

NRG Retail Northeast
3711 Market Street Suite 1000
Philadelphia, PA 19104

February 24, 2017

VIA FedEx

Ms. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Natural Gas Supplier License Application of Green Mountain Energy Company, Docket No. A-2017-2583732 – Data Request

Dear Secretary Chiavetta:

On January 11, 2017, Green Mountain Energy Company's application for a Natural Gas Supplier license was accepted for filing and docketed (Docket No. A-2017-2583732) with the Public Utility Commission.

Pursuant to your letter dated February 10, 2017, Green Mountain Energy Company submits the enclosed responses to the data requests included in that letter.

Should you have any questions or require additional information, please contact me at 301.509.1508 or via email at lgibbons@nrg.com.

Sincerely,

Leah Gibbons
Director Regulatory Affairs

Enclosures

CC: Jeff McCracken via email at jmccracken@pa.gov

- 1. Reference Application, Section I .d, Attorney -Applicant failed to provide an email address for its attorney contact. Please update this information and then resubmit the updated application page.**

Version Revised 09/29/16

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Green Mountain Energy Company, d/b/a _____, for approval to offer, render, furnish, or supply natural gas supply services as a(n) supplier to the public in the Commonwealth of Pennsylvania (Pennsylvania).

To the Pennsylvania Public Utility Commission:

1. IDENTIFICATION AND CONTACT INFORMATION

- a. IDENTITY OF THE APPLICANT:** Provide name (including any fictitious name or d/b/a), primary address, web address, and telephone number of Applicant:

Green Mountain Energy Company
3711 Market St. Suite 1000
Philadelphia, PA 19104
www.greenmountainenergy.com
Phone: 800-286-5856
Fax: 800-520-8189

- b. PENNSYLVANIA ADDRESS / REGISTERED AGENT:** If the Applicant maintains a primary address outside of Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's secondary office within Pennsylvania. If the Applicant does not maintain a physical location within Pennsylvania, provide the name, address, telephone number, and fax number of the Applicant's Registered Agent within Pennsylvania.

N/A

- c. REGULATORY CONTACT:** Provide the name, title, address, telephone number, fax number, and e-mail address of the person to whom questions about this Application should be addressed.

Leah Gibbons
Director, Regulatory Affairs
3711 Market St. Suite 1000
Phone: 301-509-1508
Fax: 832-584-2148
NERetailRegulatory@nrg.com

- d. ATTORNEY:** Provide the name, address, telephone number, fax number, and e-mail address of the Applicant's attorney. If the Applicant is not using an attorney, explicitly state so.

Deanne M. O'Dell, Esquire
Eckert Seamans Cherlin & Merlot, LLC
213 Market St. 8th Floor
Harrisburg, PA 17101
Phone: 717-255-3744
Fax: 717-237-6019
dodell@eckertseamans.com

*Note: Eckert Seamans Cherlin & Merlot, LLC does not represent applicant for any issues involving Philadelphia Gas Works. For those issues, please contact Green Mountain Energy Company directly.

- e. CONTACTS FOR CONSUMER SERVICE AND COMPLAINTS:** Provide the name, title, address, telephone number, fax number, and e-mail OF THE PERSON AND AN ALTERNATE PERSON (2 REQUIRED) responsible for addressing customer complaints. These persons will ordinarily be the initial point(s) of contact for resolving complaints filed with the Applicant, the Natural Gas Distribution Company, the Pennsylvania Public Utility Commission, or other agencies. The main contact's information will be listed on the Commission website list of licensed NGSS.

Primary: Sara Hudson
Customer Service Supervisor
3711 Market St. Suite 1000
Philadelphia, PA 19104
Phone: 267-295-5825
Fax: 800-520-8189
sara.hudson@nrg.com

Secondary: Marion Forsythe
Senior Manager, Customer Service
3711 Market St. Suite 1000
Philadelphia, PA 19104
Phone: 267-295-5533
Fax: 800-520-8189
marion.forsythe@nrg.com

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- 2. Reference Application, Section 7.b, Financial Records, Statements, and Ratings - Applicant provided a link to its parent company's Form 10-K, which is hosted on its parent company's website. Applicant should instead provide a link to its parent company's Form 10-K where it is hosted on a government website (the SEC website). Please update this information and then resubmit the updated application page.**

7.B. FINANCIAL RECORDS, STATEMENTS, AND RATINGS: Applicant must provide sufficient information to demonstrate financial fitness commensurate with the service proposed to be provided.

