



November 8, 2023

Pennsylvania Public Utility Commission
400 North Street
Keystone Building
Harrisburg, PA 17120

Re: Renodis ER, LLC d/b/a Eric Ryan Company Electric Generation Supplier Application
(A-2023-3042110)

To Whom It May Concern:

Please find contained within this attached file additional documentation that has been requested to fully process the Electric Generation Supplier Application previously filed by Renodis, ER, LLC d/b/a Eric Ryan Company.

This file includes copies of licenses obtained within states other than Pennsylvania.

Thank you in advance for your kind consideration of these items. Should there be any questions, or should additional information be needed, please feel free to contact me via telephone (724-758-5093) or e-mail (fsniezek@renodis.com).

Sincerely,

Frank Sniezek
HR Administrator
Renodis ER, LLC d/b/a Eric Ryan Company



State of New Hampshire
Department of State



RENODIS ER, LLC
Renoids ER LLC
PO Box 473
Ellwood City, PA 16117

Mailing Address - Corporation Division, NH Department of State, 107 North Main Street, Room 204, Concord, NH 03301-4989
Physical Location - State House Annex, 3rd Floor, Room 317, 25 Capitol Street, Concord, NH
Phone: (603)271-3246 | Fax: (603)271-3247 | Email: corporate@sos.nh.gov | Website: sos.nh.gov



State of New Hampshire
Department of State



2/8/2023 4:30:00 PM

Renoids ER LLC
PO Box 473
Ellwood City, PA, 16117, USA

Enclosed is the acknowledgment copy of your creation filing. It acknowledges this office's receipt and filing of your documents.

This business is required to file an annual report and pay a \$100.00 filing fee annually due by April 1st of each year. Reports filed after the due date will be assessed a late fee of \$50.00. As a courtesy our office will send a reminder notice in January of each year by mail or email. Annual reports may be filed on-line or downloaded from our website at <https://quickstart.sos.nh.gov/online>.

If you are unable to obtain a report through our website, you should contact this office to request one. Please Note: It is the responsibility of this business to obtain a report and submit for filing prior to April 1st of each year.

Businesses that do not file their annual reports and/or fees will be administratively dissolved or suspended.

Please Note: A benefit corporation must also prepare an annual benefit report 120 days following the end of the fiscal year, please refer to RSA 293-C:12 & RSA 293-C:13.

Should you have any questions, you may contact this office at the phone number or email address below. Please reference your Business ID Number when contacting our office.

Please visit our website for helpful information regarding all your business needs.

Sincerely,
Corporation Division

Business ID: **923487**
Filing No: **6115588**

State of New Hampshire

Filing fee: \$100.00
Use black print or type.

Filed
Date Filed : 02/08/2023 04:30:00 PM
Effective Date : 02/08/2023 04:30:00 PM
Filing # : 6115588 Pages : 3
Business ID : 923487
David M. Scanlan
Secretary of State
State of New Hampshire

APPLICATION FOR REGISTRATION AS A FOREIGN LIMITED LIABILITY COMPANY

PURSUANT TO THE PROVISIONS of the New Hampshire Limited Liability Company laws, the undersigned hereby applies for registration to transact business in New Hampshire and for that purpose submits the following statement:

FIRST: The name of the limited liability company is Renodis ER, LLC

SECOND: The name which it proposes to register and do business in New Hampshire is Renodis ER, LLC

Principal Business Information:

Principal Office Address: 1 Early Street Ellwood City PA 16117
(no. & street) (city/town) (state) (zip code)

Principal Mailing Address (if different): _____
(no. & street) (city/town) (state) (zip code)

Business Phone: (724) 752-8900

Business Email: fsniezek@ericryan.com

Please check if you would prefer to receive the courtesy Annual Report Reminder by email.

THIRD: It is formed under the laws of Minnesota

FOURTH: The date of its formation is September 14, 2022

FIFTH: Describe the nature of the business or purposes to be conducted or promoted in New Hampshire (and if known, list the NAICS Code and Sub Code): 541618 and 541690
utility and telecommunications invoice audit services, and ancillary services.

