

AMENDED ATTACHMENT A1

FORMAL CUSTOMER COMPLAINTS FOR PUBLIC POWER AND VIRIDIAN ENERGY

Date Complaint was Filed	Parties to the Complaint	State License Number	Venue of Complaint	Nature of Complaint	Current Status of Complaint
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

AMENDED ATTACHMENT A2

LITIGATION FOR PUBLIC POWER AND VIRIDIAN ENERGY

Please note that in fall 2012, a change occurred to Applicant's corporate organizational structure. On September 18, 2012, Regional Energy Holdings, Inc. ("REH"), and Public Power LLC ("Public Power") combined to form Crius Energy LLC ("Crius"). Crius was formed to effectuate a combination through an exchange of stock and membership units of the two companies. As a result of the exchange transaction, Crus Energy became the owner of the majority interest in REH and a majority interest in Public Power. REH's subsidiaries and Public Power and its subsidiaries are licensed as electricity and gas suppliers in several states. Applicant's affiliates now include: Public Power LLC, a Connecticut limited liability company; Public Power LLC, a Pennsylvania limited liability company; Public Power & Utility of New Jersey LLC; Public Power & Utility of Maryland LLC; Viridian Network LLC; Viridian Energy LLC; Viridian Energy NY LLC; Cincinnati Bell Energy LLC; FairPoint Energy LLC and FTR Energy Services, LLC. A copy of Applicant's corporate organizational chart is provided in Attachment B.

On November 13, 2013 there was an initial public offering ("IPO") in which units of Crius Energy Trust, (a Canadian Trust) were sold to the public on the Toronto Stock Exchange. The IPO raised funds for the acquisition of 26.8 percent of the ownership interests in Crius Energy LLC.

The Crius Energy officers are from the REH management team. Michael Fallquist is the CEO. Roop Bhullar, CFO, Cami Boehme, SVP of Marketing and Brand Strategy, Mike Chester, VP of Operations and Jan Fox, SVP and General Counsel report to Michael Fallquist.

The actions represented in Amended Attachment A2 below were commenced before the combination between REH and Public Power took place, when Public Power had different management.

DATE COMMENCED	ACTION	JURISDICTION	SUBJECT MATTER	STATUS
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**These matters were not acquired in the combination of the companies to form Crius Energy and remained with the Public Power, LLC shareholders. For further information on the combination of companies please refer back to Paragraph 2.

AMENDED ATTACHMENT A3

NUMBER OF CUSTOMERS COMPARED TO THE TOTAL NUMBER OF PENDING FORMAL COMPLAINTS FOR VIRIDIAN ENERGY PA, LLC

Viridian Energy PA LLC Formal Complaints		
Month	Number of Pending Formal Complaints	Total Number of Customers
Jun-11	[REDACTED]	128537
Jul-11	[REDACTED]	128004
Aug-11	[REDACTED]	132678
Sep-11	[REDACTED]	134000
Oct-11	[REDACTED]	133172
Nov-11	[REDACTED]	131990
Dec-11	[REDACTED]	131115
Jan-12	[REDACTED]	130210
Feb-12	[REDACTED]	129435
Mar-12	[REDACTED]	127975
Apr-12	[REDACTED]	126915
May-12	[REDACTED]	126954
Jun-12	[REDACTED]	126783
Jul-12	[REDACTED]	126578
Aug-12	[REDACTED]	126518
Sep-12	[REDACTED]	125807
Oct-12	[REDACTED]	128405
Nov-12	[REDACTED]	128349
Dec-12	[REDACTED]	128721
Jan-13	[REDACTED]	128762
Feb-13	[REDACTED]	131921

