

INSTRUCTIONS FOR APPLICATION FOR, OR AMENDMENT TO, A RETAIL ELECTRIC PROVIDER (REP) CERTIFICATION

In accordance with 16 TAC § 25.107(c)(1) and (d)(2)(A)

A person can apply to certify as a REP, amend a REP certificate, or relinquish a REP certificate by submitting a complete application on this form. A person must obtain a REP certificate before purchasing, taking title to, or reselling electricity to provide retail electric service.

Submission Standards and General Requirements

All responses in this application must be provided in a complete and truthful manner. Failure to provide a response, or responding with an “N/A,” to a required portion of this application may result in the application being rejected as insufficient. However, a written explanation may be provided for why a particular required response is not applicable for the submitted application.

The submission of an application must comply with the Public Utility Commission of Texas’s (Commission) Procedural Rules, 16 Texas Administrative Code (TAC) Chapter 22, including:

- Filing in accordance with the requirements of 16 TAC §§ 22.71 and 22.72.
- Filing confidential material in accordance with the requirements of 16 TAC § 22.71.

Attachments must be clearly labeled and explicitly reference the corresponding Part of the application (e.g. “Attachment MI-3”). Add spaces and lines to the form to the extent necessary for completeness and readability.

Under 16 TAC § 25.107(c)(2), while an application is pending, an applicant must inform the Commission of any material change to the information provided in the application within ten (10) working days of any such change, as required by 16 TAC § 25.107(h)(2). The Commission or Commission Staff may require the applicant to provide supplemental information to support its pending application. As required by 16 TAC § 25.107(d)(1)(I), supplemental information requested by Commission Staff must be provided within five (5) working days of the request for information.

All supplemental submissions must include the project number assigned by Central Records when the application was filed.

Terms defined under 16 TAC § 25.107(b) have the same meaning when used in this registration form.

Amendment to Certification for a Material Change

As required by 16 TAC § 25.107(h)(2), a REP must apply to amend its certification within ten (10) working days from the occurrence of a material change to its certification. If multiple material changes occur within a single ten (10) working day period, a REP may request multiple changes with a single amendment application.

To amend its certification, a REP must provide its REP certification number. As required by 16 TAC § 25.107(h)(4)(A), a REP must update all information related to a material change through a REP amendment application and state the effective date of each material change that prompted the amendment application.

Non-Material Changes

A REP must update non-material changes via the REP portal located at: portal.puc.texas.gov/portal/
In accordance with 16 TAC § 25.107(h)(2), within five (5) working days of any change to the contact information required under 16 TAC § 25.107(d)(1)(D) (Sub-Parts MI-1 and MI-2, and OI-1 through OI-4), a REP must electronically submit updated contact information via the REP portal.

List of Material Changes

16 TAC § 25.107(h)(2) identifies a list of material changes which includes:

- A change in ownership or control of the REP, a corporate restructuring that involves the REP, or a transfer of a REP certificate.
- A name change of the REP (including addition or deletion of assumed names).
- For Option 1 REPs, a change in service area.
- For Option 1 REPs, a change in technical or managerial qualifications (including any information previously provided or attested to as part of a prior application such as, personnel relied upon for experience, and changes, termination, or expiration of a contract to provide commodity risk management services).
- For Option 1 REPs, a change in financial qualifications, such as:
 - The REP’s certificated method for maintaining its access to capital requirement as previously reported as Part C-2 of a prior application (including changes to the identity of a REP’s guarantor, any amendments to a guarantee agreement, or a REP changing the *type* of financial instrument used for its access to capital requirements (e.g. switching from providing a guarantee agreement to providing a letter of credit and vice versa)).
 - Switching from using one letter of credit to using another letter of credit, at the same or different financial institution, does *not* constitute a material change and does *not* require an amendment application to be filed. All new letters of credit must be filed in Project No. 37919.
 - The certificated method for protecting its customer deposits and prepayments (e.g. switching from a segregated cash account to an escrow account or letter of credit, and vice versa), and
 - The approved segregated account or escrow account for protecting customer deposits and prepayments (e.g. switching from a segregated cash account with one financial institution to a segregated cash account with another financial institution, or switching to a different account than was approved in the certification to another account at the same financial institution).
- A change in REP’s type of certification as an Option 1, Option 2, or Option 3 REP.
- For Option 2 and 3 REPs, the addition or deletion of customers the REP will provide service for.

Amendment Applications

A complete REP amendment application must include each Part (i.e., TP, OI, MI, Part A-E) listed on the Application Chart for the type of amendment being sought. All Sub-Parts (e.g. Part A-1) of a required Part must be completed unless the instructions explicitly limit the applicability of the Sub-Part.

Do not include Parts of the application in the amendment filing that are not required for the type of amendment being sought.

Additional guidance for interpreting the Applications Chart regarding completeness and the provision of attachments for amendment applications:

| Parts | Requirement for Completing Sub-Parts and Providing Attachments |
|--------------|---|
| TP | All Sub-Parts must be fully completed with each application. |
| MI | All applicable Sub-Parts must be fully completed and attachments provided with each application. |
| OI | Sub-Parts do not need to be completed <i>if</i> information previously submitted by application, amendment, or REP portal update, is still accurate. Each Sub-Part that is completed must be fully completed, including any required attachments. |
| Parts A-E | All applicable Sub-Parts must be fully completed with each application. However, <i>attachments</i> are not required to be provided <i>if</i> the attachment was previously included in a prior application or amendment, and the information provided in the attachment is still accurate. |

Processing of Application or Amendment

Applicant begins the process by submitting the information and attachments required by this form.

- Commission Staff will review each application for sufficiency and submit a recommendation to the presiding officer within 20 calendar days after the application is filed.
- The presiding officer will make a determination of sufficiency of the application within ten (10) calendar days of receipt of Commission Staff’s recommendation.
- If the presiding officer finds that the application is deficient, the presiding officer must notify the applicant.
- The applicant will have ten (10) calendar days from the issuance of the notice to cure the deficiencies.
- If the deficiencies are not cured within ten (10) calendar days, the presiding officer may notify the applicant that the certification request is rejected without prejudice.
- The presiding officer will issue an order approving, rejecting, or approving with modifications, an application within 90 days of finding an application sufficient, except where good cause exists to extend the time for review.