SIXTH: The name of its registered agent in New Hampshire is:

Cogency Global Inc.

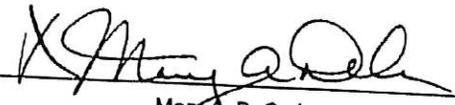
The complete address of its registered office **IN NEW HAMPSHIRE** (agent's business address) is:

63 Pleasant Street Concord NH 03301
(no. & street) (city/town) (state) (zip code)

APPLICATION FOR REGISTRATION AS A
FOREIGN LIMITED LIABILITY COMPANY

Form FLLC-1
(Cont.)

MANAGER / MEMBER INFORMATION (List all Managers and/or Members you wish to be placed on record)		
NAME	BUSINESS ADDRESS	TITLE
Craig M Beason	476 Robert Street N Saint Paul Minnesota 55101	CEO
David J. Steichen	476 Robert Street N Saint Paul Minnesota 55101	CFO
Mary A. DeCaria	1 Early Street, Suite A Ellwood City Pennsylvania 16117	Division CFO

*Signature: 
 Print or type name: Mary A. DeCaria
 Title: Division CFO
 Date signed: February 2, 2023

Complete address of person signing: 1 Early Street, Suite A
Ellwood City PA 16117

Note: The sale or offer for sale of membership interests of the limited liability company will comply with the requirements of the New Hampshire Uniform Securities Act (RSA 421-B). The membership interests of the limited liability company: 1) have been registered or when offered will be registered under RSA 421-B; 2) are exempted or when offered will be exempted under RSA 421-B; 3) are or will be offered in a transaction exempted from registration under RSA 421-B; 4) are not securities under RSA 421-B; OR 5) are federal covered securities under RSA 421-B. The statement above shall not by itself constitute a registration or a notice of exemption from registration of securities within the meaning of sections 448 and 461(i)(3) of the United States Internal Revenue Code and the regulation promulgated thereunder.

* Shall be executed on behalf of the foreign limited liability company by a person with authority to do so under the laws of the state or other jurisdiction of its formation, or, if the foreign limited liability company is in the hands of a receiver, executor, or other court appointed fiduciary, trustee, or other fiduciary, it must be signed by that fiduciary.

DISCLAIMER: All documents filed with the Corporation Division become public records and will be available for public inspection in either tangible or electronic form.

Mailing Address - Corporation Division, NH Dept. of State, 107 N Main St, Rm 204, Concord, NH 03301-4989
 Physical Location - State House Annex, 3rd Floor, Rm 317, 25 Capitol St, Concord, NH

Office of the Minnesota Secretary of State
Certificate of Good Standing

I, Steve Simon, Secretary of State of Minnesota, do certify that: The business entity listed below was filed pursuant to the Minnesota Chapter listed below with the Office of the Secretary of State on the date listed below and that this business entity is registered to do business and is in good standing at the time this certificate is issued.

Name: Renodis ER, LLC
Date Filed: 09/14/2022
File Number: 1334759600026
Minnesota Statutes, Chapter: 322C
Home Jurisdiction: Minnesota

This certificate has been issued on: 11/02/2022



Steve Simon

Steve Simon
Secretary of State
State of Minnesota



State of New Hampshire
Department of State



Work Order #: 20230130088969

Receipt Date/Time: 02/09/2023 09:05:38 AM

Payer Information:

Renoids ER LLC
PO Box 473
Ellwood City, PA, 16117, USA

Filer Information:

Renoids ER LLC
PO Box 473
Ellwood City, PA, 16117, USA

Payer Customer ID: 503047

Filer Customer ID: 503047

Payment Information:

Date	Payment Type	Payment Reference	Authorization #	Payment Status	Payment Amount
02/09/2023 09:05:27 AM	Rejection Funds	Transaction ID#: 20231315000293001	N/A	Paid	\$100.00
Total Payment Received:					\$100.00

Transaction Description:

