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ORIGINAL

Form for ARES Applicants

[The Form for ARES Applicants has been prepared by the Staff of the Illinois Commerce Commission. It is intended to be a source of information and a template that may be of use to entities petitioning the Illinois Commerce Commission for a Certificate of Service Authority to be an Alternative Retail Electric Supplier ("ARES") under Section 16-115 of the Public Utilities Act ("Act") [220 ILCS 5/16-115] and 83 Ill. Adm. Code 451 ("Part 451"), Certification of Alternative Retail Electric Suppliers. The Form is not intended to constitute legal advice regarding compliance with Section 16-115 of the Act, 83 Ill. Adm. Code 451, or any applicable case law.]

ILLINOIS COMMERCE COMMISSION
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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

[Name of Applicant] Liberty Power Holdings LLC

Application for Certificate of Service Authority under Section 16-115 of the Public Utilities Act.	:	Docket No. 06-0737

APPLICATION

Liberty Power Holdings LLC
[Name of Applicant] ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

GENERAL [451.20, 451.30, 451.210, and 451.310]

1. Applicant's name and street address: [451.20(e)(1)] Liberty Power Holdings LLC 800 W Cypress Creek Rd., Ste 410, Fort Lauderdale, FL 33309
2. Related Information:
   - Type of business entity: [corporation, LLP, LLC, etc.] LLC
   - Jurisdiction in which and under whose laws business entity was created: Delaware
   - Other names under which Applicant does business (D/B/A):
   - Federal Employer Identification Number: [451.20(e)(2)] 71-1009769
   - Registered Agent in Illinois: Corporate Creations Network Inc. 3023 North Clark St., #318, Chicago, IL 60657
3. Contact Persons for the following:
   a) issues related to processing this application, Attachment A
   b) issues related to retail customers, including complaint resolution, and Attachment A

c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services. Attachment A

Provide each contact person's name, title, mailing address, telephone number, facsimile number, and e-mail address.

4. Applicant is licensed to do business in the State of Illinois, as demonstrated in Attachment __. [451.20(f)(1)] Attachment B

5. Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], as demonstrated in Attachment _. [451.20(f)(2)] [If applicable]

6. Description of Applicant's business. [451.30(c)(1)]

7. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

8. Identification of the Part 451 subpart (Subpart B, C, D, or E) under which the applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

9. Proof of notification to each utility of Applicant's intent to serve in the utility's service area is provided in Attachment _. [451.30(c)(3)]

10. Applicant certifies that it:
    a) will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system including the Open Access Same-time Information System (OASIS) mandated by 18 CFR 37 and the rules and operating guidelines and procedures of the regional or national electric reliability council(s) or organization(s) and their successors for any portion of the state in which the applicant is certified to provide retail electric service); [451.20(a)]
    b) will provide service only to retail customers that are eligible to take delivery services; [451.20(b)]

c) will comply with informational and reporting requirements that the Commission may by rule establish; [451.20(c)]
d) will comply with informational and reporting requirements that the Commission may establish regarding the provision of information required by Section 16-112 of the Act; [451.20(d)]
e) complies with all other applicable laws and regulations and Commission rules and orders; [451.20(g)]
f) complies with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative retail electric supplier; [451.30(d)(2)] and
g) for Subpart C and D applicants, complies with all terms and conditions required by Section 16-115A(c) of the Act. [451.210 and 451.310(a)]

11. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]

12. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. [451.40(a)]

13. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]

14. Whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. [(If Applicant currently has a Certificate of Service Authority) Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.]

RECIPROCITY REQUIREMENTS [451.20, 451.710, and 451.730]

15. The names and addresses of all of Applicant's affiliated companies involved in electric retail sales or purchases in the North American continent are as follows: [451.20(e)(3)]

16. Applicant certifies that it complies with Section 16-115(d)(5) of the Act [220 ILCS 5/16-115(d)(5)], that it will remain in compliance with such requirements, and that it will annually certify such compliance to the Commission during January of each year after its certification. A demonstration that Applicant is in compliance with

Section 16-115(d)(5) of the Act is set forth in Attachment _. [451.20(e), 451.710(a), and 451.730]

LICENSE OR PERMIT BOND [451.50]

17. Applicant is required to execute and maintain a license or permit bond in the name of the People of the State of Illinois issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois. The amount of the bond shall equal the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach a copy of the license or permit bond required by Part 451.50(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 451.10.]

