

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on July 16, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 26-E-0522 - Proceeding on Motion of the Commission to Seek
Consequences against Prime Time Marketing, LLC
for Violations of the Uniform Business
Practices.

ORDER INSTITUTING PROCEEDING
AND TO SHOW CAUSE

(Issued and Effective July 20, 2026)

BY THE COMMISSION:

INTRODUCTION

In this Order, the Public Service Commission
(Commission) determines that Department of Public Service staff
(the Department or Staff) has identified sufficiently credible
evidence to support the issuance of an Order to Show Cause
(OTSC) concerning Prime Time Marketing, LLC's (Prime Time or the
Company) apparent failure to comply with the Uniform Business
Practices (UBP) and two Commission Orders.

Today's Order does not constitute final findings of
facts or conclusions of law. We now provide Prime Time with the
opportunity to respond to Staff's contentions. Prime Time is
ordered to show cause within 28 days why its eligibility to act

as an Energy Broker and Energy Consultant in New York State should not be revoked or, alternatively, why other consequences as set forth in the Commission's UBP should not be imposed.

LEGAL AUTHORITY

Public Service Law (PSL) §66-t governs the acts of Energy Brokers and Energy Consultants. Specifically, PSL §66-t(2) subjects Energy Brokers and Energy Consultants to possible enforcement actions for violating registration procedures implemented by the Commission. PSL §66-t(2)(b) also prohibits entities from acting as Energy Brokers and Energy Consultants, or otherwise "identify[ing] or hold[ing] himself, herself, or itself out to be an energy broker or energy consultant," without first registering with the Commission. Relatedly, PSL §66-t(3) requires Energy Brokers and Energy Consultants to register with the Commission. PSL §66-t(3)(b) further provides that "[t]he commission may refuse to register or revoke a registration if, in the commission's judgment, the energy broker or energy consultant registering has given cause for the revocation or suspension of operations."

Following the enactment of PSL §66-t in December 2022, the Commission and the Department implemented rules and regulations for Energy Brokers and Energy Consultants. On June 23, 2023, the Commission issued an Order Adopting Energy Broker and Energy Consultant Registration Requirements in Case 23-M-0106 (the June 2023 Order) to effectuate PSL §66-t. The June 2023 Order established a registration process for Energy Brokers and Energy Consultants by adopting amendments to the UBP and Uniform Business Practices for Distributed Energy Resource (DER) providers. In that order, the Commission also rejected a Staff proposal that would have exempted "contractors, vendors, and agents of an [Energy Service Company, or ESCO]" from

registration.¹ In rejecting that proposal, the Commission stated that it “must ensure that it has direct regulatory authority over any contractors and agents of an ESCO if the contractor or agent’s business activities fit the definitions of ‘energy broker’ or ‘energy consultant.’”² The Commission further confirmed that the need for some agents of ESCOs to register as Energy Brokers or Energy Consultants “will not change the ESCO’s responsibilities in relation to that agent under the UBP.”³

In an April 18, 2024 Declaratory Ruling and Order on Rehearing in Case 23-M-0106 (April 2024 Order), the Commission further clarified that employees of Energy Brokers or Energy Consultants are covered by their employer’s registration, but independent entities working on Energy Brokers or Energy Consultants’ behalf are not covered by that registration.⁴ Specifically, the April 2024 Order confirmed that “non-employee entities that perform work for the registered broker or consultant must be subject to registration requirements because of the lack of control over such entities.”⁵ Thus, “contractors, vendors, and agents would not be covered under the registration of the entity for which they are performing work,” and would be “required to register themselves if they are performing the activities covered by PSL §66-t.”⁶ The April 2024 Order also stated that the June 2023 Order prohibited ESCOs and DER providers from doing business with unregistered Energy Brokers or Energy Consultants after the effective date of the

¹ April 2024 Order, p. 23.

² April 2024 Order, p. 23.

³ June 2023 Order, p. 42.

⁴ April 2024 Order, p. 8.

⁵ April 2024 Order, p. 37.

⁶ April 2024 Order, p. 8.

requirements (the registration deadline),⁷ and confirmed that the June 2023 Order required ESCOs and DER providers to verify that the Energy Brokers and Energy Consultants with which they do business are registered with the Commission.⁸

The Commission also adopted UBP Section 11 following the enactment of PSL §66-t to regulate Energy Brokers and Energy Consultants. As relevant here, UBP Section 11.H.1 subjects Energy Brokers and Energy Consultants to enforcement consequences, such as for “failure to comply with required customer protections” (UBP Section 11.H.1.c) and “failure to comply with the Commission’s Environmental Disclosure Requirements or failure to comply with other Commission Orders, Rules, or Regulations” (UBP Section 11.H.1.g). These consequences, including potential revocation of eligibility, are described in UBP Section 11.H.2.b.

PROCEDURAL BACKGROUND

The following summary is based on Staff’s investigation to date; it does not constitute final findings or conclusions by the Commission, and Prime Time will have an opportunity to respond to the contentions.

Staff approved Prime Time’s application to operate as an Energy Broker and Energy Consultant in New York State on December 16, 2024.⁹ Prime Time is currently a registered Energy Broker and Energy Consultant with the Department. Accordingly, the Company is required to comply with the UBP.

⁷ April 2024 Order, p. 53. The registration deadline was 60 days from the date of issuance of the April 2024 Order, or June 17, 2024. Id., p. 76.

⁸ April 2024 Order, p. 9.

⁹ Matter 23-01227, In the Matter of Registration for Energy Brokers and Energy Consultants, Filing No. 1110 (submitted December 17, 2024).

In October 2025, Staff in the Department's Office of Investigations and Enforcement (OIE) initiated an investigation into apparently improper mass market customer enrollments and attempted enrollments in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). Specifically, in early October 2025, Con Edison informed Staff that it had experienced an abnormal increase in online requests to initiate service at premises where the existing customer of record had not affirmatively requested to close their account. Con Edison informed Staff that a third party may have used identifying information for individuals who were not Con Edison customers to start service in those individuals' names. Con Edison stated that this trend began in June 2025 and peaked in September 2025, with requests continuing into 2026. Staff's investigation into these issues is ongoing.