Transaction #	Description	Reference Information
20230130088969-001	Business Formation - Foreign Limited Liability Company	RENODIS ER, LLC

Transaction Information:

Date Received	Transaction #	Processing Status	Invoice Status	Amount
02/08/2023 04:30:00 PM	20230130088969-001	Accepted	Paid	\$100.00
Total				\$100.00

Drawdown Account Balance:	\$0.00	Total Due:	\$0.00
Credit Account Balance:	\$0.00	Total Refunded:	\$0.00
		Total Change To Credit Account Balance:	\$0.00

State of New Hampshire
Department of State

CERTIFICATE OF EXISTENCE

OF

RENODIS ER, LLC

This is to certify that **RENODIS ER, LLC** is registered in this office as a **Minnesota Limited Liability Company** to transact business in New Hampshire on 2/8/2023 4:30:00 PM.

Business ID: 923487



IN TESTIMONY WHEREOF,
I hereto set my hand and cause to be affixed
the Seal of the State of New Hampshire,
this 8th day of February A.D. 2023.

A handwritten signature in black ink, appearing to read "David M. Scanlan".

David M. Scanlan
Secretary of State



DEPARTMENT OF
ASSESSMENTS AND TAXATION

Wes Moore | Governor
Aruna Miller | Lt. Governor
Michael Higgs | Director
Marcus Alzona | Deputy Director

Date: 04/19/2023

RENODIS ER, LLC
PO BOX 473
ELLWOOD CITY PA 16117-0473

THIS LETTER IS TO CONFIRM ACCEPTANCE OF THE FOLLOWING FILING:
ENTITY NAME : RENODIS ER, LLC
DEPARTMENT ID : Z23891781
TYPE OF REQUEST : REGISTRATION
DATE FILED : 01-19-2023
TIME FILED : 02:07 PM
RECORDING FEE : \$100.00
FILING NUMBER : 1000362013999000
CUSTOMER ID : 0003924631
WORK ORDER NUMBER : 0005141206

PLEASE VERIFY THE INFORMATION CONTAINED IN THIS LETTER. NOTIFY THIS DEPARTMENT IN WRITING IF ANY INFORMATION IS INCORRECT. INCLUDE THE CUSTOMER ID AND THE WORK ORDER NUMBER ON ANY INQUIRIES. APRIL 15 THE FOLLOWING YEAR, AND EACH YEAR THEREAFTER, AN ENTITY SHALL SUBMIT A REPORT ON PERSONAL PROPERTY TO THE DEPARTMENT IN ORDER TO MAINTAIN ITS EXISTENCE, EVEN IF IT DOES NOT OWN ANY PERSONAL PROPERTY. A PERSONAL PROPERTY RETURN FORM CAN BE FOUND ON THE SDAT WEBSITE.

Charter Division
Baltimore Metro Area (410) 767-1350
Outside Metro Area (888) 246-5941

ENTITY TYPE: ENTITIES OTHER THAN CORPORATIONS
EFFECTIVE DATE: 01-19-2023
STATE OF FORMATION: MINNESOTA
PRINCIPAL OFFICE: 1 EARLY STREET
STE A
ELLWOOD CITY PA 16117
RESIDENT AGENT: COGENCY GLOBAL INC.
1519 YORK RD.
LUTHERVILLE MD 21093-5611
LUTHERVILLE MD 21093-5611

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2023-00098

July 18, 2023

ORDER GRANTING LICENSE

RENODIS ER LLC
Application for License to Operate
As A Competitive Electricity Provider

BARTLETT, Chairman; SCULLY and GILBERT, Commissioners

I. SUMMARY

Through this Order, Renodis ER, LLC (Renodis or the Company) is issued a license to operate as a competitive electricity provider furnishing aggregator/broker services to the non-residential customer classes throughout Maine's service territories pursuant to Chapter 305 of the Commission's Rules.

II. APPLICATION AND DECISION

On May 3, 2023, Renodis applied to the Commission to operate in Maine as a competitive electricity provider pursuant to Chapter 305. The Company proposes to provide aggregator/broker services to the non-residential customer classes throughout Maine's service territories and has met all the Chapter 305 filing requirements.

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

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

NOTICE OF RIGHTS TO REVIEW OR APPEAL

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

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

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



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR
KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR
REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR
CECILE M. FRASER
COMMISSIONER
STACI RUBIN
COMMISSIONER

July 20, 2023

Jessica Main, Energy Procurement Manager
Renodis ER, LLC
1 Early Street, Suite A
Ellwood City, PA 16117

Dear Ms. Main,

The Department of Public Utilities has reviewed Renodis ER, LLC's ("Renodis") application for a Retail Agent license to serve commercial and industrial customers in the Commonwealth of Massachusetts. I am pleased to inform you that the application has been approved. Renodis' license number is **RA-308**.

Consistent with the information provided in the Company's application, the activities the Company is licensed to provide are limited to retail agent services to commercial and industrial customers. If, at a later date, the Company seeks to provide retail agent services to residential customers, it must first seek and obtain Department approval.

As a condition of maintaining this license, the Company must comply with all relevant requirements of G.L. c. 164 and the regulations promulgated thereunder, including 220 CMR 11.00, 12.00 et seq. In addition, within 30 days of any material change in the information required by 220 CMR 11.05(2), the Company must file updated information with the Department. If the Company requests a renewal of its license next year, please submit the renewal application no later than **July 1, 2024**.

Privileged, confidential, protected communication, for the intended recipient only

FAX: (617) 345-9101
www.mass.gov/dpu

RECEIVED 2023 NOV 1 5:02 PM (E)

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

ORDER

November 1, 2023

FORMAL CASE NO. EA2023-07, IN THE MATTER OF THE APPLICATION OF
RENODIS ER, LLC FOR AN ELECTRICITY SUPPLIER LICENSE, Order No.
21925

I. INTRODUCTION

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

II. BACKGROUND

2. On May 18, 2023, Renodis ER filed its license application.² Specifically, Renodis ER intends to operate as a broker of electricity pursuant to § 4601 in Chapter 46 (Electricity Suppliers) of Title 15 of the District of Columbia Municipal Regulations.³ The Applicant represents that it intends to serve commercial, and industrial customers in the District of Columbia. Renodis ER filed supplemental information on July 7 and October 26, 2023.⁴

III. DISCUSSION

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

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

² *Formal Case No. EA2023-07, In the Matter of the Application of Renodis ER, LLC for an Electricity Supplier License (“Formal Case No. EA2023-07”)*, Application of Renodis ER, LLC, filed May 18, 2023.

³ *See* 65 DC Reg. 9970-9989 (September 28, 2018); and 69 DC Reg. 006056-006065 (May 27, 2022).

⁴ *Formal Case No. EA2023-07*, Renodis ER, LLC filed supplemental information on July 7, and October 26, 2023.

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

THEREFORE, IT IS ORDERED THAT:

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

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**



STATE OF CONNECTICUT

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

- DOCKET NO. 23-04-30 APPLICATION OF GLOBELE ENERGY, LLC FOR A CONNECTICUT ELECTRIC AGGREGATOR CERTIFICATE OF REGISTRATION
- DOCKET NO. 23-05-33 APPLICATION OF ASSET ENERGY LLC FOR A CONNECTICUT ELECTRIC AGGREGATOR CERTIFICATE OF REGISTRATION
- DOCKET NO. 23-05-45 APPLICATION OF PREMIERE MARKETING LLC FOR A CONNECTICUT ELECTRIC AGGREGATOR CERTIFICATE OF REGISTRATION
- DOCKET NO. 23-06-06 APPLICATION OF UNIFIED ENERGY SERVICES, LLC FOR A CONNECTICUT ELECTRIC AGGREGATOR CERTIFICATE OF REGISTRATION
- DOCKET NO. 23-06-45 APPLICATION OF RENODIS ER, LLC FOR A CONNECTICUT ELECTRIC AGGREGATOR CERTIFICATE OF REGISTRATION

