier, the Applicant 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 certifies that it will provide to the residential customer accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; 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 residential customer.

Applicant certifies it will provide refunds of any deposits with interest, at a rate set by the Commission which shall be the same as that required of gas utilities, within 30 days after the date that the small commercial customer changes gas suppliers or discontinues service if the customer has satisfied all of its outstanding financial obligations to the alternative gas supplier. Applicant also agrees to provide timely refunds of any undisputed overpayments upon oral or written request of the small commercial customer.

Applicant states that it will comply with its procedures described in its application addressing the manner in which any disputed amount for which a residential or small commercial customer is billed may be resolved. Applicant states that while the dispute is pending, the customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the same location for the same period, normalized for weather, whichever is greater. Applicant affirms that any disputed amount in excess of last year's bill for the same address adjusted for weather shall not be included in the amount that must be paid by the due date. Applicant also agrees to inform its customers how to contact the Commission's Consumer Services Division to pursue an unresolved dispute. Applicant states that its billing statements include a toll-free number and other means by which a customer may contact it with inquiries or complaints. Finally, Applicant agrees to inform its small commercial and residential customers how to contact the Commission to obtain consumer education materials provided pursuant to Section 19-125 of the Act.

Applicant asserts that it has obtained a license or permit bond as required by Section 551.50. A copy of Applicant's license or permit bond is attached to the application as Attachment E. Applicant also provides information indicating that it meets the financial criteria pursuant to Section 551.80(a) in Attachment F. Applicant submitted information in Attachments G and H in support of Applicant's technical and managerial qualifications pursuant to Sections 551.90 and 551.100, respectively.

## **V. CUSTOMER COMPLAINTS**

Applicant discloses that it is not the subject of any lawsuits that were filed in a court of law. Applicant further states that it has no other formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other *similar allegations*.

Applicant further discloses that it has two affiliated interests, Spark Energy, LLC ("Spark Energy") and Oasis Energy, LLC ("Oasis Energy"). According to Addendum A,

Spark Energy has had three formal complaints filed against it in Illinois, and no other formal complaints filed in other states. Additionally, Spark Energy has had 360 informal complaints filed against it in Illinois for calendar year 2015. Oasis Energy has not had any formal complaints filed against it in any state, and only three informal complaints filed against it in Illinois for calendar year 2015.

## **VI. COMMISSION CONCLUSION**

The Commission has reviewed the application, amended application and second amended application along with all attachments. The Commission finds that the application is in order and satisfies the requirements of the Act and Part 551. Applicant has demonstrated that it possesses sufficient financial, technical, and managerial resources and abilities to provide the sale of natural gas service to eligible customers. The Commission concludes, therefore, that the application for certification as an AGS should be granted as set forth in the first ordering paragraph below.

The Commission notes that Applicant further seeks confidential treatment of certain redacted information filed in attachments with the application. Applicant indicates that these documents contain highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Petitioner. The Commission has reviewed the request for confidential treatment and finds that it is appropriate to grant a two-year period of confidential treatment for the redacted information in the attachments to the application. Applicant's confidential information in the Commission's possession should, therefore, be accessible only by the Commission and Commission Staff, unless such information is or becomes publicly available from another source.

## **VII. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, which is a corporation organized and existing under the laws of Texas, is licensed to do business in the State of Illinois and seeks authority to operate as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction of the Applicant and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) as required by Section 19-110(e)(1) of the Act, Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide natural gas service to eligible customers throughout the areas certificated herein;



- (5) Applicant shall comply with Section 19-110(e)(2), (3), and (5) of the Act;
- (6) Section 7(1)(g) of the Illinois Freedom of Information Act (5/ILCS 140/7) exempts from public disclosure:

Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested.

- (7) Applicant's redacted information falls within the exemption stated in Finding (6);
- (8) the documents and portions of documents for which Applicant seeks proprietary treatment should be exempt from public disclosure under Section 7(1)(g) of the Freedom of Information Act and Section 5-109 of the Act for a period of two years from the date this Order is entered; and
- (9) Applicant should be granted a Certificate of Service Authority as set out below, and shall thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Commission that subject to the conditions set forth herein, National Gas & Electric, LLC is hereby granted a Certificate of Service Authority as an alternative gas supplier, and that this Certificate shall read as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that National Gas & Electric, LLC is granted service authority to operate as an Alternative Gas Supplier as follows:

**SERVICE TO BE PROVIDED:** The sale of natural gas.

**CUSTOMERS TO BE SERVED:** All eligible residential and small commercial customers.

**GEOGRAPHIC REGIONS SERVED:** *The service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company.*

IT IS FURTHER ORDERED that Applicant shall comply with all applicable Commission rules and orders now in effect and as hereafter amended.

IT IS FURTHER ORDERED that the documents filed by National Gas & Electric, LLC and identified above are afforded proprietary treatment and are exempt from public disclosure and will be accessible only by the Commission and the Commission Staff until two years from the date of this order.

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 10<sup>th</sup> day of February, 2016.

(SIGNED) BRIEN SHEAHAN

Chairman

COMMISSIONERS

W. KEVIN HUGHES  
CHAIRMAN

HAROLD D. WILLIAMS  
ANNE E. HOSKINS  
JEANNETTE M. MILLS  
MICHAEL T. RICHARD

STATE OF MARYLAND



**PUBLIC SERVICE COMMISSION**

**#8, 1/27/16 AM; ML#s 177263, 179256 and 181156**  
**License Reference No.: IR-3601**

January 27, 2016

Todd Gibson, Executive Vice President and CFO  
National Gas & Electric, LLC  
12140 Wickchester Lane, Suite 100  
Houston, Texas 77079

Dear Mr. Gibson:

On November, 2, 2015, National Gas & Electric, LLC ("Company") filed an Application for a License to Supply Natural Gas or Natural Gas Supply Services under COMAR 20.54. The Company proposes to provide natural gas supplier services in Maryland for residential, commercial and industrial customers as described in the application. Additional information was filed on December 7, 2015 and December 22, 2015.

