



575 Lexington Avenue New York, NY 10022  
tel 212 779 7000 fax 212 779 3061

November 3, 2016

New Hampshire Public Utilities Commission  
Debra Howland, Executive Director  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: SmartEnergy application to become a Competitive Electric Power Supplier

Ms. Howland,

We are writing in response to the Deficiency Letter issued on November 1 identifying 4 issues with the application for SmartEnergy to become a Competitive Electric Power Supplier [CEPS].

1. We have only completed EDI testing with Public Service New Hampshire so far. Therefore we have amended our application to limit our licensing request to this utility until further EDI connections have been established. A revised signed application is attached.
2. We hereby request a waiver of the term limit contained in Puc 2003.03(1)(5) for our bond. (Separately we are in receipt of edits from the PUC in relation to the existing bond and this is attached.)
3. A revised customer complaint report, including a summary section is attached.
4. The attached application is signed.

Please let me know if you need anything else.

Regards,

Dan Kern  
CEO

DM 16-839

NHPUC 4NOV16AM11:03

Puc 2006.01 Form for Initial and Renewal Registration of Competitive Electric Power Suppliers.

(a) The registration application required by Puc 2003.01(a) and Puc 2003.02(b) shall include the following:

(1) The legal name of the applicant as well as any trade name(s) under which it intends to operate in this state, and, if available, its website address;

**SmartEnergy Holdings, LLC**

[www.smartenergy.com](http://www.smartenergy.com)

(2) The applicant's business address, telephone number, e-mail address, and website address, as applicable;

**575 Lexington Avenue, 4<sup>th</sup> Floor**

**New York, NY 10022**

**212-779-7000**

[regulatory@smartenergy.com](mailto:regulatory@smartenergy.com)

[www.smartenergy.com](http://www.smartenergy.com)

(3) The applicant's place of incorporation, if anything other than an individual;

**108 West 13<sup>th</sup> St**

**Wilmington, Delaware 19801**

(4) The name(s), title(s), business address(es), telephone number(s), and e-mail address(es) of the applicant if an individual, or of the applicant's principal(s) if the applicant is anything other than an individual;

**Daniel Kern**

**CEO**

**575 Lexington Avenue, 4<sup>th</sup> Floor, New York, NY 10022**

**212 779 7000**

[Dan.Kern@smartenergy.com](mailto:Dan.Kern@smartenergy.com)

**Lloyd Spencer**

**COO**

**575 Lexington Avenue, 4<sup>th</sup> Floor, New York, NY 10022**

**212 779 7000**

[Lloyd.Spencer@smartenergy.com](mailto:Lloyd.Spencer@smartenergy.com)

**Jackie Kern**

**CMO**

**575 Lexington Avenue, 4<sup>th</sup> Floor, New York, NY 10022**

**212 779 7000**

[Jackie.Kern@smartenergy.com](mailto:Jackie.Kern@smartenergy.com)

(5) The following regarding any affiliate and/or subsidiary of the applicant that is conducting business in New Hampshire:

a. The name, business address and telephone number of the entity;

**NA**

b. A description of the business purpose of the entity; and

**NA**

c. A description of any agreements with any affiliated New Hampshire utility;

**NA**

**EDI & Billing agreement pending with PSNH (Eversource).**

(6) The telephone number of the applicant's customer service department or the name, title, telephone number and e-mail address of the customer service contact person of the applicant, including toll free 800-443-4440

(7) The name, title, business address, telephone number, and e-mail address of the individual responsible for responding to commission inquiries;

**Dan Kern**

**CEO**

**575 Lexington Ave, 4<sup>th</sup> Floor**

**New York, NY 10022**

**212 779 7000**

**[Regulatory@smartenergy.com](mailto:Regulatory@smartenergy.com)**

(8) The name, title, business address, telephone number and e-mail address of the individual who is the applicant's registered agent in New Hampshire for service of process;

**Business Filings Incorporated**

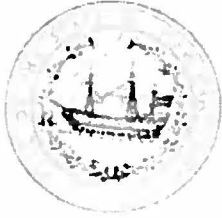
**9 Capitol Street**

**Concord, NH 03301**

**800-981-7183**

**[info@bizfilings.com](mailto:info@bizfilings.com)**

(9) A copy of the applicant's authorization to do business in New Hampshire from the New Hampshire secretary of state, if anything other than an individual;



## State of New Hampshire Department of State



Accepted Date: **1/14/2016**  
Business Name: **SMARTENERGY HOLDINGS, LLC**  
Principal Office Address: **575 Lexington Avenue 4th Floor, Concord, NY, 03301, USA**

### RE: Acceptance of Business Formation

This letter is to confirm the acceptance of the following business formation:

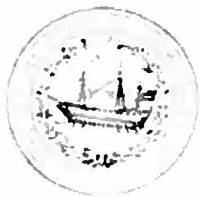
Business ID: **737130**  
Tracking#: **3216199**  
Effective Date: **01/13/2016**  
Payment Transaction #: **48468**

To maintain your business registration in good standing, you must maintain a Registered Agent at all times.  
You must also file an annual report no later than April 1st of each year.  
To file your annual report please go to <http://www.sos.nh.gov/corporate/annualreport/>.