September 27, 2023

By the following Commissioners:

Marissa P. Gillett
John W. Betkoski, III
Michael A. Caron

DECISION

DECISION

In the months of April through June, 2023, the following applicants (Applicants) applied to the Public Utilities Regulatory Authority (Authority) for a Connecticut Electric Aggregator Certificate of Registration: Globel  Energy LLC; Asset Energy, LLC; Premiere Marketing LLC dba Transparent Energy; Unified Energy Services, LLC; and Renodis ER, LLC. The Authority, including its Office of Education, Outreach, and Enforcement (EOE) reviewed all of the information in the record of the above-referenced dockets pursuant to Conn. Gen. Stat.   16-245(l) and finds that the Applicants have satisfied all of the application requirements. The Authority grants the Applicants an Electric Aggregator Certificate of Registration to serve the non-residential markets requested by each Applicant, subject to the conditions described herein.

Pursuant to statute and the Authority's clarification in the March 30, 2023, Motion No. 16 Ruling (Motion No. 16 Ruling) in Docket No. 14-07-20RE01, PURA Development and Implementation of Marketing Standards and Sales Practices by Electric Suppliers - Revised Standards, an entity that represents the customer in securing a supplier contract and is ultimately compensated by the customer with the customer's knowledge is an aggregator. An aggregator is the customer's agent. If an entity represents the supplier in the transaction, then the entity is the agent of the supplier and the supplier must claim the entity on its Form 6. See Conn. Agencies Reg.   16-245o(h)(1).¹ No entity may be both an aggregator and an agent of suppliers.

A review of the contracts between the Applicants and suppliers reveals that many of the contracts do not clearly delineate the Applicant as representing the customer and being compensated ultimately by the customer. As EOE noted in Motion No. 16 in Docket No. 14-07-20RE01, there may be instances in which non-residential customers wish to receive one bill for all of their energy supply services. In those instances, it benefits the non-residential customer for the supplier to include the aggregator's compensation in that bill and pass that compensation straight to the aggregator. Not all supplier contracts provided by the Applicants, however, contain straight pass-through provisions. Many contain provisions in which a portion of the aggregator's mark-up goes to the supplier. Others contain provisions in which the supplier pays the aggregator a flat fee for each customer procured, in the same way a supplier would pay an agent. Still others contain provisions in which the supplier pays the aggregator an amount up front, includes the aggregator's mark-up in the customer's rate, and then the supplier retains any excess, or that do not remove the mark-up if the customer ceases doing business with the aggregator. Any compensation structure in which the supplier is retaining a portion of the aggregator's compensation or paying the aggregator separate from the customer's usage calls into question the relationship between the supplier and the aggregator, and between the aggregator and the customer.

¹ Conn. Agencies Reg.   16-245o(h)(1) provides in part that "[a]ny third-party who contracts with or is otherwise compensated by an electric supplier to sell electric generation services, or contracts with or is compensated by a third-party marketer of the electric supplier to sell electric generation services for the electric supplier, shall be a legal agent of the electric supplier."

A straight pass-through is a simple concept as explained by EOE in Motion No. 16 in Docket No. 14-07-20RE01. If the supplier's rate is 10 cents/kWh, and the aggregator adds 1 cent as commission, the supplier charges the customer 11 cents/kWh and passes through the extra 1 cent/kWh to the aggregator. Any agreement more complicated than this is not a straight pass through and will not be approved by the Authority. As a result, the Authority directs all Applicants to revise all contracts with suppliers that currently do not contain simple, straightforward, pass-through compensation as described and to submit such revised contracts to the Authority. Any other form of compensation passed from a supplier to an aggregator is impermissible.