Con Edison further informed Staff that, as of October 2025, accounts associated with more than 2,000 of these improper start service requests also had Electronic Data Interchange transactions indicating that an entity sought to enroll those accounts with an ESCO, Verde Energy USA New York, LLC (Verde). Verde appeared to be the primary ESCO connected to these attempted enrollments.

Based on information that Verde, or an entity working on Verde's behalf, appeared to have some connection to the improper start service applications in Con Edison's service territory, Staff issued information requests to Verde on October 21, 2025. In its November 12, 2025 limited response to Staff's information requests, Verde informed Staff that:

[B]efore [Verde] was contacted by Con Edison in mid-October, its internal monitoring determined that a door-to-door marketer, Prime Time Marketing LLC ('[Prime Time]'), submitted customer enrollments to Con Edison that consisted of certain imaginary or

'made-up' customer information in order to fraudulently collect commissions from Verde. Verde took immediate steps to investigate and terminate its relationship with [Prime Time], and continues to investigate the actions of [Prime Time].

Based on Verde's response, on November 17, 2025, Staff issued information requests to Prime Time. Among other things, Staff sought information regarding enrollments that Prime Time conducted on Verde's behalf from January 1, 2025, to the present, Prime Time's salespeople, Prime Time's marketing procedures, and Prime Time's relationship with Verde. Based on Prime Time's initial production, it appeared to Staff that Prime Time used at least one subcontractor, TBS (also known as Elite Consultants 1) (TBS), to conduct an enrollment campaign for Verde in New York State.¹⁰ Accordingly, on January 9, 2026, Staff requested additional communications between Prime Time and TBS, as well as between Prime Time and Verde, from January 1, 2025, to the present. Finally, on April 13, 2026, OIE Staff interviewed Prime Time's President, Ryan McManus, under oath regarding the Company's relationship with Verde.

THE DEPARTMENT'S INVESTIGATION

Prime Time's communications with Verde document the two entities' day-to-day interactions, including potential marketing and enrollment issues.¹¹ Based on Staff's review of these communications, it appears that Prime Time informed Verde on multiple occasions that Prime Time was using "teams" or

¹⁰ Prime Time apparently engaged multiple subcontractors on campaigns for Verde or other entities related to Verde, including subcontractors that may or may not have conducted business in New York State. Staff contends that TBS is the subcontractor that is responsible for multiple problematic enrollments or attempted enrollments in New York State.

¹¹ These emails are between Prime Time and Spark Energy, an affiliate of Verde.

subcontractors to market to and attempt to enroll new customers on Verde's behalf, including in New York State. Prime Time identified these "teams" by name and requested Verde's assistance to approve subcontractor access to Verde's third-party verification (TPV) system for customer enrollments. For instance, in an email dating from April 22, 2025, a Prime Time representative emailed three individuals associated with Verde to request "Full access" to TPV.com for Prime Time, as well as "Sub access" for TBS and other marketing companies. Prime Time followed up with Verde to request "sales portal access for our sub teams."¹²

Verde also emailed Prime Time about specific instances of apparent non-compliance. For instance, a May 5, 2025 email from Verde to Prime Time contends that Prime Time salespeople, perhaps among other marketers, were not complying with Verde's internal uniform and badge standards, and that "[a]gents not in compliance after grace period this week will face immediate suspension."¹³ Another recurring problem appears to relate to TPV quality assurance. For instance, on April 14, 2025, Verde emailed Prime Time and identified a certain sales agent who "might be completing TPV enrollments himself."¹⁴ Similarly, on July 7, 2025, Verde informed Prime Time that another Prime Time agent's sales were all conducted "with the same male voice completing the TPV survey in Spanish, regardless of the customer's gender."¹⁵ In both cases, Prime Time represented to Verde that these sales agents were removed from the campaign almost immediately.

It appears that scale and severity of Prime Time's apparent compliance issues began to escalate in the autumn of

¹² See Appendix A.

¹³ See Appendix B.

¹⁴ See Appendix C.

¹⁵ See Appendix D.

2025. On September 22, 2025, Verde informed Prime Time that certain sales agents were not wearing uniforms in their compliance selfies and that Verde had "received complaints from customers stating they never spoke with an agent."¹⁶ Verde warned Prime Time that its sales personnel could be at risk of suspension if this practice continued. A few days later, on September 26, 2025, Verde informed Prime Time that it was deactivating 22 sales agents for "not meeting our internal quality standards."¹⁷ That same day, Prime Time texted TBS that Prime Time had received a list of terminated agents, which appeared to Prime Time to consist of "every rep that is currently active."¹⁸ Prime Time informed TBS that Verde had been unable to establish contact with any customer that TBS signed up in the last month, whether via phone or email.¹⁹ Prime Time also stated that the compliance pictures of sales agents from the last few months consisted of "a selfy [sic] of them in front of a home with no badge no nothing too I was shocked by that. What customer sigs up with someone with no identification."²⁰ TBS asserted that these representatives were "not doing fraud," and claimed that "[t]hey just see people doing bigger numbers ... Start hating ... its normal they see numbers booming they start thinking its fraud typical of them."²¹

Three days later, on September 29, 2025, Prime Time texted TBS that TBS sales agents were apparently using an artificial intelligence (AI) program to conduct TPVs.²² Prime Time relayed to TBS that four different AI voices were being

¹⁶ See Appendix E.

¹⁷ See Appendix F.

¹⁸ See Appendix G.

¹⁹ See Appendix G.

²⁰ See Appendix G.

²¹ See Appendix G.