Control Numbers Relevant to REPs

| Information Related to: | Control Number |
|--------------------------------|--|
| Letters of Credit | 37919 |
| Guaranty Agreements | 54827 |
| Bankruptcy Notices | 54822 |
| Cessation of Operations | 54907 |
| Annual and Semi-Annual Reports | Changes annually. Control number can be found by accessing the REP report through the REP’s portal. This report becomes available at the first of each year. |

APPLICATIONS CHART

| Option 1 REP Applications | Required Responses |
|--|------------------------------|
| Application for New Option 1 REP Certification | TP, MI, OI, Parts A, B, C, D |
| Name Change (Additions or Deletions of Primary Name or assumed names) | TP, MI, OI |
| Change in Ownership/Control, Corporate Restructuring, or Transfer of Certificate | TP, MI, OI, Parts A, C, D |
| Change in Service Area | TP, MI, OI, Part B |
| Change in Technical/Managerial Qualifications | TP, MI, OI, Part D |
| Change in Financial Qualifications | TP, MI, OI, Part C |
| Relinquishment of Certification | TP, MI, OI, Parts A, E |

| Option 2 REP Applications | Required Responses |
|--|---------------------------|
| Application for New Option 2 REP Certification | TP, MI, OI, Parts A, B, C |
| Name Change (Additions or Deletions of Primary Name of DBAs) | TP, MI, OI |
| Change in Ownership or Transfer of Certificate | TP, MI, OI, Part A |
| Customer Change (Additions or Deletions) | TP, MI, OI, Part B |
| Relinquishment of Certification | TP, MI, OI, Parts A, E |

| Option 3 REP Applications | Required Responses |
|--|---------------------------|
| Application for New Option 3 REP Certification | TP, MI, OI, Parts A, B, C |
| Name Change (Additions or Deletions of Primary Name of DBAs) | TP, MI, OI |
| Change in Ownership or Transfer of Certificate | TP, MI, OI, Part A |
| Customer Change (Additions or Deletions) | TP, MI, OI, Part B |
| Relinquishment of Certification | TP, MI, OI, Parts A, E |

CHART KEY

| | |
|----------------------------|--|
| TP – Title Page | Complete each Sub-Part |
| MI – Mandatory Information | Complete each Sub-Part for the applicable REP type (i.e. Option 1, 2, 3) based on the grey-box instructions in each Part |
| OI – Other Information | Complete each Sub-Part, except previously submitted and accurate <i>information or attachments</i> may be omitted |
| Parts A-E | Complete each Sub-Part. Previously submitted and accurate <i>attachments</i> may be omitted |

Do not file these instructions with the application.



Public Utility Commission of Texas
1701 N. Congress Avenue or P.O. Box 13326
Austin, Texas 78711-3326
512-936-7000

Web address: www.puc.texas.gov

Application for, or amendment to, a Retail Electric Provider (REP) Certificate

(In accordance with 16 Texas Administrative Code (TAC) § 25.107)

TITLE PAGE (TP)

ALL SUB-PARTS ARE APPLICABLE TO OPTION 1, 2, AND 3 REPS.

TP-1. Applicant Name – Applicant must provide its legal business name as it appears on applicant’s relevant Texas Secretary of State (Texas SoS) registration. A relevant Texas SoS registration can include a Certificate of Formation or Certificate of Registration/Authority, or equivalents.

Applicant legal business name:

Second applicant legal business name (if required):

TP-2. Type of Certification – As required by 16 TAC § 25.107(a)(1)(A), a person must obtain a REP certificate under section 16 TAC § 25.107 before purchasing, taking title to, or reselling electricity to provide retail electric service. A person may certify as an Option 1 REP, Option 2 REP, or Option 3 REP.

(a) Check only one of the following and, as applicable, provide the required information.

- | | |
|---|---|
| <input type="checkbox"/> New REP Option 1 certification | <input type="checkbox"/> New REP Option 2 certification |
| <input type="checkbox"/> New REP Option 3 certification | <input type="checkbox"/> REP certificate amendment |
| | ◆ Type of REP certificate: |
| | ◆ REP certification no.: |

(b) For amendment applications, check one or more of the following options relating to the amendment categories requested in this filing:

- Change in ownership or control of the applicant.
- Corporate restructuring that involves the applicant (Option 1 REPs only).
- Transfer of a REP certificate.
- Name change amendment, including addition or deletion of assumed names.
- Customer Change, including additions or deletions of customers (Option 2 and 3 REPs only).

- Change in service area (Option 1 REPs only).
- Change in technical and managerial qualifications (Option 1 REPs only).
- Change in financial qualifications (Option 1 REPs only).
- Change in REP's type of certification as an Option 1, Option 2, or Option 3 REP.
- Relinquishment of certification.
- Other (Explain in "c" below).

(c) Written explanation of the amendment (attach additional pages if necessary).

(d) Date each material change was or will be effective. As required by 16 TAC § 25.107(h)(4)(A), an applicant must state the effective date of each material change that prompted the amendment application.

Date(s):

MANDATORY INFORMATION (MI)

MI-1, MI-2, AND MI-3 ARE APPLICABLE TO OPTION 1, 2, AND 3 REPS.

MI-1. Applicant's Primary Contact Information – As required by 16 TAC § 25.107(d)(1)(D)(i).

| | | |
|---|----------------|------|
| Contact name: | Title: | |
| Street or mailing address: | | |
| Mailing address (suite, floor or room): | | |
| City: | State: | ZIP: |
| Phone no.: | Toll free no.: | |
| Email: | Web address: | |

MI-2. Authorized Representative Contact Information – As required by 16 TAC § 25.107(d)(1)(D)(ii).

| | | |
|---|--------------|------|
| Contact name: | Title: | |
| Street or mailing address: | | |
| Mailing address (suite, floor or room): | | |
| City: | State: | ZIP: |
| Phone no.: | | |
| Email: | Web address: | |

MI-3. General Affidavit – As required by 16 TAC § 25.107(d)(2)(A), an applicant is required to provide as Attachment MI-3 a signed, notarized affidavit from an executive officer affirming all material provided in the application is true, correct, and complete.

Applicant completed and provided Attachment MI-3.

MI-4 AND MI-5 ARE APPLICABLE TO OPTION 1 REPS ONLY.

MI-4. Persons Prohibited from Exercising Control – As required by 16 TAC § 25.107(e)(2)(E)(iv), an applicant must complete the affidavit labeled as Attachment MI-4. An applicant must further provide as Attachment MI-4 a statement identifying certain persons that meet the criteria of 16 TAC § 25.107(e)(2)(E)(iv)(I)(-a-) through (-d-), and the applicant's relationship with such persons. As specified by 16 TAC § 25.107(e)(2)(E)(iv)(I), such persons are inclusive of all of the applicant's principals, executive officers, employees, and third-party providers that meet the criteria. Further, 16 TAC § 25.107(e)(2)(E)(v) requires an applicant affirm that persons listed under 16 TAC § 25.107(g)(1) do not control the applicant and are not relied upon by the applicant to meet the requirements listed under 16 TAC § 25.107(e)(1)(A) – (B). The affidavit must be notarized and signed by an executive officer of the applicant.

Applicant must check all of the options below that apply.

Applicant has identified a principal, executive officer, employee, or third-party provider of applicant that:

- Exercised direct or indirect control over a REP that experienced a mass transition of the REP's customers under 16 TAC § 25.43 at any time within the six months prior to the mass transition. Applicant provided Attachment MI-4, including a supporting affidavit, identifying the person and their relationship to the applicant in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-a-) and 16 TAC § 25.107(g)(1)(A)(i).
- Exercised direct or indirect control over a market participant at any time within the six months prior to a market participant having had its ERCOT standard form market participant agreement (SFA) terminated or a similar agreement for an applicable independent organization terminated. Applicant provided Attachment MI-4, including a supporting affidavit, identifying the person and their relationship to the applicant in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-b-) and 16 TAC § 25.107(g)(1)(A)(ii).
- Exercised direct or indirect control of a market participant within the prior six months of a market participant having exited an electricity or gas market with outstanding payment obligations that remain outstanding. Applicant provided Attachment MI-4, including a supporting affidavit, identifying the person and their relationship to the applicant in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-c-) and 16 TAC § 25.107(g)(1)(A)(iii).
- Have been barred, in any way, participation by Commission order. Applicant provided Attachment MI-4, including a supporting affidavit, identifying the person and their relationship to the applicant in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-d-) and 16 TAC § 25.107(g)(1)(B).
- None of the above criteria apply to any of an applicant's principals, executive officers, employees, or third-party providers. Applicant completed and provided the affidavit labeled as Attachment MI-4.

- Applicant confirms that a person meeting the criteria for persons prohibited from controlling a REP in accordance with 16 TAC § 25.107(g):
 - (1) does not control the applicant; and
 - (2) is not relied upon to meet the basic certification requirements of 16 TAC § 25.107(d) or the technical and managerial requirements of 16 TAC § 25.107(e).

MI-5. Information on Principals – As required by 16 TAC § 25.107(d)(2)(E)(iii) and (iv), an applicant must provide a list of ALL names, titles, phone numbers, and emails of applicant's principals, including executive officers, in Microsoft Excel format. To report more than five principals, including executive officers, provide as Attachment MI-5 additional pages of information.

Under 16 TAC § 25.107(b)(13), the term principal includes: A sole proprietor; a general partner of a partnership; an executive of a company (e.g., a president, chief executive officer, chief operating officer, chief financial officer, general counsel, or equivalent position); a manager, managing member, or a member vested with the management authority of a limited liability company or limited liability partnership; a shareholder with more than 10% equity of the REP, if a public company; and a person who exercises control and has apparent or actual authority to exercise such control over either the REP or a principal. A consultant, third-party provider, or fiduciary of a company such as the

board of directors is a principal if it has apparent or actual authority to exercise control over the REP or principals of the REP, and exercises such control.

| | | | |
|-------|--------|------------|--------|
| Name: | Title: | Phone no.: | Email: |
| Name: | Title: | Phone no.: | Email: |
| Name: | Title: | Phone no.: | Email: |
| Name: | Title: | Phone no.: | Email: |
| Name: | Title: | Phone no.: | Email: |

- Applicant provided principal information in a word-searchable file and in a format native to Microsoft Excel (such as .xls, .xlsx, .xlsm, etc.).
- Applicant provided additional principals as Attachment MI-5.

OTHER INFORMATION (OI)

**OI-1, OI-2, OI-3, OI-4, OI-5, OI-6, AND OI-7 ARE APPLICABLE TO
OPTION 1, 2, AND 3 REPS.**

OI-1. Regulatory Representative Contact Information – As required by 16 TAC § 25.107(d)(1)(D)(iii).

| | | |
|---|--------------|------|
| Contact name: | Title: | |
| Street or mailing address: | | |
| Mailing address (suite, floor or room): | | |
| City: | State: | ZIP: |
| Phone no.: | | |
| Email: | Web address: | |

OI-2. Customer Complaint Representative Contact Information – As required by 16 TAC § 25.107(d)(1)(D)(iv).

| | | |
|---|----------------|------|
| Contact name: | Title: | |
| Street or mailing address: | | |
| Mailing address (suite, floor or room): | | |
| City: | State: | ZIP: |
| Phone no.: | Toll free no.: | |
| Email: | Web address: | |

OI-3. Emergency Contact Information – As required by 16 TAC § 25.107(d)(1)(D)(v). An applicant may provide up to three emergency contacts. The Commission prefers that an applicant provide at least two emergency contacts.

| | | |
|--------------------|--------------|--|
| Primary contact: | Title: | |
| Office no.: | | |
| Cell no.: | Home no.: | |
| Email: | Web address: | |
| | | |
| Secondary contact: | Title: | |
| Office no.: | | |
| Cell no.: | Home no.: | |
| Email: | Web address: | |

| | |
|-------------------|--------------|
| Tertiary contact: | Title: |
| Office no.: | |
| Cell no.: | Home no.: |
| Email: | Web address: |

OI-4. Applicant's Company Contact Information – An applicant must provide the following contact information related to its Texas office address, mailing address, and address of its principal place of business as required by 16 TAC § 25.107(d)(1)(E).

(a). Texas Office Address (cannot be a Post Office Box (P.O. Box)) – As required by 16 TAC § 25.107(d)(1)(E)(i). An applicant must provide a Texas office address, as it appears on applicant's relevant Texas SoS registration for the purpose of providing customer service. The Texas office address may not be a P.O. Box under 16 TAC § 25.107(d)(1)(E)(i)(III). The Texas office address may be the same as the applicant's primary business office under OI-4(b), provided that the principal place of business address is not a P.O. Box.

Primary business office address:

| | | |
|------------|----------------|------|
| City: | State: | ZIP: |
| Email: | Web address: | |
| Phone no.: | Toll free no.: | |

The Texas office address is the same as primary business office address, and the primary business office address is not a P.O. Box.

(b). State of Formation/Incorporation and Address of Primary Business Office (Principal Place of Business) – As required by 16 TAC § 25.107(d)(1)(E)(ii), an applicant must provide its state of formation or incorporation, and the address of its primary business office address as it appears on applicant's relevant Texas SoS registration. An applicant's primary business office is its principal place of business (i.e. where its executive officers direct, control, and coordinate the corporation's activities) and may be located in a different state from the applicant's state of formation or incorporation.