Further, many of the current contracts between suppliers and the Applicants contain other provisions that call into question the Applicant's role as the customer's agent and not the agent of the supplier. For example, there are contractual provisions specifically stating that the supplier appoints the Applicant as a "sales representative...to promote, market, and sell" the supplier's product. Entities that represent a customer do not promote, market, or sell for suppliers. Contracts say that the Applicant agrees to "solicit potential customers." Again, entities that represent a customer are not permitted to solicit on behalf of a supplier. Contracts say that Applicants will use the supplier's marketing material; however, the Applicants should not be marketing for the suppliers at all. In short, all contracts between the Applicants and suppliers should address only the Applicant's ability to collect the straight pass-through compensation from the supplier. Any contract with provisions implying or calling into question the Applicant's role and function as the customer's agent must be revised to remove such provisions as a condition of receipt of an Electric Aggregator Certificate of Registration.

Importantly, suppliers may not insert a provision in a contract stating that the Applicant is not the supplier's agent, then have provisions throughout the contract in which the Applicant is treated as a supplier's agent. Suppliers and the Applicants must decide if the Applicants are suppliers' agents or if the Applicants represent customers. To the extent they determine the latter, their contracts must reflect that relationship. Equally important, Applicants must ensure that their customers understand the service they are performing and the costs for that service. Many Applicants indicated that they do not divulge their commission to their customers. The regulatory imperative in Connecticut supports the principle of transparency, such that customers are entitled to information adequately informing them that they are paying the Applicant for a service and that such payment is included in their supplier's rate. Many Applicants also indicate that they do not divulge to customers the number of suppliers with which they do business. To make an informed decision, customers need to understand if an Applicant is evaluating bids from five suppliers or two. Customers further need to understand how the Applicant is selecting the bids to show to the customer (presuming it does not show the customer all bids).

To facilitate the requisite transparency with customers, every Applicant must provide each customer with three documents (Three Customer Communications).² The

² The documents referred to in this section may be electronic documents.

Applicant must provide the first document at the outset of the relationship between the Applicant and the customer, and the document must:³

1. Describe in detail how the Applicant will be compensated;
2. Explain the process that the Applicant uses to find prospective rates for the customer;
3. Explain to the customer the number of suppliers (or range of number) from which the Applicant will solicit rates and the current suppliers from whom it solicits;⁴ and
4. Require the customer's signature to permit the Applicant to obtain pricing for the customer.

The Applicant must provide the second document to the customer once the Applicant has obtained prospective rates, and the document must:

1. Tell the customer each supplier from whom the Applicant solicited prospective rates;
2. Tell the customer the rates offered by each supplier;
3. Describe the Applicant's commission included in each rate;⁵ and
4. Require the customer's signature acknowledging receipt of said information.

The third document is the notice required by Conn. Agencies Regs. § 16-245-3(d),⁶ and the Applicant would provide this notice to the customer after the customer contracted with a supplier. Each Applicant shall retain the Three Customer Communications for three years from the date on which they are signed by the customer, as applicable.

³ Based on the content of this document and its timing, it is difficult to imagine the situation in which an Applicant may satisfy this requirement when "cold calling" potential customers. A "cold call" would have to result in a multi-step process in which the Applicant interacted with the customer, provided the document, obtained the customer's signature, and then solicited bids for the customer.

⁴ A few Applicants entered into contracts with customers that provided much of this information. If any Applicant believes its current customer contract complies with the requirements herein, it may continue to use its contract following the compliance filings addressed in Order No. 6 of this Decision.

⁵ For example, if the aggregator provides rates from Supplier A and Supplier B, but the aggregator's commission with Supplier A is one cent and with Supplier B is two cents, this must be explained to the customer. This information can be included as part of the bid package given to the customer and may include the Applicant's recommendation. If the Applicant directly charges the customer a flat fee (i.e., does not collect a fee through the supplier) and does not include a commission and/or mark-up to the suppliers' rates, it may include only the supplier's rates, but the Applicant would be required to disclose the flat fee in the first document. To address changes in the market, an Applicant may seek to adjust their fee after the second of the Three Customer Communications have been supplied to the customer. An Applicant may only reduce their fee to address market conditions without additional notification to the customer. If an Applicant seeks to increase their fees to address market conditions, the increased fee must be disclosed in an updated/new offer to the customer.