²² See Appendix G.

used among 20 sales agents.²³ Staff reviewed several TPV recordings produced by Prime Time that contain the same vocal tone for every "yes" that the customer is expected to recite when enrolling on residential ESCO service. This suggests to Staff that some enrollments or attempted enrollments with Verde may, indeed, have been conducted with the assistance of AI.²⁴

TBS denied that AI was being used to enroll customers because "[y]ou can see the time and agent location when sale is done."²⁵ In response, Prime Time stated that sales representatives do not need to be geolocated at a customer's address to conduct a TPV call.²⁶ TBS insisted that its sales agents "wouldnt know how to do that" because they are "new reps" with "0 energy experience."²⁷ Despite this purported lack of experience, TBS claimed that these sales agents had "leads" that resulted in proper enrollments.²⁸ Prime Time was skeptical of this assertion, stating, "0 energy experience with no badge

²³ See Appendix G.

²⁴ The use of these apparent AI TPVs recordings is similar to the situation that certain customers of another ESCO, Star Light and Power LLC (Star Light), recently described to OIE Investigators. See Case 26-E-0520, Order to Show Cause. As alleged in that order, when OIE Investigators played TPV recordings for customers with handwritten Star Light contracts, those customers were shocked and reported that the voice on the TPV sounded like them but that they had no recollection of the TPV call taking place. One customer also independently wondered if AI could have been used to recreate their voice and enroll them on Star Light service. This suggests to Staff that certain Energy Brokers or Energy Consultants - or unregistered entities working on their behalf - could be using AI or improperly obtained or recycled voice recordings to fraudulently impersonate and enroll customers. Staff is concerned that this apparent practice may become increasingly common in the residential ESCO market given the recent proliferation of AI.

²⁵ See Appendix G.

²⁶ See Appendix G.

²⁷ See Appendix G.

²⁸ See Appendix G.

doing 40 meters a week in NYC one of the hardest markets in the country man come on lol.”²⁹

On October 1, 2025, Verde emailed Prime Time that it would be deactivating an additional 11 sales agents “due to their TPVs not meeting our internal quality standards.”³⁰ Prime Time responded to that email and described speaking with a Verde representative in New York City the prior week about these concerns. Prime Time claimed that, during that meeting, Verde informed Prime Time that “there might be AI Technology being used” to impersonate customers and improperly enroll them with Verde.

On December 17, 2025, Prime Time informed Staff that it “maintains its working relationship with Verde,” but “is not currently providing marketing services in New York.” When asked to elaborate on this during a sworn interview with Staff on April 13, 2026, Prime Time’s President, Ryan McManus, explained that Verde contacted Prime Time after Staff apparently alerted Verde about issues with Prime Time’s broker license. Although Mr. McManus stated that Prime Time is no longer doing business with Verde in New York State, Prime Time is working with Verde or its affiliates in other states in connection with Prime Time’s solar business. Mr. McManus also asserted that Verde did not terminate Prime Time as an Energy Broker or Energy Consultant, explaining that “there was no termination, there wasn’t anything like that, we just ... ultimately made the decision ... [that] the team that was out there that we contracted with wasn’t worth the risk and there was no reason for us to, you know, start back up because that was the only vendor that we had in New York.”

²⁹ See Appendix G.

³⁰ See Appendix H.

THE DEPARTMENT'S FINDINGS

Staff first alleges that Prime Time apparently violated the June 2023 Order and April 2024 Order by using a subcontractor, TBS, that the Company knew or should have known was not a registered Energy Broker or Energy Consultant. As noted above, these orders required entities that are not within their employers' direct control to register with the Commission if they performed activities covered by PSL §66-t.³¹ Here, Prime Time apparently used "teams" - none of which are registered as Energy Brokers or Energy Consultants with the Commission - to enroll customers on Verde's behalf.

The Department also maintains a list of registered Energy Brokers and Energy Consultants so companies can confirm that they are doing business with compliant entities. Prime Time, as a registered Energy Broker and Energy Consultant, should have verified whether the "teams" it used were registered with the Commission, but it apparently did not.³² As Prime Time

³¹ Although not the subject of the instant Order to Show Cause, all Prime Time contractors who performed work covered by PSL §66-t are also subject to monetary penalties because they apparently failed to register with the Commission. See April 2024 Order, p. 37 (determining that "non-employee entities that perform work for the registered broker or consultant must be subject to registration requirements because of the lack of control over such entities."); PSL §66-t(2)(a)(ii) (subjecting "[a]ny person, firm, association or corporation who or which acts as an energy broker or energy consultant in violation of this subdivision ... to a penalty not to exceed five thousand dollars for each violation.").

³² Staff notes that this apparent practice of Energy Brokers and Energy Consultants using unregistered entities to enroll customers can also be seen in the Order to Show Cause that is simultaneously being issued against an Energy Consultant, PTM Marketing & Consulting, Inc. (PTM), in Case 26-M-0519. As outlined in that case, Staff alleges that PTM improperly relied on unregistered independent contractors to enroll customers on ESCO service with Verde and another ESCO, All Choice Energy, LLC.

is responsible for its apparent use of an unregistered subcontractor to conduct enrollments in New York State and apparently failed to comply with Commission Orders, Staff alleges that Prime Time is subject to the enforcement consequences outlined in UBP Section 11.H.1.g.

Relatedly, Staff contends that Prime Time "fail[ed] to comply with required customer protections," which subjects it to consequences pursuant to UBP Sections 11.H.1.c. The emails and text messages summarized above document issues with TBS over the course of several months in 2025. During this time, TBS agents apparently completed TPVs themselves or used AI to complete TPVs, Verde "received complaints from customers stating they never spoke with an agent," Verde deactivated more than a dozen TBS agents, and Prime Time became increasingly suspicious about the legitimacy of TBS's purported enrollments. Nevertheless, Prime Time continued to use TBS to market Verde's product offerings to mass market customers. Staff alleges that Prime Time's continued reliance on TBS only prolonged the apparently improper mass market customer enrollments and attempted enrollments. Prime Time - a registered Energy Broker and Energy Consultant and the point of contact for a Verde marketing campaign - is ultimately responsible for the apparent misconduct of its unregistered "sub team." Staff therefore contends that Prime Time apparently failed to comply with consumer protections designed to prevent improper enrollments or attempted enrollments, which subjects Prime Time to enforcement consequences.