It is incumbent upon you to keep this office informed of address or email changes to ensure that all communications from our office reaches you.  
There is no charge for address changes.

Please visit our website for helpful information regarding all your business needs. If you require assistance or should you have any questions, you may contact the Corporation Division using the information provided below.  
Please reference your Business ID in your communication.

Thank you.  
New Hampshire Department of State  
Corporation Division



State of New Hampshire  
Department of State

Filed  
Date Filed: 01/13/2016  
Effective Date: 01/13/2016  
Business ID: 737130  
William M. Gardner  
Secretary of State

Form FLLC-1  
RSA 304-C:175

APPLICATION FOR REGISTRATION AS A  
FOREIGN LIMITED LIABILITY COMPANY

PURSUANT TO THE PROVISIONS OF THE NEW HAMPSHIRE LIMITED LIABILITY COMPANY LAWS, THE UNDERSIGNED HEREBY APPLIES FOR REGISTRATION TO TRANSACT BUSINESS IN NEW HAMPSHIRE AND FOR THAT PURPOSE SUBMITS THE FOLLOWING STATEMENT:

FIRST: The name of the limited liability company is

SMARTENERGY HOLDINGS, LLC

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

SMARTENERGY HOLDINGS, LLC

THIRD: It is formed under the laws of Delaware

FOURTH: The date of its formation is 01/05/2012

DURATION: The period of duration is Perpetual

FIFTH: The nature of the business or purposes to be conducted or promoted in New Hampshire is

NAICS CODE

NAICS SUBCODE

OTHER / Alternative retail electricity supplier.

SIXTH: The name of its registered agent IN NEW HAMPSHIRE is Business Filings Incorporated

and the physical address, of its initial registered office IN NEW HAMPSHIRE is

9 Capitol Street., Concord, NH, 03301, USA

SEVENTH: The sale or offer for sale of membership interests of the limited liability company will comply with the requirements of the New Hampshire Uniform Securities Act (RSA 421-B).

PRINCIPAL OFFICE ADDRESS:

PRINCIPAL OFFICE BUSINESS ADDRESS

575 Lexington Avenue 4th Floor, Concord, NY, 03301,  
USA

PRINCIPAL OFFICE MAILING ADDRESS

575 Lexington Avenue 4th Floor, Concord, NY, 03301,  
USA

**APPLICATION FOR REGISTRATION AS A  
FOREIGN LIMITED LIABILITY COMPANY**

Form FLLC-1  
(Cont.)

**SMARTENERGY HOLDINGS, LLC**

**CERTIFY:**

☒ By checking this box and continuing, each signatory certifies that the information provided herein is true, accurate, and complete to the best of his/her knowledge and belief, and that he/she has authorized the affixing of his/her electronic signature in accordance with the Electronic Signatures in Global and National Commerce Act (e-Sign) and N.H. RSA § 294-F. Further, each signatory understands that his/her electronic signature has full legal effect and enforceability and he/she intends this form, as signed, to be filed with the office of the New Hampshire Secretary of State.

**EFFECTIVE DATE:**

This statement shall be effective from: 01/13/2016

\*Signature: Daniel Kern

Title: Manager

Date signed: 01/14/2016

Complete address of person signing: 575 Lexington Avenue, New York, NY, 10022, USA

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

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

(10) A listing of the utility franchise areas in which the applicant intends to operate. To the extent an applicant does not intend to provide service in the entire franchise area of a utility, this list shall delineate the cities and towns where the applicant intends to provide service;

**Public Service Co. of New Hampshire**

~~**Unitil Energy Services, Inc.**~~

~~**Liberty Utilities (Granite State Electric) Corp.**~~

~~**New Hampshire Electric Co-op**~~

(11) A description of the types of customers the applicant intends to serve, and the customer classes as identified in the applicable utility's tariff within which those customers are served;