State of formation/incorporation:

Primary office address:

| | | |
|-------|--------|------|
| City: | State: | ZIP: |
|-------|--------|------|

(c). Mailing Address (if different from the Texas Office address or primary business office address) – As required by 16 TAC § 25.107(d)(1)(E)(iii).

Mailing address:

| | | |
|-------|--------|------|
| City: | State: | ZIP: |
|-------|--------|------|

(d). Registered Agent – As required by 16 TAC § 25.107(d)(1)(E)(iv), an applicant must provide the name and address of the applicant’s registered agent for the purpose of receiving service of process

Name of Registered Agent:

Address of Registered Agent:

City:

State:

ZIP:

OI-5. Emergency Operation Plan – As required by 16 TAC § 25.107(d)(2)(G), an applicant is required to file an emergency operations plan that complies with 16 TAC § 25.53.

Project no.:

Item no.:

OI-6. Certificated Name(s) and Legal Entity Status – As required by 16 TAC § 25.107(d)(1)(A), an applicant must only provide retail electric service under the name or names set forth in an approved application for certification or subsequent amendment application. In accordance with 16 TAC § 25.107(d)(1)(C), a REP’s certificate must contain the REP’s legal business name and all assumed names under which it proposes to provide service. An applicant must also maintain an active business registration with the Texas SoS.

(a). Primary Name on Certificate – As required by 16 TAC § 25.107(d)(2)(B), an applicant must disclose information related to the applicant’s status as a legal entity, including information related to its tax status and authority to do business in Texas to verify the information required under 16 TAC § 25.107(d)(1)(A)-(C).

As required by 16 TAC § 25.107(d)(2)(B)(i), an applicant is required to provide a copy of the applicant’s relevant Texas SoS registration as Attachment OI-6. An applicant must also provide all filing numbers associated with such registration below.

Under 16 TAC § 25.107(d)(2)(B)(i) an applicant’s legal business name, as it appears on the applicant’s Texas SoS registration, must not be deceptive, misleading, vague, otherwise contrary to 16 TAC § 25.272, or duplicative of a name previously approved for use by a REP.

Primary name on certificate (Applicant’s legal business name on applicable Texas SoS certificate, must match the name disclosed under TP-1 of this form):

For name change amendment only, applicant’s previous legal business name:

Texas SoS (or County) filing number associated with registration:

Indicate below the type of registration on file with the Texas SoS. Complete only the option below that applies.

- Certificate of Formation or equivalent (For Texas Entities)
- Certificate of Registration/Authority or equivalent (For Out-of-State Entities)
- Other, please specify:

Date and state where business was established:

Applicant provided a copy of its Texas SoS registration (either a Certificate of Formation or Certificate of Registration/Authority, or equivalent) as Attachment OI-6.

(b). Tax Information and Other Registrations – As required by 16 TAC § 25.107(d)(2)(B)(ii), an applicant must disclose its Texas Comptroller Tax Identification number, and all other relevant or applicable file numbers.

Texas Comptroller’s Tax ID no.:

Other applicable or relevant certification/file nos.:

(c). EXISTING Approved Assumed Names (if applicable) (Maximum of Five Assumed Names) – To comply with 16 TAC § 25.107(d)(1)(A), an applicant must disclose any assumed names already used in the applicant’s regular course of business as a REP.

Commission approved assumed name:

Commission approved assumed name:

Commission approved assumed name:

Commission approved assumed name:

Commission approved assumed name:

(d). REQUESTED Assumed Names (if applicable) (Maximum of Five Assumed Names) – An applicant may request to use up to a total of five assumed names in addition to the primary name on the REP certificate. Under 16 TAC § 25.107(d)(1)(B), a REP is prohibited from using more than five assumed names in association with a single REP certificate.

| Name: | Texas SoS file no. | Date active: |
|-------|--------------------|--------------|
| | | |
| | | |
| | | |
| | | |
| | | |

(e). DELETION of EXISTING Assumed Names (if applicable)

Assumed name to be DELETED:

Assumed name to be DELETED:

Assumed name to be DELETED:

Assumed name to be DELETED:

Assumed name to be DELETED:

OI-7. Ongoing Obligations – In accordance with 16 TAC § 25.107(d)(2)(F), an applicant must provide as Attachment OI-7 a statement that applicant has complied with the requirements under 16 TAC § 25.107(d)(1)(F) and (H)-(I), or for 16 TAC § 25.107(d)(1)(I) how the applicant will comply, and include a short summary describing the manner of compliance for each subparagraph.

- Applicant provided a statement affirming compliance with 16 TAC § 25.107(d)(1)(F) and (H)(I) and included a short summary describing the manner of compliance for each subparagraph as Attachment OI-7.

OI-8 AND OI-9 ARE APPLICABLE TO OPTION 1 REPS ONLY.

OI-8. ERCOT Requirements – In accordance with 16 TAC § 25.107(e)(1)(C)(i)-(iv) an applicant, if providing retail electric service in the ERCOT region, must provide the below information as required by 16 TAC § 25.107(d)(2)(F)(i)-(v).

- Qualified Scheduling Entity (QSE) information.** Applicant completed and provided Attachment OI-8.
- Applicant confirmation of capability and effective procedures.** Applicant confirms it has the capability and effective procedures to be the primary point of contact for retail electric customers for distribution system service in accordance with applicable Commission rules, including procedures for relaying outage reports to the TDU on a 24-hour basis.
- Outage notification information.** Applicant confirms it will provide outage notifications in accordance with 16 TAC § 25.53.
- ERCOT testing obligation.** Applicant has or will soon complete ERCOT’s flight test obligation.
 - ◆ **Date of applicant’s last (or applicant’s next scheduled) ERCOT Flight Test:**

OI-9. Registration with ERCOT or Other Applicable Independent Organization –As required by 16 TAC § 25.107(e)(2)(E)(iii), an applicant is required to provide as Attachment OI-9 a notarized affidavit signed by an executive officer of the applicant affirming that the applicant will register with or be certified by the applicable independent organization and that the applicant will comply with the technical and managerial requirements of this subsection; and that third-party providers with whom the applicant has a contractual relationship are registered with or certified by the independent organization, as appropriate, and will comply with all system rules and protocols established by the applicable independent organization.

- Applicant completed and provided Attachment OI-9.

PART A – OWNERSHIP & CORPORATE STRUCTURE

ALL SUB-PARTS ARE APPLICABLE TO OPTION 1, 2, AND 3 REPS.