AMENDED ATTACHMENT A4

NUMBER OF CUSTOMERS COMPARED TO THE TOTAL NUMBER OF PENDING FORMAL COMPLAINTS FOR PUBLIC POWER, LLC

Public Power LLC Formal Complaints		
Month	Number of Pending Formal Complaints	Total Number of Customers
Jun-11	[REDACTED]	63535
Jul-11	[REDACTED]	63074
Aug-11	[REDACTED]	62499
Sep-11	[REDACTED]	61673
Oct-11	[REDACTED]	61918
Nov-11	[REDACTED]	62854
Dec-11	[REDACTED]	100463
Jan-12	[REDACTED]	145630
Feb-12	[REDACTED]	146268
Mar-12	[REDACTED]	148511
Apr-12	[REDACTED]	156177
May-12	[REDACTED]	160336
Jun-12	[REDACTED]	164885
Jul-12	[REDACTED]	167968
Aug-12	[REDACTED]	172222
Sep-12	[REDACTED]	173958
Oct-12	[REDACTED]	178827
Nov-12	[REDACTED]	187729
Dec-12	[REDACTED]	197925
Jan - 13	[REDACTED]	201962
Feb-13	[REDACTED]	201620
Mar-13	[REDACTED]	N/A- currently mid-month

AMENDED ATTACHMENT A5

NUMBER OF ILLINOIS CUSTOMERS COMPARED TO THE TOTAL NUMBER OF PENDING INFORMAL COMPLAINTS FOR VIRIDIAN ENERGY PA, LLC

Viridian Energy PA LLC Informal Complaints		
Month	Number of Pending Informal Complaints	Total Number of IL Customers
Aug-11		
Sep-11		
Oct-11		
Nov-11		
Dec-11		
Jan-12		
Feb-12		
Mar-12		
Apr-12		
May-12		
Jun-12		
Jul-12		
Aug-12		
Sep-12		
Oct-12		
Nov-12		
Dec-12		
Jan-13		
Feb-13		

AMENDED ATTACHMENT A6

INFORMAL CUSTOMER COMPLAINTS FOR VIRIDIAN ENERGY PA, LLC

Affiliate	Jurisdiction	Nature of Complaint	Description	Resolution
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]

Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	BBB	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]

Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]
Viridian Energy	ICC	[REDACTED]	[REDACTED]	[REDACTED]

AMENDED ATTACHMENT A7

NUMBER OF ILLINOIS CUSTOMERS COMPARED TO THE TOTAL NUMBER OF PENDING INFORMAL COMPLAINTS FOR PUBLIC POWER, LLC

Please note that Public Power and Applicant became affiliates on September 18, 2012. Prior to that time, different company management was in place. Refer back to Paragraph 2 for further detail. On January 1, 2013 Public Power employees became Crius Energy employees. Please note that Public Power ceased marketing operations in Illinois on December 31, 2012.

Public Power LLC Informal Complaints		
Month	Number of Informal Complaints Received each Month	Total Number of IL Customers
Jul-12	█	591
Aug-12	█	1005
Sep-12	█	1808
Oct-12	█	6834
Nov-12	█	14064
Dec-12	█	22713
Jan - 13	█	27794
Feb-13	█	26960

** Public Power, LLC stopped marketing in IL on 12/31/2012.

At the time of the original application filing the company relied on a former Public Power employee who is no longer with the Company to provide information on all informal customer complaints. This employee handled these matters for Public Power, LLC prior to the combination of the companies. The information above was inadvertently not provided. After a diligent search of the Public Power files we have been unable to locate full files for all of the Public Power, LLC informal complaints. Additionally, the employee did not maintain files that included the dates that each informal complaint was closed with the Commission; therefore, we are unable to provide accurate numbers for the number of complaints pending in IL per month for Public Power. However, we have provided the total number of informal complaints received each month in IL in comparison to the total number of customers in IL that Public Power, LLC had. Please see the chart below for a description and resolution of each complaint.

AMENDED ATTACHMENT A8

**INFORMAL CUSTOMER COMPLAINTS FOR
PUBLIC POWER, LLC**

Please note that Public Power and Applicant became affiliates on September 18, 2012. Prior to that time, different company management was in place. On January 1, 2013 Public Power employees became Crius Energy employees. Please note that Public Power ceased marketing operations in Illinois on December 31, 2012.

