

MC Squared Energy Services, LLC

Docket No. 09-0059

Notice of Administrative Law Judge's Ruling

Notice is hereby given that the Administrative Law Judge has completed a preliminary review of the application filed by MC Squared Energy Services, LLC ("Applicant" or "MC Squared") in Docket No. 09-0059, and hereby rules that a verified response, containing the information and clarifications described below, shall be filed with the Commission.

If filed electronically, this verified response shall be filed with the Chief Clerk of the Commission on or before February 24, 2009. If the filing is made by non-electronic means, then February xx, 2009 is a mailing date. Applicant shall serve a copy of its response on the Administrative Law Judge (syoder@icc.illinois.gov) and on Mr. Steve Hickey of the Commission (shickey@icc.illinois.gov). For purposes of doing so, February xx, 2009 is a receipt or "in hand" date, not later than 5:00 P.M., by electronic mail, Fax (217-524-8928) or otherwise.

Requirements of Public Act 095-1027

On January 12, 2009, Public Act 095-1027 ("PA 95-1027") was signed into law in Illinois. Among many other things, PA 95-1027 amends Section 16-115 of the Public Utilities Act ("PUA"). New subsection 16-115(d)(5) requires, in part:

That the applicant will procure renewable energy resources and will source electricity from clean coal facilities, as defined in Section 1-10 of the Illinois Power Agency Act, in amounts at least equal to the percentages set forth in subsections (c) and (d) of Section 1-75 of the Illinois Power Agency Act.

A review of the application indicates that MC Squared failed to address these requirements. Applicant is directed to file an amended application that explains in full how Applicant plans to meet the requirements of PA 95-1027. In the alternative, if Applicant believes that the requirements of PA 95-1027 are not applicable, Applicant is directed to provide a full explanation why it believes the requirements are inapplicable.

Subsection 451.30 Required Filing Procedures

Section 451.30(a) requires that Applicant publish notice of its application for certification in the Official State Newspaper within 10 days following its filing, and file proof of the publication with the Clerk of the Commission. In paragraph 9, page 5 of the application, MC Squared states that it intends to comply with this requirement and

provide proof of publication to the Commission. MC Squared is directed to provide proof of publication pursuant to Section 451.30(a).

Section 451.230 Technical Qualifications

Section 451.230(b)(2) states that “The applicant shall designate in its application, and shall agree thereafter to maintain, a telephone number, fax number, and address where its staff can be directly reached at all times. Maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement.”

Applicant did not provide the requirements of this subsection. Applicant is directed to provide the information required by this Section of Part 451.