A-1. Subsidiaries, Parent Companies, and Sister Companies – As required by 16 TAC § 25.107(d)(2)(E)(i) an applicant must provide a list of the applicant’s subsidiaries and parent companies up to the ultimate corporate parent, and any sister companies that are registered or certified with the Commission. Each company must be identified by name and, if applicable, type of Commission registration or certification. To report more than five subsidiaries, parent companies, or sister companies provide a list of such companies as Attachment A-1.

| | | |
|---|-----------------------------------|-------------------------------|
| Subsidiary, parent, or sister company name: | Type of Commission certification: | Commission certification no.: |
| Subsidiary, parent, or sister company name: | Type of Commission certification: | Commission certification no.: |
| Subsidiary, parent, or sister company name: | Type of Commission certification: | Commission certification no.: |
| Subsidiary, parent, or sister company name: | Type of Commission certification: | Commission certification no.: |
| Subsidiary, parent, or sister company name: | Type of Commission certification: | Commission certification no.: |

Applicant provided additional subsidiaries, parents, and sister companies as Attachment A-1.

A-2. Ownership and Corporate Structure– As required by 16 TAC § 25.107(d)(2)(E)(ii) an applicant must provide an ownership and corporate structure chart that includes ownership percentages. The chart must be as detailed as practicable, but must contain, AT MINIMUM, the entities provided under A-1 and any entities with more than ten percent ownership of the REP or any of the REP’s parent companies with a controlling interest in the REP.

Applicant provided an ownership and corporate structure chart as Attachment A-2.

PART B – SERVICE AREA OR CUSTOMERS SERVED

B-1 IS APPLICABLE TO OPTION 1 REPS ONLY.

B-1. Option 1 REP – An applicant must identify its service area by geography by selecting one of the options below.

- Entire state of Texas.
- Service area of one or more transmission and distribution utilities (TDUs), municipally owned utilities, or electric cooperatives. Identify entity's service territory:
- Geographic area of one or more independent organizations (e.g. ERCOT) within Texas. Identify each independent organization:
- Specific geographic area. Identify on, and provide as, Attachment B-1 the zip codes defining the requested service area.

B-2 IS APPLICABLE TO OPTION 2 REPS ONLY.

B-2. Option 2 REP – An applicant must identify its customers.

- Provide as Attachment B-2A an affidavit confirming the applicant will only provide services to customers using one megawatt or more of electricity with which it has contracted to provide services.
- Within 30 days of the application being approved, or before the application is approved, provide as Attachment B-2B an affidavit from each of the REP's customers with which it has contracted to provide one (1) megawatt of energy or more and that the customer accepts the REP's ability to provide continuous and reliable electric service based on the REP's financial, managerial, and technical resources.
- Applicant acknowledges that failure for any reason to provide a customer affidavit within 30 days of the application for an Option 2 REP certificate being approved will result in the REP certificate being administratively revoked. The REP will not be certificated to supply retail electric service to any customers for which the applicant does not provide an affidavit for within 30 days of the application being approved

Name of Customer(s):

B-3 IS APPLICABLE TO OPTION 3 REPS ONLY.

B-3. Option 3 REP – An applicant must identify its customer.

- Provide as Attachment B-3 an affidavit which states that the applicant is in compliance with 16 TAC §§ 25.107(d)(2)(J), 25.109, 25.211, and 25.212.

Name of the Power Generation Company (PGC):

PGC Commission registration number:

Name of the non-residential or small commercial end-use Customer(s):

PART C – FINANCIAL REQUIREMENTS

C-1 IS APPLICABLE TO OPTION 1, 2, AND 3 REPS.

C-1. Collection of Transition Charges – An applicant must comply with 16 TAC § 25.107(j).

Applicant must complete one of the options below.

- Yes, applicant will collect transition charges, as applicable.
- No, applicant will not collect transition charges.

C-2, C-3, C-4, AND C-5 ARE APPLICABLE TO OPTION 1 REPS ONLY.

C-2. Access to Capital – An applicant must choose one of the two methods below ((a) or (b)) to demonstrate that an applicant meets the access to capital requirements stated in 16 TAC § 25.107(f)(1).

(a). Guarantor – If applicant elects to maintain an executed version of the Commission approved standard form irrevocable guaranty agreement under 16 TAC § 25.107(f)(1)(A), then applicant must complete the below information.

Name of Guarantor(s):

Guarantor must have an investment grade credit rating OR adequate tangible net worth. Applicant must complete one of the options below.

- Guarantor has an investment grade credit rating.** If the applicant elects to meet the requirements of 16 TAC § 25.107(f)(1)(A)(ii)(I), provide as Attachment C-2A the documentation required by § 25.107(f)(4)(A) demonstrating an investment grade credit rating.
- Guarantor has adequate tangible net worth.** If the applicant elects to meet the requirements of 16 TAC § 25.107(f)(1)(A)(ii)(II), provide as Attachment C-2A the documentation required by 16 TAC § 25.107(f)(4)(B) demonstrating tangible net worth greater than or equal to \$100,000,000, a minimum current ratio of 1.0, and a debt to total capitalization ratio not greater than 0.60.

Guarantor must be an affiliate(s) of the applicant, a financial institution, OR a wholesale power provider. Applicant must complete one of the options below.

- Guarantor is an affiliate(s) of the applicant.**
- Guarantor is a financial institution.** If the applicant elects to meet the requirements of 16 TAC § 25.107(f)(1)(A)(i)(II), provide as Attachment C-2B the documentation required by 16 TAC § 25.107(f)(4)(A) demonstrating an investment grade credit rating.
- Guarantor is a provider of wholesale power supply, or is otherwise an affiliate of a provider of wholesale power supply, for the applicant.** If the applicant elects to meet the requirements of 16 TAC § 25.107(f)(1)(A)(i)(III), provide as Attachment C-2B the documentation required by 16 TAC § 25.107(f)(4)(H) demonstrating an executed power purchase agreement and as applicable, proof of the guarantor's affiliation with the applicant's provider of wholesale power supply.

Applicant must complete both of the options below indicating the irrevocable guaranty agreement is executed and filed in compliance with 16 TAC § 25.107(f)(4)(G).

- Execution of guaranty agreement.** Applicant has executed a Commission approved standard form irrevocable guaranty agreement as required by 16 TAC § 25.107(f)(4)(G)(i) and (ii).

- Filing of executed guaranty agreement.** Applicant has filed the executed irrevocable guaranty agreement in Project No. 54827. **The Item No. is:**

(b). Letter of Credit – If applicant elects to maintain an irrevocable stand-by letter of credit payable to the Commission under 16 TAC § 25.107(f)(1)(B), then the applicant must complete the below information.

Applicant must demonstrate it has \$1,000,000 in shareholders' equity or that it has been serving load for two years or longer. Applicant must complete one of the options below.

