



## Filing Receipt

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April 27, 2022

VIA EMAIL [CentralRecords@puc.texas.gov](mailto:CentralRecords@puc.texas.gov)  
Filing Clerk, Central Records Division  
Public Utility Commission of Texas  
1701 N. Congress Avenue, 8-100  
PO Box 13326  
Austin, TX 78711-3326



Dear Filing Clerk:

**RE: E-filing mistake: Emergency Operations Plan for SmartestEnergy US LLC,  
Project/Control No. 53385**

On April 6, SmartestEnergy US LLC ("SEUS") filed its Emergency Operations Plan ("EOP") as required by §25.53. On April 26, SEUS received an email from Central Records (copy attached) indicating that SEUS had advertently made this filing in the wrong Project/Control number (i.e., the filing was made in 52986 rather than 53385). SEUS is herewith re-filing the EOP in the correct Project/Control number.

SEUS requests that Central Records void/remove item #11 in docket 52836. SEUS will send an email to Central Records when submitting this filing, making this request again.

SEUS' Emergency Operations Plan ("EOP") includes the following

- An executive summary as required by §25.53 C.1.A
- A complete copy of the EOP with all confidential portions removed as required by §25.53 C.1.A

If you have any questions related to the Application, please contact me at (315) 545-5187 or [Regulatory-Affairs-US@smartestenergy.com](mailto:Regulatory-Affairs-US@smartestenergy.com)

Very Truly Yours,

*Kiersten O'Connor*  
Kiersten O'Connor

# **SMARTESTENERGY US LLC**

## **Emergency Operations Plan**

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  - E. A cyber security annex;
  - F. A physical security incident annex

**Emergency Operations Plan**  
for  
**SmartestEnergy US LLC**  
**Last Revised 3/31/2022**

**I. Executive Summary**

SmartestEnergy US LLC (“Company” or “SEUS”) is a retail electricity supplier and energy trading firm. SEUS is asset-lite, meaning it owns no transmission lines, distribution lines or power generating equipment. SEUS’ assets are its employees and its’ Information Technology (“IT”) equipment. The objective of this Emergency Operations Plan (“Plan”) is to prepare employees for dealing with emergency situations, to keep employees safe during such situations and to comply with regulatory requirements regarding emergencies. This Plan is designed to minimize injury, loss of human life, and company resources by training employees, and assigning responsibilities. This Plan applies to all emergencies that may reasonably be expected to occur.

**A. Description of contents and policies**

The contents of this plan and the associated policies are laid out in the table of Contents

**B. A list of emergency contacts**

Andy Cormie	CEO	Andy-cormie@smartestenergy.com	(214) 517-4935
Kenichiro Hashimoto	COO	Kenichiro-hashimoto@smartestenergy.com	(315) 960 3131
Gavin Baker	VP Commercial	Gavin-baker@smartestenergy.com	(214) 597-5540
Dave French	VP Market Ops	Dave-french@smartestenergy.com	(214) 609-5845
Sarah Vega	VP IT & Change	Sarah-vega@smartestenergy.com	(281) 513-5100
Megan Quill	VP Finance	Megan-quill@smartestenergy.com	(214) 436-2131
Jim Cifaratta	SVP	Jim-Cifaratta@smartestenergy.com	(214) 436-2256

**C. Items required by Texas regulations**

- i. Reference to specific sections and page numbers of the entity's EOP that correspond with the requirements of Texas regulations §25.53 regarding Emergency Operations Plans

Item	Regulation §25.53	Section of Plan
Description of Contents and policies	C.1.A	Exec Summary
Reference to specific sections corresponding to rule	C.1.A	Exec Summary
Record of distribution	C.1.A, C.4.A	Exec Summary
Affidavit	C.1.A, C.4.A	Exec Summary
Emergency Contacts	C.4.B	Exec Summary
Approval and Implementation Section	C.4.D.1	Section II
Communication Plan	C.4.D.2	Section III
Maintain Supplies	C.4.D.3	Section III.J
Staffing During Emergency Response	C.4.D.4	Section III.i
Identification of Weather Related Hazards	C.4.D.5	Section III.f
Handling complaints during emergency	C.4.D.2	Section III.h
Pandemic Annex	E	Annex C
Hurricane Annex	E	Annex D
Cyber Security Annex	E	Annex E
Physical Security Annex	E	Annex F

- ii. The record of distribution required under subparagraph (c)(4)(A) of Texas regulations §25.53 A). Includes (i) titles and names of persons receiving access to and training on the EOP; and (ii) dates of access to or training on the EOP, as appropriate.

