

Attachment 4a. Compliance

The Applicant is a wholly owned subsidiary of NRG Energy, Inc. and has dozens of affiliates operating throughout North America. Relevant and material litigation for NRG's businesses is presented in its public filings with the SEC. The Applicant has no responsive criminal history to report. Responsive and relevant actions docketed by government entities in the United States are reported below.

XOOM Energy Ohio, LLC

In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a notice of probable non-compliance to XOOM Energy Ohio, LLC ("XOOM Energy"), citing concerns with XOOM Energy's compliance with marketing, sales, and enrollment regulations in Ohio. In April 2022, the PUCO opened a formal investigation into these same issues. Thereafter, XOOM Energy entered into a stipulation with PUCO Staff to settle the matter. Under the terms of the settlement, XOOM Energy did not admit wrongdoing but will: (i) pay a forfeiture of \$120,000; (ii) pay \$100,000 to the Dollar Energy Fund to be used as bill payment assistance; (iii) provide refunds to affected customers; and (iv) implement corrective actions to monitor enrollments. PUCO approved the settlement on April 17, 2024.

Direct Energy Services, LLC – Ohio

In June 2021, the Public Utilities Commission of Ohio ("PUCO") issued a Notice of Probable Non-compliance to Direct Energy Services ("DES"), citing concerns with DE's compliance with marketing, sales, and enrollment regulations in Ohio. Thereafter, on June 10, 2022, DES and PUCO Staff signed a joint stipulation of settlement in the matter. The Ohio Office of Consumer Counsel later intervened, and DES and PUCO Staff agreed to update the terms. Under the revised settlement, which PUCO has approved, DES will pay a forfeiture of \$275,000, pay \$100,000 to Dollar Energy Fund to be used as bill payment assistance, work with the PUCO Staff to remedy any harm to customers, and agree not to use digital TPVs for a period of 12 months following approval of the settlement. PUCO approved the settlement on April 17, 2024.

Reliant Energy Retail Services LLC

The Texas Public Utility Commission alleged that on 701 occasions between January 1, 2022 and April 23, 2023, Reliant violated a PUCT rule regarding billing by failing to provide monthly bills to residential and small commercial customers. This occurred during a period when the transmission distribution service provider wasn't sending meter read or estimation data used for the issuance of bills. In addition to making efforts to ensure all customers received monthly bills, Reliant agreed to pay an administrative penalty of \$50,100 and make a bill payment assistance donation of \$20,000 to settle the alleged violations.

US Retailers, LLC

The Texas Public Utility Commission alleged that from September 1, 2021 to August 31, 2023, US Retailers used an Electricity Facts Label that identified a disconnection notice fee of \$10, while the Terms of Service for those customers identified the disconnection notice fee of \$20. During this period, 43,227 customers on approximately 109,973 occasions were charged a \$20 fee for disconnection notices. The PUCT alleged this was a violation of PUCT rule and statutory provisions for reasons including that the communications were unclear, unfair, misleading, and deceptive. In addition to correct the discrepancy, US Retailers

disgorged the difference in the fees through refunds to customers as able, and donations to bill payment assistance agencies where former customers weren't located. Further, US Retailers agreed to an administrative penalty of \$255,462 for alleged and acknowledged violations.

XOOM Energy Connecticut, LLC

On June 29, 2023, the Connecticut Public Utilities Regulatory Authority approved a Settlement Agreement between the Office of Education, Outreach, and Enforcement ("EOE") and XOOM Energy Connecticut, LLC ("XOOM Energy") that resolved a Notice of Violation issued by the Authority on March 15, 2023. The Notice of Violation alleged that XOOM Energy failed to comply with a 2021 law prohibiting the charging of cancellation fees to residential customers. XOOM Energy included language about cancellation fees in certain customer-facing materials, although the company did not charge nor collect such fees from customers. Under the terms of the Settlement, XOOM Energy will pay a total of \$1.5 million to the electric distribution companies Connecticut Light & Power and United Illuminating for application to customer bills to reduce hardship customer arrearages and will also provide bill credits in the amount of \$75 to affected residential customer accounts. Additionally, XOOM Energy pledged to remove any remaining references to cancellation fees from customer-facing materials.

Direct Energy Services, LLC; Energy Plus Holdings LLC; Energy Plus Natural Gas LLC; Gateway Energy Services Corporation; Green Mountain Energy Company; Reliant Energy Northeast LLC; Stream Energy New York, LLC; XOOM Energy New York, LLC – New York

On January 8, 2024, the NYPSC notified eight of NRG's retail energy suppliers (serving both electricity and natural gas) of alleged non-compliance with New York regulatory requirements. Among other items, the notices allege that the NRG suppliers did not, following April 16, 2021 (which was the effective date of the NYPSC's December 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process), transition its existing residential customers to one of three newly-created products authorized by the NYPSC. NRG is responding to the notices.

Direct Energy Services, LLC - Illinois

On April 16, 2025, the Circuit Court of Cook County Illinois approved and entered a Consent Decree settling a complaint filed against Direct Energy Services, LLC ("Direct Energy") by the Attorney General of the State of Illinois ("IL AG"), case no. 25CH4091. The IL AG alleged generally that Direct Energy had violated state consumer protection laws and the state's telemarketing law related to the marketing and sale of electricity to residential consumers in Illinois. Direct denied these allegations and without trial or any finding of fact or admission of liability, agreed to settle and: (1) pay approximately \$9.37 million in restitution to residential consumers; (2) pay \$750,000 for the costs of settlement administration and third-party monitoring of marketing; (3) suspend active marketing to residential consumers through December 1, 2025; (4) when it resumes marketing, agree to third-party monitoring for 2 years, additional training, and marketing restrictions; and (5) pay attorneys' fees and associated costs approximating \$1.87 million.

Direct Energy Services, LLC – New Jersey

In January 2025, Direct Energy Services, LLC (DES) discovered that it had inadvertently overbilled some customers it served as part of the Hoboken, NJ government energy aggregation program (GEA). DES took steps to refund all overbilled customers and self-reported the issue to the NJ

Board of Public Utilities (BPU). The New Jersey Rate Counsel then filed an inquiry with discovery requests related to DES' billing errors under the Hoboken, NJ GEA. DES responded to these discovery requests, and, to date, no further action has been taken. (BPU Docket Nos." EO20030275, EO23060404, and EO23060419).

Vivint Smart Homes, Inc.

In April 2021, the Federal Trade Commission (FTC) filed a complaint against Vivint Smart Homes, Inc., alleging that the company misused credit reports to secure financing for unqualified customers in violation of consumer protection laws. Vivint neither admitted nor denied the allegations as part of the settlement and agreed to a combination of a payment of a civil penalty, consumer refund, and ongoing injunctive relief and monitoring.

The North Carolina Alarm Licensing Board investigated Vivint in connect with its past sales practices. The parties reached an amicable resolution whereby the Board found no violations of state regulations and Vivint agreed to halt sales and marketing in the state for 30 days.