Green Mountain Energy does not prepare stand-alone audited financial statements, but is included in the financial statements of NRG Energy, Inc., its ultimate parent company. Green Mountain Energy submits the following for consideration of the entity's financial fitness:

- o NRG Energy, Inc.'s (CIK: 0001013871), Green Mountain Energy's ultimate parent company, audited financials: <https://www.sec.gov/Archives/edgar/data/1013871/000101387116000022/0001013871-16-000022-index.htm>

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- 3. Reference Application, Section 7.c, Supplier Funding Method-Applicant failed to provide any information on its funding methods and/or sources. Please provide information on how applicant will fund its supply purchases. Please include any fully executed supply agreements and/or lines of credit that are available for this entity, if applicable. Applicant can elect to mark submitted information as confidential.**

7.C. SUPPLIER FUNDING METHOD: If Applicant is operating as anything other than **Broker/Marketer only**, explain how Applicant will fund its operations. Provide all credit agreements, lines of credit, etc., and elaborate on how much is available on each item.

Response:

Green Mountain Energy has provided competitive power supply in PA since 2011. Free cash flow from that business is anticipated to be sufficient to meet all the working capital needs of its gas supply business. To the extent utility programs release pipeline and storage assets to retail suppliers, Green Mountain Energy's working capital requirements will be mitigated since its affiliate, Energy Plus Natural Gas LLC, will take release of such capacity and will purchase natural gas supply for transport as Green Mountain Energy's asset manager. See attached agreement between Green Mountain Energy Company and Energy Plus Natural Gas LLC.

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- 4. Reference Application, Section 7.e, Accounting Records Custodian - Applicant failed to provide an email address for its accounting records contact. Please update this information and then resubmit the updated application page**

- e. **ACCOUNTING RECORDS CUSTODIAN:** Provide the name, title, address, telephone number, FAX number, and e-mail address of Applicant's custodian for its accounting records.

John McDonnell
 Accounting Director
 3711 Market St, Suite 1000
 Philadelphia, PA 19104
 Phone: 267-295-9331
 John.mcdonnell@nrg.com

- f. **TAXATION:** Complete the TAX CERTIFICATION STATEMENT attached as Appendix D to this application.

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

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

See Attachment F

8. TECHNICAL FITNESS:

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

- a. **EXPERIENCE, PLAN, STRUCTURE:** such information may include:

- Applicant's previous experience in the natural gas industry.
- Summary and proof of licenses as a supplier of natural gas services in other states or jurisdictions.
- Type of customers and number of customers Applicant currently serves in other jurisdictions.
- Staffing structure and numbers as well as employee training commitments.
- Business plans for operations within the Commonwealth.
- Any other information appropriate to ensure the technical capabilities of the Applicant.

See Confidential Attachment C and Attachment G

- b. **PROPOSED MARKETING METHOD** (*check all that apply*)

- Internal – Applicant will use its own internal resources/employees for marketing
- External NGS – Applicant will contract with a **PUC LICENSED NGS**
- Affiliate – Applicant will use a **NON-NGS affiliate that is a nontraditional marketer and/or marketing services consultant**
- External Third-Party – Applicant will contract with a **NON-NGS third party nontraditional marketer and/or non-selling marketer**
- Other (Describe):

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- 5. Reference Application, Section 8.a, Experience, Plan, Structure - Applicant affirmed that it operates in several other states. Please provide a copy of the licenses from these other states.**

8. TECHNICAL FITNESS:

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

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

- Summary and proof of licenses as a supplier of natural gas services in other states or jurisdictions.

Response:

See attached proofs of license as a supplier of natural gas in New York, Illinois and Maryland.