**Public Service Co. of New Hampshire**

**R, R-OTOD, G, EAP, LCS, LG, G-OTOD, VIP, B, EOL, SKI, OL, GV**

~~**Unitil Energy Services, Inc.**~~

~~**D, OL**~~

~~**Liberty Utilities (Granite State Electric) Corp.**~~

~~**D, D-10, G-1, G-2, G-3, M**~~

~~**New Hampshire Electric Co-op**~~

~~**B, B2, BH, GN, GN2, BC, BC2, BCH, BW, BW2, BWC, BWC2, OPB, OPB2, OPBH, TND, TND2, TDF, TDF2, LB, LB2, LBH, B3, B3H, B32, BC3, BC3H, OPB3, TDN3, TDF3**~~

(12) A listing of the states where the applicant currently conducts business relating to the sale of electricity;

**OH, DE, PA, MA, NJ, IL**

(13) A listing disclosing the number and type of customer complaints concerning the applicant or its principals, if any, filed with a state licensing/registration agency, attorney general's office or other governmental consumer protection agency for the most recent calendar year in every state in which the applicant has conducted business relating to the sale of electricity;

**See Exhibit 1, Attached.**

(14) A statement as to whether the applicant or any of the applicant's principals, as listed in a. through c. below, have ever been convicted of any felony that has not been annulled by a court:

- a. For partnerships, any of the general partners;
- b. For corporations, any of the officers, directors or controlling stockholders; or
- c. For limited liability companies, any of the managers or members;

**SmartEnergy, its managers and members have never been convicted of any felonies.**

(15) A statement as to whether the applicant or any of the applicant's principals:

a. Has, within the 10 years immediately prior to registration, had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation;

**SmartEnergy has not had any civil, criminal or regulatory sanctions or penalties imposed against them pursuant to any state or federal consumer protection law or regulation**

b. Has, within the 10 years immediately prior to registration, settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation; or

**SmartEnergy has not settled any civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation**

c. Is currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation;

**SmartEnergy is not currently the subject of any pending civil, criminal or regulatory investigation or complaint involving any state or federal consumer protection law or regulation**

(16) If an affirmative answer is given to any item in (14) or (15) above, an explanation of the event;

(17) For those applicants intending to telemarket, a statement that the applicant shall:

a. Maintain a list of consumers who request being placed on the applicant's do-not-call list for the purposes of telemarketing;

b. Obtain monthly updated do-not-call lists from the National Do Not Call Registry; and

c. Not initiate calls to New Hampshire customers who have either requested being placed on the applicant's do-not-call list(s) or customers who are listed on the National Do Not Call Registry;

**SmartEnergy will maintain a list of consumers who request being placed on the applicant's do-not-call list for the purposes of telemarketing; Will obtain monthly updated do-not-call lists from the National Do Not Call Registry; and will not initiate calls to New Hampshire customers who have either requested being placed on the applicant's do-not-call list(s) or customers who are listed on the National Do Not Call Registry.**

(18) For those applicants that intend not to telemarket, a statement to that effect;

(19) A sample of the bill form(s) the applicant intends to use or a statement that the applicant intends to use the utility's billing service;

**SmartEnergy intends to use the utility's billing service**

(20) A copy of each contract to be used for residential and small commercial customers;

**See Exhibit 2, Attached**

(21) A statement certifying that the applicant has the authority to file the application on behalf of the CEPS and that its contents are truthful, accurate and complete; and

**I, Dan Kern, am authorized to file this application on behalf of SmartEnergy Holdings, LLC.**

(22) The signature of the applicant or its representative.

By: 

