

**STATE OF CONNECTICUT  
PUBLIC UTILITIES REGULATORY AUTHORITY**

PETITION OF GEORGE	:	DOCKET NO. 12-07-13
JEPSEN, ATTORNEY	:	
GENERAL FOR THE STATE OF	:	
CONNECTICUT, AND THE OFFICE	:	
OF CONSUMER COUNSEL FOR AN	:	
INVESTIGATION INTO THE	:	
MANNER AND OPERATION OF	:	
ENERGY PLUS HOLDINGS, LLC	:	MAY 22, 2014

**JOINT MOTION TO ACCEPT SETTLEMENT, WITHDRAW PETITION AND CLOSE PROCEEDINGS**

George Jepsen, Attorney General for the State of Connecticut (“Attorney General”), Elin Swanson Katz, Consumer Counsel, and Energy Plus Holdings, LLC, (the "Settling Parties") hereby move to have the Public Utilities Regulatory Authority (“PURA” or “Authority”) accept the settlement agreement ("Settlement Agreement") attached as Exhibit A, and, upon acceptance, (i) further move to withdraw the above-referenced Petition filed on July 26, 2012, and (ii) request that the Authority close this proceeding. This request is made pursuant to an agreement whereby Energy Plus will make a \$4.5 million payment to the State of Connecticut to be used by the Authority for the purposes of enhancing consumer education, consumer assistance, and the enforcement of State laws and regulations in Connecticut's electric supplier market. See, House Bill 5597, *An Act Implementing Provisions of the State Budget for the Fiscal Year Ending June 30, 2015*. Specifically, Section 67 of that budget implementer bill provides:

*(Effective from passage)* Notwithstanding the provisions of section 16-41 of the general statutes, the amount of the settlement executed prior to June 30, 2014, between the office of the Attorney General and an electricity supplier shall be deposited into a separate nonlapsing account to fund activity by the Public Utilities Regulatory Authority for expenses relating to consumer assistance, consumer education and enforcement activity relating to electricity suppliers. Funds from the account shall be made available to the authority following the approval of the Secretary of the Office of Policy and Management. The authority

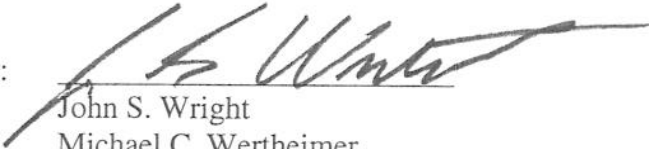
shall only use such funds for the purposes, in such amounts and at such times as approved by the secretary.

With this donation, the Petitioners consider this matter fully and adequately resolved. Moreover, the Settling Parties represent that this Settlement is in the public interest and waive their right to conduct any further hearings or proceedings in this matter. The Settling Parties note that the budget implementer bill addresses the proceeds of a "settlement executed prior to June 30, 2014" and, consistent with that provision, request that the Authority approve this settlement as soon as possible.

The Settling Parties therefore request that the Authority accept the Settlement Agreement. Upon acceptance, the petitioners Attorney General and Consumer Counsel move to withdraw the Petition and the Settling Parties request the Authority close these proceedings.

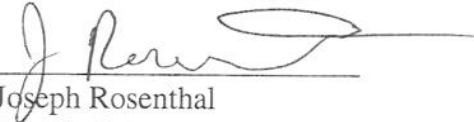
Respectfully submitted,

GEORGE JEPSEN  
ATTORNEY GENERAL

By: 

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Assistant Attorneys General  
Attorney General's Office  
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New Britain, CT 06051  
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ELIN SWANSON KATZ  
CONSUMER COUNSEL

By: 

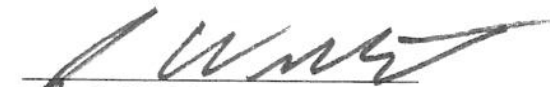
Joseph Rosenthal  
Principal Attorney  
Office of Consumer Counsel  
10 Franklin Square  
New Britain, CT 06051  
Tel: (860) 827-2906  
Fax: (860) 827-2929

ENERGY PLUS HOLDINGS

By: 

Catherine L. Sakach  
Senior Counsel  
Energy Plus Holdings, LLC

Service is hereby  
certified to all parties and  
intervenors on this agency's  
service list for this proceeding.

  
John S. Wright  
Assistant Attorney General

# Exhibit A

**STATE OF CONNECTICUT**  
**PUBLIC UTILITIES REGULATORY AUTHORITY**

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JEPSEN, ATTORNEY	:	
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MANNER AND OPERATION OF	:	
ENERGY PLUS HOLDINGS, LLC	:	MAY 15, 2014

**SETTLEMENT AGREEMENT**

STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

PETITION OF GEORGE : DOCKET NO. 12-07-13  
JEPSEN, ATTORNEY :  
GENERAL FOR THE STATE OF :  
CONNECTICUT, AND THE OFFICE :  
OF CONSUMER COUNSEL FOR AN :  
INVESTIGATION INTO THE :  
MANNER AND OPERATION OF :  
ENERGY PLUS HOLDINGS, LLC : MAY 15, 2014

