

## **AGGREGATOR REGISTRATION** *For the Texas Retail Electric Market*

### **INSTRUCTIONS, FORM, AND AFFIDAVIT**

#### **WHO MUST REGISTER**

The role of an aggregator in the restructured electric retail market of Texas is that of a buyer's agent. An aggregator joins two or more customers into a single purchasing unit to negotiate the purchase of electricity on behalf of a customer group. Aggregators do not take title to electricity, resell it, or collect money for electric services (except that Class II.B aggregators have an option to do so).

A party interested in selling electricity, or acting as a seller's agent, is not an aggregator and does not need to fill out this Registration Form. Instead, a seller or seller's agent must either be certified as a retail electric provider (REP) and abide by Commission rules for REPs, or alternatively operate under contract with a REP to provide some segment of services for a REP under the same standard to which the REP is held accountable for that particular service.

Any person, municipality, political subdivision, or political subdivision corporation that aggregates the loads of two or more electric service customers for purposes of purchasing electricity services shall register with the Commission using this Registration Form. Such entities may *NOT* provide aggregation services in Texas unless they are so registered with the Commission. A single electricity customer, including a municipality or political subdivision, aggregating its own electric service across multiple locations does *NOT* need to register with the Commission.

#### **FILING INSTRUCTIONS**

A **sworn** Registration Form and Affidavit should be submitted to:

Central Records Filing Clerk  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
Telephone: (512) 936-7180

A complete submission of the Registration Form consists of a properly completed form, including the cover page and question pages, any necessary supporting documentation, and a signed and notarized Affidavit. The registering party shall file the completed form in compliance<sup>1</sup> with the Commission's Procedural Rules, which can be found on the Commission's web site, <http://www.puc.state.tx.us>.

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<sup>1</sup> If the registering party believes that specific information in its completed Registration Form is not subject to disclosure under the Texas Open Records Act, V.T.C.A., Government Code § 552.001 et seq. (Vernon Supp. 2000), the registering party may label that information confidential, citing the applicable provisions of the Open Records Act. Information labeled confidential will be treated as set forth in the generic protective order issued by

- A response must be provided for *EVERY* question. If you believe a question is not applicable, explain why the question is not applicable. The acronym “N/A” and the phrase “Not Applicable” are not appropriate responses to any question on the form.
- Seven copies (six copies and one original) of the completed form must be submitted at the time of filing the registration with the Commission’s Central Records Division.
- These instructions are not to be filed with the application. *(DO NOT FILE pages i-x of this document, which are labeled “Instructions” at the bottom of each sheet).*

The registering party must answer all of the questions on this Registration Form in a truthful, correct, and complete manner, and must promptly notify the Commission of any substantive changes in the information provided in this application by filing seven copies (six copies and one original) of the changes with the Commission’s Filing Clerk.

The registering party is subject to and must be familiar with the Public Utility Regulatory Act (PURA) and the Commission’s Substantive Rules, especially as related to the registration of aggregators.

- PURA § 39.353 and P.U.C. SUBST. R. 25.111 (the Aggregator Rule) govern the registration of aggregators, and may be found on the Business Opportunities page of the Commission’s Internet site, along with other information pertaining to aggregators and other market participants, at:

<http://www.puc.state.tx.us/electric/business/index.cfm>

- Specific provisions of the Aggregator Rule related to these requirements are noted in [brackets]. Consult the cited rule if questions arise about a provision.

## **FILLING OUT THE REGISTRATION FORM AND AFFIDAVIT**

The registering party must complete each of the several parts of the Registration Form that are applicable to the aggregator classification(s) it seeks, as follows:

- Class I:** Parts A, B, C, and Affidavit.
- Class II.A:** Parts A, B, C, and Affidavit
- Class II.B:** Part A and Affidavit.
- Class II.C:** Part A and Affidavit.
- Class II.D:** Parts A, B, C, and Affidavit.

The owner, partner, or officer of the registering party must swear to and affirm the truthfulness, correctness, and completeness of the information provided in this registration by means of attaching a signed and notarized copy of the Affidavit provided with this Registration Form.