Name: Daniel A. Kern

Date: 11/1/2016

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Robert Chamberlin	OH	Public Utility Commission of Ohio	American Electric Power	08/27/14	RCHA062714XS	Customer cancelled, and SmartEnergy signed him back up without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Rhonda Clark	OH	Public Utility Commission of Ohio	American Electric Power	09/24/14	RCLA092414PS	Claimed she never signed up	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Greg Rhinock	OH	Public Utility Commission of Ohio	American Electric Power	10/27/14	GRHI102714G3	His rate increasing since enrolling his account, said he had his rate set for 2 years	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Robert Price	OH	Public Utility Commission of Ohio	Dayton Power and Light	10/30/14	RPRI102914A4	Mr. Price stated his account was enrolled with Smart Energy without authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Ann Rice	OH	Public Utility Commission of Ohio	American Electric Power	11/05/14	140060708232343	Customer did not want to switch to SmartEnergy solutions	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Nancy Raper	OH	Public Utility Commission of Ohio	American Electric Power	11/17/14	NRAP111414KE	Customer complained about not receiving the \$50 rebate	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Marilyn Warner	OH	Public Utility Commission of Ohio	American Electric Power	11/17/14	MWAR102214KH	Customer did not know she was switching to SmartEnergy because she thought it was AEP	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
James Guarino	DE	Department of State - DE	Delmarva	01/07/15	258	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Lillian Barnett	OH	Public Utility Commission of Ohio	American Electric Power	02/02/15	LBAR02021531	Lower rates & Caller states that she was not told that she had to pay AEP too	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Maxine Hollis	OH	Public Utility Commission of Ohio	Dayton Power and Light	02/09/15	MHOL013015HE	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Joseph Latarre	PA	PA Public Utility Commission	PECO	02/09/15	3319357	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Terry Cline	OH	Public Utility Commission of Ohio	American Electric Power	02/11/15	TCLI020415J2	Customer recently contacted PUCO regarding high bills.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Nina Wilson	OH	Public Utility Commission of Ohio	American Electric Power	02/17/15	NWIL021215RR	Consumer contacted us over her request to be removed from your company's marketing list	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Jim Boals	OH	Public Utility Commission of Ohio	American Electric Power	02/17/15	JBOA021715E0	Customer has been trying to call the company to cancel and has not been able to reach anyone	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Lynette Hill	PA	PA Public Utility Commission	PECO	03/12/15	3138780	Person can't reach SmartEnergy, also signed up w/o authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Jaslynn Terry	OH	Public Utility Commission of Ohio	American Electric Power	03/18/15	JTER031815TV	Does not recall providing authorization for this	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Diane Jackson	NJ	PA Public Utility Commission	Public Service Electric & Gas	03/24/15	15V00003383	Does not recall providing authorization for SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Parveen Kumar	OH	Public Utility Commission of Ohio	American Electric Power	04/03/15	PKUM032515XY	Their bill is high and the rate is changing every month	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
William Botting	OH	Public Utility Commission of Ohio	Dayton Power and Light	04/10/15	WBOT04101599	Misled into believing he was talkign to Dayton Power and Light during the conversation	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Joan Ehly	PA	PA Public Utility Commission	PECO	04/13/15	3333667	Never signed up for SmartEnergy, SmartEnergy got the info from PECO.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Shirley Holsapple	OH	Public Utility Commission of Ohio	Dayton Power and Light	04/28/15	SHOL042715AY	Customer signed up with SmartEnergy, 3 days later she cancelled, but we never cancelled her	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Pamela Donlon	OH	Public Utility Commission of Ohio	American Electric Power	05/05/15	PDON042715GO	Inquiring about her bill and asking when will she receive her \$50 rebate	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Mary J Wolfe	PA	PA Public Utility Commission	PPL	05/05/15	3340384	Slammed by SmartEnergy, bill went up to \$500, called to cancel	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Delores Knepper	OH	Public Utility Commission of Ohio	American Electric Power	05/05/15	DCOR05011525	SmartEnergy person by door, asked to see bill, did not want to sign up, bill is over \$400	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Olga Drozd	PA	PA Public Utility Commission	PECO	05/31/15	3350439	Customer pressured into switching to SmartEnergy, tried to cancel but we never cancelled her	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Michele Griffin	NJ	Better Business Bureau	Public Service Electric & Gas	05/28/15	10639836	Customer was told she she would receive \$50 cash back bonus but did not get it.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Helen Kress	OH	Public Utility Commission of Ohio	Dayton Power and Light	06/10/15	BKRE060915NC	Wants verification of the enrollment	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
George Eschert	PA	PA Public Utility Commission	NA	06/11/15	3354827	Customer would like SmartEnergy cited for slamming	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Elaine Adams	PA	PA Public Utility Commission	PECO	06/12/15	3355400	Customer did not know she was switching to SmartEnergy because she thought it was PECO	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Millie Westbeid	OH	Public Utility Commission of Ohio	Dayton Power and Light	07/24/15	MWES072315KC	Customer owes SmartEnergy \$32.18 but Dayton says her account is current!	