After considering this matter at the January 27, 2016 Administrative Meeting, the Commission granted the Company a license to supply natural gas or natural gas supply services in Maryland (License Reference Number IR-3601). The license granted by the Commission under this Letter Order is limited solely to natural gas supplier services for the customer classes and service territories as 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 commencing natural gas supplier operations in Maryland. Furthermore, the Company is directed to file a report with the Commission and Office of People's Counsel identifying the number of complaints, the nature of such complaints and status, and total number of customers served by the Company within Maryland after six months and one year from the date of this Letter Order. The total number of customers may be filed on a confidential basis.

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/ David J. Collins*

David J. Collins  
Executive Secretary

DJC/st

cc: Phil VanderHeyden, Electricity Division  
Obi Linton, Director, External Relations

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000 • Toll Free: 1-800-492-0474 • FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice) • Website: [www.psc.state.md.us](http://www.psc.state.md.us)

COMMISSIONERS

W. KEVIN HUGHES  
CHAIRMAN

HAROLD D. WILLIAMS  
ANNE E. HOSKINS  
JEANNETTE M. MILLS  
MICHAEL T. RICHARD

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

#8, 1/27/16 AM; ML#s 177263, 179256 and 181156  
License Reference No.: IR-3601

January 27, 2016

Todd Gibson, Executive Vice President and CFO  
National Gas & Electric, LLC  
12140 Wickchester Lane, Suite 100  
Houston, Texas 77079

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After considering this matter at the January 27, 2016 Administrative Meeting, the Commission granted the Company a license to supply natural gas or natural gas supply services in Maryland (License Reference Number IR-3601). The license granted by the Commission under this Letter Order is limited solely to natural gas supplier services for the customer classes and service territories as 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 commencing natural gas supplier operations in Maryland. Furthermore, the Company is directed to file a report with the Commission and Office of People's Counsel identifying the number of complaints, the nature of such complaints and status, and total number of customers served by the Company within Maryland after six months and one year from the date of this Letter Order. The total number of customers may be filed on a confidential basis.

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/ David J. Collins*

David J. Collins  
Executive Secretary

DJC/st

cc: Phil VanderHeyden, Electricity Division  
Obi Linton, Director, External Relations

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000 • Toll Free: 1-800-492-0474 • FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice) • Website: [www.psc.state.md.us](http://www.psc.state.md.us)

# The Public Utilities Commission of Ohio

## Ohio Competitive Retail Natural Gas Marketer Certificate

Issued pursuant to Case Number(s):  
**15-2126-GA-CRS**

is  
Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:  
**16-495G (1)**

Granted to:  
**National Gas & Electric, LLC**

Whose office or principal place of business is located at:  
**12140 Wickchester Lane, Suite 100, Houston, Texas 77079**

And is hereby certified to provide:  
**Retail Natural Gas Marketer Services**

within the state of Ohio, for a two-year period.

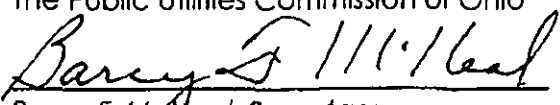
Certification Effective:  
**January 21, 2016 through January 21, 2018**

The certification of Ohio competitive retail natural gas marketers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio  
Dated: **January 22, 2016**

By Order of  
The Public Utilities Commission of Ohio  
  
Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

## CRNGS AUTOMATIC CASE ACTION FORM

Case No. 15-2126-GA-CRS

Date Sent: January 22, 2016

Effective Date of Certificate: January 21, 2016

Certificate Expires: January 21, 2018

Company Name and Company Name d/b/a: National Gas & Electric, LLC

Renewal

**Action Needed:**

Issue Certificate Number 16-495G (1) to: National Gas & Electric, LLC  
at (address): 12140 Wickchester Lane, Suite 100, Houston, TX 77079

Certified To Provide the Following Services:

- Retail Natural Gas Aggregator
- Retail Natural Gas Broker
- Retail Natural Gas Supplier
- Natural Gas Governmental Aggregator

Renew Certificate No.            to

Revise Certificate No.            . to (check all applicable):

Reflect name change from            to

Reflect address change from            to

Add new service offering to certificate:

- Retail Natural Gas Aggregator
- Retail Natural Gas Broker
- Retail Natural Gas Supplier
- Natural Gas Governmental Aggregator

Correct Administrative Error

Reflect Change of Ownership to:

Cancel Certificate No.

Protect Un-redacted copies until

Close Case File, Case Withdrawn at Applicant's Request

Close Case File

**CASE NUMBER:** 15-2126-GA-CRS  
**CASE DESCRIPTION:** NATIONAL GAS & ELECTRIC LLC  
**DATE OF SERVICE:** 1/22/2016  
**DOCUMENT SIGNED ON:** 1/22/16

**Sign Here:** \_\_\_\_\_ *Am*

	<b>APPLICANT</b>	
<b>PARTY OF RECORD</b>		<b>ATTORNEY</b>
NATIONAL GAS & ELECTRIC LLC	NONE	
GARY LANCASTER		
12140 WICKCHESTER LANE		
SUITE 100		
HOUSTON, TX 77079		
Phone: 888-442-0002		
Fax: 346-207-3890		
Email: COMPLIANCE@NGANDE.COM		

---

	<b>ATTORNEY</b>	
<b>PARTY OF RECORD</b>		<b>ATTORNEY</b>
none		*Howard, Stephen M Mr.
		Vorys, Sater, Seymour and Pease LLP
		52 E. Gay Street
		Columbus, OH 43215
		Phone: 614-464-5401
		Fax: 614-719-4772
		Email: smhoward@vorys.com

---



**Public Utilities  
Commission**

John Kasich, Governor  
Andre T. Porter, Chairman

Commissioners

Asim Z. Haque  
Lynn Siaby  
M. Beth Trombold  
Thomas W. Johnson

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

16-1036E (1)