DISCUSSION AND CONCLUSION

Every Energy Broker and Energy Consultant in New York must comply with the UBP and all applicable Commission orders to maintain eligibility to operate in New York. Staff now alleges

that Prime Time has apparently failed to comply with the June 2023 Order, the April 2024 Order, and UBP Sections 11.H.1.c and 11.H.1.g.

The Commission notes that the presentation of Staff's allegations herein does not reflect a final determination of facts or legal conclusions. However, at this initial stage of the proceeding, the Commission finds that the Department's investigation has identified sufficient credible information to support Staff's contention that Prime Time:

- 1) Apparently violated the June 2023 Order by using an unregistered subcontractor;
- 2) Apparently violated the April 2024 Order by using an unregistered subcontractor;
- 3) Apparently failed to comply with required customer protections, as required by UBP Section 11.H.1.c, thereby subjecting Prime Time to potential consequences described in UBP Section 11.H.2.b; and
- 4) Apparently failed to comply with Commission orders, as required by UBP Section 11.H.1.g, thereby subjecting Prime Time to potential consequences described in UBP Section 11.H.2.b.

Based on the information identified by Staff, and for the reasons discussed in this Order, the Commission therefore orders Prime Time to show cause why, based upon the allegations and contentions described herein, its eligibility to provide services as an Energy Broker and Energy Consultant in New York should not be revoked. Prime Time should further show cause why other consequences should not be imposed.

The Commission orders:

1. A proceeding is instituted, and Prime Time Marketing, LLC is ordered to show cause within 28 days of the

date of this Order why the Commission should not revoke its eligibility to operate as an Energy Broker and Energy Consultant in the State of New York, or impose other consequences, as described in UBP Section 11.H.1.

2. In the Secretary's sole discretion, the deadline set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

Appendix A

[REDACTED]

From: Jeff Dayger [REDACTED]
Sent: Tuesday, May 20, 2025 12:39 PM
To: Oscar Aquino
Cc: Ryan McManus; Customer Service; Lorena Anoceto; Paul Bower; Ronald Loaiza
Subject: Re: TPV.com manager portal request
Attachments: image002.png; image003.png

Good afternoon,

I'm following up on this request for sales portal access for our sub teams. Please advise.



Jeff Dayger

PTM Marketing & PTM Solar

[REDACTED]
[REDACTED]
www.ptmsolar.com
6538 Baptist Way, East Syracuse NY 13057



On Tue, Apr 22, 2025 at 1:17 PM Jeff Dayger [REDACTED] wrote:
Hi Oscar,

Thanks for the call. Below are the logins we need for tpv.com manager portals.

Full access:

Prime Time Marketing
[REDACTED]

Sub access:

TBS

Hansell Caraballo

Sub access:

Get Parking

Max smith

Global Marketing

Eduard Sprancmanis



Jeff Dayger

PTM Marketing & PTM Solar

www.ptmsolar.com
6538 Baptist Way, East Syracuse NY 13057



Appendix B

[REDACTED]

From: Jose Hurtado [REDACTED]
Sent: Monday, May 5, 2025 5:26 PM
To: SalesQuality; Sales&Marketing
Cc: Juan Trevino; Oscar Aquino; Jason Martinez; Julio Astorga; Paul Bower; Kira Jordan; Jess Hunter
Subject: RE: Compliance Concerns and Enforcement of Penalty for Non-Compliance

Hello Team,

Approximately three months ago, we sent a company-wide notice addressing a concerning trend in agent conduct and compliance. Today, I am reaching out again to reiterate that message and **most importantly** highlight a new issue: **agents not wearing proper company-issued uniforms and identification badges during field assignments, especially in selfies.**

The original communication, sent on **February 14, 2025**, outlined expectations under **Section 3.D of our Services Agreement** and introduced a **\$500 penalty per violation** for non-compliance which still stands.

Despite confirmation from our Sales Team (Jason Martinez and Oscar Acquino) that all agents have received the required uniforms and tablets, we are still receiving reports of selfies with agents appearing in the field without uniforms or visible badges. This is a **serious violation of our policy** and undermines the trust and professionalism we strive to uphold.

To clarify:

- All agents **must wear company-approved uniforms and identification badges** while on duty for Spark Energy and associated brands.
- There are **no acceptable excuses** for non-compliance if uniforms have been confirmed as distributed by the sales team. If you are not fully supplied with uniforms please reach out to sales team and cc me right away.
- Agents **not in compliance** after grace period this week will face **immediate suspension**.

This issue must be resolved within the **next 24–48 business hours**. Team leaders are responsible for ensuring that all agents are fully compliant—this means **uniforms and badges must be clearly visible in all field selfies** (not just a badge).

After this grace period, suspensions will begin without further notice.

We remain committed to maintaining the integrity and professionalism of our teams. Thank you for your immediate attention to this matter.

Please confirm receipt of this message by responding “**Received**” and report any steps already taken or pending to ensure full compliance.

Best regards,

From: Jose Hurtado

Sent: Thursday, February 13, 2025 9:40 AM

To: SalesQuality [REDACTED]; Sales&Marketing [REDACTED]

Cc: Juan Trevino [REDACTED]; Oscar Aquino [REDACTED]; Jason Martinez [REDACTED]

[REDACTED] Julio Astorga [REDACTED]; Paul Bower [REDACTED]

Kira Jordan [REDACTED]

Subject: Compliance Concerns and Enforcement of Penalty for Non-Compliance

Hello,

We have recently observed a concerning uptick in complaints related to sales tactics used by agents within your network. As you are aware, maintaining the highest standards of professionalism and integrity in our sales practices is critical to the success of our partnership. It is imperative that all agents adhere strictly to the requirements set forth in our agreement, particularly Section 3.D of the Services Agreement, which mandates that:

- The Network must comply with all requirements of the Code of Conduct and must not misrepresent the Program, expand claims, or provide unauthorized representations regarding our offerings.
- Agents must be sufficiently trained on the Program, including rates and promotions, to ensure accurate and transparent customer interactions.
- All authorized agents must wear only Company-approved identification, branding, and materials while engaged in sales activities.
- Agents must conduct themselves in a professional manner and avoid any actions that could reflect negatively on Spark Energy, Major Energy, Verde Energy, or any other sister brands that may be associated with them.

