

Attachment III

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Light Power & Gas of NY LLC)	
)	
Complainant)	Docket No. EL19-39-000
)	
v.)	
)	
New York Independent System Operator, Inc.)	
)	
Respondent)	

AFFIDAVIT OF JENNIFER DAVIES

I. Qualifications and Purpose

1. My name is Jennifer Davies. I am currently the Lead Registration Coordinator in the Member Relations Department of the New York Independent System Operator, Inc. (“NYISO”). My business address is 10 Krey Boulevard, Rensselaer, NY 12144.

2. I originally joined the NYISO as a Customer Service Representative in the Market Services Department in August 2000. I was promoted to Customer Support Lead Analyst in June 2011, and I was promoted to Lead Registration Coordinator in June 2012. I have made contributions to the Member Relations team to restructure the registration process and procedures, to implement changes to the Registration Application to incorporate new market products, and to streamline the Registration Application.

3. I attended the University of Pittsburgh. Prior to joining the NYISO, I worked for Amerada Hess Corporation as the Supervisor of the Confirmations Department, Statoil Energy Services, Inc. as a Trading Operations/Confirmations Analyst, The Eastern Group as a Market Services Administrator, and Pennsylvania Gas & Water Company as an Administrative Assistant.
4. In my current position, my focus is on managing the registration process to ensure new applicants meet the requirements established in the NYISO tariffs in order to receive approval to be a Customer authorized to participate in the ISO-Administered Markets.
5. The purpose of my affidavit is to provide information in support of the NYISO's Answer to the complaint of Light Power & Gas of NY LLC ("LPG") explaining certain facts that led the NYISO to conclude that LPG should not be allowed to enter the market until the debts of North Energy Power LLC ("North Energy") are paid in full.

II. Background on North Energy and LPG

6. My colleague, Sheri Prevratil, describes the financial issues faced by North Energy in August and September 2018, the subsequent termination of North Energy from the ISO-Administered Markets in October 2018, and the North Energy personnel with whom her department worked during that period of time. Around the same time, my department began to receive inquiries from representatives of LPG regarding registration for participation in the ISO-

Administered Markets. The first contact the NYISO's registration department received from LPG was from Hindy Gruber on August 28, 2018. LPG initiated its application for registration in the NYISO's registration system on October 17, 2018. LPG filed its completed registration application with the NYISO on November 26, 2018.

7. My concerns regarding LPG were triggered when Abe Leiber, who had been one of our contacts with North Energy, reached out to me before LPG filed its application on November 26, 2018. I knew that Mr. Leiber had been Sheri Prevratil's primary contact on North Energy credit issues. Therefore, given the timing of LPG's submission of a registration application – that is, right after North Energy had been terminated from the ISO-Administered Markets – I did a side-by-side comparison of the information presented in the North Energy registration application with the information presented in the LPG registration application.
8. That comparison highlighted the degree to which LPG was, for all practical purposes, the same company as North Energy. As described below, the same individuals were presented as key members of the executive teams of the two companies, the two entities were registering to provide service in the same geographic service territories, and both companies provided similar addresses. Also, communications between LPG's representatives and Ms. Prevratil, as described below, reinforced our conclusion that LPG should be treated as the same company as North Energy, rather than as a new, truly separate entity.

9. Specifically, Mr. Leiber was listed as a billing contact on North Energy's NYISO registration application. In the LPG application, Mr. Leiber is identified as serving multiple key roles for LPG regarding its participation in the ISO-Administered Markets, including as a contact and administrator in the NYISO registration system, a contact and authorized signatory for credit and bank information, and the signatory on NYISO service agreements for LPG.
10. Similarly, Jack Klein was a contact and administrator in the NYISO registration system, a contact and authorized signatory for credit and bank information, and the signatory on NYISO service agreements for North Energy. Mr. Klein is an authorized signatory for banking information and consents for LPG.
11. Hindy Gruber was an administrator for North Energy in the NYISO registration system. The LPG application identified Ms. Gruber as serving multiple key roles in regards to LPG's NYISO participation, including contact and administrator in the NYISO registration system and a contact for credit issues.
12. In addition, at the time that North Energy was terminated from the ISO-Administered Markets, it was serving load in the Consolidated Edison Co. of New York, Inc. ("Con Edison") and Orange & Rockland Utilities, Inc. ("O&R") service territories. In the LPG registration application, LPG requested to serve load in the Con Edison and O&R service territories. I also noted that the addresses provided for the two companies were nearly identical.


13. Finally, Ms. Prevratil conveyed to me relevant information concerning her interactions with Mr. Leiber. In particular, as described in Ms. Prevratil's affidavit, Mr. Leiber conveyed to her his desire to "get my customers back." This statement indicated to me that Mr. Leiber himself saw no practical distinction between LPG and North Energy, and reinforced our conclusion that we should treat them as the same company under Section 27.4 of the Open Access Transmission Tariff.
14. This concludes my affidavit.

ATTESTATION

I am the witness identified in the foregoing affidavit. I have read the affidavit and am familiar with its contents. The facts set forth therein are true to the best of my knowledge, information and belief.

Jennifer V Davis

Subscribed and sworn to before me
this 19th day of February, 2019.


Notary Public

My commission expires: 12/29/20

LINDA SLOAN
Notary Public - State of New York
No. 01SL6198599
Qualified in Schenectady County
My Commission Expires December 29, 2020