Issued Pursuant to Case Number(s):

15-2125-EL-CRS

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **National Gas & Electric LLC** whose office or principal place of business is located at **12140 Wickchester Ste 100, Houston, TX 77079** to provide aggregation, power marketer, and power broker services within the State of Ohio effective **January 21, 2016**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) 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.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

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

Dated: January 26, 2016

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

**Certificate Expires: January 21, 2018**

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician Am Date Processed 1/27/16



## CRS AUTOMATIC CASE ACTION FORM

Case No. 15-2125-EL-CRS

Date Sent: 1-25-16

Effective Date of Certificate: 1-21-16

Certificate Expires: 1-21-18

Company Name and Company Name d/b/a: National Gas & Electric LLC

Renewal

**Action Needed:**

Issue Certificate Number to: National Gas & Electric LLC at (address): 12140 Wickchester Ste 100, Houston TX 77079

Certified To Provide the Following Services:

- Retail Generation
- Aggregation
- Power Marketer
- Power Broker
- Governmental Aggregation

Renew Certificate No.            to

Revise Certificate No.            to (check all applicable):

Reflect name change from            to

Reflect address change from            to

Add new service offering to certificate:

- Retail Generation
- Aggregator
- Power Marketer
- Power Broker
- Natural Gas Governmental Aggregator

Correct Administrative Error

Reflect Change of Ownership to:

Cancel Certificate No.

Protect Un-redacted copies until

Close Case File, Case Withdrawn at Applicant's Request

Close Case File

**CASE NUMBER:** 15-2125-EL-CRS  
**CASE DESCRIPTION:** NATIONAL GAS & ELECTRIC LLC  
**DATE OF SERVICE:** 1/26/2016  
**DOCUMENT SIGNED ON:** ~~JAN 26 2016~~

**Sign Here:** \_\_\_\_\_ 

	APPLICANT	
PARTY OF RECORD		ATTORNEY
NATIONAL GAS & ELECTRIC LLC	NONE	
YARA ABDUR-RAHMAN		
12140 WICKCHESTER LANE		
SUITE 100		
HOUSTON, TX 77079		
Phone: 281-822-8717		
Fax: 346-207-3890		
Email: YRAHMAN@NGANDE.COM		

	ATTORNEY	
PARTY OF RECORD		ATTORNEY
none		*Howard, Stephen M Mr.
		Vorys, Sater, Seymour and Pease LLP
		52 E. Gay Street
		Columbus, OH 43215
		Phone: 614-464-5401
		Fax: 614-719-4772
		Email: smhoward@vorys.com



**Exhibit 8.e  
Officers**

Reference Application, Section 8.e, Officers - Applicant provided a paragraph for each officer's work history and professional resumes for two officers but failed to provide detailed professional resumes for all of its chief officers. Please provide professional resumes for the remaining officers.

Resumes attached

**RECEIVED**

**FEB 29 2016**

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU**

**W. KEITH MAXWELL, III**  
14120 Wickchester Lane, Suite 100  
Houston, TX 77079  
(832) 977-5641  
[glancaster@NGandE.com](mailto:glancaster@NGandE.com)

**PROFESSIONAL EXPERIENCE**

**2015 – Present NATIONAL GAS & ELECTRIC, LLC Houston, TX**

**President and Chief Executive Officer** Founder, President, and Chief Executive Officer of a new retail gas and electric company being set up in various states located in the Eastern United States.

**1999 – Present SPARK ENERGY INC. Houston, TX**

**Chairman of the Board of Directors** Founder and former Chief Executive of Spark Energy, Inc. (NASDAQ: SPKE) now serving as non-executive Chairman of the Board of Directors of Spark Energy, Inc. as well as in similar executive and managerial roles for various affiliated companies engaged in the retail electric and gas marketing businesses and in the multimodal transportation and transloading businesses moving crude oil and refined products.

**1997 – 1999 BLACK HILLS ENERGY RESOURCES, INC. Houston, TX**

**Partner** Founding Partner of a midstream energy company providing transportation and marketing services to independent crude oil producers via trucks, barges, and pipelines.

**1994 – 1999 WICKFORD ENERGY MARKETING Houston, TX**

**Partner** Founding Partner of a midstream energy company providing transportation and marketing services to independent crude oil producers via trucks, barges, and pipelines.

**1989 – 1994 POLARIS PIPELINE Houston, TX**

**Partner** Founding Partner of a midstream energy company engaged in natural gas producer services that was sold to TECO Pipeline in 1994.

## **EDUCATION**

**1983 – 1987**

**UNIVERSITY OF TEXAS**

**Austin, TX**

**Bachelor of Arts Degree – Economics**

## **MISCELLANEOUS**

Mr. Maxwell was named Ernst & Young's Entrepreneur of the Year in the Energy, Chemicals and Mining category in 2010.

Mr. Maxwell is actively involved in a number of philanthropic organizations, including Special Olympics, Child Advocates, Salvation Army, Star of Hope, and Helping a Hero.

**TODD GIBSON**  
14120 Wickchester Lane, Suite 100  
Houston, TX 77079  
(832) 977-5633  
[tgibson@NGandE.com](mailto:tgibson@NGandE.com)

**PROFESSIONAL EXPERIENCE**

**2015 – Present NATIONAL GAS & ELECTRIC, LLC Houston, TX**

**Executive Vice President and Chief Financial Officer** Responsible for all financial, accounting, and related administrative functions for a new retail gas and electric company being set up in various states located in the Eastern United States as well as performing all of these functions in a similar capacity for Spark Energy, Inc. (NASDAQ: SPKE) and other affiliated companies engaged in the retail electric and gas marketing businesses and in the multimodal transportation and transloading businesses moving crude oil and refined products.

