



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

COMPLIANCE UPDATE TO RETAIL ELECTRIC PROVIDER CERTIFICATION

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

All Option 1 retail electric providers (REPs) are required to complete and file this updated form in Project No. 54828 on or before March 5, 2024. A REP that does not complete and submit this form in Project No. 54828 on or before the deadline may be subject to enforcement action.

1. REP Name	
REP legal business name:	
REP certification number:	
2. Authorized Representative Contact Information	
Contact name:	Title:
Phone no.:	Email:
3. Up-to-Date Contact Information	
<input type="checkbox"/> All of REP's contact information is up-to date and current in the Public Utility Commission (PUCT) portal (located at: https://portal.puc.texas.gov/portal/Default.aspx).	
4. General Affidavit	
<input type="checkbox"/> REP completed and provided Attachment 4.	
5. Persons Prohibited from Exercising Control	
REP must check all of the options below that apply.	
<input type="checkbox"/> REP has identified a principal, executive officer, employee, or third-party provider of REP 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. REP provided Attachment 5, including a supporting affidavit, identifying the person and their relationship to the REP in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-a-) and 16 TAC § 25.107(g)(1)(A)(i).	
<input type="checkbox"/> REP has identified a principal, executive officer, employee, or third-party provider of REP that 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. REP provided Attachment 5, including a	

supporting affidavit, identifying the person and their relationship to the REP in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-b-) and 16 TAC § 25.107(g)(1)(A)(ii).

- REP has identified a principal, executive officer, employee, or third-party provider of REP that 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. REP provided Attachment 5, including a supporting affidavit, identifying the person and their relationship to the REP in accordance with 16 TAC § 25.107(e)(2)(E)(iv)(I)(-c-) and 16 TAC § 25.107(g)(1)(A)(iii).
- REP has identified a principal, executive officer, employee, or third-party provider of REP that have been barred, in any way, participation by Commission order. REP provided Attachment 5, including a supporting affidavit, identifying the person and their relationship to the REP 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 the REP’s principals, executive officers, employees, or third-party providers. REP completed and provided the affidavit labeled as Attachment 5.

- REP 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 REP; 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).

6. Information on Principals

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:

- REP provided principal information in a word-searchable file and in a format native to Microsoft Excel (such as .xls, .xlsx, .xlsm, etc.).
 - REP provided additional principals as Attachment 6.

7. Subsidiaries, Parent Companies, and Sister Companies

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.:

REP provided additional subsidiaries, parents, and sister companies as Attachment 7.

8. Ownership and Corporate Structure

REP provided an ownership and corporate structure chart as Attachment 8.

9. Access to Capital – A REP must only complete one of the below methods ((a) or (b)).

(a). Guarantor

Name of Guarantor(s):

REP must complete one of the options below.

- Guarantor has an investment grade credit rating. REP provided as Attachment 9A the documentation required by § 25.107(f)(4)(A) demonstrating an investment grade credit rating.
- Guarantor has adequate tangible net worth. REP provided as Attachment 9A the documentation required by 16 TAC § 25.107(f)(4)(B) demonstrating adequate tangible net worth and other required calculations.

REP must complete one of the options below.

- Guarantor is an affiliate(s) of the REP.
- Guarantor is a financial institution. REP provided as Attachment 9B 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 REP. REP provided as Attachment 9B 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 REP's provider of wholesale power supply.

REP must complete both of the options below.

- REP has executed a Commission approved standard form irrevocable guaranty agreement with the guarantor.
- REP has filed the executed irrevocable guaranty agreement in Project No. 54827.
The Item No. is:

(b). Letter of Credit

REP must complete one of the options below.

- REP has \$1,000,000 in shareholders' equity. REP provided as Attachment 9A the documentation required by 16 TAC § 25.107(f)(4)(C) demonstrating adequate shareholders' equity.
- REP has been serving load two years or longer and is exempt from requirement.
Date REP started serving load:

REP must complete both of the options below.