- Applicant has \$1,000,000 in shareholders' equity.** Applicant must provide as Attachment C-2A the documentation required by 16 TAC § 25.107(f)(4)(C) demonstrating adequate shareholders' equity.
- Applicant has been serving load two years or longer and is exempt from requirement.** Applicant must provide the date it started serving load to prove it is exempt from the shareholders' equity requirement under 16 TAC § 25.107(f)(1)(B)(v). **Date REP started serving load:**

Applicant must complete both of the options below indicating the irrevocable stand-by letter of credit is executed and filed in compliance with 16 TAC § 25.107(f)(4)(F).

- Execution of letter of credit.** Applicant has executed a Commission approved standard form irrevocable stand-by letter of credit payable to the Commission with a face value based on the number of electronic service identifies (ESI IDs) the REP serves in accordance with the requirements of 16 TAC § 25.107(f)(1)(B)(i)-(iii).
- Filing of letter of credit.** Applicant has filed an irrevocable stand-by letter of credit in Project No. 37919. **The Item No. is:**

C-3. Protection of Customer Deposits and Prepayments -- An applicant that seeks to have the option of collecting customer deposits or prepayments must indicate its intention to do so and provide as Attachment C-3 the documentation required by 16 TAC § 25.107(f)(4)(D), (E), or (F), as applicable, that demonstrate compliance with 16 TAC § 25.107(f)(2). A REP collecting customer deposits must also comply with the requirements of 16 TAC § 25.478. A REP collecting customer prepayments must also comply with the requirements of 16 TAC § 25.498.

Applicant must complete one of the options below.

- Yes, applicant seeks to collect customer deposits AND prepayments.
- Yes, applicant seeks to collect customer deposits.
- Yes, applicant seeks to collect customer prepayments.
- No, applicant does not seek to collect customer deposits or prepayments.

If applicant seeks to collect customer deposits or prepayments (i.e. previously checked "Yes" above), applicant must check one of the options below indicating how it will protect customer deposits or prepayments, and if applicable, complete the relevant sub-option.

- Applicant will use and maintain a segregated cash account.** If the applicant seeks to protect customer deposits or prepayments with a segregated cash account, provide as Attachment C-3 the

documentation required by 16 TAC § 25.107(f)(4)(D) demonstrating compliance with 16 TAC § 25.107(f)(2).

- Applicant will use and maintain an escrow account.** If the applicant seeks to protect customer deposits or prepayments with an escrow account, provide as Attachment C-3 the documentation required by 16 TAC § 25.107(f)(4)(E) demonstrating compliance with 16 TAC § 25.107(f)(2).
- Applicant will use and maintain a letter of credit.** If the applicant seeks to protect customer deposits or prepayments with a letter of credit, then complete the next two sub-options. *If applicable, any irrevocable stand-by letter of credit provided by applicant for customer deposits or prepayments must be in addition to the irrevocable stand-by letter of credit provided under C-2(b).*
 - Execution of letter of credit.** Applicant has executed a Commission approved standard form irrevocable stand-by letter of credit payable to the Commission.
 - Filing of letter of credit.** Applicant has filed an irrevocable stand-by letter of credit in Project No. 37919. **The Item No. is:**

Check these options ONLY IF applicant will collect customer deposits or prepayments (i.e. previously checked “Yes” under C-3). Checking the option acknowledges the applicant’s agreement with each statement, which is required to collect customer deposits or prepayments.

- Acknowledgment for protection customer deposit.** As required by 16 TAC § 25.107(f)(2)(A)(ii), applicant acknowledges that for customer deposits, a segregated cash account, escrow account, or an irrevocable stand-by letter of credit must be adjusted, as necessary, to maintain a minimum of 100% coverage of the REP’s outstanding customer deposits held at the close of each calendar month.
- Acknowledgement for protecting customer prepayments.** As required by 16 TAC § 25.107(f)(2)(A)(iii), applicant acknowledges that for customer prepayments, a REP must maintain, at minimum, protection for all customer prepayments that equals or exceeds \$50. The balance of a segregated cash account, escrow account, or irrevocable stand-by letter of credit must be adjusted, as necessary, to maintain a minimum of 100% coverage of customer prepayment funds equal to or exceeding \$50 held at the close of each calendar month.

C-4. Financial History (Insolvency, Bankruptcy, Dissolution, Merger, or Acquisition) – As required by 16 TAC § 25.107(f)(4), an applicant must identify any and all history of insolvency, bankruptcy, dissolution, merger, or acquisition during the 60 months immediately preceding the filing of the application.

Applicant must complete one of the options below.

- The applicant has a financial history to disclose. Applicant provided as Attachment C-4 explanation of the financial history.
- The applicant does not have a financial history to disclose.

- Acknowledgment of bankruptcy.** Applicant acknowledges that, upon filing a petition for bankruptcy, becoming subject of an involuntary bankruptcy proceeding, or in any manner becomes insolvent, including being in default with the applicable independent organization or with a transmission and distribution utility (TDU), applicant will file a notice in Project No. 54822 as prescribed by 16 TAC § 25.107(f)(3)(A) and (B):
 - ◆ The REP must notify the Commission within three working days of the event and must file with the Commission a summary of the nature of the event as required by 16 TAC § 25.107(f)(3)(A).

- ◆ The notification must be filed in Project no. 54822. If the REP has filed a petition for bankruptcy, then the REP must include in its filing the petition that initiated the bankruptcy as required by 16 TAC § 25.107(f)(3)(B).

C-5. Financial Reporting Year – As required by 16 TAC § 25.107(f)(4), an applicant must report the month and last day of its' or its guarantor's reporting fiscal year.

Month and last day of fiscal year of applicant or guarantor:

PART D – TECHNICAL AND MANAGERIAL REQUIREMENTS

ALL SUB-PARTS ARE APPLICABLE TO OPTION 1 REPS ONLY.

D-1. Customer Service – As required by 16 TAC § 25.107(h)(4)(B), an applicant must identify if it is currently providing service to customers in Texas.

Applicant must complete one of the options below.

- Yes, applicant is currently providing service to customers in Texas.
- No, applicant is not currently providing service to customers in Texas.

D-2. 15 Years Competitive Electric or Gas Industry Experience – In accordance with 16 TAC § 25.107(e)(2)(B), an applicant must complete and provide as Attachment D-2 demonstrating that one or more applicant’s principals and managerial employees have at least 15 years combined experience in the competitive electric or gas industry as required by 16 TAC § 25.107(e)(1)(A).

- Applicant completed and provided Attachment D-2 and provided supporting resumes as part of Attachment D-2.