**1999 – Present SPARK ENERGY INC. Houston, TX**

**Executive Vice President and Chief Financial Officer** Responsible for all financial, accounting, and related administration functions for a new retail gas and electric company being set up in various states located in the United States as well as performing all of these functions in a similar capacity for Spark Energy, Inc. (NASDAQ: SPKE) and other affiliated companies engaged in the retail electric and gas marketing businesses and in the multimodal transportation and transloading businesses moving crude oil and refined products.

**1997 – 1999 BLACK HILLS ENERGY RESOURCES, INC. Houston, TX**

**Chief Financial Officer** Responsible for all financial, accounting, and related administrative functions for a midstream energy company providing transportation and marketing services to independent crude oil producers via trucks, barges, and pipelines.

**1997 – 1999 WICKFORD ENERGY MARKETING Houston, TX**

**Chief Financial Officer** Responsible for all financial, accounting, and related administrative functions for a midstream energy company providing transportation and marketing services to independent crude oil producers via trucks, barges, and pipelines.

1997 – 1999 ARTHUR ANDERSON

Houston, TX

Audit Manager Performed various accounting and auditing services to clients leading up to appointment as Audit Manager for a Big Four accounting firm.

**EDUCATION**

1983 – 1988

TEXAS STATE UNIVERSITY

San Marcos, TX

Bachelor of Business Administration Degree – Accounting

**TERRY D. JONES**  
14120 Wickchester Lane, Suite 100  
Houston, TX 77079  
(832) 217-1848  
[tjones@NGandE.com](mailto:tjones@NGandE.com)

**PROFESSIONAL EXPERIENCE**

**2015 – Present      NATIONAL GAS & ELECTRIC, LLC      Houston, TX**

**Executive Vice President and General Counsel**      Responsible for all legal, litigation, regulatory, and compliance functions for a new retail gas and electric company being established in various states located in the Eastern United States as well as performing all of these functions in a similar capacity for other affiliated companies engaged in multimodal transportation and transloading businesses moving crude oil and refined products.

**2015 – Present      TxEx ENERGY INVESTMENTS, LLC,      Houston, TX**

**and its predecessors, NuDevco Partners, LLC and  
NuDevco Partners Holdings, LLC, Parent Company of  
Spark Energy, LP and Spark Energy Gas, LP**

**Executive Vice President and General Counsel**      Responsible for all legal, litigation, regulatory, and compliance functions for a new retail gas and electric company being set up in various states located in the United States as well as performing all of these functions in a similar capacity for Spark Energy and other affiliated companies engaged in retail electric and gas wholesale businesses and in multimodal transportation and transloading businesses moving crude oil and refined products.

**2013 – 2015      MARLIN MIDSTREAM PARTNERS, LP      Houston, TX**

**Executive Vice President and General Counsel**      Responsible for all legal, litigation, regulatory, and compliance functions for Marlin Midstream Partners, LP, a publicly traded master limited partnership, which owns and operates midstream assets, including natural gas gathering, transportation, treating and processing assets and NGL transportation pipelines, and crude oil transloading assets.

**1994 – 2005      DYNEGY, INC. (FKA NATURAL GAS CLEARINGHOUSE)      Houston, TX**

**Senior Vice President and General Counsel**      Started as Vice President of the predecessor company and ultimately became Senior Vice President and General Counsel for all of Dynegy's operating divisions responsible for legal, litigation, regulatory, and compliance matters.



1983 – 1994 ,      **SIMON, PERAGINE, SMITH & REDFEARN**      **New Orleans, LA**  
Partner  
energy law.      Started as an Associate and became a Partner specializing in full-service

**EDUCATION**

1979 – 1983      **PAUL M. HEBERT SCHOOL OF LAW (LSU)**      **Baton Rouge, LA**  
**Juris Doctor Degree**

1976 – 1979      **LOUISIANA STATE UNIVERSITY**      **Baton Rouge, LA**  
**Bachelor of Science Degree – Management and Administration**

**GARY LANCASTER**  
14120 Wickchester Lane, Suite 100  
Houston, TX 77079  
(832) 217-1897  
[glancaster@NGandE.com](mailto:glancaster@NGandE.com)

**PROFESSIONAL EXPERIENCE**

**May 2015 – NATIONAL GAS & ELECTRIC, LLC** **Houston, TX**

**Assistant General Counsel** Handling all legal, litigation, regulatory, and compliance functions for a retail gas and electric company for several eastern states as well as similar functions for three affiliated companies engaged in the multimodal transportation and transloading business moving crude oil and refined products: Associated Energy Services, LP; Xcalibur Logistics, LLC; and Fuelco Energy LLC in the continental United States.

**Sept. 2014 – May 2015 RHC ENERGY (USA) LLC** **Houston, TX**

**General Counsel** Handling all legal, land, corporate, oil marketing, litigation, securities, and compliance functions for a small public start-up company with East Texas operations for the founder and former CEO of Epsilon Energy Corporation.

**March 2014 – Sept. 2014 TEXAS INDEPENDENT EXPLORATION LIMITED** **Houston, TX**

**Special Counsel** Retained as special counsel on a projects basis to handle A & D initiatives and to secure, negotiate and document financing transactions for a 36 year old company active in the Marcellus, South Texas, West Texas, and New Mexico.

**Sept. 2011 – Feb. 2014** **MITSUI E&P USA LLC** **Houston, TX**

**Land Manager** Managed the Land, Lease Administration, and Division Order Departments of a large multinational company with 300,000 gross acres in the NE PA Marcellus dry gas play and 400,000 gross acres in Southernmost Eagle Ford wet gas and oil windows from initial acquisition through supervising land database conversions into Quorum Land System (QLS) and building interfaces with non-QLS based accounting, gas marketing, and division order systems to capture output and fully integrate land, operations, accounting, and marketing functions after the formation of Mitsui's MMGS Inc. Midstream Marketing business to cover Mitsui's gas supply for Chenier's LNG facilities.