FINANCIAL QUALIFICATIONS [451.110, 451.220, or 451.320—Not applicable to Subpart E Applicants]

18. Applicant meets one of the six financial criteria set forth in Part 451.110(a)(1-6), 451.220(a)(1-6), or 451.320(a)(1-6), as demonstrated in Attachment _. [Attach a copy of the documents that demonstrate that the Applicant meets the applicable criteria.] If a Subpart C or D Applicant fails to meet or qualify for certification under Part 451.220(a) or 451.320(a), the Applicant shall so state and provide the information required by Part 451.220(b) or 451.320(b).

19. Applicant [will][will not] provide electric power and energy with property, plant and equipment that it owns, controls, or operates. If Applicant will provide electric power and energy with property, plant and equipment that it owns, controls, or operates, Applicant shall verify that it meets the requirements of Part 451.110(b), 451.220(c), or 451.320(c) for commercial general liability insurance. Attachment __ shows that the commercial general liability insurance coverage is in the amount of $___ and shall remain in effect for a period of not less than one year. Attachment __ shows that the insurers have Best's ratings of A- or better and Best's financial sizes of VII or larger.

TECHNICAL QUALIFICATIONS [451.120, 451.230, 451.330, or 451.420]

20. Applicant [will][will not] use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. Applicant meets the requirements of Part 451.120. 451.230, 451.330, or 451.420, as demonstrated in Attachment _. [The attachment shall identify the persons or agents who are being used to meet the requirements of Part 451.120, 451.230, 451.330, or 451.420 and the attachment may include narrative form as well as resumes of key personnel.]

MANAGERIAL QUALIFICATIONS [451.130 and 451.140, 451.240 and 451.250, 451.340 and 451.350, or 451.430]

21. Applicant meets the managerial qualifications set forth in Part 451.130, 451.240, or 451.340 (not applicable to Subpart E Applicants), as demonstrated in Attachment _. Attachment _ includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to meet the requirements of Part 451.130(b), 451.240(b), or 451.340(b).

22. Applicant [is][is not] relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451. 330 and 451.340, or 451.420. [(If Applicant is relying on such agents or contractors) Each agent and contractor on whom the Applicant relies to meet these requirements is disclosed on Attachment _. [451.140(a), 451.250(a), 451.350(a), or 451.430(a)]] Applicant certifies that each such agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the respective agent or contractor. [451.140(b), 451.250(b), 451.350(b), or 451.430(b)]]

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

23. Applicant [intends][does not intend] to provide single billing services. [(If Applicant intends to provide single billing services) A demonstration that Applicant meets one of the four creditworthiness standards as required in Part 451.510 is set forth in Attachment _.]

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers [identify the characteristics of the customer group(s) that Applicant proposed to serve] in [describe area for which certification is sought, as in paragraph 7 above].

Respectfully submitted,
Liberty Power Holdings LLC
[Name of Applicant]

By: _____
[Specify officer, agent, or attorney]
Alberto Daire, COO

Name of Attorney
Attorney's Firm or Company Name
Address of Attorney
Attorney's Telephone Number
Attorney's Fax and E-mail (optional)

VERIFICATION

STATE OF Florida)) ss:
COUNTY OF Broward

Alberto Daire, being first duly sworn, deposes and says that she/he is [the] [a(n)] COO [of][for] [Applicant]; that he/she has read the foregoing Application of [Applicant], and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of [her][his] knowledge, information and belief.

Liberty Power Holdings LLC

[Name of person verifying application]
Alberto Daire, COO

Subscribed and sworn to before me
this 20 day of Nov., [year]. 2004

Notary Public

[Stamp of Notary]

Notary Public State of Florida
Helaine Goldstein
My Commission DD555276
Expires 05/22/2010