	Affiliate	Jurisdiction	Nature of Complaint	Description	Resolution
1	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
2	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
3	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
4	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
5	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
6	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

7	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
8	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
9	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
10	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
11	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
12	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
13	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
14	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
15	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
16	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

17	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
18	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
19	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
20	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
21	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
22	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
23	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
24	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
25	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
26	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
27	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

28	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
29	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
30	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
31	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
32	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
33	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
34	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
35	Public Power LLC	BBB	[REDACTED]	[REDACTED]	[REDACTED]

36	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
37		ICC	[REDACTED]	[REDACTED]	[REDACTED]
38	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
39	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
40	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
41	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

42	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
43	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
44	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
45	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
46	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
47	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
48	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
49	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
50	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
51	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

52	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
53	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
54	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
55	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
56	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
57	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
58	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
59	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

60	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
61	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
62	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
63	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
64	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
65	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
66	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

67	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
68	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
69	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
70	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
71	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
72	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
73	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

74	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
75	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
76	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
77	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
78	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
79	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
80	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

81	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
82	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
83	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
84	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
85	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
86	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
87	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
88	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

89	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
90	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
91	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
92	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
93	Public Power LLC	Illinois - Attorney general	[REDACTED]	[REDACTED]	[REDACTED]
94	Public Power LLC	BBB	[REDACTED]	[REDACTED]	[REDACTED]
95	Public Power LLC	IL - BBB	[REDACTED]	[REDACTED]	[REDACTED]
96	Public Power LLC	BBB	[REDACTED]	[REDACTED]	[REDACTED]

97	Public Power LLC	BBB	[REDACTED]	[REDACTED]	[REDACTED]
98	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
99	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
100	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
101	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
102	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
103	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

104	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
105	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]
106	Public Power LLC	ICC	[REDACTED]	[REDACTED]	[REDACTED]

AMENDED ATTACHMENT A9

ACTIONS BEFORE A REGULATORY AGENCY

Viridian Energy PA, LLC – Maryland, License No. IR-1840 (Case No. 9255, Order No. 84959)

In January 2011, the Staff of the Maryland Public Service Commission filed a complaint against Viridian Energy PA, LLC (“Viridian”), alleging that Viridian had violated the Maryland customer protection rules by providing misleading representations in late 2010. Among other things, Staff initially sought to revoke or suspend Viridian’s Maryland license.

A hearing was conducted in February 2011 and in March 2011. Thereafter Commission Staff and Viridian filed a Joint Recommendation that did not revoke or suspend Viridian’s license. Fifteen months later on June 7, 2012, the Commission assessed a civil penalty of \$60,000 against Viridian, relating to instances of past behavior, and rejected Commission Staff’s initial request to revoke or suspend Viridian’s license and bar it from seeking new customers. In so doing, the Commission commended Viridian for strengthening its compliance program. Viridian has been operating in Maryland for over 18 months since the January 2011 complaint, a period during which no further complaints or investigations have been filed.

AFFILIATE ACTIONS

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 13-02-08) February 2013

Public Power LLC is currently being investigated by the Connecticut Public Utilities Regulatory Authority (“PURA”) due to a spike in slamming complaints during 2012. The vast majority of these complaints were the result of enrollments that took place before the REH management team took over management of Public Power. The purpose of the investigation is to determine whether Public Power engaged in slamming.

On September 18, 2012, Regional Energy Holdings, Inc. combined with Public Power LLC to form Crius Energy LLC. As a result, Viridian Energy PA LLC became an affiliate of Public Power LLC. Viridian Energy PA LLC discloses the following actions which were commenced prior to the combination of Regional Energy Holdings, Inc. and Public Power LLC to form Crius Energy LLC as further explained in response to Paragraph 2 of the Amended Application.