**Jan. 2011 – Sept. 2011** **TEXAS INDEPENDENT EXPLORATION LIMITED** **Houston, TX**

**Corporate Counsel** Handled all legal and land work for a private exploration & production company with Pennsylvania Marcellus operations and Texas assets.

**May 2010 – Dec. 2010      EPSILON ENERGY CORPORATION      Meshoppen, PA**

**Land Manager** Responsible for all land and legal work associated with the development of Epsilon Energy's NE Pennsylvania Marcellus Upstream business and Marcellus Midstream - Auburn Gas Gathering System (400 MMcf capacity) buildout and marketing.

**June 2008 – April 2010      VELOCITY ENERGY LLC      Houston, TX & Wilkes-Barre, PA**

**Vice President – Legal, Land & Business Development** Co-founder of a company focused on a multi-disciplinary A & D, E & P, marketing, and JV consulting projects in the Marcellus (Citrus Energy), Appalachian Basin (EQT, Columbia, NGAS, Nami Gas, First Reserve), Permian Basin (Magnetar Capital), and Gulf of Mexico (Forest, Contango).

**Jan. 2005 – May 2008      BP PLC      Houston, TX**

**GOM Shelf Landman** Team leader of EPI projects, including due diligence efforts for \$1.3 billion divestiture of BP's remaining Gulf of Mexico assets to Apache in 2006 and sole responsibility for post-divestiture Katrina and Ike decommissioning of platforms, pipelines, and wells and associated cleanup activities from 2005-2007 as well as Jonah and Green River Federal Unit multi-disciplinary split stream Federal Unit marketing and SAP accounting project in 2008 (Rocky Mountains).

**Feb. 2004 – Dec. 2004      DUANE MORRIS LLP      Houston, TX**

**Partner** Energy practice focused on serving a client base of independent oil and gas exploration and production, marketing, and trading companies with oil and gas exploration and production; midstream transportation and processing; project and producer financing activities; and other energy-related projects.

**April 2001 – Feb. 2004      BAKER & MCKENZIE      Houston, TX**

**Of Counsel** Energy practice focused on handling all legal matters for J. M. Huber Corporation and various oil & gas, CBM, and commodity trading spin-off businesses as well as handling similar oil and gas exploration and production; pipeline and other major project and infrastructure; handled all contractual matters and conducted training programs for client personnel for the new international marine, crude oil and refined product supply chain, oil marketing, and oil transportation matters in 42 countries for Williams Energy Companies, Inc.; and handled various oil and gas, merger, acquisition, and divestiture; joint venture; maritime; and corporate governance matters for other large independent oil and gas companies in the United States and Canada.

**Jan. 1997 – April 2001      J.M. HUBER CORPORATION      Houston, TX**

**Vice President - Legal Affairs** Responsible for handling all oil and gas; acquisitions & dispositions (in-house handling of 36 A& D transactions without a single lawsuit), joint ventures and alliances (including negotiation and drafting of JVs with Mobil and Chevron); human resources; environmental; litigation; regulatory compliance; oil and gas gathering, transportation, marketing and trading; hedging and risk management; contracts; commercial; regulatory; and corporate governance matters for the Energy Sector of a large private company established in 1883 focused on the Rockies (San Juan, Powder

River, Raton & Uintah Basins), Panhandle, and Gulf Coast (onshore and offshore), including ground floor development of 3<sup>rd</sup> largest Powder River Basin CBM position, VPP and later sale of San Juan CBM assets, and purchase and sale of S. Timbalier 21 field (which became foundation and core properties of Energy XXI).

Dec. 1995 – Dec. 1996

ICO, INC.

Houston, TX

**Senior Vice President & General Counsel** Responsible for managing the Law, Human Resources, and EH&S Departments and for handling domestic & international litigation and arbitration, securities, intellectual property, U.S. and European regulatory compliance, international, mergers & acquisitions, and corporate secretary matters worldwide for a NASDAQ oilfield service company that merged into a NYSE plastics processing and manufacturing company.

Jan. 1990 – Dec. 1995

ASHLAND INC.

Ashland, KY and Houston, TX

**Senior Attorney** Responsible for the supervision of a staff of eight for Scurlock Permian Corporation, a subsidiary of Ashland Inc. Manager of the Law Department for the second largest crude oil purchaser and gatherer in the United States, with operations in seventeen states and Canada. Also responsible for own caseload of 150-200 litigation matters, contracts, oil and gas matters, bankruptcy, antitrust, real estate, joint ventures and alliances, mergers and acquisitions (including a \$223 million acquisition between the 2<sup>nd</sup> and 3<sup>rd</sup> largest U. S. oil purchasers), and environmental matters.

Oct. 1989 – Jan. 1990

**PAVESE, GARNER, HAVERFIELD  
DALTON, HARRISON, AND JENSEN**

Ft. Myers, FL

**Associate Attorney** Handled commercial, construction, environmental (involving permitting, wetlands, and soil remediation matters), real estate development, and trial work for a general practice law firm.

Jan. 1988 – Oct. 1988

CHEM POLYMER CORPORATION

Ft. Myers, FL

**General Counsel and Director of International Business** Responsible for all legal matters and international business development for a plastics manufacturer. Established international business distributorships and direct sales network through business travel to Japan, Hong Kong, Taiwan, Singapore, Australia, Germany, Italy, UK, Norway, and Sweden from inception to sale of company to a UK conglomerate.

Aug. 1985 – Jan. 1988.

ASHLAND INC.

Ashland, KY and Houston, TX

**Commercial Litigation, Bankruptcy, and Marine Attorney** Duties for Ashland Petroleum Company included the supervision of litigation for Ashland Petroleum Company, Valvoline Oil Company Super America, and Scurlock Oil Company subsidiaries of Ashland Inc., a NYSE Fortune 50 company. Also handled commercial, bankruptcy, and marine matters, including significant experience with franchising of Quick Lube locations as well as real estate matters relating to Super America's C-Stores.