- REP 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 identifiers (ESI IDs) the REP serves. REP provided as Attachment 9B the number of ESI IDs the REP serves.
- REP has filed the irrevocable stand-by letter of credit in Project No. 37919.

The Item No. is:

10. Protection of Customer Deposits and Prepayments

REP must complete one of the options below.

- REP collects customer deposits AND prepayments.
- REP collects customer deposits.
- REP collects customer prepayments.
- REP does not collect customer deposits or prepayments.

If REP collects customer deposits or prepayments, then REP must check one of the options below.

- REP uses and maintains a segregated cash account. REP provided as Attachment 10 the documentation required by 16 TAC § 25.107(f)(4)(D) demonstrating compliance with 16 TAC § 25.107(f)(2).
- REP uses and maintains an escrow account. REP provided as Attachment 10 the documentation required by 16 TAC § 25.107(f)(4)(E) demonstrating compliance with 16 TAC § 25.107(f)(2).
- REP uses and maintains a letter of credit. REP completed both the options below. *Any irrevocable stand-by letter of credit provided by REP for customer deposits or prepayments must be in addition to the irrevocable stand-by letter of credit provided under question 9 for Access to Capital.*
 - REP has executed a Commission approved standard form irrevocable stand-by letter of credit payable to the Commission.
 - REP has filed the irrevocable stand-by letter of credit in Project No. 37919.

The Item No. is:

If REP collects customer deposits or prepayments, then REP must check each applicable option below.

- Acknowledgment for protection customer deposit. REP 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. REP 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.

11. Acknowledgement of Bankruptcy

- REP acknowledges that, upon filing a petition for bankruptcy, becoming subject of an involuntary bankruptcy proceeding, or in any manner becoming insolvent, including being in default with the applicable independent organization or with a transmission and distribution utility (TDU), REP will file a notice in Project No. 54822 as prescribed by 16 TAC § 25.107(f)(3)(A) and (B):
- ◆ 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 REP has filed a petition for bankruptcy, then REP must include in its filing the petition that initiated the bankruptcy as required by 16 TAC § 25.107(f)(3)(B).

12. Financial Reporting Year

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

13. 15 Years Competitive Electric or Gas Industry Experience

- One or more principals or employees in managerial positions have a combined experience in the competitive electric industry or competitive gas industry that equals or exceeds 15 years. REP completed and provided Attachment 13 and provided supporting resumes as part of Attachment 13.

14. Risk Management Experience

REP must complete one of the options below.

- Risk manager is an executive officer or employee in a managerial position of REP. REP completed Attachment 14 and provided a supporting resume as part of Attachment 14 for one executive officer or managerial employee demonstrating that the individual has five years' experience in managing a substantial energy portfolio. REP provided specific dollar values of the magnitude of the portfolios managed.
- REP has an executed agreement with a provider of commodity risk management services. REP provided as Attachment 14 an executed agreement with a provider of commodity risk management with a term not less than two years.

The agreement expires on:

15. Third-Party Providers

- REP identified all third-party providers REP has outsourced any retail or wholesale functions to. REP completed and provided Attachment 15 and provided the information in a word-searchable file and in a format native to Microsoft Excel (such as .xls, .xlsx, .xlsm, etc.).

ATTACHMENT 4

General Affidavit

State of: §

§

County of: §

My name is (executive officer name). I am the (executive officer title) of the retail electric provider (REP).

I swear and affirm that I have personal knowledge of the facts stated in this application, that I am competent to attest to those facts, and that I have the authority to make this statement on behalf of the REP. I further swear and affirm that all of the statements and representations made in this application are true and correct. I swear and affirm that the REP 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 5

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

State of: §

§

County of: §

My name is (executive officer name). I am the (executive officer title) of the retail electric provider (REP).

I swear and affirm that I have personal knowledge of the facts stated in this application, that I am competent to testify to those facts, and that I have the authority to make this statement on behalf of the REP.

I further swear and affirm that the REP has provided all information as an attachment to this application regarding any current principal, executive officer, employee, or third-party provider of the REP 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 13

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 14

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 15

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.: