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ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

Spark Energy, L.P. :  
:  
Application for Certificate of : Docket No. -08-0020  
Service Authority under Section :  
16-115 of the Public Utilities Act

**VERIFIED RESPONSE**

HERE COMES Spark Energy, L.P. ("Applicant"), and hereby files this Verified Response in Docket No. 08-0020 in response to Notice of Administrative Law Judge's Ruling, received January 16, 2008. In support of its application, Applicant states as follows:

**1. Request Pursuant to Subsection 451.30(a)**

*Section 451.30(a) requires that Spark publish notice of its application for certification in the Official State Newspaper within ten 10 days following its filing, and file proof of the publication with the Clerk of the Commission. In paragraph 24, page 10 of the application, Spark states that it intends to comply with this requirement and provide proof of publication to the Commission. Spark is directed to provide proof of publication pursuant to Section 451.30(a).*

Spark Energy certifies and asserts that on January 8, 2008, within ten days following its filing with the Commission, Spark did publish notice of its application for certification with the Edwardsville Publishing, Company. The original notice was mailed to the Chief of Clerk. Attached to this Application and incorporated by reference as Attachment A-1 is the cover letter which accompanied the original notice. Attached to this Application and incorporated by reference is Attachment A-2 a copy of the Certificate of Publication from the Edwardsville Publishing Company with a copy of the advertisement made by Spark Energy, L.P. Attached as A-3 is the Classified Statement

with Invoice Number 216955001 which proves that Applicant paid for the publication in the Edwardsville Intelligencer.

## **2. Request Pursuant to Section 451.50 License or Permit Bond Requirements**

*Section 451.50 provides as follows:*

- a) *The applicant shall execute and maintain a license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$30,000 if the applicant seeks to serve only nonresidential retail customers with maximum electrical demands of one megawatt or more, \$150,000 if the applicant seeks to serve nonresidential retail customers with annual electrical consumption greater than 15,000 kWh, or \$300,000 if the applicant seeks to serve all eligible retail customers. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an ARES and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file this bond as part of its application for certification.*

*The Applicant is directed to submit an original license or permit bond in this proceeding pursuant to Section 451.50. If the Applicant is relying on the license or permit bond filed in Docket 07-0452, the Applicant is direct to contact the Chief Clerk of the Illinois Commerce Commission to make arrangements for that bond to be filed in Docket 08-0020.*

Spark Energy, L.P. does intend to use the original bonds previously submitted in Docket 07-0452. Applicant hereby certifies that it has contacted the Chief Clerk of the Illinois Commerce Commission and made arrangements for the bonds to be filed in Docket 08-0020 from Docket 07-0452. Applicant has drafted and has executed a letter request that has been over-nighted, via DHL with a self addressed return over-night envelope, to the Office of the Chief Clerk, specifically listing the bonds being sought. The Office of the Chief Clerk has, via oral telephone conversation dated January 22, 2007, verified that it does have the original bonds filed in Docket 07-0452 and will, upon receipt of the signed letter, attached to this Verified Response as Exhibit B and incorporated by reference, will mail back the original bonds to Applicant. Applicant will immediately, upon receipt of the original bonds, submit the original bonds to the Chief of

Clerk for filing in Docket 08-0020. Spark certifies that it is its intention to have said bonds submitted within ten days from the date of this Verified Response.

### **3. Request Pursuant to Section 451.320(a)(5)(B) Financial Qualifications**

*Section 451.320(a)(5)(B) provides that:*

*B) The amount of the line of credit or revolving credit agreement shall be no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for the most recently completed fiscal year. That amount of revenue must appear in the applicant's certified financial statements, or those of the applicant's parent, that have received an accountant's report that certifies those financial statements to be free of material misstatement. If the applicant is using the certified financial statements of its parent, the amount of credit available under the borrowing agreement shall be determined using the applicable revenue amount from the segment information section of the certified financial statements of the applicant's parent.*

*Spark Energy, LP must demonstrate that it can borrow no less than the greater of \$1,000,000 or 10% of the amount of the applicant's revenue for the most recently completed fiscal year. The Applicant is directed to certify the exact amount currently available under this credit agreement to Spark Energy, L.P. (provide specific date). The Applicant is further directed to certify that in the event that the amount is different than the maximum amount stated in the credit agreement (\$40,000,000), the Applicant will submit a calculation determining the credit agreement amount available to Spark Energy, LP with a detailed explanation of each input of the calculation.*

*As Spark Energy, LP certifies that it will provide quarterly letters from its backing parties to the Commission that the Applicant remains in compliance with its banking covenants; the Applicant is further directed to also certify that these letters will contain the specific amount available to the Applicant at the time of certification*

Spark Energy, L.P. certifies the following:

1. That forty (40) Million is Spark Energy, L.P.'s sub-limit pursuant to the Spark Energy Ventures, LLC credit facility Agreement, filed un-redacted as Confidential Amended Attachment F, listed as F-1.
2. As of Close of business on January 22, 2008:

**VERIFICATION**

STATE OF TEXAS )

COUNTY OF HARRIS )

Alyson Mohn, being first duly sworn, deposes and says that she is the Vice President and Treasurer of Spark Energy, L.P.; that she has read the foregoing Verified Response of Spark Energy, L.P., and all of the attachments accompanying and referred to within the Verified Response; and that the statements contained in the Verified Response and the attachments are true, correct and complete to the best of her knowledge, information, and belief.



Alyson Mohn

Treasurer and Vice President

Spark Energy, L.P.

Subscribed and sworn to before me

This 23<sup>rd</sup> day of January, 2008.