**March 1983 – August 1985**

**TRIPP OIL COMPANY**

**Bryan, TX**

**Oil and Gas Attorney** Supervised ten title analysts and attorneys and responsible for title examination, lease acquisition, and curative title documentation.

**May 1979 – March 1983**

**LAW OFFICES OF RICHARD B. MARX**

**Miami, FL**

**Associate Attorney** Responsibilities included first and second chair litigation in appellate, commercial, securities, and civil litigation matters as well as sole responsibility for all real estate, banking, and immigration matters for a major league soccer team.

### **EDUCATION**

**September 1976 – May 1979**

**UNIVERSITY OF MIAMI SCHOOL OF LAW**

Juris Doctor Degree

L.S.A.T.: 690 (Max. 800; top 7% nationwide and top 3% writing score)

The Barrister; Student Advisor; Dean's List; Academic Scholarship (85% of tuition)

**September 1974 – May 1976**

**WEST VIRGINIA UNIVERSITY**

Bachelor of Arts Degree in Political Science

G.P.A 3.6 (3.95 Average in Major)

Student Action for Appalachian Progress-Service Organization

Delta Tau Delta – National Social Fraternity

Pi Sigma Alpha – National Honorary Fraternity; President's List of Distinguished Scholars

**September 1972 – May 1974**

**GROVE CITY COLLEGE**

Political Science and Accounting Majors

G.P.A. 3.5

Radio Announcer; President's List of Outstanding Scholars

### **PROFESSIONAL MEMBERSHIPS**

The State Bar of Texas (Oil, Gas and Mineral Law Section)

The Florida Bar

The United States Court of Appeals for the Fifth Circuit and Eleventh Circuit

The United States Court for the Southern District of Texas

The United States District Court for the Southern District of Florida-General & Trial Bar

The American Bar Association (Section of Environment, Energy, and Resources)

Houston Bar Association (Oil, Gas and Mineral Law Section)

American Association of Petroleum Landmen

# MICHAEL D. TSANG

mdtsang@gmail.com • (281) 222-4005

## EXPERIENCE

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### **NUDEVCO PARTNERS – Houston, Texas**

June 2015 – Present

Vice President of Finance

- Rejoined with the parent company and original general partner of Marlin Midstream and current majority holder of Spark Energy
- Lead in evaluation of current projects focused in the power and infrastructure space
- Responsible for the sourcing of all external financing options at the parent level

### **MARLIN MIDSTREAM / AZURE MIDSTREAM – Houston, Texas**

2013 – 2015

Senior Director of Strategic Planning, Investor Relations, and Treasurer

- Joined Marlin Midstream immediately following its IPO in July 2013 as its first employee in the corporate finance division
- Developed and accountable for G&A and OPEX budgets as well as maintained the corporate model
- Responsible for dialogue and support of the institutional unitholders as well as maintained relationship with sell-side research analyst coverings the partnership
- Lead RFP process for treasury management services and selection of a lower cost provider
- Executed a transition plan from existing to treasury platform at sister company to housed internally
- Evaluated all deal flow regarding external merger and acquisition opportunities including meeting with banks, diligence sessions, and dataroom reviews
- Involved in all parts of the sale of the Marlin Midstream's general partner from NuDevco to Azure Midstream

### **WUNDERLICH SECURITIES, INC. – Houston, Texas**

2011 – 2013

### **PRITCHARD CAPITAL PARTNERS, LLC**

2009 – 2011

### **MORGAN KEEGAN & COMPANY, INC. (RAYMOND JAMES)**

2007 – 2009

Vice President - Energy Investment Banking

- Member of Morgan Keegan's core energy group that transitioned to Pritchard Capital in 2009; then ultimately to Wunderlich Securities as part of a group buyout in 2011
- Significant experience in investment banking services including mergers and acquisitions and capital raising activities focused primarily in the E&P, midstream, MLP, and oilfield services sectors
- Involved in all aspects of the M&A process including the evaluation of new opportunities, materials drafting, marketing/roadshow, diligence, legal, and closing processes
- Responsible for the analysis, financial modeling, and the assessment of potential transactions for clients in various lifecycle stages including early-stage capital raises, growth capital, and exit strategies
- Lead roadshow and marketing efforts including one-on-one travel with company executives for management presentations with institutional accounts
- Drafted, reviewed, and edited clients' offering memorandums, prospectuses, and roadshow presentations
- Lead coordination and documentation for internal commitment committee approval process on over 60 public market equity and debt offerings
- Responsible for maintaining key relationships with energy-focused private equity groups and institutional accounts

## EDUCATION

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### **THE UNIVERSITY OF TEXAS AT AUSTIN, McCombs School of Business**

2012

*Master of Business Administration*

### **TEXAS A&M UNIVERSITY, Mays Business School - College Station, Texas**

2006

*Bachelor of Business Administration, Finance*

- Magna Cum Laude; Overall GPA 3.8; Major GPA 4.0
- Mitte Business Scholar, Lechner Fellowship Scholar, National Merit Scholar

**ADDITIONAL**

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- Proficient with CapitalIQ, Factset, Dealogic, IHS Herold, Microsoft Office
- Conversational in Mandarin Chinese
- U.S. Citizen

\*References available upon request

# DAVID HENNEKES

dhennekes@nu-devco.com 214-766-1922

www.linkedin.com/in/davidhennekes

Houston, TX

## DRIVING GROWTH THROUGH LEADERSHIP, PASSION, & INGENUITY

Innovative executive who has delivered top-tier results across diverse functional areas in energy, deregulated markets, software, and clean-technology. Deep experience at start-ups to multi-billion dollar operations. Skilled at operations excellence, turnarounds, market expansion, and new product launches in both U.S. and multinational environments.

### EXECUTIVE RESULTS

#### **Earnings Growth**

- Grew earnings to 3x in 4 years for a \$6 billion retail electricity provider
- Achieved 2x gross margins in a hot commodity market

#### **Sales and Marketing Prowess**

- Acquired 250,000 customers organically in one year as a CMO
- Eliminated 10% annual attrition to become #1 in peer group retention

#### **Customer Operations Excellence**

- Reduced bad debt 50% & raised working capital \$50M, leading a 200 person credit and back office team for a top energy provider
- Guided a successful \$200M+ SAP-CRM project (sales-to-cash)

#### **Innovation Frontier**

- Launched the first 2-way web-connected thermostat offered in mass markets by a competitive energy provider in Texas, reaching 30,000 homes
- Exceeded plans leading three start-ups/growth stage companies in the areas of software, smart meters, and clean-technology
- Drove a 5-to-1 ROI by developing, testing and perfecting a statistics-based price elasticity analytical system for a consumer commodity business

#### **Key Qualities:**

- Motivational leadership
- Analytical problem solving
- High integrity
- Infectious passion
- Competitive edge
- Assertive teamwork
- Curiosity
- Change aptitude
- Versatility from strategy to know-how

### CAREER HISTORY

Vice President, *NuDevco Partners*, Houston, TX, 2015 - present

President, *Crescent Horizons LLC*, Hudson, OH, 2012 - present

Vice President of Marketing, *FirstEnergy Corp.*, Akron, OH, 2011 – 2012

VP & General Manager of Consumer Markets, *TXU Energy*, Dallas-Fort Worth, TX, 2004 – 2011

Director of Retail Operations, Credit & Planning, *Reliant Energy (NRG)*, Houston, TX, 2000 – 2004

Manager of Business Development & Finance, *LG&E Energy (PPL Corp.)*, Louisville, KY & Cordoba, Argentina, 1997 – 2000

Economic Development Consultant (Volunteer), *U.S. Peace Corps*, Santiago, Chile, 1993 – 1996

Business Manager, *Trade & Lobbying Associations*, Washington, DC & New York, NY, 1987 - 1993

### EDUCATION

MBA Finance & Marketing (*Magna Cum Laude*), *University of Notre Dame*, Notre Dame, IN, 1997

BBA Accounting, *University of Notre Dame*, Notre Dame, IN, 1987



## PROFESSIONAL EXPERIENCE

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### **NuDevco Partners, LLC**, Houston, TX, 2015 – present

*Lead business development, sales and marketing, operations and performance improvement for a holding company that manages electricity and natural gas suppliers in deregulated markets.*

- Managed the acquisition, implementation plan and operations of a residential and small commercial electricity and gas supplier in the Northeast and Midwest U.S. with approximately 40,000 customers.
- Developed the business plan, operating plan and start-up plan for a new energy provider for all U.S. markets.

### **Crescent Horizons LLC**, Hudson, OH, 2012 – present

*Business development & management consultant covering technology, software, energy, utilities, small businesses, and marketing clients. Conceived, developed and executed successful market expansion plans for clean-tech software companies, a regulated utility, and a retail energy provider. Leveraged deep expertise in partnerships, marketing, sales, product development, smart grid, customer operations, process design & information technology.*

- Designed, negotiated, and executed marketing partnerships for a clean technology company combining the best in breed hardware, software and services for commercial and residential customers. Resulted in 10x growth in sales leads.
- Led a consulting engagement evaluating the U.S. clean-tech energy space for a gas and electric utility. Developed a “utility of the future strategy” and launched a start-up for energy management and energy efficiency services.
- Developed a go-to-market strategy, analyses, and a business plan for a retail energy provider expanding in the Northeast U.S. – led to better than planned sales and marketing results.
- Performed COO, CMO, and hands-on strategic roles for small businesses – overhauled marketing, sales and operations to achieve growth plans in key direct and indirect channels.

### **FirstEnergy Corporation**, Akron, OH, 2011 – 2012

*Chief marketing officer of subsidiary FirstEnergy Solutions, one of the largest competitive electricity suppliers in the U.S. (NYSE: FE). Accountable for sales and marketing to residential, commercial and industrial segments, including P&L responsibility, market strategy, pricing, direct and indirect sales forces, web, advertising and communications functions.*

- Doubled the organically acquired mass markets customer base and earnings contribution in one year, through multiple innovations in marketing and sales (from a quarter million to a half million customers).
- Key accomplishments included:
  - ✓ the company's first venture into door-to-door sales, with integrated iPad technology, which produced a 25% increase in small business sales
  - ✓ search engine marketing and Internet platform enhancements, which drove a 20% increase in leads and improvement from third to top quartile in independent website ratings
  - ✓ expansion of the indirect agent sales force with 40 new third party agreements, leading to a 25% increase in small business sales
  - ✓ new direct mail, advertising and multi-media communications programs that significantly increased brand preference and drove 50+% more mass markets leads and higher close rates.

### **TXU Energy**, Dallas-Fort Worth, TX, 2004 – 2011

*More than tripled earnings in 4 years in a 2-million customer deregulated electricity business with approximately \$6 billion in annual revenues. Accountable for determining consumer strategies and leading multiple functions spanning marketing, sales, and customer operations -- KPI ownership of financial, operating and sales objectives.*

- Dramatically increased profitability of the residential division through effective pricing management and redirection of the competitive sales and marketing strategy from “harvest” to “growth” -- a source of significant value in the private equity buyout of TXU in 2007.

- Doubled new market penetration over a 3-year period, reversing 5 consecutive years of customer attrition and outperforming nearest sized competitors. Maintained #1 share position, despite fierce competition from more than 35 competitors, through superior product innovation and exceptional direct and mass marketing tactics.
- Developed and launched new service and product plans using highly segmented direct and mass marketing campaigns that drove a 75% reduction in customer attrition. The new plans also delivered consistent returns of 3 to 5 times the investment, outpacing the hurdle rate.
- Reorganized, sponsored & instituted best operating practices in a ~2,000-person marketing and operations organization – accelerated competitive speed to market by 67% to deliver a key competitive advantage.
- Actively managed the retail company's largest investment ever, a 2-year program to overhaul business processes, systems and organizations through implementation of an integrated SAP customer care and marketing platform – valued at hundreds of millions of dollars.

**Reliant Energy (NRG), Houston, TX, 2000 – 2004**

*Managing Director, Retail Operations (3 years)*

*Managed the accounts receivable portfolio, billing, payments, & customer care operations of a retail electricity business with approximately \$5 billion in annual revenues; directed a 150-200 person call center and credit operations team.*

- Slashed mass markets bad debt more than 50% by conceiving and implementing a project involving IT systems and process improvements. Managed the project team of 50 consultants and analysts to improve collections effectiveness by 125% of target improvement.
- Delivered \$50 million in working capital improvement and achieved financing agreement goals that gave the retail business greater access to capital markets.
- Negotiated outsourcing agreements for billing, remittance, collections, and call center operations, reducing costs by 25% and instituting Six Sigma best practices for quality.
- Delivered cost reductions of more than 40% over a two-year period through operations dashboard reporting discipline and outsourcing.
- Persuaded Texas regulators and industry participants to adopt new credit regulations that enabled better credit risk management industry-wide.
- Designed and led the pricing strategy and operations plan for a sub-prime credit risk business. Avoided \$20 million in potential losses & produced \$4 million in operating cash.

*Manager of Retail Planning and Development (1 year)*

*Developed the initial financial operating plan for Reliant Energy's deregulated Texas electricity business. Spearheaded operations issue resolution teams during the launch of full-scale deregulation, stabilizing customer operations.*

- Managed a team of professionals that developed the initial financial plan for their deregulated residential and small commercial electricity business in TX. Actual earnings exceeded expectations by more than 10% for two consecutive years.

**LG&E Energy (PPL Corp.), Louisville, KY & Cordoba, Argentina, 1997 – 2000**

*Business Development Manager (18 months)*

*Managed high-profile merger and acquisition projects involving regulated and unregulated businesses for an investor owned utility; exceeded earnings and cash flow targets post-deal.*

- Led a \$74 million acquisition of natural gas distribution assets in Argentina
- Convinced a controlling shareholder to adopt a refinancing plan that improved return on invested capital by 25% and positioned the assets for higher sale value.
- Led the public sale of a midstream gas business and negotiated an agreement that unlocked several million dollars in value from expiring tax benefits.

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*Financial Manager – Argentina (18 months)*

*Led the in-country oversight of LG&E's first major international investment, and represented LG&E's controlling interests on the boards of directors of the local companies. Transitioned control of the \$140 million acquisition of two natural gas distribution companies in a complex shareholder environment.*

- *Negotiated a new shareholder agreement with partners that markedly improved LG&E's operating control (partners were an Argentine infrastructure company and an Italian natural gas company operator).*
- *Resolved purchase agreement indemnities with the seller, adding millions in extra cash flow.*
- *Restructured the foreign capital, exceeding net income targets for two straight years.*
- *Managed the international subsidiary's budget, audit and reporting processes with no significant financial reporting issues.*

**U.S. Peace Corps, Santiago, Chile, 1993 – 1996**

*Designed and implemented projects that assisted the Chilean Small Business Administration, an exporter of handicrafts, and other small businesses as part of the Peace Corps' economic development program in Chile.*

**Trade & Lobbying Associations, Washington, DC & New York, NY, 1987 – 1993**

*American Chiropractic Association, Organization for the Advancement and Protection of Small Telephone Companies, National Association of Credit Management*

*Developed management skills and learned about the legislative process and public sector through federal lobbying organizations.*

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## KEY COMPETENCIES

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- Analytics & big data
- Back office operations
- Business development
- Front office operations
- Competitive intelligence
- Credit and collections
- CRM systems
- Customer care
- Deregulation
- Energy efficiency programs
- International business
- Market strategy and planning
- Marketing, all channels
- Mergers & Acquisitions
- Online and social media
- Pricing
- Product development
- Profit and loss management
- Project management
- Regulatory advocacy
- Strategic planning
- Sales and sales management
- Smart meter technology
- Start-ups and small business growth

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## COMMUNITY, INTERESTS & DISTINCTIONS

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**2013 – present**

**Mentor, SURGE Accelerator, Houston, TX**

*Provide pro-bono business advisory services to energy and clean-tech start-up companies*

**2005 - 2012**

**Member, Past Chairman of the Board of Directors, Navidad en el Barrio**

*Volunteered and provided leadership for a charitable organization supporting at-risk youth in the Dallas-Fort Worth metro area*

Significant media & speaking experience, including live & recorded TV, radio, and newspaper.

Fluency in Spanish. Hiking and mountaineering.

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**AWARDS:**

**1997** Represented Notre Dame at an MBA Case Competition among Top 25 B-Schools  
**1996** Academic Scholarship Recipient, U. of Notre Dame Business School  
**1996** Certificate of Achievement, U.S. Peace Corps

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STE 100  
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CAD: 102364518/WSXI2600

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PENNSYLVANIA PUC  
400 NORTH STREET  
HARRISBURG PA 17120

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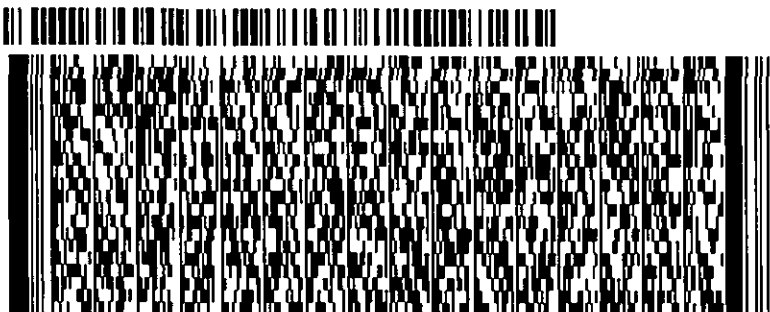
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