

Control Number: 49779



Item Number: 460

Addendum StartPage: 0



ELECTRICITY BROKER REGISTRATION FORM

PROJECT NO. 49779

1. Check the most appropriate box to describe this submission:		
<input checked="" type="checkbox"/> This is a new broker registration		
<input type="checkbox"/> This supplies information for a pending broker registration		
<input type="checkbox"/> This amends an existing, completed broker registration		
Provide an explanation of the amendment: _____		
2. Authorized Representative or Attorney to contact about this application:		
Name Cole Denton	Title President	
Business Address 9050 N Capital of TX Hwy Ste #320		
City Austin	State Texas	Zip 78759
Telephone Number (512) 394-8359		
Email Address cdenton@performanceutilities.com		
3. Registering Entity: List the registering entity's legal name, business address, and telephone number.		
Name Performance Utility Management and Billing, LLC.		
Business address 9050 N Capital of TX Hwy Ste #320		
City Austin	State Texas	Zip 78759
Telephone Number (512) 394-8359		
4. Type of organization of registering entity:		
<input type="checkbox"/> Sole proprietor <input type="checkbox"/> Other		
<input type="checkbox"/> Corporation		
<input checked="" type="checkbox"/> Limited Liability Company, L.L.C		
<input type="checkbox"/> Limited Partnership		

5. Description of the brokerage services provided by the registering entity and type of customers served.

Description of Services:
 Brokering and negotiation of Energy Procurement for Multifamily Complexes

Types of Customers: *Check all that apply*

- Residential Industrial Other
 Commercial Municipalities

6. **Other Names.** List any trade, commercial, and doing-business-as (d/b/a) names, other than the legal name listed in #3 above, under which the registering entity intends to operate. Any name in which a corporation intends to operate must be registered with the Secretary of State.

1 st Performance Utilities	2 nd
3 rd	4 th 5 th

7. **Officers.** Provide, as **Attachment A**, the names, business addresses, email addresses, and phone numbers of the registering entity's officers, directors, and partners, as applicable.

Attachment A

8. **Customer Service Contact.** List the telephone number and email address of the customer service department. If the registering entity does not have a dedicated customer service department, then provide the name, title, address, email address, and telephone number of the customer service contact person.

Customer Service Department	Telephone Number (512) 394-8359	Email Address customerservice@performanceutilities.com
Name Cole Denton		Title President
Business address 9050 N Capital of TX Hwy Ste #320		
City Austin	State Texas	Zip 78759
Telephone Number 512-394-8359 or 1-855-326-6434		
Email Address customerservice@performanceutilities.com		

9. **Regulatory contact person.** List the name, physical business address, telephone number, and email address for a regulatory contact person.

Name Cole Denton		Title President
Business address 9050 N Capital of TX Hwy Ste #320		
City Austin	State Texas	Zip 78759
Telephone Number (512) 394-8359		
Email Address cdenton@performanceutilities.com		

10. Secretary of State Record. Entities who must register with the Secretary of State must provide a copy of the certificate of status issued by the Texas Secretary of State certifying that the registering entity is authorized to transact business in Texas.

Copy of Secretary of State certificate of status is attached.

AFFIDAVIT

My name is Cole Denton. I am the President of the Registering Entity.

I swear or affirm that I have personal knowledge of the facts stated in the attached registration, that I am competent to testify to them, and that I have the authority to submit this application form on behalf of the registering entity. I further swear or affirm that all statements made in the Registration Form are true, correct and complete and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner. I swear or affirm that the registering entity understands and will comply with all requirements of the applicable law and rules, including customer protection provisions, disclosure requirements, and marketing guidelines for retail electric service.



Signature of Registering Entity's Owner, Partner, or Officer

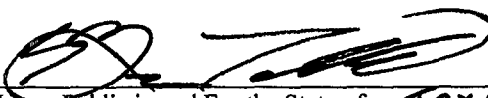
Cole Denton

Printed Name

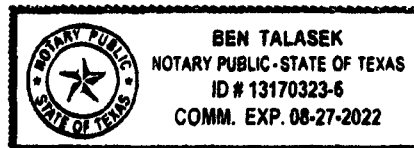
Performance Utility Management and Billing, LLC.

Name of Registering Entity

Sworn and subscribed before me this 19 day of August, 2019
Month Year



Notary Public in and For the State of Texas
My commission expires on 8/27/2022





Office of the Secretary of State

CERTIFICATE OF FILING OF

PERFORMANCE UTILITY MANAGEMENT AND BILLING, LLC
File Number: 801740898

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Limited Liability Company (LLC) has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 02/26/2013

Effective: 02/26/2013



A handwritten signature in black ink, appearing to read "John Steen".

John Steen
Secretary of State

FILED
In the Office of the
Secretary of State of Texas
FEB 26 2013

CERTIFICATE OF FORMATION

OF

Corporations Section

PERFORMANCE UTILITY MANAGEMENT AND BILLING, LLC

I, the undersigned natural person of the age of eighteen (18) years or more, acting as the organizer of a limited liability company under Title 3 of the Texas Business Organizations Code (the "Code"), do hereby adopt the following Certificate of Formation for PERFORMANCE UTILITY MANAGEMENT AND BILLING, LLC (the "Company"):

ARTICLE I

The name of the Company is PERFORMANCE UTILITY MANAGEMENT AND BILLING, LLC.

ARTICLE II

The period of duration of the Company is perpetual.

ARTICLE III

The purpose for which the Company is organized is the transaction of any lawful business for which limited liability companies may be organized under the Code.

ARTICLE IV

The address of the Company's initial registered office in the State of Texas is 11149 Research Blvd., Suite 375, Austin, Texas 78759 and the name of the Company's initial registered agent at that address is Monte K. Lee-Wen.

ARTICLE V

The Company is to have a manager or managers, and the name and address of the initial manager who is to serve as manager until the first annual meeting of the members or until his successor is duly elected is:

<u>Name</u>	<u>Address</u>
Monte K. Lee-Wen	11149 Research Blvd., Suite 375 Austin, Texas 78759

ARTICLE VI

The name and address of the organizer of the Company is:

<u>Name</u>	<u>Address</u>
Basil E. Mahmoud	Metcalfe Wolff Stuart & Williams, LLP 301 Congress Avenue, Suite 1200 Austin, Texas 78701

ARTICLE VII

The managers of the Company, in their sole discretion, shall have the power, on behalf of the Company, to indemnify persons for whom indemnification is permitted by Chapter 8 of the Code, to the fullest extent permissible under Chapter 8 of the Code, and may purchase such liability, indemnification and/or other similar insurance as the managers from time to time shall deem necessary or appropriate, in their sole discretion.

The Company may purchase and maintain liability, indemnification and/or other similar insurance on behalf of itself, and/or for any person who is a manager, officer, employee or agent of the Company or who is or was serving at the request of the Company as a director, manager, officer, trustee, employee, agent or similar functionary of another foreign or domestic corporation, limited liability company, partnership, joint venture, sole proprietorship, trust, employee benefit pension plan or other enterprise, against any liability asserted against and/or incurred by the Company or person serving in such capacity or arising out of his/her/its status as such a person or entity, whether or not the Company would otherwise have the power to indemnify such person against that liability.

The power to indemnify and/or obtain insurance provided in this Article VII shall be cumulative of any other power of the managers and/or any rights to which such a person or entity may be entitled by law, the Certificate of Formation and/or company agreement, contract, other agreement, vote or otherwise.

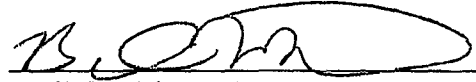
ARTICLE VIII

Pursuant to Section 101.401 of the Code, no manager of the Company shall be liable, personally or otherwise, in any way to the Company or its members for monetary damages caused in any way by an act or omission occurring in the manager's capacity as a governing person of the Company, except as to the events set forth in Section 7.001(c) of the Code.

ARTICLE IX


Any action required to be taken at any annual or special meeting of the managers or members of the Company, and/or any action that may be taken at any annual or special meeting of the managers or members of the Company, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the managers or members having not less than the minimum number of votes that would be necessary to take such action at a meeting at which all managers or members entitled to vote on the action were present and voted. Such action shall be taken in accordance with any applicable provisions of the Code.

IN WITNESS WHEREOF, I have hereunto set my hand, this 26th day of February, 2013.


Basil E. Mahmoud

DISCLAIMER

I, the undersigned, being the organizer of PERFORMANCE UTILITY MANAGEMENT AND BILLING, LLC, a limited liability company filed with the Secretary of State of the State of Texas, do hereby disclaim any and all interest in said Company.


Basil E. Mahmoud

Date of this notice: 02-28-2013

Employer Identification Number:
46-2153199

Form: SS-4

Number of this notice: CP 575 A

PERFORMANCE UTILITY MANAGEMENT AND
BILLING LLC
MONTE K LEE-WEN MBR
11149 RSRCH BLVD STE 375
AUSTIN, TX 78759

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 46-2153199. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 941	04/30/2013
Form 940	01/31/2014
Form 1065	04/15/2014

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

If you are required to deposit for employment taxes (Forms 941, 943, 940, 944, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), you will receive a Welcome Package shortly, which includes instructions for making your deposits electronically through the Electronic Federal Tax Payment System (EFTPS). A Personal Identification Number (PIN) for EFTPS will also be sent to you under separate cover. Please activate the PIN once you receive it, even if you have requested the services of a tax professional or representative. For more information about EFTPS, refer to Publication 966, *Electronic Choices to Pay All Your Federal Taxes*. If you need to make a deposit immediately, you will need to make arrangements with your Financial Institution to complete a wire transfer.

The IRS is committed to helping all taxpayers comply with their tax filing obligations. If you need help completing your returns or meeting your tax obligations, Authorized e-file Providers, such as Reporting Agents (payroll service providers) are available to assist you. Visit the IRS Web site at www.irs.gov for a list of companies that offer IRS e-file for business products and services. The list provides addresses, telephone numbers, and links to their Web sites.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

- * Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is PERF. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Name	Business Address	Email	Phone
Monte Lee-Wen	9050 N Capital of Texas Hwy Ste #320, Austin, Texas 78759	mleewen@theppagroup.com	512-651-0513 x901
Cole Denton	9050 N Capital of Texas Hwy Ste #320, Austin, Texas 78759	cdenton@performanceutilities.com	512-394-8359 x930