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the Commission on August 24, 2000, a copy of which can be obtained from the web page address listed above. Confidential information shall be filed in accordance with the Commission’s Procedural Rules § 22.306. The Registration Form may not be deemed confidential in its entirety. Two copies of the confidential information shall be filed with Central Records, in two separate envelopes that are clearly marked confidential, at the same time the completed Registration Form is filed.

## INSTRUCTIONS TO PART A – GENERAL INFORMATION

### ***APPLICABLE TO ALL REGISTERING PARTIES***

1. **Legal name of registering party.** Persons who must register with the Secretary of State, must use the name registered with the Secretary of State. [P.U.C. SUBST. R. 25.111(e)(1) and 25.111(f)(1)(A)]
2. **Type of registering party.** Check the appropriate box on the form according to the definitions stated in the Aggregator Rule [P.U.C. SUBST. R. 25.111(c)], which are repeated here as follows:
  - Person** – an individual, a partnership of two or more persons having a joint or common interest, a mutual or cooperative association, or a corporation, but not including a municipal corporation or an electric cooperative. For purposes of this section, a political subdivision or political subdivision corporation is not a person.
  - Political subdivision** – a county, municipality, hospital district, or any other political subdivision receiving electric service from an entity that has implemented customer choice.
  - Political subdivision corporation** – an entity consisting of two or more political subdivisions created to act as an agent, or otherwise, to negotiate the purchase of electricity for the use of the respective public facilities in accordance with Local Government Code (LGC) §303.001.
3. **Types of aggregator registrations sought.** Texas laws and regulatory rules prescribe certain conditions, depending on the type of entity doing the aggregating and the type of customer being aggregated. A registering party may seek to register for more than one type of registration if it can meet the respective eligibility and operational conditions required for each class of aggregators. If an aggregator registers as more than one class of aggregator, it must treat the customers allowed under one class according to the parameters of that class -- while it engages with a set of customers governed according to another class by the respective parameters of that class. With this registration, as confirmed by the signed and notarized Affidavit submitted with this Registration Form, an aggregator commits to operating within the laws and rules specific to that class of aggregator.

The registering party is required to review the operational conditions below and select the appropriate box or boxes on the form. [P.U.C. SUBST. R. 25.111(d)]

- Class I Aggregator.** Generally a private entity that aggregates private customers. A Class I aggregator shall:
  - be a person;
  - not be a REP or an affiliate of a REP;
  - not aggregate municipalities, political subdivisions, or political subdivision corporations
  - not take title to electricity;
  - not accept any money associated with payment or prepayment for electric service, as distinguished from aggregation services, unless it does so under contract with a REP, consistent with any rules adopted by the commission relating to customer billing as an independent billing agent for a REP,

- comply with the customer protection rules, disclosure requirements, and marketing guidelines of PURA and this title; and
  - comply with any other terms and conditions established by the commission to regulate reliability and integrity of aggregators.
- **Class II Aggregators.** Shall not be a REP or an affiliate of a REP and shall register pursuant to at least one of the subclasses listed below. By registering for it, a Class II aggregator commits to meeting the eligibility and operational requirements of that subclass on an ongoing basis.
- **Class II.A Aggregator:** Person that aggregates two or more authorizing municipalities, political subdivisions, or both, to negotiate the purchase of electricity from REPs for the facilities of the aggregated parties.
    - A person aggregating political subdivisions pursuant to this subparagraph may not take title to electricity.
    - The authorizations shall be written and may specify the buyer's agent role of the aggregator to the extent desired by the political subdivision.
  - **Class II.B Aggregator:** Political subdivision corporation aggregating authorizing political subdivisions, including municipal governing bodies, into single or multiple purchasing units to negotiate the purchase of electricity from REPs for the facilities of the aggregated parties.
    - A political subdivision corporation aggregating political subdivisions pursuant to this subparagraph may take title to electricity.
  - **Class II.C Aggregator:** A municipality or other political subdivision may negotiate for the purchase of electricity and energy services on behalf of each affirmatively requesting citizen of the municipality in accordance with LGC §303.002.
    - The Class II.C aggregator has the option to contract with a third party or another aggregator for the administration of the aggregation of the services purchased by affirmatively requesting citizens.
    - An affirmatively requesting citizen is a resident of the political subdivision who voluntarily agrees to participate in the aggregation by a means that may be verified after the fact.
    - If the Class II.C aggregator contracts for the administration function with a third party that is a person, other than its own employee, the person must be registered as a Class II.D aggregator.
    - The function of the Class II.C aggregator is to aggregate the loads of individual citizen customers. The Class II.C aggregator may not take title to electricity and resell it to accomplish this function.
  - **Class II.D Aggregator:** A person subject to a contract with a municipality or other political subdivision in accordance with LGC § 303.002 to administer the aggregation of electricity and energy services purchased for each requesting citizen.
    - The Class II.D registration authorizes its holder to administer a citizen aggregation program on behalf of the political subdivision but does not authorize its holder to