Each employee of SEUS has access to the EOP. Executive management has signed off on training for employees in their respective areas as follows:

Name	Title	Date of Training
Andy Cormie	CEO	4-1-2022
Kenichiro Hashimoto	COO	4-1-2022
Gavin Baker	VP Commercial	4-1-2022
Dave French	VP Market Ops	4-1-2022
Sarah Vega	VP IT & Change	4-1-2022
Megan Quill	VP Finance	4-1-2022
Jim Cifaratta	SVP	4-1-2022

- iii. The affidavit required under subparagraph (c)(4)(C) of Texas regulations §25.53

State of New York:  
County of Onondaga:

Andy Cormie, being duly sworn/affirmed deposes and says:

That he is the CEO of SmartestEnergy US LLC;

That he is authorized to make this affidavit for SmartestEnergy US LLC;

That relevant operating SmartestEnergy US LLC personnel are familiar with and have received training on the applicable contents and execution of the Emergency Operating Plan ("EOP"), and such personnel are instructed to follow the applicable portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an emergency;

That the EOP has been reviewed and approved by the appropriate executives;

That drills have been conducted to the extent required by subsection (f) of subparagraph §25.53;

That, to the best of Affiant's knowledge, the EOP is not required to be distributed to local jurisdictions;

That SmartestEnergy US LLC maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident; and

That SmartestEnergy US LLC will not designate emergency management personnel to interact with local, state, and federal emergency management officials during emergency events, so the training statement is not applicable.

That the facts set forth above are true and correct to the best of his knowledge, information and belief and that he expects to be able to prove the same at any hearing hereof.

---

Signature of Affiant

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_ 2022

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Signature of official administering oath

\_\_\_\_\_  
Print name and title

My Commission expires: \_\_\_\_\_

## **II. ASSIGNMENT OF RESPONSIBILITY**

### **A. Applicability**

This EOP applies to all of SEUS employees whilst present in a SEUS office location. SEUS' COO is responsible for maintaining and implementing this EOP. SEUS employees who work or visit to Marubeni America Corp (MAC) office locations in Houston and New York City are subject to MAC EOP whilst present at those office locations.

### **B. Responsibility/Approval**

Any changes to this EOP must be approved by SEUS' CEO and COO.

The COO shall be responsible for implementing this Plan and will ensure that SEUS management reviews this plan annually. The COO, it its' designee will also coordinate with local public resources, such as fire department and emergency medical personnel, to the extent required during an emergency.

SEUS management will follow, and ensure that their employees are trained in, the procedures in this plan.

SEUS Employees are responsible for following the procedures in this plan.

### **C. Revision control summary, approval Documentation**

Annex A provides a revision control summary, that lists the dates of each change made to the EOP since its' initial rollout. Annex B contains approval documentation.

## **III. IMPLEMENTATION/COMMUNICATION PLAN**

### **A. Reporting Fire and Other Emergency Situations**

All fires and other emergency situations will be reported to the appropriate authorities by any SEUS employee that witnesses it as soon as is possible. Such employee will ensure that all other



employees that may be in danger are notified as soon as possible using the building alarm system.

Under no circumstances will an employee attempt to fight a fire after it can no longer be put out with a fire extinguisher, nor will any employee attempt to enter a burning building to conduct search and rescue. These actions must be left to emergency services professionals (such as the fire department or emergency medical professionals) who have the necessary training, equipment, and experience to do so. Untrained people might endanger themselves or those they are trying to rescue.

If a fire or other emergency situation occurs after normal business hours, the COO or its' designee will contact all employees that are not in the office to provide future work status, depending on the nature of the situation.

#### B. Emergency Contact Information

SEUS will maintain a list of all employees' personal emergency contact information and will keep the list in a shared folder for easy access in an emergency.

#### C. Evacuation of Office

In the event that a fire or emergency alarm is sounded, all employees must immediately exit the building(s) at the nearest exits as directed by the building owner or the relevant emergency personnel.

#### D. Re-entry

Once the building has been evacuated, no one may re-enter the building for any reason, except for designated and properly trained rescue personnel (such as fire department or emergency medical professionals). Untrained people might endanger themselves or those they are trying to rescue.

All employees must remain outside of the building until the fire department or other emergency response agency provides notification that the building is safe for re-entry.

#### E. Sheltering in Place

In the event that chemical, biological, or radiological contaminants are released into the environment in such quantity or proximity to an SEUS office, or in the event of severe weather, authorities might determine that is safer to remain indoors rather than evacuate, in which case:

1. SEUS will immediately close the affected office. If customers, clients, or visitors are in the building, they will be advised to stay in the building for their safety.

2. Unless there is an imminent threat, employees, customers, clients, and visitors will call their emergency contacts to let them know where they are and that they are safe.
3. Employees should follow building owner instructions regarding the locking of exterior doors and windows, air vents, blinds, etc.
4. SEUS employees will monitor telephone, radio, television and Internet reports for further instructions from authorities to determine when it is safe to leave the building.

#### F. Severe Weather

SEUS will use local guidance from weather and governmental authorities to identify severe weather (including tornadoes, hurricanes, extreme cold weather, extreme hot weather, drought, flooding, etc.). SEUS' EOP will be in effect whenever a local governmental authority declares an emergency. Notwithstanding the foregoing, employees are encouraged to work from home when severe weather is imminent, whether or not an emergency is in effect. Employees should not risk driving to or from the office during severe weather.

If an SEUS employee becomes aware of a severe weather alert (such as tornados) it will notify employees in the most efficient way possible.

#### G. Procedures for Communicating Externally During an Emergency

SEUS does not own or operate transmission lines, distribution lines or electric generating equipment. Therefore, employees will not communicate with media during emergencies, unless approval has been obtained from CEO or COO.

As is normal practice, SEUS will answer all calls from customers, ISOs and regulators in a professional and timely manner. If customers are experiencing power outages, SEUS will advise the customer to call its local distribution utility. In states where SEUS can report customer power outages to the local distribution utility, it will do so.

#### H. Procedures for handling customers and complaints during an emergency.

SEUS shall provide consistent and fair treatment to customers. In the event that SEUS is unable to fulfil its obligations to the customer due to an emergency, including but not limited to enrolling or billing customers in a timely manner, a communication will be sent to all affected customers as soon as possible explaining the emergency and its' impact, what remedies are being sought and the timeframe for when normal service can be expected to be resumed. For the avoidance of doubt, no customers should suffer as a result of SEUS's inability to fulfil its' obligations. For example, customers should not be

expected to make payments where they have not received an invoice. Any such communication advising of SEUS's inability to fulfil its' obligations should be approved by the Senior Vice President or above.

Unless SEUS is unable to access phone and email service, it will handle complaints as it always does:

- SEUS shall resolve customer inquiries without undue discrimination and in an efficient manner
- SEUS customer service department shall be empowered to resolve all customer complaints.
- SEUS shall respond promptly to all complaints. SEUS will provide an acknowledgement or response to a customer inquiry within 2 business days.
- In the event that SEUS customer service department cannot resolve the complaint, it shall be raised to a SEUS senior executive for resolution.

I. Procedures for handling Staffing during an emergency.

SEUS business operations have been equipped and designed to facilitate working from home during normal times as well as during emergencies. No additional steps are needed to ensure they are enabled to work remotely during emergencies. Multiple staff are trained in operating procedures and are able to perform their tasks remotely in key business functions;

- Wholesale market trading
- Wholesale market participant operations with respect to scheduling
- Retail enrollments and billing
- Customer Service

Where emergencies affect the ability of the SEUS to manage wholesale market activities or operations, or we are affected by an emergency at one or more counterparties who have wholesale market obligations to SEUS, an ad-hoc Risk Management Committee will be called with appropriate urgency to assess impact and resolutions with minutes escalated accordingly.

J. A plan to maintain pre-identified supplies for emergency response.

All of SEUS' employees are office-workers and SEUS does not own transmission lines, distribution lines or electric generating equipment. Therefore, this item does not apply.

#### IV. TRAINING/DRILLS

A. Employee Training

All employees will receive training on this Emergency Action Plan at its inception (in March 2022). New hires will be trained within 3 months of hire date. Additional training must be provided:

1. when there are any material changes to the plan or facility; and
2. at other times that SEUS management may require

#### B. Fire/Evacuation Drills

Fire/evacuation drills will be conducted periodically at each SEUS office if required by the building owner. Additional drills will be conducted if physical properties of the business change, processes change, or it is otherwise deemed necessary.

#### C. Other Drills

To meet the requirements of Texas regulations §25.53 subsection (f), SEUS will annually conduct a test of this EOP where all offices are closed, and all employees work remotely. The first such test will be required before March 15, 2023. In accordance with Texas regulations, SEUS will provide at least 30 days-notice of this test to the Texas PUC. Because SEUS does not operate transmission lines, distribution lines or electric generating equipment in a hurricane evacuation zone as defined by TDEM, a test of Annex D (Hurricane Annex) is not required.

#### D. Training Records

The COO will document all training pertaining to this plan and will maintain records.

### V. **PLAN REVIEW**

This Emergency Action Plan must be reviewed annually, or as needed if changes to the worksite are made. Any employee may make recommendations to improve the effectiveness of this Plan. Management shall regularly review any such recommendations.

## **ANNEX A: Revision Control Summary**

### **Revision Control History:**

- March 31, 2022 – Initial Roll out

## ANNEX B – APPROVAL DOCUMENTATION

This EOP, approved on the date below, is the most recently approved EOP and supersedes all previous versions

**Approved:**

\_\_\_\_\_  
Andy Cormie, CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenichiro Hashimoto, COO

\_\_\_\_\_  
Date

## **ANNEX C: Pandemic**

### **Purpose:**

Infectious diseases, such as COVID-19, have the potential to have drastic societal impacts. During an infectious disease outbreak SEUS' primary goal is to maintain employee/community health and safety. The purpose of this annex is to ensure that there are procedures in place to meet this goal.

**Goal:** Implement strategies to maximize employee and community health and safety

### **Actions:**

1. Understand and follow suggested guidelines from local health officials
2. If in accordance with local guidelines, consider closing office and requiring all staff to work remotely
3. Provide access to mental health providers to all those that have been affected

## **ANNEX D: Hurricane**

### **Purpose:**

A hurricane can have devastating impacts on life and property. The purpose of this annex is to ensure that there are procedures in place to protect staff/members in case of a severe weather event. SEUS does not own transmission lines, distribution lines or electric generating equipment, therefore the purpose of this annex is geared towards employee safety at an SEUS office and at their homes.

**Goal:** Implement strategies to maximize employee safety during a hurricane event

### **Actions:**

1. Ensure all staff threatened by hurricane are aware of shelter-in-place locations and severe weather procedures recommended by local authorities
2. Monitor weather reports and send out notifications to staff
3. Close local office and remind staff of remote working options
4. Following the storm, check on staff to make sure all are OK



## ANNEX E: Cybersecurity – Information Security Management System

**Purpose:** The purpose of this annex is to ensure that there are procedures in place to protect staff/members and organization infrastructure in case of a cyber and information security incident.

**Goal:** To maintain best in class cyber security defenses in order to protect Smartest systems, processes and data – including that of our customers

**Actions:** Ensure the Information Security Management System and its supporting infrastructure remains adhered to, up to date and supported.

**Detail:** The SmartestEnergy Group of companies has developed a full Information Security Management System encompassing a suite of policies, procedures and controls. (Please refer to that ISIM on the companies sharepoint)

It specifies standards for the installation, maintenance, operation and security of Information and Communication Systems for promoting the proper use of IT systems in SmartestEnergy, as well as to secure and maintain Information Security. It focusses on rules designed to improve the IT security posture of SmartestEnergy through conscientious use of systems within a Business As Usual (BAU) environment. SmartestEnergy is required to implement the necessary protection and appropriate safety measures for electronic information to conduct secure business activities that pose either no or agreed levels of risk. This will be accomplished by complying with the standards described in the suite of documents as well as relevant laws and regulations. The policies and procedures included are follows:

	Data Security Breach Management Policy v1.5.docx
	Information Security Incident Report Template v1.3.docx
	Information Security Training Policy v1.0.docx
	ISIM Policy v1.3.docx
	ISIM Reporting Process v1.0.vsd
	SECAS SSC & Third Party Notification Procedure v1.1.docx
	SEL Access Control Policy v1.0.docx
	SEL Access Control Standard v1.2.docx
	SEL BS 7858 Security Screening Policy v1.1.docx
	SEL Information Classification Policy v1.3.docx
	SmartestEnergy ITGC and Security Standard 1.2.docx

The below list includes some of the rules considered throughout the documents to maintain information security, compiling the Information Security Management System:

- Institution and Education of IT Security & Governance Control

- Management of Electronic Information
  - Disposal
  - Information Management
- Management of Workstations
  - Additional Consideration for Laptops and Mobile Devices
- Management of External Memory Media/Storage
- Network Separation and Segregation
  - Core Network
  - Network Defence and Monitoring
  - VPN Connections
- Email and Internet Access
  - Subcontractor Email Usage
  - Spam Filter and Email Virus Scanning
  - Business as Usual Activity
  - Instant Messaging
  - Web Filtering
  - Electronic File Transfer
- Measures against Virus' and Vulnerabilities
  - Anti-Virus System
  - Vulnerabilities
  - Disaster Mitigation
- Database Security
  - Database Audit Logging
  - Stored Credentials
- Equipment Being Taken Off Site

## **ANNEX F: Physical Security Threat**

### **Purpose:**

Active physical threats incidents are on the rise globally. Such events can include active shooters, vehicular attacks, knife attacks or other types of physical threats. The purpose of this annex is to ensure that there are procedures in place to protect staff/members in case of an active threat. SEUS does not own transmission lines, distribution lines or electric generating equipment, therefore the purpose of this annex is geared towards employee safety at an SEUS office and at their homes.

**Goal:** Implement strategies to maximize employee safety during a physical security threat

### **Actions:**

1. Encourage staff to Call 9-1-1 if threat is imminent
2. If you notice others are injured, render aid to them *ONLY WHEN SAFE TO DO SO*
3. Close local office if a threat is imminent and remind staff of remote working options
4. Provide access to mental health providers to all those that have been affected



State of New York:  
County of Onondaga:

Kenichiro Hashimoto, being duly sworn/affirmed deposes and says:

That he is the COO of SmartestEnergy US LLC;

That he is authorized to make this affidavit for SmartestEnergy US LLC;

That relevant operating SmartestEnergy US LLC personnel are familiar with and have received training on the applicable contents and execution of the Emergency Operating Plan ("EOP"), and such personnel are instructed to follow the applicable portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an emergency;

That the EOP has been reviewed and approved by the appropriate executives;

That drills have been conducted to the extent required by subsection (f) of subparagraph §25.53;

That, to the best of Affiant's knowledge, the EOP is not required to be distributed to local jurisdictions;

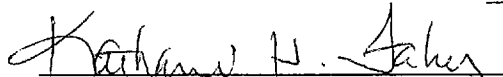
That SmartestEnergy US LLC maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident; and

That SmartestEnergy US LLC will not designate emergency management personnel to interact with local, state, and federal emergency management officials during emergency events, so this training statement is not applicable.

That the facts set forth above are true and correct to the best of his knowledge, information and belief and that he expects to be able to prove the same at any hearing hereof.

  
Signature of Affiant

Sworn and subscribed before me this 5<sup>th</sup> day of April 2022

  
Signature of official administering oath

Katharine H. Fahey  
Print name and title Notary Public

My Commission expires: June 13, 2025

KATHARINE H. FAHEY  
Notary Public, State of New York  
Qual. in Onondaga Co. No. 01FA6128504  
Commission Expires June 13, 2025

## ANNEX B – APPROVAL DOCUMENTATION

This EOP, approved on the date below, is the most recently approved EOP and supersedes all previous versions

**Approved:**



Andy Cormie  
2022.04.04 14:56:16  
-04'00'

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Andy Cormie, CEO

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Date



Digitally signed by Kenichiro  
Hashimoto  
Date: 2022.04.04 16:49:09 -04'00'

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Kenichiro Hashimoto, COO

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Date

The following files are not convertible:

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Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.