⁶ Conn. Agencies Reg. § 16-245-3(d) provides in part that "[n]ot more than sixty days (60) after an aggregated customer contracts with an electric supplier, and not more than sixty days after any renewal, extension or modification of such contract, the electric aggregator shall issue to the aggregated customer a notice containing the following information: (1) The name, address and toll-free customer service telephone number of the electric supplier that provides electric generation services under its aggregation offer; and (2) The rate for electric generation services stated in its aggregation offer, or a description of how electric generation services are charged to customers under its aggregation offer."

All Applicants must solicit prospective rates for each customer from more than one supplier, except in the following two limited circumstances:

1. when an existing customer explicitly requests that an Applicant only provide pricing from a single supplier, and
2. when the pricing being sought is to amend and/or extend an existing agreement between the customer and a particular supplier.

Apart from these two exceptions, an entity that fails to solicit rate offers from more than one supplier and enrolls customers with that supplier will be deemed an agent of that supplier and subject to all applicable requirements for supplier agents.

Some Applicants indicated outside entities make sales on their behalf. Anyone making sales on behalf of the Applicant, anyone facilitating customers contracting with a supplier on behalf of the Applicant, anyone whom the Applicant compensates or to whom it provides a commission to for facilitating customers contracting with a supplier, and anyone with whom the Applicant has an agreement (labeled as an Independent Contractor, broker, channel partner, or any other title) to facilitate customers contracting with a supplier is an agent of the Applicant for whom the Applicant is responsible. The above list is not comprehensive, and all Applicants shall read it with the understanding of the Authority's Motion No. 16 Ruling: there are only three legal entities operating in the supplier market in Connecticut (i.e., suppliers, aggregators, and their agents) and no other entity may operate in the market. If Applicants have agreements with any entities such as those listed above in which the agreement indicates that the entity is not the Applicant's agent, the Applicant must revise or amend such agreements to reflect an agency relationship. Further, Applicants must understand their legal responsibilities for anyone acting as their agent and interacting with customers, and must train and monitor all agents to ensure compliance with Conn. Gen. Stat. § 16-245o and other applicable laws, regulations, Authority decisions, orders, and rulings. All Applicants shall annually file in their licensing docket a list of all agents working on their behalf. (Third-Party Agent form).⁷

All requests to serve residential markets are currently denied. No Applicant provided sufficient information to assure the Authority that residential customers would be properly served. As a result, the Authority determines that no Applicant has met the burden of demonstrating it is capable of serving as an aggregator in the residential market and/or working with residential customers. The Authority is permitting the Applicants to serve other customer classes based on the information provided because the Authority currently understands that non-residential customers are more sophisticated market participants with business acumen, procurement strategies, and needs, in addition to the procurement of supply.⁸ Further, non-residential customers frequently do not have the

⁷ The Third Party Agent form is available on the Authority's website at: Information for Electric Suppliers at the Aggregator Agent Form link.

⁸ Many Applicants described other services offered to commercial, industrial, and municipal customers, such as comprehensive energy management services.

freedom to move from supplier to supplier at will and without penalty;⁹ as a result, shopping amongst several rates and finding the best one at the time of the contract becomes more imperative for non-residential customers.

As part of the application process, EOE reviewed the financial information supplied by each Applicant. Although aggregators have less financial exposure than suppliers since aggregators do not have renewable portfolio standards and other obligations resulting from the supply of energy, aggregators still are liable for their actions and must demonstrate sufficient financial capability to serve customers, and further must satisfy any penalties if found violating the law.