negotiate for the purchase of electricity and energy services on behalf of the citizens of the political subdivision.

- An administrator of citizen aggregation must register as a Class II.D aggregator when the administrator meets the definition of “person” under this section, except when the person is an individual employed by the political subdivision conducting citizen aggregation pursuant to LGC § 303.002.
4. **Other names.** List any trade, commercial, and doing-business-as (d/b/a) names, other than the legal name listed in #1 above, that the registering party intends to use. Any name in which a corporation intends to operate must be registered with the Secretary of State. [P.U.C. SUBST. R. 25.111(e)(1) and (f)(1)(A)]
  5. **Address.** If the registering party's principal place of business is outside of Texas, the out-of-state address, telephone and fax numbers, and the name of an individual to contact in reference to Texas aggregation, must also be provided in addition to its Texas business address. [P.U.C. SUBST. R. 25.111(e)(2) and (f)(1)(B)]
  6. **Officers.** This response must be provided separately and labeled as **Attachment A**. [P.U.C. SUBST. R. 25.111(e)(3) and (f)(1)(C)]
  7. **Affiliates.** Persons registering pursuant to the Alternative Limited Registration standard may skip this item. However, if registering under the Standard Registration option, this response must be provided separately and labeled as **Attachment B**. [P.U.C. SUBST. R. 25.111(e)(4) and (f)(1)(J)]
  8. **Customer service contact.** If the registering party does not have a dedicated customer service or member services department, then the name, title, and telephone number of the customer service contact person must be provided. [P.U.C. SUBST. R. 25.111(e)(5) and (f)(1)(D)]
  9. **Regulatory contact and agent for service of process.** Provide the name, business address, telephone number, fax number, and email address for the registering party's regulatory contact person. If the regulatory contact person is not also the registering party's designated agent for service of process, provide all of the same information separately for the agent. [P.U.C. SUBST. R. 25.111(e)(6) and (f)(1)(E)]
  10. **Customers.** In addition to selecting from the class options provided, the Commission requests further description of the types of customers the registering party intends to seek in order to verify that the registration is correctly classified. [P.U.C. SUBST. R. 25.111(e)(7) and (f)(1)(F)]

***CLASS II.B AND CLASS II.C REGISTERING PARTIES MAY STOP HERE, COMPLETE THE AFFIDAVIT, AND THEN SUBMIT ALL MATERIALS, INCLUDING ATTACHMENTS A AND B, TO THE COMMISSION.***

## INSTRUCTIONS TO PART B – TECHNICAL AND CUSTOMER PROTECTION INFORMATION:

### **APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A AND CLASS II.D**

- **1. STANDARD REGISTRATION.** For this type of registration, the registering party must provide the following items of information:
- (a) **Texas Secretary of State records.** The list on the Registration Form of possible filings with the secretary of state is not all-inclusive. A registering party should submit any additional information determined relevant. Supporting documents for the any of the company names that are submitted in Item 4 of Part A should be included. [P.U.C. SUBST. R. 25.111 (f)(1)(G)]
  - (b) **Tax delinquency disclosure.** Include any delinquency by the registering party, or its principals, that has occurred in the last 3 calendar years with respect to any taxing authority within Texas. (Texas taxes include both the corporate franchise tax and the state sales tax. [P.U.C. SUBST. R. 25.111 (f)(1)(H)]
  - (c) **Prior experience.** It is not necessary for a registering party to have prior experience aggregating electric service customers in order to become registered as an aggregator. However, any prior experience expected to contribute to the successful business operation of the registering party must be reported here as part of the registration process. [P.U.C. SUBST. R. 25.111 (f)(1)(I)]
  - (d) **Affiliate and agency relationships.** Any affiliate or agency relationships must be disclosed to the Commission at the time of registration and to customers prior to the time they agree to be aggregated. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
  - (e) **Activities in other states.** List the other states, if any, in which the registering party, and/or its affiliates and subsidiaries that provide utility-related services, currently conduct business or previously conducted business within the past 3 calendar years. Examples of the registering party's affiliates or subsidiaries that provide utility related services include those that provide telecommunications, electric, gas, water, or cable services. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
  - (f) **Compensation sources.** Disclosure of the registering party's known or anticipated sources of compensation for aggregation services, and an explanation of plans for disclosure of those compensation sources to its customers. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
  - (g) **Bankruptcy disclosure.** Disclose the history of bankruptcy or liquidation proceedings of the registering party, any predecessors in interest, or any related affiliates in the three calendar years immediately preceding the registration request. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
  - (h) **Disclosure of fraud or liability.** Disclose whether *or not* the registering party, a predecessor, an officer, director or principal has been convicted or found liable for fraud,

theft or larceny, deceit, or violations of any customer protection or deceptive trade laws in any state. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]

- (i) **Investigation status.** Provide a complete statement indicating whether *or not* the registering party is currently under criminal and/or civil investigation, as detailed on the Registration Form. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
  - (j) **Complaint history.** Provide the following information, specified as shown below by P.U.C. SUBST. R. 25.111(f)(1)(J), regarding the registering party's complaint history during the three years preceding this registration request:
    - (i) Any complaint history regarding the registering party, registering party's affiliates or subsidiaries that provide utility-related services, such as telecommunications, electric, gas, water, or cable service, the registering party's predecessors in interest, and principals with public utility commissions or public service commissions in other states where the registering party is doing business or has done business in the past. Relevant information shall include, but not be limited to, the number of complaints, the type of complaint, status of complaint, resolution of complaint and the number of customers in each state where complaints occurred. The Office of Customer Protection shall provide similar complaint information on file at the commission for review.
    - (ii) Any complaint history regarding the registering party, registering party's affiliates or subsidiaries that provide utility-related services, such as telecommunications, electric, gas, water or cable service, the registering party's predecessors in interest, and principals on file with the Texas Secretary of State, Texas Comptroller's Office, Office of the Texas Attorney General, and the Attorney General in other states where the registering party is doing business.
  - (k) **Pending authorizations from public entities (Class II.A or II.D aggregators only).** If the registering party is registering as either a Class II.A or II.D aggregator, list all agreements, if any, pending at the time of filing its Registration Form with public entities authorizing the registering party to aggregate their loads or that of their citizens. [P.U.C. SUBST. R. 25.111 (f)(1)(J)]
- **2. ALTERNATIVE LIMITED REGISTRATION.** A person registering under this Alternative Limited Registration is limited to aggregating only customers who individually contract for 250 kilowatts or more of peak demand electricity and who are informed that the limited aggregator has not completed the standard registration requirements of other aggregators. [P.U.C. SUBST. R. 25.111(g)(2)] Registration requirements under this alternative registration option include:
- (a) Swearing to the statement on the Registration Form that the aggregator will maintain written consent from each customer it wishes to serve, authorizing the person to provide aggregation services for that customer;
  - (b) Providing as **Attachment D** the information required by paragraphs (a), (b), (c), (g), (h), (i), and (k) of the Standard Registration requirements. (Parties registering by means of the Alternative Limited Registration option are exempted from disclosing the affiliate names, other state activity, compensation sources, and complaint history required by paragraphs

(d), (e), (f) and (j) of the Standard Registration requirements, and from the affiliate disclosure required by Item 7 in Part A.)

## INSTRUCTIONS TO PART C – FINANCIAL RESOURCE INFORMATION

### **APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A, AND CLASS II.D**

- 1. Financial requirements for certain persons.** A person that intends to take any deposits or other advance payments from electricity customers for aggregation services, as distinguished from retail electric services, shall demonstrate access to a level of financial resources necessary to protect customers from the loss of deposits or other advance payments through fraud, business failure or from other causes. Aggregation services are distinct from retail electric services.

