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DOCKET NO. 39825

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UTILITY COMMISSION
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APPLICATION OF DPI ENERGY, LLC
FOR AMENDMENT OF RETAIL
ELECTRIC PROVIDER
CERTIFICATION

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BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS

AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF DALLAS §

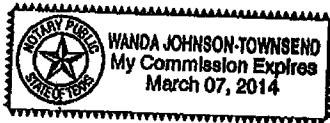
BEFORE ME, the undersigned authority, on this day personally appeared Dennis Benevides, after being duly sworn, deposes and states:

1. "I am Dennis Benevides, President & Chief Executive Officer of TruSmart Energy Holdings, LLC ("TruSmart Energy"), DPI Energy, LLC's ("DPI") parent entity upon close of the Purchase and Sale Agreement by and among Amvensys Capital Group, LLC, DPI Teleconnect, LLC and TruSmart Energy Holdings, LLC dates as of September 29, 2011 (the "PSA"). I am over the age of twenty-one years and am of sound mind and competent to attest to the matters stated herein. I have personal knowledge of the facts set forth in this affidavit and am authorized to make this affidavit on behalf of TruSmart Energy. Each of the facts set forth in this affidavit is true and correct.
2. Pursuant to Docket No. 37917, *Application of DPI Energy, LLC for an Amendment to Its Retail Electric Provider (REP) Certification Pursuant to Subst. R. 25107*, TruSmart Energy, as the future parent of DPI, shall ensure that DPI complies with the stipulated enforcement, compliance and monitoring efforts. Specifically, DPI shall:
 - a. Hire and employ for a period of three years after the closing of the PSA a regulatory specialist, with a minimum of five years experience in the Texas retail electric industry, for the purpose of ensuring compliance with Commission;

- b. Engage the services of an outside consultant, with a minimum of five years experience in the Texas retail electric industry, for the purpose of ensuring compliance with Commission; and
- c. For a period ending three years after the closing of the PSA, file a compliance report with the Commission every 3 months detailing DPI's efforts and practices to stay current and maintain compliance with all applicable Commission rules."

Dennis M Benevides
Dennis Benevides

SUBSCRIBED AND SWORN TO BEFORE ME on the 20th day of MONTH, YEAR.



Wanda Johnson-Townsend
Notary Public for the State of
My Commission Expires: March 7, 2014