D-3. Risk Management Experience – In accordance with 16 TAC § 25.107(e)(2)(B) and (C), an applicant must demonstrate that one executive officer or managerial employee of the applicant has five or more years’ experience managing a substantial energy portfolio, OR an applicant can enter into an agreement with a providers of commodity risk management services as required under 16 TAC § 25.107(e)(1)(B).

Applicant must complete one of the options below.

- Applicant completed Attachment D-3 and provided a supporting resume as part of Attachment D-3 for one executive officer or managerial employee demonstrating that the individual has five years’ experience in managing a substantial energy portfolio. Provide specific dollar values of the magnitude of the portfolios managed.
- Applicant provided as Attachment D-3 an executed agreement with a provider of commodity risk management with a term not less than two years. **The agreement expires on:**

D-4. Complaint History, Disciplinary Record and Compliance Record -- Provide as Attachment D-4, any complaint history, disciplinary record and compliance record during the ten years immediately preceding the filing of the application regarding the applicant, the applicant’s corporate parent, all sister companies and subsidiaries of the applicant and the applicant’s corporate parent, and affiliates of the foregoing that provide utility-like services or otherwise involving the applicant’s principals and any person that merged with any of the preceding persons as required by 16 TAC § 25.107(e)(2)(D).

Applicant must complete one of the options below.

- Applicant provided responsive information to 16 TAC § 25.107(e)(2)(D) as Attachment D-4.
- Applicant has nothing to report responsive to 16 TAC § 25.107(e)(2)(D).

D-5. Investigations, Penalties and Violations of Deceptive Trade or Consumer Protection Laws and Regulations – An applicant must complete the affidavit labeled as Attachment D-5. An applicant must further provide as part of Attachment D-5 the information required by 16 TAC § 25.107(e)(2)(E)(i). The affidavit must be notarized and signed by an executive officer of the applicant.

- Applicant completed and provided the affidavit labeled as Attachment D-5. As necessary, applicant provided explanation of information responsive to 16 TAC § 25.107(e)(2)(E)(i).

D-6. Convictions and Liabilities for Fraud, Theft, Larceny, Deceit and Violations of Securities Laws, Customer Protection Laws and Deceptive Trade Laws – An applicant must complete the affidavit labeled as Attachment D-6. An applicant must further provide as Attachment D-6 the information required by 16 TAC § 25.107(e)(2)(E)(ii). The affidavit must be notarized and signed by an executive officer of the applicant.

- Applicant completed and provided the affidavit labeled as Attachment D-6. As necessary, applicant provided explanation of information responsive to 16 TAC § 25.107(e)(2)(E)(ii).

D-7. Third-Party Providers Relied Upon – In accordance with 16 TAC § 25.107(e)(2)(A), applicant must provide as Attachment D-7 a list of all third-party providers accompanied by a description of each third-party provider’s responsibilities and delegation of authority. Under 16 TAC § 25.107(b)(16) a third-party provider can include a contractor, consultant, agent, or any other person not directly employed by the REP.

- Applicant completed and provided Attachment D-7 and provided the information in a word-searchable file and in a format native to Microsoft Excel (such as .xls, .xlsx, .xlsm, etc.).

PART E – RELINQUISHMENT OF CERTIFICATION

ALL SUB-PARTS ARE APPLICABLE TO OPTION 1, 2, AND 3 REPS.

E-1. Provision of Notice - 45 days prior to REP relinquishment of certification.

Date that the REP satisfied, or will satisfy, the notice requirements of 16 TAC § 25.107(h)(3):

- REP provided a copy of the relinquishment of certification notice required by 16 TAC § 25.107(h)(3) as Attachment E-1.

Date that the REP will, or has, ceased operations as a REP:

E-2. Customer Notice of REP Relinquishment of Certification – Prior to a REP ceasing operations as a REP, a REP must provide its customers notice.

Applicant must complete one of the options below.

- Yes, REP has or will provide customers 45 days' notice prior to ceasing REP operations. REP provided a copy of the customer notice as Attachment E-2.
- No, REP did not and will not provide customers 45 days' notice prior to ceasing REP operations. REP provided an explanation as Attachment E-2.

E-3. Other Notices of REP Relinquishment of Certification – Prior to a REP ceasing operations as a REP, a REP must notify, the Low Income Discount Administrator, the applicable independent organization, and all TDUs and providers of last resort (POLR) in whose service territory the REP serves customers. As applicable, a REP must also notify all electric cooperatives and municipally owned utilities in whose service territory the REP serves customers.

Applicant must complete one of the options below.

- Yes, REP has or will provide all of the above entities 45 days' notice prior to ceasing REP operations.
- No, REP did not and will not provide any, or all, of the above entities 45 days' notice prior to ceasing REP operations. REP provided an explanation as Attachment E-3.

E-4. Customer Deposits and Prepayments

- REP has provided as Attachment E-4 proof that it has refunded, credited, or transferred all monies owed to customers.

E-5. Outstanding Compliance Requirements

- REP has provided as Attachment E-5 an affidavit from an executive officer attesting to which person or entity will be responsible for any outstanding compliance requirements, including payments of any administrative penalties, once the REP's certificate relinquishment is complete.

ATTACHMENT MI-3

AFFIDAVIT FOR ALL APPLICATIONS

General Affidavit

State of: §

§

County of: §

My name is . I am the of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider (REP) certificate, that I am competent to attest to those facts, and that I have the authority to make this statement on behalf of the applicant. I further swear and affirm that all of the statements and representations made in this application for a REP certificate, or amendment to a REP certification, are true and correct. I swear and affirm that the applicant understands and will comply with all requirements applicable to a REP.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20 ____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT MI-4

AFFIDAVIT FOR ALL OPTION 1 REP APPLICATIONS

Affidavit of Compliance with 16 TAC § 25.107(e)(2)(E)(iv) and (v)

State of: §
§
County of: §

My name is _____ I am the _____ of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider (REP) certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear and affirm that the applicant has provided all information as an attachment to this application regarding any current principal, executive officer, employee, or third-party provider of the applicant that:

- (1) exercised direct or indirect control over a REP that experienced a mass transition of the REP’s customers under 16 Texas Administrative Code § 25.43 (relating to Provider of Last Resort) at any time within the six months prior to the mass transition;
- (2) exercised direct or indirect control over a market participant at any time within the six months prior to a market participant having had its Electric Reliability Council of Texas Standard Form Market Participant Agreement terminated or a similar agreement for an applicable independent organization other than ERCOT terminated;
- (3) exercised direct or indirect control of a market participant within the prior six months of a market participant having exited an electricity or gas market with outstanding payment obligations that remain outstanding; or
- (4) have been barred, in any way, participation by Commission order.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20_____.