**SETTLEMENT AGREEMENT**

WHEREAS, this Settlement Agreement is entered into by and between Energy Plus Holdings, LLC ("Energy Plus" or the "Company"), George Jepsen, Attorney General for the State of Connecticut ("Attorney General"), and Elin Swanson Katz, Consumer Counsel, on behalf of the State of Connecticut, Office of Consumer Counsel ("OCC") (collectively, the "Settling Parties"), in connection with the above-captioned matter pending before the Public Utilities Regulatory Authority ("Authority");

WHEREAS, the Attorney General and the Consumer Counsel filed their Petition for an investigation into the manner and operation of Energy Plus ("Petition"), and the Settling Parties subsequently have engaged in discovery and negotiations concerning the matters addressed in the Petition;

WHEREAS, the Settling Parties have raised competing and disputed claims with regard to the various issues related to the Petition, but wish to resolve those issues on mutually agreeable terms, and without establishing any precedent or principles applicable to any other proceedings; and

WHEREAS, it is the policy of the Authority, consistent with Conn. Gen. Stat. §16-19jj, to encourage the use of settlements to resolve contested cases and proceedings.

NOW THEREFORE, in consideration of the exchange of promises and covenants herein contained, the legal sufficiency of which is hereby acknowledged, the Settling Parties agree, subject to approval by the Authority, as follows:

## **ARTICLE 1: FINANCIAL CONDITIONS - ADVANCING STATE POLICY GOALS**

- 1 **Voluntary Donation**: Energy Plus shall make a one-time \$4.5 million payment to the State of Connecticut to be used by the Public Utilities Regulatory Authority for the purposes of enhancing consumer education, consumer assistance, and the enforcement of State laws and regulations in Connecticut's electric supplier market. This payment is voluntary and does not constitute restitution, civil penalty or disgorgement. The payment shall be made within thirty (30) days following the Authority's final decision approving this settlement and closing this docket.

## **ARTICLE 2: RELEASE OF CLAIMS**

2. **Release of Claims**: The Attorney General and the Consumer Counsel, individually and, respectively, on behalf of the State of Connecticut and the OCC, withdraw and release all claims against Energy Plus and its directors, officers, employees, parent companies, affiliates, successors and assigns arising out of or relating to any matter referred to or described in the Petition. Energy Plus will not assert and does release any claims against the State, the Attorney General or the Consumer Counsel arising out of or relating to any matter referred to or described in the Petition. The Attorney General and the Consumer Counsel shall move to withdraw the Petition and request that the Authority close this proceeding. With this voluntary donation, the Attorney General and the Consumer Counsel consider this matter fully and adequately resolved.

## **ARTICLE 3: AUTHORITY APPROVALS AND OTHER CONDITIONS**

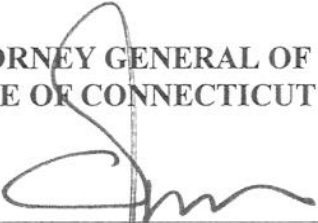
- 3.1 **Settlement Approval**: The Settling Parties assert that, if the Authority does not approve this Settlement Agreement in its entirety, this filing shall be deemed to be withdrawn, the releases of claims referred to in Article 2 shall be deemed rescinded, and the Settlement Agreement shall not constitute a part of the record in any proceeding or used for any other purpose.
- 3.2 The provisions of this Settlement Agreement are not severable. This Settlement Agreement is conditioned on its full approval by the Authority without additional conditions or requirements.
- 3.3 This Settlement Agreement shall not be deemed in any respect to constitute an admission by any party that any allegation or contention in this proceeding is true or false. Except as specified in this Settlement Agreement to accomplish the State's policy goals intended by this Settlement Agreement, the entry of an order by the Authority approving the Settlement Agreement shall not in any respect constitute a determination by the Authority as to the merits of any other issue raised in this proceeding.
- 3.4 The making of this Settlement Agreement establishes no principles and shall not be deemed to foreclose any party from making any contention in any proceeding

or investigation, except as to those issues and proceedings that are stated in this Settlement Agreement as being specifically resolved and terminated by approval of this Settlement Agreement.

The signatories listed below represent that they are authorized on behalf of their principals to enter into this Settlement Agreement.

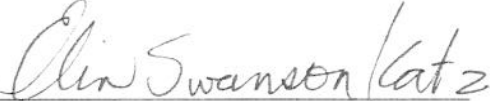
**ATTORNEY GENERAL OF THE  
STATE OF CONNECTICUT**

By: \_\_\_\_\_

  
George Jepsen  
Attorney General  
State of Connecticut  
55 Elm Street  
Hartford, CT 06106

**OFFICE OF CONSUMER  
COUNSEL**

By: \_\_\_\_\_

  
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Consumer Counsel  
Office of Consumer Counsel  
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New Britain, CT 06051

**ENERGY PLUS HOLDINGS, LLC**

By: \_\_\_\_\_

James Steffes  
Energy Plus Holdings, LLC

Dated: May 15, 2014



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**ATTORNEY GENERAL OF THE  
STATE OF CONNECTICUT**

By: \_\_\_\_\_  
George Jepsen  
Attorney General  
State of Connecticut  
55 Elm Street  
Hartford, CT 06106

**OFFICE OF CONSUMER  
COUNSEL**

By: Elin Swanson Katz  
Elin Swanson Katz  
Consumer Counsel  
Office of Consumer Counsel  
Ten Franklin Square  
New Britain, CT 06051

**ENERGY PLUS HOLDINGS, LLC**

By: James Steffes  
James Steffes  
Energy Plus Holdings, LLC

Dated: May 15, 2014