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Juanita Wehrle-Einhorn	OH	Public Utility Commission of Ohio	Dayton Power and Light	07/29/15	JWEH072715ZA	Smart Energy says bill isn't being paid, DPL said she is on autopay and bills are paid	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State Jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Wilbur Bay	PA	Duquesne Light Company	Duquesne	07/29/15	3991900163	Customer did not sign up for SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Esther Lee	OH	Public Utility Commission of Ohio	American Electric Power	07/30/15	ELEE072015Q0	Company insist she owes a balance of \$20.71 \$111.07 and \$95.93	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Edward S Allwine Jr	PA	PA Public Utility Commission	PPL	08/17/15	3374980	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Mary Kendall	PA	Duquesne Light Company	Duquesne	08/17/15	NA (Supplier Agreement ID: 4484560742)	Customer says she did not sign up for SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Nancy Wright	NJ	NJ Board of Public Utilities	PS&G	08/21/15	15W00000759	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Adriano & Patricia Manieri	DE	Delaware Division of the Public Advocate	Delmarva	09/08/15	395	Customer signed up with SmartEnergy, bills high, would like to switch back to Delmarva without penalty	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Norman Cromes	OH	Public Utility Commission of Ohio	American Electric Power	09/15/15	NCRO091515YX	Caller is unsure of his contract terms and conditions	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Kathleen Robinson	PA	Commonwealth of Pennsylvania	PPL	9/1/2015	BCP-15-05-016163	Caller was told that she would receive \$50 cash back rebate for all three of her accounts	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Lisa Volk	PA	Public Utility Commission of Ohio	PPL	10/1/2015	3388721	Caller was told that she would receive \$50 cash back rebate after 3 months, but have not received it	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Nancy Sutton	PA	PA Public Utility Commission	PECO	10/5/2015	3390576	Customer was switched to Smart Energy without consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Kenneth Haag	PA	PA Public Utility Commission	NA	10/5/2015	3390506	Received sweepstakes from SmartEnergy, does not mention supplier enrolment or supplier name	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Betty Riley	PA	Public Utility Commission of Ohio	American Electric Power	10/7/2015	BRE1100515P0	customer contacted us over a delay in canceling her account. She says that this was requested back on July 6, but her bills still reflect Smart Energy as her supplier.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Kristen Watson	PA	PA Public Utility Commission	PPL	10/14/2015	3392854	Customer claims she was given wrong information about the switch to another supplier.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Michael Hitchcock	PA	Public Utility Commission of Ohio	Dayton Power and Light	10/27/2015	MHIT102615R3	Mr. Hitchcock regarding a dispute regarding his contracted rate	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Tina Christian	PA	Public Utility Commission of Ohio	Duke	11/9/2015	TCHR110615M3	Customer claims she cancelled from SmartEnergy two months ago	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Rita Schell	PA	Public Utility Commission of Ohio	Ohio Power	11/13/2015	RSTH111315LO	\$50 promotion she was to receive after being a customer of Smart Energy for 3 months. She never received the promotion.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Mort Bauer	PA	PA Public Utility Commission	ConEd	11/17/2015	3402021	Customer states that he did not sign up for SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
John Mayer	PA	Commonwealth of Pennsylvania	PECO	10/26/2015	BCP-15-05-020242	Customer claims that he knows his rate was variable but it went up 67%.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Robert Chaffin	PA	Public Utility Commission of Ohio		12/10/2015	RCHA120715DK	Customer claims he signed up with a fixed rate	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Jean Stanley	PA	Public Utility Commission of Ohio	Duke	1/12/2016	JSTA010816QA	Customer does not remember signing up	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Gina Dovenbarger	PA	Public Utility Commission of Ohio	Ohio Power	1/13/2016	GDOV121715HX	Customer enrolled and then cancelled a week later	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Scott Whallin	PA	PA Public Utility Commission	PPL	12/31/2015	3407809	Customer said his rates kept rising when he was told it will be lower than PPL	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Robert Bettis	PA	PA Public Utility Commission	PECO	1/20/2016	3409605	Customer has been billed by smartenergy without his consent.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Eva Lucas Oaks	PA	PA Public Utility Commission	Duquesne	1/22/2016	3410170	Customer complained that the supplier started a contract without her consent.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Doris Francis	PA	PA Public Utility Commission	PECO	1/27/2016	3410541	Customer claimed she never authorized a switch to SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Shane Fogell	PA	PA Public Utility Commission	PPL	2/4/2016	3411633	Customer did not know he was switching supplier and he was not cancelled when he called in on 1/19.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Gregory Lennon	NJ	Board of Public Utilities	PSEG	2/10/2016	NA	Customer claims he signed up with a fixed rate. Also he did not receive his \$50 CBB.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Robert Vogelsberger	PA	PA Public Utility Commission	Duquesne	2/10/2016	3412055	Customer says SmartEnergy is harassing him by calling him and coming to his door.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit reoccurrence
Florence Burdine	PA	PA Public Utility Commission	AEP	2/11/2016	FBUR021116V7	Customer wants to be dc from Smart Energy. She called last month and the representative told her she could not find her information on their records.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Elizabeth Bauer	OH	Public Utility Commission of Ohio	Duke	3/1/2016	EBAU021916KJ	Ms. Bauers account was Smart Energy from 10/10/14 and will terminate on 3/14/16. Customer disputes the enrollment.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Lisa Ferguson	DE	Better Business Bureau	Delmarva	3/2/2016	NA	Customer did not receive her \$50 CBB and she was paying more with SmartEnergy and not saving.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
George Parsons	PA	PA Public Utility Commission	Duquesne	3/15/2016	3416687	The customer is disputing the supplier SmartEnergy not giving him the \$50 Check that they said they would give him if he signed up.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Mariann Sekula	IL	Illinois Commerce Commission	ComEd	3/18/2016	2016-02586	Customer did not know she was switching supplier, if she knew she would not have switched from ComEd	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Michael Loudermilk	OH	Public Utility Commission of Ohio	Duke	3/28/2016	MLOU032816LH	Customer stated that he did not sign-up for service with the company. He disputes owing the \$45.73 early termination fee.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Rebecca Tice	OH	Public Utility Commission of Ohio	Duke	4/5/2016	WTIC040416VP	Customer was tricked into signing up for SmartEnergy and the customer said they never signed up for variable rate.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Charlotte Campbell	IL	Illinois Commerce Commission	ComEd	4/19/2016	2016-03830	Someone from SmartEnergy called her and told her to sign up. They then spoke to ComEd representative to sign her up. She later call ComEd and they told her that her assistant would be cancelled.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Charles Faulkner	IL	Illinois Commerce Commission	ComEd	4/21/2016	2016-03911	Customer called up but says he did not want to be enrolled with another supplier, wanted to stay with ComEd. He wanted to make sure he was not a SmartEnergy customer.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
John Corey	MA	Better Business Bureau	National Grid	4/22/2016	11395806	Customer was enrolled online but did not clicked enrolled.	No further necessary	In order to limit reoccurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Joy Richardson	OH	Ohio Attorney General	Duke	4/27/2016	863308	Customer did not authorize enrollment	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Deena Whitfield	PA	PA Public Utility Commission	PPL	5/6/2016	3436212	Customer account was slammed, she did not sign up for SmartEnergy	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Susan White	OH	Public Utility Commission of Ohio	Duke	5/25/2016	SWHI052416H0	Customer called to cancel between January to March and was not cancelled.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Dawn M. Riley	DE	Better Business Bureau	Delmarva	5/17/2016	11449377	Customer was lied to when it came to the rate she signed up for. It was higher than what they promised.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Danny Mullins	OH	Public Utility Commission of Ohio	Dayton Power and Light	6/6/2016	DMUL053118CU	Customers said he did not authorize SmartEnergy to sign him up and as a result he was charged an ETF fee by his previous supplier.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Esperanza Whitmoyer	PA	PA public Utility Commission	PPL	06/03/16	3448116	Billing - PPL inadvertently billed ger for 2 month of electricity	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
George Eatrdes	OH	Public Utility Commission of Ohio	Duke	7/1/2016	GEAT062816FX	Duke cancelled enrollments with Starion Energy without permission, because Smart Energy was added as the supplier	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Willie Honeycutt	IL	Illinois Commerce Commission	ComEd	6/29/2016	2016-08025	The customer has learned that he has Smartenergy as his supplier. He says he did not agree to supply with SE	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Bobby Brown	OH	Public Utility Commission of Ohio	ComEd	7/6/2016	BBRO0627169L	Mr. Brown denies ever enrolling with a suplier.	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Charles Richmond	OH	Better Business Bureau	Columbus	6/13/2016	10456838	Mr Richmond states that SE refused payments making false claims	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
David Hutchinson	PA	PA public Utility Commission	PPL	8/11/2016	3467047	Customer never received \$50 CBB	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Linda Larue	OH	Illinois Attorney General	ComEd	4/4/2016	2016-consc-00025456	Customer did not authorize enrollment	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Sue Elkins	PA	PA Public Utility Commission	PECO	7/8/2016	3457292	Credit lost for having solar panels	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Lisa K Volk	PA	PA Public Utility Commission	PPL	5/4/2016	2016-2543356	Customer never received \$50 CBB	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Letrina Adams	OH	Better Business Bureau	Duke	5/20/2016		Customer never received \$50 CBB	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Marcel Archambault	MA	Department of public utility	MECO	8/5/2016	192512	Customer did not authorize enrollment	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Pamela Whiteside	OH	Illinois Commerce Commission	ComEd	7/29/2016	2016-09550	Customer claims she was assured not to get any extra fee charges	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Nora McClinton	OH	Illinois Commerce Commission	ComEd	7/28/2016	2016-09469	Customer says she did not realize she was agreeing to alternative supply	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Kim Orlando	OH	Public Utility Commission of Ohio	Dayton Power and Light	7/28/2016	KORL07081676 / 16-1724-EL-CSS	The customer stated she was not billed as agreed	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Geraldine Scott	PA	PA Public Utility Commission	PECO	8/15/2016	3467896	The customer stated she was not billed as agreed	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Grant E Gettle	OH	Better Business Bureau	ComEd	8/11/2016	11624027	Customer did not authorize enrollment	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Linda Hevener	PA	PA Public Utility Commission	PECO	9/12/2016	3469837	Customer alleges that she was assigned to a supplier without her consent	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Sandra Platz	PA	PA Public Utility Commission	Duquesne	9/9/2016	3475404	Cancel the services with company a month ago and are still on customers account	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Jo Bachik	PA	PA Public Utility Commission	PPL	8/29/2016	3472118	Switched her without her authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Bob Riedel	PA	PA Public Utility Commission	PPL	8/30/2016	3466577	High rates	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Judy Kennedy	IL	Illinois Commerce Commission	ComEd	9/13/2016	2016-11813	Switched her without her authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Kathleen McGovern	IL	Illinois Commerce Commission	ComEd	9/9/2016	2016-11675	Switched her without her authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Rebecca Schaffrick	MA	DPU Consumer Division	WMECO	9/6/2016	192967	slam	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Joseph Emerson	IL	Illinois Commerce Commission	ComEd	8/24/2016	2016-10897	slam	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Eva Burns	IL	Illinois Commerce Commission	ComEd	8/23/2016	2016-10823	slam	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.
Fina Galvan	IL	Illinois Commerce Commission	ComEd	8/17/2016	2016-10536	Switched her without her authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