To indicate the registering party's appropriate intention concerning the collection of deposits or other advance payments, the registering party must check *either* the box beside the "YES..." statement or the box beside the "NO..." statement on the Registration Form. A person selecting the "NO..." statement commits that it shall, if it later decides to take prepayments, amend its registration in advance of accepting such deposits or other advance payments for aggregation services. With such an amendment, the person must make a showing to the Commission that it is able to comply with the financial requirements of P.U.C SUBST. R. 25.111.

- 2. Method of Financial Qualification.** A person that indicates "YES..." under Item No. 1 above must meet financial qualifications due to its stated intent to collect advance payments. The person shall demonstrate its financial strength and viability through either the Standard Financial Qualifications or the Alternative Financial Qualifications for Limited Registration (The registering party must check the appropriate box on the Registration Form and must provide the respective documentation).

- STANDARD FINANCIAL QUALIFICATIONS.** The amount of required financial resources shall equal the registering person's cumulative obligations to customers arising from deposits or other advance payments for aggregation services made by customers prior to the delivery of those aggregation services. The registering party must provide:

- (a) Calculation methodology.** Disclose and explain the registering party's methodology for calculating the required financial resources on the Registration Form.

- (b) Financial evidence.** An aggregator may use any of the financial instruments listed below, or any other financial instruments approved in advance by the commission, in order to satisfy the financial requirements established by this rule. Indicate which of these instruments are being supplied with this registration:

- Cash or cash equivalent, including cashier's check or sight draft.
    - A certificate of deposit with a bank or other financial institution.

- A letter of credit issued by a bank or other financial institution, irrevocable for a period of at least 15 months.
  - A line of credit or other loan issued by a bank or other financial institution, including a bond in a form approved by the commission, irrevocable for a period of at least 15 months.
  - A loan issued by a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant, irrevocable for a period of at least 15 months.
  - A guaranty issued by a shareholder or principal of the applicant; a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant; irrevocable for period of at least 15 months.
- (c) **Financial integrity of loans or guarantees.** To the extent that it relies upon a loan or guaranty described in the above list, the aggregator shall provide financial evidence sufficient to demonstrate that the lender or guarantor possesses the financial resources needed to fund the loan or guaranty.
- (d) **Unencumbered resources.** All cash and other instruments, listed above as evidence of financial resources, shall be unencumbered by pledges for collateral. These financial resources shall be subject to verification and review prior to registration of the aggregator and at any time after registration in which the aggregator relies on the cash or other financial instrument to meet the requirements under this subsection. The resources available to the aggregator must be authenticated by independent, third party documentation.
- (e) **Credit ratings.** To meet these financial requirements, an aggregator may rely upon either its own investment grade credit rating, or a bond, guaranty, or other corporate commitment of an affiliate or another company, if the entity providing such security is also rated investment grade. The determination of such investment grade quality will be based on the credit ratings of either Standard & Poors (S&P) or Moody's Investor Services (Moody's). If the investment grade credit rating of either S&P or Moody's is suspended or withdrawn, the aggregator must provide alternative financial evidence to the Commission within ten days of the credit downgrade.
- (f) **Disclosure to financial backers.** A person registering on the basis of the Standard Financial Qualifications shall provide evidence that a copy of P.U.C. SUBST. R. 25.111 (the Aggregator Rule) has been provided to any party providing, either directly or indirectly, financial resources cited here in the person's Standard Financial Qualifications to demonstrate financial viability.
- ALTERNATIVE FINANCIAL QUALIFICATIONS FOR LIMITED REGISTRATION.** A person that intends to take advance payments and who has selected the Alternative Limited Registration (Item 2 of Part B) to aggregate only customers who individually contract for 250 kilowatts or more of peak demand electricity, is allowed an alternative to the Standard Financial Qualification. By selecting the Alternative Financial Qualifications for Limited Registration on the form (checking the box), the person indicates that, with the submission of this registration, it swears and affirms

that it has obtained and will maintain a written consent from each customer it wishes to serve. The written consent must state that the customer is satisfied that the aggregator can provide aggregation services *without* establishing the cash and credit resources prescribed for the Standard Financial Qualification.

## **INSTRUCTIONS TO AFFIDAVIT**

### ***APPLICABLE TO ALL PARTIES***

The designated owner, partner, or officer of the registering party must swear to the truthfulness, correctness, and completeness of the information provided in this Registration Form and supporting documentation via notarized affidavit.