To ensure compliance and accountability, we are reinforcing our policy regarding agent non-compliance.

Effective February 14, 2025, any agent removed from our campaign due to non-compliance with **Section 3.D** will trigger a **\$500 penalty charge per violation**.

This enforcement is necessary to uphold the integrity of our sales practices and protect the reputation of both our company and our vendor partners.

We urge you to take immediate steps to ensure that all agents within your network are in full compliance with the agreement. Failure to do so not only risks penalties but may also result in further corrective actions, including suspension or termination of your campaign.

We appreciate your prompt attention to this matter and your continued commitment to compliance. Please confirm receipt of this letter and advise us of the measures you will be implementing to address these concerns. If you have any questions, do not hesitate to reach out.

Sincerely,

Appendix C

[REDACTED]

From: Jeff Dayger [REDACTED]
Sent: Tuesday, April 15, 2025 1:17 PM
To: Jose Hurtado
Cc: Clinton Jackson [REDACTED] [REDACTED] Lorena Anoceto; Oscar Aquino; Juan Trevino; Paul Bower; Jason Martinez; SalesQuality
Subject: Re: PTM-NY / Agent name: ALPHA DIALLO / Agent Behavioral Concern
Attachments: image002.png; image003.png

Hi Jose,

Based on the voice It does seem like he is enrolling the customer himself. Let us know your findings. I have deactivated him as you look into it further just to avoid the risk of having him continue to sell.

Thanks,



Jeff Dayger

PTM Marketing & PTM Solar

[REDACTED]
[REDACTED]
www.ptmsolar.com
6538 Baptist Way, East Syracuse NY 13057



On Mon, Apr 14, 2025 at 4:07 PM Jose Hurtado [REDACTED] wrote:

Hello,

It was brought to my attention by one of our PSA agents that this agent is not taking proper selfies.

Additionally, there is a concern that the agent might be completing TPV enrollments himself.

After reviewing some of the recent recordings, we noticed that a few of the voices sound like they could belong to the same person.

In one TPV, you can also hear what sounds like someone knocking on doors during the call.

Due to file size limitations, I've only attached the recording with the knocking, but there are additional recordings under review.

Please note that this is a serious concern. However, no final decision has been made yet, as our team is still reviewing the TPV recordings.

Once a determination is reached, we will inform you if the agent faces suspension or termination, and whether any related sales will be canceled.

In the meantime, please coach the agent on proper selfie protocol and TPV expectations.

Kindly review the attached selfie and TPV.

Thank you.

Jose Hurtado

Sales Quality Analyst

12140 Wickchester Ln Ste 100, Houston, TX 77079

 | www.sparkenergy.com



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Appendix D

[REDACTED]

From: Jose Hurtado [REDACTED]
Sent: Wednesday, July 9, 2025 3:38 PM
To: Jeff Dayger; [REDACTED]; Clinton Jackson; Lorena Anoceto
Cc: SalesQuality; Sales&Marketing; Julio Astorga; Juan Trevino; Oscar Aquino; Jason Martinez; Jess Hunter; Paul Bower
Subject: RE: PRTM-NY / Agent Name: ANTHONY FAVOROSO / Agent concern
Attachments: REd5328f9952d8cc3fe4af1595d69914d0.mp3; a favoroso.mp3; A FAVOROSO-001.mp3

Hello Jeff,

I wanted to inform you that we've removed **Anthony Favoroso** from the campaign following a quality review. We identified multiple instances of TPV calls where the agent appeared to impersonate the customer during the verification process, which is a serious compliance issue.

As a result, we've decided to terminate his participation in our campaign **effective immediately**. Attached are a few TPV examples for your reference.

Please let me know if you have any questions or need further details.

Best regards,

Jose Hurtado

Sales Quality Analyst

12140 Wickchester Ln Ste 100, Houston, TX 77079

[REDACTED] www.sparkenergy.com



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From: Juan Trevino [REDACTED]
Sent: Wednesday, July 9, 2025 12:28 PM
To: Oscar Aquino [REDACTED]; Jose Hurtado [REDACTED]; Jason Martinez [REDACTED]
[REDACTED] Jess Hunter [REDACTED]; Paul Bower [REDACTED]
Cc: SalesQuality [REDACTED]; Sales&Marketing [REDACTED]; Julio Astorga [REDACTED]
Subject: RE: PRTM-NY / Agent Name: ANTHONY FAVOROSO / Agent concern

73 Enrollments total

8 already canceled,
7 were rejected.

The rest have been submitted for cancelation.

Juan Trevino

Sales Quality Manager

12140 Wickchester Ln Ste 100, Houston, TX 77079

www.sparkenergy.com



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From: Oscar Aquino <[REDACTED]>
Sent: Wednesday, July 9, 2025 12:08 PM
To: Juan Trevino [REDACTED] >; Jose Hurtado [REDACTED] >; Jason Martinez [REDACTED] >; Jess Hunter [REDACTED] >; Paul Bower [REDACTED] >
Cc: SalesQuality [REDACTED]; Sales&Marketing [REDACTED] Julio Astorga [REDACTED] >
Subject: RE: PRTM-NY / Agent Name: ANTHONY FAVOROSO / Agent concern

Hello Juan,

I hadn't personally responded to Jose initial email. Given the new evidence of the TPV please review how many of these were affected and cancel the enrollments. Also, have a couple of examples to send to the vendor regarding the TPV impersonation for the reason of the removal. Lastly, we can change his status from suspended to terminated please let me know if you have any questions.