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SECRETARY'S BUREAU

**STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350**

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

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General Counsel
JACLYN A. BRILLING
Secretary

August 3, 2011

Ms. Michelle Cutrer
Assistant General Counsel
Green Mountain Energy Company
300 West 6th Street
9th Floor
Austin, TX 78701

RE: Green Mountain Energy Company

Dear Ms. Cutrer:

Thank you for submitting the recent updates to your ESCO Retail Access Application Package. This letter acknowledges your company's decision to include offering natural gas commodity service to residential and commercial customers in New York State. All updated documentation recently submitted has been reviewed by Staff and remains in compliance with the New York State ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices and other applicable regulations or Commission Orders. Therefore, Staff acknowledges that Green Mountain Energy Company has been deemed eligible to serve residential and non-residential electric and natural gas customers in New York State.

Please be advised that you should check with utilities to determine if they have additional approval requirements by contacting those companies in whose service territories you intend to serve or are now serving customers

As always, 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 move into other utility service territories, you must immediately submit the appropriate documentation for Staff review and determination of how it affects your current eligibility.

Please do not hesitate to contact me if you have any further questions or concerns at 518-486-2432 or Christine_Bosy@dps.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Christine A. Bosy".

Christine A. Bosy
Retail Access Section
Office of Consumer Policy

Cc: J. Holtz (via email)

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Green Mountain Energy Company :
:
Application for an Alternative Gas Supplier : **16-0354**
Certificate pursuant to Section 19-110 of :
the Public Utilities Act. :

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On June 17, 2016, Green Mountain Energy Company (“Applicant”) 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”). On June 23, 2016, notice of the application was published in the official state newspaper, pursuant to Section 19-110(c) of the Act and Section 551.30(a). On June 24, 2016, an Administrative Law Judge’s ruling was served on the Applicant, indicating several areas where the application was deficient and directing the Applicant to provide additional information to correct those issues. On June 29, 2016 the Applicant filed its verified response to the Administrative Law Judge’s ruling.

II. STATUTORY 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 originally formed under the laws of Delaware. 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. Application, Attachment A.

Applicant indicates that it has been marketing to and serving retail energy customers since 1997 and is licensed to serve energy commodity service to residential and commercial customers in nine states and the District of Columbia. In the instant application, Applicant seeks authority to offer retail natural gas service to residential and small commercial customers in the service territories of Northern Illinois Gas Company, The Peoples Gas Light and Coke Company and North Shore Gas Company, as well as small commercial customers in the Ameren Illinois Company service territory. Applicant also indicates it does not seek to serve customers within a geographic area that is smaller than a gas utility's service area. Application at 3-4.

IV. AGS REQUIREMENTS AND OBLIGATIONS

Pursuant to Section 551.20(a), Applicant certifies that it will comply with all applicable regulations, 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 also certifies that it will provide service to residential and commercial 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.

The 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 currently does not have a gas supplier application pending in the United States. Applicant also certified its commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands on field monitoring and training, and, in the case of any sales personnel or sales agents, within the State of Illinois, the applicant's managerial presence within the State. Finally, Applicant certifies it is not the subject of any lawsuits filed in court or formal complaints filed with a regulatory agency alleging fraud, deception, or unfair marketing practices, or other similar allegations.

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. In addition, Applicant agrees to confidential treatment of customer data.

Financial qualifications and requirements are addressed in Sections 551.50 and 551.80 of Part 551. Section 551.50 specifies certain "License or Permit Bond Requirements." Pursuant to Section 551.50, Applicant has provided, as Attachment 29 to its application, a copy of its "License or Permit Bond." The surety is Berkley Insurance Company and the amount of the bond is \$150,000, as required by Section 551.50(a). The Commission observes that the requirements of Sections 551.50(b) and (c) remain fully applicable to the Applicant.

Section 551.80 is titled "Financial Qualifications." It provides that an applicant "shall be deemed to possess sufficient financial resources to be certified as an AGS able to serve available residential or small commercial customers" if it meets any of the criteria set forth in subsections (a) through (g). Applicant asserts in its verified response that it meets the financial criteria set forth in Section 551.80(a). Section 551.80(a) requires that:

- a) The applicant provides a copy of a Dun & Bradstreet Business Information Report that demonstrates, at a minimum, that the applicant has a Composite Credit Appraisal of "3" or lower and a PAYDEX score of "70" or higher. If the applicant does not have a Dun & Bradstreet Composite Credit Appraisal, the applicant provides a copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the applicant has an Intelliscore of "63" or higher. At the time of application for certification, the report shall be no more than 30 days old.