**AGGREGATOR REGISTRATION FORM**  
*For the Texas Retail Electric Market*

**PROJECT NO.** \_\_\_\_\_ (*Assigned by Central Records when registration is initially filed*)

**Registering Party:**

\_\_\_\_\_

**Authorized Representative or Attorney to contact about this application:**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**Agent for Service of Process:**

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**Check the most appropriate box to describe the submission of this document:**

- This submission opens a new aggregator registration.
- This submission supplies additional information for a pending aggregator registration.
- This submission amends an existing, completed aggregator registration.

Review the *Instructions*. Fill out Parts A through C of this Registration Form and the Affidavit according to the aggregator classification(s) desired:

- Class I:** Parts A, B, C, and Affidavit.
- Class II.A:** Parts A, B, C, and Affidavit
- Class II.B:** Part A and Affidavit.
- Class II.C:** Part A and Affidavit.
- Class II.D:** Parts A, B, C, and Affidavit.

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## PART A – GENERAL INFORMATION

### *APPLICABLE TO ALL REGISTERING PARTIES*

1. **Legal Name of Registering Party:** \_\_\_\_\_.

2. **Type of registering party.** Review the definitions in the *Instructions* and check appropriate box:

- Person**
- Political subdivision**
- Political subdivision corporation**

3. **Types of aggregator registrations sought.** Review the required eligibility and operational parameters listed in the *Instructions* and check appropriate box or boxes:

- Class I:** Private entity that aggregates private customers to buy electricity from REPs.
- Class II.A:** Person that aggregates municipalities, political subdivisions, or both.
- Class II.B:** Political subdivision corporation aggregating political subdivisions.
- Class II.C:** Public body that aggregates its citizens.
- Class II.D:** Administrator of citizen aggregation.

4. **Other Names.** List any trade, commercial, and doing-business-as (d/b/a) names, other than the legal name listed in #1 above, under which the registering party intends to operate (Class I, II.A and II.B aggregators are limited to 5 operating names.):

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**5. Address.** List the registering party's Texas business address, telephone number and fax number. Provide the same details for the principal place of business, if different from the Texas business address.

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**6. Officers.** Provide, as **Attachment A**, the names, business addresses, and phone numbers of the registering party's officers, directors, or partners.

**7. Affiliates.** Provide, as **Attachment B**, the names of the registering party's affiliates and subsidiaries that provide utility-related services, such as telecommunications, electric, gas, water or cable (if any).

**8. Customer Service Contact.** List the telephone number of the customer service department.

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**9. Regulatory contact person.** List the name, physical business address, telephone number, fax number, and e-mail address for a regulatory contact person – and for the agent for service of process, if different.

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**10. Customers.** Circle all of the electricity customer classes in the following list that the registering party intends to aggregate:

**RESIDENTIAL    COMMERCIAL    INDUSTRIAL    MUNICIPALITIES    POLITICAL SUBDIVISIONS**

Please provide further detail regarding the classes you have selected:

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***CLASS II.B AND CLASS II.C REGISTERING PARTIES MAY STOP HERE.  
COMPLETE THE AFFIDAVIT AND SUBMIT ALL MATERIALS, INCLUDING  
SUPPORTING ATTACHMENTS A AND B, TO THE COMMISSION.***

## PART B – TECHNICAL AND CUSTOMER PROTECTION INFORMATION

### **APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A, AND CLASS II.D**

Review the attached *Instructions*. Select one of the following two options for registration by checking the appropriate box. By separate attachment, provide the information required for the option chosen.

- 1. STANDARD REGISTRATION.** To exercise the Standard Registration option, check the box at left and provide as **Attachment C** the following additional information:
- (a) **Texas Secretary of State records.** Any applicable information on file with the Texas Secretary of State, such as copies of the registering party's endorsed certificate of incorporation certified by the Texas Secretary of State, the registering party's certificate of good standing, or other business registration on file with the Texas Secretary of State. Include any information under d/b/a (doing-business-as) names.
  - (b) **Tax delinquency disclosure.** Disclose any delinquency with taxing authorities in the state of Texas, including the Comptroller's Office.
  - (c) **Prior experience.** Describe prior experience, if any, of the registering party or one or more of the registering party's principals or employees in the retail electric industry or a related industry.
  - (d) **Affiliate and agency relationships.** Disclose any affiliate or agency relationships and the nature of any affiliate or agency agreements with REPs or transmission and distribution utilities. If such a relationship or agreement exists, explain how the registering party will disclose this information to its customers and to the REPs with whom it does business.
  - (e) **Activities in other states.** List the other states, if any, in which the registering party, and/or its affiliates and subsidiaries providing utility-related services, currently conduct business, or have previously conducted business, within the past 3 calendar years.
  - (f) **Compensation sources.** Disclose the registering party's known or anticipated sources of compensation for aggregation services, and provide an explanation of its plans for disclosure of those compensation sources to its customers.
  - (g) **Bankruptcy disclosure.** Disclose any bankruptcy or liquidation proceedings of the registering party, any predecessors in interest, or its affiliates, within the past 3 calendar years.
  - (h) **Disclosure of fraud or liability.** List any convictions or liability findings of fraud, theft or larceny, deceit, or violations of any customer protection or deceptive trade laws in any state against the registering party, a predecessor, its principals, or its affiliates.
  - (i) **Investigation status.** Provide a statement indicating whether the registering party is currently under criminal or civil investigation, either in this state or in another state or jurisdiction for violation of any customer protection law or regulation.

- (j) **Complaint history.** Provide a complete complaint history list for the past 3 calendar years as required by the Aggregator Rule (*see Instructions* for exact rule requirements).
  - (k) **Pending authorizations (Class II.A or II.D aggregators only).** List pending authorizations, if any, from public entities for the registering party to aggregate their loads or that of their citizens.
- 2. ALTERNATIVE LIMITED REGISTRATION.** To exercise the Alternative Limited Registration described in the Instructions, which limits the size of customers that may be served, check the box at left so that the statement (a) below is incorporated into the Affidavit, and then provide as **Attachment D** the information specified in (b) below.
- (a) By executing the Affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. §25.111(f)(2), which applies to entities that aggregate only customers who seek to contract individually for 250 kilowatts or more of peak demand electricity. Specifically, the registering party swears and affirms that it possesses a written consent from each customer it plans to serve, authorizing the registering party to provide aggregation for that customer.
  - (b) Provide as **Attachment D** the information required by paragraphs (a), (b), (c), (g), (h), (i), and (k) of the Standard Registration requirements.<sup>1</sup>

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## PART C – FINANCIAL RESOURCE INFORMATION

### ***APPLICABLE ONLY TO PARTIES REGISTERING FOR CLASS I, CLASS II.A, AND CLASS II.D.***

**1. Intention to take deposits or other advance payments.** Check only one of the following two statements of intention:

- YES, THE REGISTERING PARTY WILL COLLECT DEPOSITS OR OTHER ADVANCE PAYMENTS FROM ELECTRIC CUSTOMERS IN ADVANCE OF DELIVERING AGGREGATION SERVICES.**

By executing the Affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. §25.111(g)(1)(A)-(D), which applies to any entities that aggregate electricity customers and intend to take any deposits or other advance payments from electricity customers for aggregation services.

If the “YES” box above is selected, proceed to Item No. 2 below to indicate the method of meeting the financial qualifications required by the Aggregator Rule.

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<sup>1</sup> Parties registering by means of the Alternative Limited Registration option are exempted from the information required by paragraphs (d), (e), (f) and (j) of the Standard Registration and from the affiliate disclosure required by No. 7 of *Part A*.

- NO, THE REGISTERING PARTY WILL NOT COLLECT DEPOSITS OR OTHER ADVANCE PAYMENTS FROM CUSTOMERS IN ADVANCE OF DELIVERING AGGREGATION SERVICES.**

By executing the Affidavit attached hereto, the registering party swears and affirms that, if it later decides to take prepayments, it shall amend its registration in advance of accepting such deposits or other advance payments for aggregation services. That amended registration shall demonstrate compliance with P.U.C. SUBST. R. §25.111(g) within 90 days of receiving the first payment for aggregation services and before those services are rendered.

If the “NO” box above is selected, stop here and proceed to the *Affidavit*.

**2. Method of financial qualification.** Check only one of the two boxes below to select one of the two methods for financial qualification to collect deposits and advance payments. The “standard” qualifications are available to any registering party, but the “alternative” qualifications are limited to those parties who have selected the Alternative Limited Registration in Part B. Provide the respective documentation materials indicated for the method selected:

- STANDARD FINANCIAL QUALIFICATIONS.** This method of qualification is the only option for parties registering under the Standard Registration in Part B.
- (a) **Calculation methodology.** The amount of required financial resources equals the registering party's cumulative obligations to customers arising from deposits or other advance payments for aggregation services made by customers prior to the delivery of aggregation services. Provide as **Attachment E** the registering party's methodology for calculating the required amount of financial resources.
- (b) **Financial evidence.** From the following list, indicate which financial instruments are used to demonstrate the registering party's compliance with the Aggregator Rule's financial requirements. Then provide the applicable supporting documentation as required by (c), (d), (e), and (f) below (supply only the applicable attachments).
- A certificate of deposit with a bank or other financial institution;
  - A letter of credit issued by a bank or other financial institution, irrevocable for a period of at least 15 months;
  - A line of credit or other loan issued by a bank or other financial institution, including a bond in a form approved by the commission, irrevocable for a period of at least 15 months;
  - A loan issued by a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant, irrevocable for a period of at least 15 months;
  - A guaranty issued by a shareholder or principal of the applicant; a subsidiary or affiliate of the applicant or a corporation holding controlling interest in the applicant; irrevocable for period of at least 15 months.

- An investment grade credit rating.
  - Other financial evidence approved in advance by the commission \_\_\_\_\_  
\_\_\_\_\_
  - (c) **Financial integrity of loans or guarantees.** If applicable, provide as **Attachment F** the financial evidence showing that the lender or guarantor possesses the financial resources needed to fund the loan or guaranty.
  - (d) **Unencumbered resources.** Provide as **Attachment G** evidence of cash and other instruments listed as financial resources unencumbered by pledges for collateral.
  - (e) **Credit ratings.** If applicable, provide as **Attachment H** evidence of investment grade credit rating.
  - (f) **Disclosure to financial backers.** Provide as **Attachment I** evidence that a copy of P.U.C. SUBST. R. 25.111 (the Aggregator Rule) has been provided to any party providing, either directly or indirectly, financial resources necessary to protect customers pursuant to this paragraph.
- ALTERNATIVE FINANCIAL QUALIFICATIONS FOR LIMITED REGISTRATION.** This method of qualification is available only to parties who register by means of the Alternative Limited Registration, specifically those that aggregate customers that individually contract for at least 250 kilowatts of peak demand electricity. Check the box at left to exercise this option and incorporate into the Affidavit the statement below:

By executing the affidavit attached hereto, the registering party swears and affirms that it is aware of, and will comply with, P.U.C. SUBST. R. 25.111(g)(2), which applies to entities that aggregate only customers that individually contract for 250 kilowatts or more of peak demand electricity. Specifically, the registering party swears and affirms that it possesses a written consent from each customer it wishes to serve, authorizing the registering party to provide aggregation for that customer *without* establishing the cash and credit resources normally required of aggregators who take deposits or other advance payments from customers.

## AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who, after being duly sworn, stated on their oath that they are entitled to make this Affidavit, and that the statements contained below and in the foregoing are true and correct.

Check one of the following boxes:

- I am an owner, partner, or officer of the registering party, which is registering as a Class II.B or Class II.C aggregator.
- I am an owner, partner, or officer of the registering party, which is registering as a Class I, Class II.A, and/or a Class II.D aggregator.

I swear or affirm that I have personal knowledge of the facts stated in the attached registration, that I am competent to testify to them, and that I have the authority to submit this application form on behalf of the registering party. I further swear or affirm that all statements made in the Registration Form are true, correct and complete and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner. I swear or affirm that the registering party understands and will comply with all requirements of the applicable law and rules, including any required submission of additional information by sworn affidavit prior to the provision of electric service.

\_\_\_\_\_  
Signature of Registering Party's Owner, Partner, or Officer

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Name of Registering Party

**Sworn and subscribed before me this** \_\_\_\_\_ **day of** \_\_\_\_\_, \_\_\_\_\_.  
Month Year

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