Thanks,

Oscar Aquino

Assistant Manager, Mass Market Sales

12140 Wickchester Ln Ste 100, Houston, TX 77079

www.sparkenergy.com



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From: Juan Trevino [REDACTED] >
Sent: Wednesday, July 9, 2025 11:38 AM
To: Jose Hurtado [REDACTED] >; Oscar Aquino [REDACTED] Jason Martinez

[REDACTED] Jess Hunter [REDACTED]; Paul Bower [REDACTED]
Cc: SalesQuality [REDACTED]; Sales&Marketing [REDACTED] Julio
Astorga [REDACTED]
Subject: RE: PRTM-NY / Agent Name: ANTHONY FAVOROSO / Agent concern

Sales Team,

Have you reviewed this email?

I know Jose suspended the agent for dress code violations, but I recommend that the agent be removed from the campaign for impersonating the customers in the TPV process.

In the attached call, the customer's name is [REDACTED] and you hear the agent's voice answering the TPV questions. We would also need to make a decision on what to do with these enrollments he completed this way, once we determine how many there are like this. You can re-tpv them, or we can just move forward with canceling, please advise.

Juan Trevino

Sales Quality Manager

[REDACTED]
12140 Wickchester Ln Ste 100, Houston, TX 77079

[REDACTED] | www.sparkenergy.com



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From: Jose Hurtado [REDACTED]
Sent: Monday, July 7, 2025 11:26 AM
To: Oscar Aquino [REDACTED]; Jason Martinez [REDACTED]; Juan Trevino [REDACTED]
[REDACTED]; Jess Hunter [REDACTED]; Paul Bower [REDACTED]
Cc: SalesQuality [REDACTED]; Sales&Marketing [REDACTED]
Subject: PRTM-NY / Agent Name: ANTHONY FAVOROSO / Agent concern

Hello Team,

Just a quick heads-up... I wanted to bring something to your attention. Douglas IM'd me on Thursday around 6 PM regarding an agent, **Anthony Favoroso-PTM-NY**.

Douglas mentioned that he noticed some of Anthony's sales had the same male voice completing the TPV survey in Spanish, regardless of the customer's gender.

After looking into it further myself, it appears that this may be the case for all his sales, which is a serious concern and needs to be investigated.

At this time, I've suspended the agent only due to dress code violations—he has not been wearing a uniform in any of his selfies. As a reminder, we sent out emails in February and May stating that repeated violations would result in fines. The suspension is set for a minimum of 24 hours and a maximum of 48 hours, and he may return once he submits a proper selfie in uniform along with the signed compliance form.

In the meantime, I would like for us to look in to the TPV issue further before taking any additional action.

Please review the attached and let me know your thoughts.

Thank you,

Jose Hurtado

Sales Quality Analyst

12140 Wickchester Ln Ste 100, Houston, TX 77079

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Appendix E

[REDACTED]

From: Jose Hurtado [REDACTED]
Sent: Thursday, September 25, 2025 1:07 PM
To: Jeff Dayger
Cc: Cc: Lorena Anoceto; Oscar Aquino; Juan Trevino; Paul Bower; Jason Martinez; Sales&Marketing; SalesQuality
Subject: RE: [EXTERNAL] Re: PTM-NY / THE ENTIRE TEAM / DRESS CODE NON- COMPLIANCE
Attachments: Screenshot 2025-09-25 103705.png; Miguel Roman Collado.png; Screenshot 2025-09-25 103233.png; Screenshot 2025-09-25 104047.png; Screenshot 2025-09-25 103948.png; Screenshot 2025-09-25 103745.png; RE: Compliance Concerns and Enforcement of Penalty for Non-Compliance (17.6 KB)

Hello Jeff,

Thank you for addressing the badge requirement with your agents. After reviewing recent selfies since my last email, we are seeing that most are now displaying badges in their selfies and only a few are still submitting photos where the badge is not clearly visible.
In addition, none of the agents are wearing the required blue uniform vests.

As noted in an email sent earlier this year about uniforms (February 13 and May 5, email thread attached for reference), **all vendors were informed that uniforms and badges are mandatory. Non-compliance places agents at risk of suspension.** Our Sales Team was responsible for providing uniform vests, and Jason Martinez (cc'd) previously confirmed that vendors were supplied.

To move forward, can you please confirm whether your team:

1. Has received uniform vests already, but agents are not wearing them, OR
2. Never received the vests from Sales and still need them distributed.

If vests were not provided, we will work with Sales to ensure your team is supplied. However, until agents are in both uniform and badge, **they remain out of compliance and may be subject to suspension.**

Attached are the most recent selfies submitted today, as well as the prior compliance notices for your reference. Please confirm next steps so this can be resolved immediately.

Best regards,

Jose Hurtado
Sales Quality Analyst
12140 Wickchester Ln Ste 100, Houston, TX 77079
[REDACTED] www.sparkenergy.com



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From: Jeff Dayger [REDACTED] >
Sent: Monday, September 22, 2025 4:24 PM
To: Jose Hurtado [REDACTED] >
Cc: Lorena Anoceto [REDACTED]; Oscar Aquino [REDACTED]; Juan Trevino [REDACTED]; Paul Bower [REDACTED]; Jason Martinez [REDACTED]; Sales&Marketing [REDACTED]; SalesQuality [REDACTED]
>
Subject: [EXTERNAL] Re: PTM-NY / THE ENTIRE TEAM / DRESS CODE NON- COMPLIANCE

Jose they should have badges for sure. However last I knew spark didn't have uniforms and the store has been deactivated. If it's back going again can you send us a login so we can order?



Jeff Dayger

PTM Marketing & PTM Solar

[REDACTED]

www.ptmsolar.com

6538 Baptist Way, East Syracuse NY 13057



On Sep 22, 2025, at 2:29 PM, Jose Hurtado [REDACTED] wrote:

Hello,

During a recent document review, we noticed that **none of the agents on your team** appear to be wearing uniforms in their submitted selfies. Additionally, we've received complaints from customers stating they never spoke with an agent.