In its verified response, Applicant provided an Experian Small Business Intelliscore report showing a score of 79.28, which exceeds the required "63." This Intelliscore, in addition to the Dun & Bradstreet PAYDEX score of "75" provided in the application, meets the financial requirements of Section 551.80(a).

Applicant also demonstrates that it meets the "Technical Qualifications" and "Managerial Qualifications" which are set forth in Sections 551.90 and 551.100, respectively. Information provided includes an organizational chart, an exhibit containing occupational background information on the "persons being used" to meet the requirements of those sections.

V. COMMISSION ANALYSIS AND CONCLUSION

The Commission has reviewed the application and attachments provided by the Applicant in support of its request for certification as an AGS. Subject to the conditions contained herein, the Commission finds that the application is in order and satisfies the requirements of the Act and Part 551. The Commission concludes, therefore, that the

application for certification as an AGS should be granted as set forth in the first ordering paragraph below.

VI. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) Green Mountain Energy Company, which is a limited liability company organized under the laws of Delaware, is licensed to do business in the State of Illinois and seeks to obtain a certificate of service authority to operate as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction over 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; and
- (6) 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, Green Mountain Energy Company 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 Green Mountain Energy Company 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 AND GEOGRAPHIC REGIONS SERVED: All eligible residential and small

commercial customers in 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. All eligible small commercial customers in the service area of Ameren Illinois Company d/b/a Ameren Illinois.

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, 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 20th day of July, 2016.

(SIGNED) BRIEN SHEAHAN

Chairman

**#2, 11/30/16 AM; ML#s 198875 and 200763
License Reference No.: IR-3752**

November 30, 2016

Leah Gibbons
Green Mountain Energy Company
3711 Market Street, Suite 1000
Philadelphia, PA 19104

Dear Ms. Gibbons:

On September 7, 2016, Green Mountain Energy Company ("Company") filed an Application 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 October 7, 2016.

After considering this matter at the November 30, 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-3752). 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 recommended by Staff.

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

- 6. Reference Application, Section 12, Newspaper Publications -Applicant failed to provide notarized Proofs of Publication for the Harrisburg Patriot-News, the Williamsport Sun-Gazette, and the Johnstown Tribune-Democrat. Please provide these notarized Proofs of Publication for this application. ,**

12. NEWSPAPER PUBLICATIONS

Required of ALL Applicants regardless of operating as a supplier, broker, marketer, or aggregator. Notice of filing of this Application must be published in newspapers of general circulation covering each county in which the applicant intends to provide service. The newspapers in which proof of publication are required is dependent on the service territories the applicant is proposing to serve.

Response:

Proofs of publication for the Harrisburg Patriot-News, the Williamsport Sun-Gazette and the Johnstown Tribune-Democrat were previously submitted on 1/23/17.

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VERIFICATION

I, Leah Gibbons, 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).

Leah Gibbons

Date: 2/24/17

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FEB 24 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGIN ID:ESPA (267) 295-5843
LINDSAY CERVENAK
NRG RETAIL NORTHEAST
3711 MARKET STREET
SUITE 1000
PHILADELPHIA, PA 19104
UNITED STATES US

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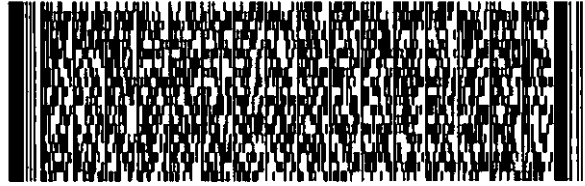
TO **ROSEMARY CHIAVETTA, SECRETARY**
PENNSYLVANIA PUBLIC UTILITY COMMISS
400 NORTH STREET

546,1133865301

HARRISBURG PA 17120

(717) 783-6163 REF.

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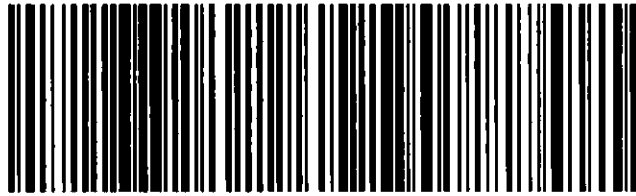


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