Notary Public in and for the State of _____.
My commission expires on: _____.

ATTACHMENT OI-8

QSE Information

Term of service agreement:

Date service agreement began:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll Free no.:

Term of service agreement:

Date service agreement began:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll free no.:

Term of service agreement:

Date service agreement began:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll free no.:

ATTACHMENT OI-9

Affidavit of Compliance with 16 TAC § 25.107(e)(2)(E)(iii)

State of: §

§

County of: §

My name is . I am the of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear that the applicant will register with or be certified by Electric Reliability Council of Texas or other applicable independent organization and will comply with the technical and managerial requirements of this subsection; or that entities with whom the applicant has a contractual relationship are registered with or certified by the independent organization and will comply with all system rules established by the independent organization.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20 ____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT B-2A

Option II REP Affidavit

State of: §

§

County of: §

My name is _____ I am the _____ of the applicant.

I swear and affirm that I have personal knowledge of the facts in this affidavit, that I am competent to attest to these facts, and that I have the authority to make this statement on behalf of the customer of the applicant retail electric provider.

I further swear and affirm that that applicant will only contract with customer to provide one megawatt or more of energy.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the _____ **day of** _____, **20**_____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT B-2B

Option II REP Customer Affidavit

State of: §

§

County of: §

My name is . I am the of the applicant’s customer.

I swear and affirm that I have personal knowledge of the facts in this affidavit, that I am competent to attest to these facts, and that I have the authority to make this statement on behalf of the customer of the applicant retail electric provider (REP).

I further swear and affirm that has contracted with the REP for the provision of one megawatt or more of energy of retail electric service. Our company is satisfied that the REP meets the standards prescribed by Public Utility Regulatory Act § 39.352(b)(1)-(3) and (c).

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20 ____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT B-3

Option III REP Affidavit

State of: §

§

County of: §

My name is . I am the of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear and affirm that the distributed generation facility from which our company buys electricity is owned by a power generating company that has registered in accordance with 16 TAC § 25.109 (relating to Registration of Power Generation Companies and Self-Generators), and that our electric service will:

- (A) conform to the requirements of 16 TAC § 25.211 (relating to Interconnection of On-Site Distributed Generation (DG)) and 16 TAC § 25.212 (relating to Technical Requirements for Interconnection and Parallel Operation of On-Site Distributed Generation);
- (B) be installed by a licensed electrician, consistent with the requirements of the Texas Department of Licensing and Regulation; and
- (C) be installed in accordance with the National Electric Safety Code as adopted by the Texas Department of Licensing and Regulation; and in compliance with all applicable local and regional building codes.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT D-2

Competitive Electric or Gas Industry Experience relied upon to meet Technical Qualifications

| | |
|-------------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact name: | Contact's title: |
| Phone no.: | Email: |

| | |
|-------------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact name: | Contact's title: |
| Phone no.: | Email: |

| | |
|-------------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact name: | Contact's title: |
| Phone no.: | Email: |

| | |
|-------------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact name: | Contact's title: |
| Phone no.: | Email: |

| | |
|--------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact: | Contact's title: |
| Phone no.: | Email: |

| | |
|--------------------|--------------------|
| Name: | Title: |
| Employer: | Employment period: |
| Verifying contact: | Contact's title: |
| Phone no.: | Email: |

ATTACHMENT D-3

Risk Management Experience relied upon to meet Technical Qualifications

| | |
|---------------------|--|
| Contact name: | Title: |
| Company name: | Years of experience or time period worked: |
| Type of experience: | Dollar value of portfolios managed: |
| Phone no.: | Email: |

ATTACHMENT D-5

Affidavit of Compliance with 16 TAC § 25.107(e)(2)(E)(i)

State of: §

§

County of: §

My name is . I am the of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear and affirm that the applicant has provided all information as an attachment to this application regarding the applicant or the applicant’s principals that are currently under investigation or have been penalized by an attorney general or any state or federal regulatory agency for violation of any deceptive trade or consumer protection laws or regulations.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ day of _____, 20____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT D-6

Affidavit of Compliance with 16 TAC § 25.107(e)(2)(E)(ii)

State of: §

§

County of: §

My name is . I am the of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear and affirm that the applicant has provided all information as an attachment to this application regarding the applicant or applicant’s principals that have been convicted or found liable for fraud, theft, larceny, deceit, or violations of any securities laws, customer protection laws, or deceptive trade laws in any state.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the ____ **day of** _____, **20**_____.

Notary Public in and for the State of _____.

My commission expires on: _____.

ATTACHMENT D-7

Third-Party Providers Relied Upon

Type of service provided (billing, customer service, etc.):

Term of service agreement:

Date service agreement began:

Type of experience:

Years of experience:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll free no.:

Type of service provided (billing, customer service, etc.):

Term of service agreement:

Date service agreement began:

Type of experience:

Years of experience:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll free no.:

Type of service provided (billing, customer service, etc.):

Term of service agreement:

Date service agreement began:

Type of experience:

Years of experience:

Company name:

Contact name:

Title:

Physical address:

City:

State:

ZIP:

Email:

Web address:

Phone no.:

Toll free no.:

ATTACHMENT E-5
REP Relinquishment Affidavit

State of: §

§

County of: §

My name is _____ . I am the _____ of the applicant.

I swear and affirm that I have personal knowledge of the facts stated in this application for, or amendment to, a retail electric provider certificate, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the applicant.

I further swear and affirm that _____ will be responsible for any outstanding compliance requirements, including payments of administrative penalties, once the applicant's retail electric provider certificate relinquishment is complete.

Signature

Typed or Printed Name

Title of Signatory

SWORN TO AND SUBSCRIBED before me on the _____ **day of** _____, 20____.

Notary Public in and For the State of _____.

My commission expires on: _____.

APPENDIX

Notice Contact Information

Send email announcing relinquishment of REP certification with a copy of the Relinquishment Application and Project Number (if known) to: mpappl@ercot.com. If you have any questions, please contact:

Electric Reliability Council of Texas

Attn: Market Participant Registration

Office Phone: 512-225-7026

Fax Number: 512-225-7079

mpregistration@ercot.com

Public Utility Commission of Texas

Low Income Discount Administrator (LIDA ADMINISTRATOR)

1701 North Congress Avenue

P.O. Box 13326

Austin, Texas 78711-3326

Office Phone: 512-936-7002

Fax Number: 512-936-7058

LIDAAdmin@puc.texas.gov

Do not file these addresses with the application.