Selfies serve a dual purpose, they help protect the agent by proving they represented Major/Spark properly, and they help us ensure policy compliance. This requirement is part of the Code of Conduct you received during onboarding.

Attached are recent selfies submitted by your team in NY. If this is not corrected within the **next 24 hours**, the agents will be suspended until they can provide a proper selfie showing their uniform and badge.

This level of non-compliance is unacceptable and **needs to be addressed immediately**.

Please let me know if you have any questions or concerns.

Thank you,

Jose Hurtado

Sales Quality Analyst

12140 Wickchester Ln Ste 100, Houston, TX 77079

 | www.sparkenergy.com

[<sparkenergy_new_logo_466.png>](#)[<sparkenergy_05_large_07.png>](#)[<sparkenergy_05_large_08.png>](#)

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<YERSON.png>

<Jefry mejia .png>

<Liseth Rendon.png>

<Alida.png>

<JURIBE1.png>

<Astrid 2.png>

<Cindy 1 selfie.png>

<CINDY.png>

<ASTRID RENDON.png>

<RIVKA.png>

<Screenshot 2025-09-22 132556.png>

<Screenshot 2025-09-22 131643.png>

Appendix F

[REDACTED]

From: Jeff Dayger [REDACTED] >
Sent: Friday, September 26, 2025 2:30 PM
To: Ryan McManus; Lorena Anoceto
Subject: Fwd: PTM-NY / TPV Concerns-Termination of Agents Due to Quality Concerns

Ryan your going to want to probably hold Hansell's pay on this weeks report until we find out what spark is going to clawback. I think a lot of them are inactive but every single one of these reps are his.



Jeff Dayger

PTM Marketing & PTM Solar

www.ptmsolar.com

6538 Baptist Way, East Syracuse NY 13057



Begin forwarded message:

From: Jose Hurtado [REDACTED]
Date: September 26, 2025 at 2:03:43 PM EDT
To: Jeff Dayger [REDACTED]
Cc: "Cc: Lorena Anoceto" [REDACTED], Oscar Aquino [REDACTED], Juan Trevino [REDACTED] >, Paul Bower [REDACTED], Jason Martinez [REDACTED] >, Sales&Marketing [REDACTED], SalesQuality [REDACTED]
Subject: PTM-NY / TPV Concerns-Termination of Agents Due to Quality Concerns

Hello Jeff,

I'm writing to inform you that we've made the decision to deactivate the following agents due to their TPVs not meeting our internal quality standards.

For any additional context or clarification, please feel free to reach out to Jason Martinez from Sales, who is aligned on this matter and available to discuss further.

List of Agents:

1. Nathan Dixon
2. Alida Moronta
3. Yerson Moronta
4. Jefry Mejia Santamaria
5. Jenifer Uribe Castano
6. Cindy Jaramillo Villa
7. David Amarante
8. Evelyn Molina
9. Liseth Rendon
10. Sebastian Pessoa
11. Astrid Rendon
12. Andrea Torres Ramirez
13. Mariana Marin Jaramillo
14. Jose Diaz Morales
15. Kevin Rivera
16. Carlos Ramirez
17. Pedro Reyes
18. Lisberth Osorno
19. Marcos Castillo Villa
20. Miguel Roman Collado
21. Oscar Grisales
22. Rivka Yakubov

Please let me know if you have any questions or require further details.

Best regards,

Jose Hurtado

Sales Quality Analyst

12140 Wickchester Ln Ste 100, Houston, TX 77079

www.sparkenergy.com



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Appendix G

12:35



demo



They got 10

Hansell

Fri, Sep 26 at 1:09 PM

Ok I have two complaints we need a response on I emailed to yoh

Fri, Sep 26 at 2:24 PM

I just sent you a list of agents that spark is terminating for fraud and impersonating customers on the Tpv call. I think it is every rep that is currently active

Yeah thats not possible

They at the location

Im going to send message to manager

They also said can't get in touch with any customer they have sold in the last month by email or phone

Dont they GPS and picture location where they go to show exactly where the sale is being done

+ .hi Text Message • RCS
that location each time



12:35



< 0
manager



Hansell

They also said can't get in touch with any customer they have sold in the last month by email or phone

Dont they GPS and picture location where they go to show exactly where the sale is being done

And they see its that agent at that location each time

Agents are desperate they can go to the home they are signing up and do the call themselves in that area

Doubt that highly

They dont even have these peoples info

You would need that to do fake tpvs

And the gps shows where its being done

Imagine grab 200 bills and doing them all yourself i mean that

+ ds Text Message - RCS
Login



12:37



they sent its info
that location each time

Hansell

Agents are desperate they can go to the home they are signing up and do the call themselves in that area

Doubt that highly

They dont even have these peoples info

You would need that to do fake tpvs

And the gps shows where its being done

Imagine grab 200 bills and doing them all yourself i mean that sounds crazy and not reality being in the field

A lot of agents that are fraudsters have a book of business they flip. I just talked to spark again about it he's going to get back to me on how they are getting around the Geo location

He said he going to send me a message so i will just wait



Text Message • RCS



12:37

75



sounds crazy and
being in the field

Hansell

A lot of agents that are fraudsters have a book of business they flip. I just talked to spark again about it he's going to get back to me on how they are getting around the Geo location

He said he going to send me a message so i will just wait

All of the pictures they were taking over the last few months was just a selfy of them in front of a home with no badge no nothing too I was shocked by that. What customer signs up with someone with no identification

Even with it on still something

They new to this

Never done dereg

Im going to send you they response now hold on

Via email



Text Message • RCS



12:38



They new to this

Hansell

Never done dereg

Im going to send you they
response now hold on

Via email



Fri, Sep 26 at 8:53 PM

 VerdeEnergyUSA

Confirmación de Inscripción

ESTO ES SU RECIBO - POR FAVOR DE IMPRIMIR PARA SUS REGISTROS

Estimado /a [REDACTED]

Gracias por elegir Verde como su nuevo minorista proveedor de energía. Realmente valoramos su negocio y esperamos esta oportunidad de satisfacer sus necesidades energéticas.

