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2009 AUG 19 1 P 1:11

HSBC Technology & Services (USA) Inc.

Application for Certificate of
Service Authority under Section
16-115 of the Public Utilities Act.

CHIEF CLERK'S OFFICE

Docket No. 09-0341

RETURNED ELECTRONICALLY

Steven Yoder
Administrative Law Judge
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
syoder@icc.illinois.gov

Steve Hickey
Staff
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701
shickey@icc.illinois.gov

APPLICANT'S RESPONSE TO ADMINISTRATIVE LAW JUDGE'S RULING
DATED AUGUST 10TH, 2009

Dear Sirs:

Attached please find HSBC Technology & Services (USA), Inc.'s response to the Administrative Law Judge's Ruling dated August 10th, 2009 on its application to obtain a certificate of service authority to operate as a Subpart E Alternative Retail Electric Supplier ("Subpart E ARES") in the State of Illinois.

Sincerely,



Marguerite L. Miller
Vice President
Energy Procurement Operations

Cc: Phil Hardas, ALJ Assistant, Illinois Commerce Commission, 527 E. Capitol Ave.,
Springfield, IL 62701, phardas@icc.illinois.gov.
Yassir Rashid, Engineering, Illinois Commerce Commission, 527 E. Capitol Ave.,
Springfield, IL 62701, yrashid@icc.illinois.gov

HSBC Technology & Services (USA), Inc.

Docket No. 09-341

Response to Administrative Law Judge's Ruling Dated August 10th, 2009

Applicant's responses to the Administrative Law Judge's Ruling Dated August 10th, 2009, are respectfully submitted as follows:

Subsection 451.30(a) and 451.410(a) Required Filing Procedures

Applicant has complied with Section 451.30(a) and 451.410(a) to publish notice of its application for certification in the Official State Newspaper within 10 days of its filing. Applicant's legal notice was published on August 5th for its July 29th original filing date. Applicant did not receive the Certificate of Publication from the Daily Herald until August 11th. Applicant has submitted a copy of the Certificate of Publication as **Attachment A**.

Subsection 451.410(c)(3)(B)

Applicant verified in item 11 of its original application that it will only provide service to retail customers eligible to take delivery services. Applicant's intended customers at this time are retail customers of either Commonwealth Edison or Constellation New Energy. After discussion with staff at the Illinois Commerce Commission, applicant was instructed that no further verification is required at this time.

Subsection 451.410(d)

Pursuant to the common business practices of Commonwealth Edison, Applicant cannot enter into an agreement with the utility pursuant to Section 16-118 of the Public Utilities Act until Applicant has received the required certificate of service authority from the Illinois Commerce Commission. Applicant certifies that it will deliver proof of the completed agreement with Commonwealth Edison once it has been approved by both parties and prior to the commencement of supplying electric service to any retail customers.

Subsection 451.420(a)(b)(c)(d)

Jones Lang LaSalle is a real estate property management firm which manages all the facilities owned and operated by HSBC (Applicant). Jones Lang LaSalle and the individuals noted in the original application (Mr. Trocchia and Mr. Olson) have been managing these facilities for over six years and they have managed the Applicant's electricity procurement for all of those years. HSBC (Applicant) in conjunction with Jones Lang LaSalle, currently purchases wholesale electricity for all of its facilities in the New York City area through the New York Independent System Operator (NYISO) and

has been doing so since early 2003. Jones Lang LaSalle has a contract with ECM Energy Management Services to act as the technical service provider for all the wholesale transactions required to purchase wholesale energy for HSBC's facilities in New York, New Jersey and Illinois. HSBC (Applicant) has a direct agreement with Jones Lang LaSalle who in turn has a direct agreement with ECM Energy Management Services to provide these services for HSBC's (Applicant) facilities. We have attached a copy of the services agreement between Jones Lang LaSalle and ECM Energy Management Services as **Attachment B**. HSBC is the Applicant because it is the entity that owns or controls the facilities which will be receiving electric service.

ECM will be responsible for managing all the technical, bidding and scheduling transactions between HSBC (Applicant) and the PJM Interconnection, Commonwealth Edison and the end use facility. ECM maintains 24 hour contact numbers which were provided in the original application and satisfies the requirements of **Subsection 451.420 (b) and (c)**. The proper numbers are restated as follows with an additional 24 Hour Contact Number:

ECM Energy Management Services: 24 Hour Contact Numbers

General Number: 716-639-7707

Fax: 716-639-7709

24 Hour Contact Numbers: 716-622-8753
716-818-2080

Address of Scheduling Facility:
90B John Muir Drive, Suite 100
Amherst, New York 14228

As facilities manager for HSBC (Applicant), Jones Lang LaSalle is responsible for the 24 hour contact numbers regarding the operation and maintenance of the Applicant's non-residential facilities. As required by **Subsection 451.420 (a)**, Jones Lang LaSalle, possess sufficient technical capabilities to serve the non-residential facilities of HSBC (Applicant) and has been doing so for over 6 years. The proper contact information for the Jones Lang LaSalle personnel is as follows:

Jones Lang LaSalle/HSBC

Bret Olson

26525 N. Riverwoods Blvd.
Mettawa, Illinois 60045

General Number: 813-434-6068

Fax: 224-552-6975

24 Hour Contact Number: 813-434-6068

Applicant has included under **Attachment C**, detailed resumes describing or summarizing the qualifications of the lead individuals who will be managing HSBC's (Applicant) electricity procurement program under the certificate of service authority.

Mr. Trocchia, Mrs. Miller and Mr. Garcia have been managing HSBC's (Applicant) wholesale electricity procurement with the New York Independent System Operator for over 6 years and possess sufficient technical ability and experience to fulfill the requirements of **Subsection 451.420(d)**. In addition to their experience with HSBC (Applicant), both Mrs. Miller and Mr. Garcia have been representing multiple clients engaged in wholesale electricity purchasing since the early years of deregulation and have worked in most of the major interconnections in the United States.

Requirements of the Clean Coal Portfolio Standard

Applicant certifies that it will comply with the requirements of the Clean Coal Portfolio Standard as it applies to Subpart E Alternative Retail Electric Suppliers under Section 16-115 of the Public Utilities Act. Applicant certifies that if required, it will procure electricity from clean coal facilities either through purchase power agreements or contracts for differences from approved clean coal facilities and in the amounts as prescribed by the Illinois Power Agency Act.

Applicant has already stated and certified its plans to meet the renewable energy portfolio standards requirements of the Illinois Power Agency Act in its original application.

VERIFICATION

STATE OF NEW YORK

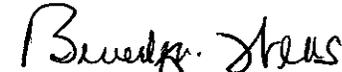
COUNTY OF ERIE

Mark Melas, being first duly sworn, deposes and says that he is an officer of HSBC Technology & Services (USA) Inc.; that he has read the foregoing Application of HSBC Technology & Services (USA) Inc. 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 his knowledge, information and belief.



Mark Melas, Executive Vice-President

Subscribed and sworn to before me
this 17 day of August, [year]. 2009


Notary Public

[Stamp of Notary]

BEVERLY A. WELLS
No. 01WE6069605
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 9/20/2009