Public Power LLC – Pennsylvania, Docket #A-2009-2143245 (Docket No. 2012-2257858) July 2011

Public Power LLC, a Pennsylvania limited liability company (“PA Subsidiary”), was investigated by the Bureau of Investigation and Enforcement (“BIE”) of the Pennsylvania Public Utility Commission (“PUC”) for alleged unauthorized customer enrollments. It was discovered that the unauthorized enrollments resulted from a data entry error by a third-party telemarketer acting on behalf of the PA Subsidiary. Upon

discovery of the mistake, Public Power contacted and worked cooperatively with the EDC to rescind the transfers. On or about November 19, 2012 the parties reached a settlement of the allegations for \$64,450 plus customer refunds of approximately \$22,000.

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 11-10-06) October 2011

Approximately one year ago, the Connecticut Public Utilities Regulatory Authority (“PURA”) opened Docket 11-10-06 to investigate customer complaints that Public Power may have charged rates in excess of its contracts and failed to timely respond to inquiries alleging unauthorized switching of customers from other electric generation service providers to Public Power. The Office of the Connecticut Attorney General and the Office of Consumer Counsel participated in the resolution of this matter. The Prosecutorial Unit appointed by the PURA found no evidence that Public Power charged rates in excess of its contracts. However, to foster good will, Public Power issued credits to the identified customers. As to the unauthorized customer switching allegations, an authorized switch could not be proven as to six customers. Public Power and the Prosecutorial Unit entered into a settlement agreement under which Public Power would make a charitable contribution of \$6,000, in lieu of a civil penalty. The Settlement Agreement was submitted to PURA on June 28, 2012 and is subject to formal approval by that agency.

The following matter was filed as a result of information discovered during the due diligence process for the combination of Regional Energy Holdings, Inc. and Public Power LLC to form Crius Energy LLC.

FERC Docket Nos. ER12-2250-000 et al.

On September 14, 2012, in response to a Public Power filing the Federal Energy Regulatory Commission (“FERC”) issued a delegated letter order to four Public Power, LLC subsidiaries, granting each of them market-based rate authority on a prospective basis (FERC Docket Nos. ER12-2250-000 et al.). The four entities are Public Power & Utility of New Jersey, LLC, Public Power & Utility of NY, Inc., Public Power (PA), LLC and Public Power & Utility of Maryland, LLC (the “Entities”). This action resulted from the limited type of wholesale energy sales- “balancing energy sales” being conducted by Public Power. Each of the Entities engaged, in the past, in these balancing energy wholesale sales, and did so without market-based rate authority during the pertinent period. Such transactions come about when, for example, an entity offers to purchase 10 MWh in the day-ahead market, and in real-time ultimately purchases 9 MWh, with the 1 MWh difference deemed a sale back to the RTO under RTO rules. It is those past wholesale balancing sales that were the subject of the above FERC filing and orderrefund reports. As a result of these past sales, FERC required the filing of refund reports and the submission of data indicating why refunds would not be required. The Entities made the required submission within the thirty days of the issuance of the September 14, 2012 order and request. The Entities expect to have zero refund liability.

The need for FERC Market Base Rate Authority was discovered during the due diligence process preceding the combination of the REH and Public Power. The Public Power Entities were unaware that market-based rate authority was required for real-time balancing sales. For more information on this please see Applicant's answer in Paragraph 2 of the Amended Application.

Public Power LLC – Connecticut, Docket #07-06-13 (Docket No. 07-06-13) September 2010

The Connecticut Public Utilities Regulatory Authority (the "Authority") opened Docket 07-06-13 RE03 on or about September 1, 2010 to investigate whether Public Power's electric supplier license was transferred without the Authority's prior approval. The Authority began its investigation largely, as a result of correspondence dated July 27, 2010, in which Public Power notified the Authority of certain organizational changes, specifically, that its business address changes to Danbury, Connecticut and that Robert Gries, Jr. was now its President and CEO. The case was settled and closed informally on June 20, 2012.