Su inscripción con Verde ha sido confirmada. Debe comenzar a recibir el servicio de Verde dentro de uno o dos ciclos de facturación. Encuentre documentos importantes de la cuenta adjuntos a este correo electrónico. Por favor imprímalos o guárdelos para sus registros.

Detalles de Cuenta

Número de Cuenta:

Plan de Servicio:

Término de Contrato:

Precio de Energía:

Honorario Mensual:

Cargo por terminación anticipada:

Fecha:

Dirección de Servicio:

Dirección de Facturación:

[REDACTED]



Sinceramente,

What is this



Text Message • RCS





Email customer gets

Fri, Sep 26 at 11:02 PM

Just fyi we had to hold this weeks spark deposit until we find out what sales spark will claw back. Hopefully NONE

Damn i already sent the pay out

You should not pay those reps why would you do that. You know what happens when reps get terminated

Cauee they not doing fraud

Qc stuff

They just see people doing bigger numbers

Start hating

We will for sure pay out the reps that aren't on the list and vista. I just found out Lorena stopped it

+ , c Text Message • RCS

For more details, please visit the community

12:39



Hansell

Ya its cool

But talk to them ppl its normal
they see numbers booming they
start thinking its fraud typical of
them

Im going to void it now

Alright

Yes sir

Mon, Sep 29 at 7:28 PM

We are going to get you paid out
but just know the deal count is
around 125-150. He said they
don't know which ones will be
clawed and which ones we
haven't been paid on yet. Spark
said they are using an AI program
to do Tpv calls It's 4 different ai
voices among those 20 agents

A.i?

Artificial intelligence

That's right



Text Message • RCS



That's impossible, those people
[unclear] [unclear] [unclear] [unclear] [unclear] [unclear]



That's impossible, those people have a weird system like artificial intelligence: an agent on a phone on the street, that call is answered by customers.

This what manager said^

It's possible. They are going to send over the sales and recordings he can see for himself.



Raise to listen [Play All \(4\)](#)

Now I think about it If none of these agents know each other



Text Message • RCS



12:40



Hansell

Now I think about it If none of these agents know each other that could mean a telesales company was doing the sales

O

No

You can see the time and agent location when sale is done

Every time

So if example julio did 40..and they are claiming they are " fraud " ok send the proof i would love to hear it.

And they have to take photo each time at that location

Agent would have to collrct 40 bills..40 diff locations..40 diff photos....and then a center do a call...if that was the case.

Collect* ..aint no way thats happening in NYC people dont play around with their bill in the neighborhoods



Text Message • RCS



12:40



every time



Hansell

So if example julie and remand
they are claiming they are " fraud
" ok send the proof i would love
to hear it.

And they have to take photo each
time at that location

Agent would have to collect 40
bills..40 diff locations..40 diff
photos....and then a center do a
call...if that was the case.

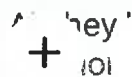
Collect* ..aint no way thats
happening in NYC people dont
play around with their bill in the
neighborhoods

They can bypass the geo location
they don't need to be at the
location to do the sale with
Tpv.com

They wouldnt know how to do
that

These are new reps we are
talking about

0 energy experience



Text Message - RCS



picture..and obviously do the call
might show a picture that has been in the

12:40



Hansell

They wouldnt know how to do that

These are new reps we are talking about

0 energy experience

All they know is their leads ..go to location...speak to customer...take picture...and obviously do the call right there..which can be seen in system and timing

0 energy experience with no badge doing 40 meters a week in NYC one of the hardest markets in the country man come on lol

You know how hard it is to collect 20bills in NYC? You have to be very seasoned Freestyling

Leads is a diff ball game

Especially in spanisy

Spanish

Listen I'm open minded we'll see



Text Message • RCS



They shnt never seen this type of

Appendix H

[REDACTED]

From: Ryan McManus [REDACTED]
Sent: Wednesday, October 1, 2025 10:47 AM
To: Juan Trevino; Jeff Dayger; Julio Astorga
Cc: Jason Martinez; Paul Bower; Oscar Aquino; Jose Hurtado; Marco Cifuentes
Subject: Re: PTM-NY / TPV Concerns-Termination of Agents Due to Quality Concerns

Team you can't just terminate people with no content we need recordings to listen to here.

When I spoke to Julio about the NYC Issue last week my understanding is we think there might be AI Technology being used which I completely understand but if you're not going to drop those deals and are still reviewing decisions making we really shouldn't terminate agents till we have fair change to listen to confirm. If there are any ethical issues, I won't stand for that but I would like chance to review and listen to have a voice int he conversation.

Thank You,

Ryan McManus



Ryan McManus
President, PTM Solar

[REDACTED]
www.ptmsolar.com
6538 Baptist Way, East Syracuse NY 13057



From: Juan Trevino [REDACTED]
Date: Wednesday, October 1, 2025 at 10:38 AM
To: Jeff Dayger [REDACTED] >, Ryan McManus [REDACTED]
Cc: Jason Martinez [REDACTED], Paul Bower [REDACTED], Oscar Aquino [REDACTED], Jose Hurtado [REDACTED], Marco Cifuentes [REDACTED]
Subject: PTM-NY / TPV Concerns-Termination of Agents Due to Quality Concerns

Hello team,

I'm writing to inform you that we've made the decision to deactivate the following agents due to their TPVs not meeting our internal quality standards.

For any additional context or clarification, please feel free to reach out to Jason Martinez from Sales, who is aligned on this matter and available to discuss further.

List of Agents:

Angel Cordero
Anthony Fratto
Edward Almodovar
Haydyn Lightcap
James Green
Jennifer Uribe Castano
Jonathan Adames
Liseth Rendon
Sebastian Pessoa
Thomas Sanchez Castano
Trahari Sparrow

Juan Trevino

Sales Quality Manager

O: [REDACTED]

12140 Wickchester Ln Ste 100, Houston, TX 77079

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