Customer Name	State jurisdiction	Regulatory agency hearing complaint	Utility Company	Date of complaint	Docket or case number	Nature of the complaint	Final Resolution	Applicants Internal process to limit recurrence
Phyllis Heckman	IL	Illinois Commerce Commission	ComEd	8/4/2016	2016-09871	Switched her without her authorization	No further necessary	In order to limit recurrence, we train the representatives, termination occurs if the representatives do not follow the guidelines. Also there is monitoring of calls to prevent such complaint from occurring again.

	Complaint type summary				
State	Do not contact	Enrollment dispute	Price	Rebate	Total
DE		1	2	1	4
IL		8	2		10
MA		2	1		3
NJ		2		2	4
OH	1	23	7	7	38
PA	2	26	7	7	42
<b>Total</b>	<b>3</b>	<b>62</b>	<b>19</b>	<b>17</b>	<b>101</b>

BOND NO. 1538665

PREMIUM: \$2500.00

KNOW ALL MEN BY THESE PRESENTS THAT WE,  
**Smart Snergy Holdings LLC**

as Principal, and Great American INSURANCE COMPANY, a corporation duly organized and doing business under and by the virtue of the laws of the State of Ohio, and duly licensed for the purpose of making, guaranteeing or becoming sole surety upon bonds or undertakings required or authorized by the laws of the State of New Hampshire, as Surety, are held and firmly bound unto

New Hampshire Public Utilities Commission

(Hereinafter called the Obligee)

in the sum of One Hundred Thousand and 00/100

Dollars (\$ 100,000.00 )

for the payment whereof well and truly to be made we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

**THE CONDITION OF THE ABOVE OBLIGATION IS SUCH** that, whereas, the above bounden PRINCIPAL has made application for a license to the Obligee to offer, render, furnish or supply electricity or electric generation services to the public.

NOW THEREFORE, the Principal must act in accordance with Section PUC 2000 of the New Hampshire Code of Administrative Rules, to assure compliance with applicable provisions of the Public Utility Code Section PUC 2003.03 Reporting and Financial Requirements of Competitive Electric Power Suppliers, and the rules and regulation of the New Hampshire Public Utilities Commission by the Principal as a licensed applicable to a competitive electric power supplier as required by PUC 2000.

NOW THEREFORE, if the Principal shall during the period commencing on the aforesaid date, faithfully observe and honestly comply with such rules, regulations and statutes that are applicable to an Competitive Electric Power Supplier licensed in the State of New Hampshire and deliver electricity at retail in accordance with contracts, agreements and arrangements, then this obligation shall become void and of no effect.

**PROVIDED, HOWEVER,**

1. The effective date of this bond is October 18, 2016 through October 18, 2017, Neither non-renewal by the surety, nor failure, nor inability of the Principal to file a replacement bond shall constitute a loss to the Obligee recoverable under this bond.
2. In the event of default by the Principal, the Surety shall be liable only for damages incurred by Obligee up to termination date of this bond.

3. No claim shall be had or maintained against the Surety on this instrument unless such be brought or instituted and no suit shall be maintained against the Surety unless it be brought within three (3) months from the termination or expiration date of the bond.

4. If any conflict or inconsistency exists between the Surety's obligations or undertakings as described in this bond and as described in the underlying obligations, then the terms of this bond shall prevail.

5. The aggregate liability of the surety is limited to the penal sum stated herein regardless of the number or amount of claims brought against this bond and regardless of the number of years this bond remains in force.