Applicants must recognize that in being granted an Electric Aggregator Certificate of Registration, they are entering a highly regulated and transparent market. As such, they must ensure that their business complies with all applicable laws, including statutes, regulations, and Authority decisions, orders, and rulings. The Applicants must accept the responsibility of ensuring they maintain knowledge of the legal framework under which they function in Connecticut. Equally as important, the Applicants must recognize that they solely represent customers in this process and have the responsibility of acting as the customer's agent and working in the customer's best interest. Conn. Gen. Stat. § 16-245o places many obligations and restrictions on aggregators' engagement with customers, and additionally prohibits deceptive marketing and makes any violation thereof a violation of the Connecticut Unfair Trade Practices Act. Applicants must familiarize themselves with the Authority's application of Conn. Gen. Stat. § 16-245o to aggregators and suppliers. Any Applicant found deviating from its legal responsibilities and obligations may be subject to prosecution under Conn. Gen. Stat. § 16-41.

Applicants named herein are granted an Electric Aggregator Certificate of Registration to serve all customer classes requested other than residential customers; however, Applicants shall follow all orders contained herein before they are allowed to conduct business as an aggregator in Connecticut.

ORDERS FOR APPLICANTS

For Orders requiring a filing, each Applicant shall file an electronic version through the Authority's website at www.ct.gov/pura. Submissions filed in compliance with the Authority's Orders must be identified by: Docket Number, Title, and Order Number. Compliance with orders shall commence and continue as indicated in each specific Order or until an Applicant requests and the Authority approves that an Applicant's compliance is no longer required after a certain date. Unless otherwise provided or determined by the Authority, filings submitted in compliance with an order shall constitute satisfaction of the Order. Filings requiring Authority approval must be filed as a motion.

1. Applicants shall serve only commercial, industrial, municipal, or government customers, as such categories were requested in each Applicant's respective application. Applicants shall not serve residential customers.

⁹ Applicants did not indicate they offered the services necessary to navigate the market in this capacity.

2. Prior to serving any customer in Connecticut, each Applicant shall revise and/or amend all existing contracts with suppliers that contain any form of compensation other than the straight pass-through compensation discussed herein.
3. Prior to serving any customer in Connecticut, each Applicant shall revise and/or amend all existing contracts with suppliers that contain any provision implicating the aggregator is functioning solely as the agent of the supplier.
4. Applicants shall not enter into future contracts with suppliers that do not conform to Order Nos. 2 and 3 above.
5. Prior to serving any customer in Connecticut, each Applicant shall revise and/or amend all existing contracts with any entity engaging with customers on the Applicant's behalf and/or being compensated by the Applicant for engaging with customers and ensure such contracts reflect an agency between the Applicant and that entity.
6. **No later than November 8, 2023**, each Applicant shall file copies of contracts revised and/or amended pursuant to Order Nos. 2, 3, and/or 5 as a compliance filing in its respective licensing docket.
7. Applicants shall immediately incorporate the use of the Three Customer Communications for all future procurements for Connecticut customers and shall retain the documentation for three years from the date on which the respective document was executed by the customer.
8. Prior to serving any Connecticut customer, each Applicant shall submit a complete Third-Party Agent form in its licensing docket and shall submit such form on or before **October 15th annually** thereafter in its respective licensing docket. If any Applicant does not contract with third-party agents, it must still make an annual filing indicating so.
9. Each Applicant shall notify the Authority within 10 days if there are any changes to any material filed in its respective application.
10. Each Applicant shall provide the Authority with any changes to its customer service practices, procedures, or policies in writing at least 10 days prior to the effective date of such changes.
11. Each Applicant shall maintain its customer complaint records to indicate:
 - a. Date of the complaint;
 - b. Name and address of the complainant;
 - c. Address or location cited in the complaint;
 - d. Description of the complaint; and

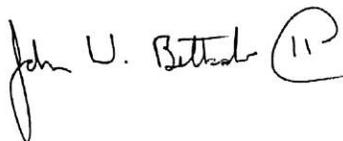
e. Description of the resolution of the complaint.

12. Pursuant to Conn. Gen. Stat. § 16-245(l)(3)(C), each Applicant shall maintain a toll-free or in-state phone number for customers.

This Decision is adopted by the following Commissioners:



Marissa P. Gillett



John W. Betkoski, III



Michael A. Caron

CERTIFICATE OF SERVICE

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



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

September 27, 2023
Date