6. This bond shall not bind the Surety unless the bond is accepted by the Obligee. If the Obligee objects to any language contained herein, the Obligee shall return this bond to the Surety at its address at:

Great American Insurance Company  
C/O Atlantic Coast Surety, LLC  
1 International Blvd., Suite 330  
Mahwah, NJ 07495

Failure to return the bond as described above shall constitute Obligee's acceptance of the terms and conditions, herein.

SIGNED AND SEALED THIS 20th day of October 20 16.

Smart Energy Holdings LLC

By \_\_\_\_\_

Surety Company

Great American Insurance Company

By: Debra J. Ezra

Debra J. Ezra, Atty-in-Fact



# GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by  
this power of attorney is not more than SIX

No. 0 20450

## POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
ROBERT G. LULL	ALL OF	ALL
BRADLEY W. POST	MAHWAH, NJ	\$100,000,000
DEBRA J. EZRA		
KEITH B. ADAMS		
CARL A. GERSON		
GARRETT POST		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 8TH day of SEPTEMBER, 2015  
GREAT AMERICAN INSURANCE COMPANY



*Stephen C. Beraha*  
Assistant Secretary

*David C. Kitchen*  
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DAVID C. KITCHIN (877-377-2405)

On this 8TH day of SEPTEMBER, 2015, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



**Susan A. Kohorst**  
Notary Public, State of Ohio  
My Commission Expires 05-18-2020

*Susan A. Kohorst*

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

**RESOLVED:** That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

**RESOLVED FURTHER:** That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

## CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this

20th day of October

2016



*Stephen C. Beraha*  
Assistant Secretary

# GREAT AMERICAN INSURANCE GROUP

Great American Insurance Group Tower  
901 E. Fourth Street  
Cincinnati, OH 45202-4201

GreatAmericanInsurance.com

## GREAT AMERICAN INSURANCE COMPANY

### STATEMENT OF ASSETS, LIABILITIES AND CAPITAL & SURPLUS AS OF DECEMBER 31, 2014

#### ADMITTED ASSETS

Bonds	\$ 2,606,946,732
Stocks	1,268,211,397
Mortgage loans on real estate	232,715,906
Real estate (net of encumbrances)	\$1,025,270
Cash and short-term investments	206,260,376
Other invested assets	104,035,766
Receivable for securities	6,685,646
Investment income due and accrued	24,585,358
Agents' and premium balances	473,775,089
Reinsurance recoverable on loss and loss expense payments	42,152,418
Net deferred tax asset	108,796,928
Receivable from affiliates	6,441,908
Receivable from Federal Crop Insurance Corporation	493,294,639
Company-owned life insurance	144,510,736
Funds held as collateral	8,799,572
Funded deductibles	12,638,694
Other admitted assets	74,906,351
<b>Total</b>	<b>\$ 5,811,739,783</b>

#### LIABILITIES, CAPITAL AND SURPLUS

Unpaid losses and loss expenses	\$ 2,604,906,915
Reserve for underwriting expenses	211,147,128
Federal and foreign income taxes	5,498,938
Reserve for unearned premiums	980,467,964
Ceded reinsurance premiums payable	73,079,708
Funds held under reinsurance treaties	490,680,683
Payable for securities	8,984,664
Reinsurance reinsurance ceded	(121,695,341)
Other liabilities	145,155,124
<b>Total Liabilities</b>	<b>4,398,173,783</b>
Capital stock	\$ 15,440,600
Paid in surplus	\$22,831,611
Special surplus funds	121,695,341
Unassigned funds	953,598,448
Policyholders' surplus	1,413,566,000
<b>Total</b>	<b>\$ 5,811,739,783</b>

Securities have been valued on the basis prescribed by the National Association of Insurance Commissioners.

STATE OF OHIO

SSA

COUNTY OF HAMILTON

Robert J. Solvany, Vice President and Controller, and Stephen Berling, Assistant Vice President and Assistant Secretary, being duly sworn, each for himself deposes and says that they are the above described officers of the Great American Insurance Company of Cincinnati, Ohio; that said Company is a corporation duly organized, existing and engaged in business as a surety by virtue of the laws of the State of Ohio and has duly complied with all the requirements of the laws of said state applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under Public Law 93-258 enacted September 13, 1982 (96 Stat. 1047 as amended 31 U.S.C. 9304-9308); that to the best of their knowledge and belief the above statement is a full, true and correct Statement of the Assets, Liabilities and Capital & Surplus of the said Company as of December 31, 2014.

Subscribed and sworn to before me

this 16th day of February, 2015.



*[Signature]*  
Controller

*[Signature]*  
Assistant Secretary

*[Signature]*  
Public Notary  
Notary Public, State of Ohio