

ILLINOIS COMMERCE COMMISSION *2009* OCT 27 A 10: 55

Eagle Industrial Power Services (IL), LLC :
:
Application for Certificate of :
Service Authority under Section :
16-115 of the Public Utilities Act. :

CHIEF CLERK'S OFFICE
Docket No. *09-0467*

APPLICATION

Eagle Industrial Power Services (IL), LLC ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a Certificate of Service Authority as an Alternative Retail Electric Supplier ("ARES") 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)]

**Eagle Industrial Power Services (IL), LLC
4700 W. Sam Houston Parkway N., Suite 250
Houston, TX 77041**

2. Related Information:

- Type of business entity:
Applicant is a Limited Liability Company, ("LLC")
- Jurisdiction in which and under whose laws business entity was created:
State of Texas
- Other names under which Applicant does business (D/B/A):
None
- Federal Employer Identification Number: [451.20(e)(2)]
27-0582531
- Registered Agent in Illinois:
**Capitol Corporate Services, Inc.
118 West Edwards Street, Suite 200
Springfield, IL 62704**

3. Contact Persons:

- a) For issues related to processing this application, please contact:

Mark Siismets
VP, Commercial & Industrial Power
4700 W. Sam Houston Parkway, Suite 250
Houston, TX 77041
Tel: (281) 653-1730
Fax: (281) 653-1530
mark.siismets@edftrading.com

- b) For issues related to retail customers, including complaint resolution, please contact:

Mark Siismets
VP, Commercial & Industrial Power
4700 W. Sam Houston Parkway, Suite 250
Houston, TX 77041
Tel: (281) 653-1730
Fax: (281) 653-1530
mark.siismets@edftrading.com

- c) For technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services, please contact:

Mark Siismets
VP, Commercial & Industrial Power
4700 W. Sam Houston Parkway, Suite 250
Houston, TX 77041
Tel: (281) 653-1730
Fax: (281) 653-1530
mark.siismets@edftrading.com

4. Applicant is licensed to do business in the State of Illinois, as demonstrated in **Attachment A**. [451.20(f)(1)]
5. Applicant will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission when notice publication has been accomplished. [451.30(a)]

6. 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)]. *[451.20(f)(2)] [if applicable]*

This section does not apply because Applicant's employees will not be installing, operating, or maintaining generation, transmission or distribution facilities within the State of Illinois.

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

Applicant will provide electricity supply products and services to non-residential retail commercial and industrial customers whose annual consumption is in excess of 15,000 kilowatt hours.

8. 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)]*

Applicant intends to provide electricity supply products and service throughout the State of Illinois. These products and service will include but are not limited to: full requirements power and energy services; index-related power and energy services; energy risk management services; block and shaped block energy service; demand response service; and other energy services that are desired by our customers or customer prospects.

9. 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)]*

Applicant is filing under Subpart C and plans to serve non-residential retail commercial and industrial customers with annual electrical consumption greater than 15,000 kWh.

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

11. 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 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)]
12. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
13. 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)]
14. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]
15. 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.]

Applicant does not currently have authority to be an ARES.

LICENSE OR PERMIT BOND [451.50]

16. 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.

Please see Attachment C.

FINANCIAL QUALIFICATIONS [451.220]

17. Applicant meets the financial criteria set forth in 451.220(a)(4) as demonstrated in **Attachment D**.
18. Applicant will **not** provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [451.230]

19. Applicant **will not** use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. Applicant meets the requirements of Part 451.230 as demonstrated in **Attachment E**.

MANAGERIAL QUALIFICATIONS [451.240]

20. Applicant meets the managerial qualifications set forth in Part 451.240 as demonstrated in **Attachment F**. See **Attachment G** that includes an exhibit containing a corporate organizational chart and identifying the persons who are being used to meet the requirements of Part 451.240(b).
21. Applicant **is not** relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.230 and 451.240.

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

22. **Applicant intends to provide single billing services and meets the creditworthiness standards as required in Part 451.510(a) as set forth in Attachment H.**

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

23. Applicant certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(c)(1)]

24. Applicant certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(c)(2)]
25. Applicant certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(c)(3)]
26. Applicant certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(c)(4)]
27. Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(d) and 451.310(e)]
28. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(f)]

Applicant is not filing under Subpart D.

REQUIREMENTS OF PUBLIC ACT 095-1027 AND PUBLIC ACT 096-0159

Applicant intends to fully comply with the Illinois Power Agency Act and the Public Utilities Act, as most recently amended in Public Act 095-1027 and Public Act 096-0159 (the "Acts"). In particular, Applicant will procure renewable energy resources in accordance with Sections 16-115(d)(5) and 16-115D of the Public Utilities Act 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. Applicant is not a generator of electric power and energy (renewable or otherwise) and therefore contemplates that it will either purchase the required portion of its electric supply requirements from qualified renewable power generation sources directly, or more likely, purchase sufficient Renewable Energy Credits and/or make alternative compliance payments to meet the requirements of the Acts and related Commission

requirements. With respect to the initial clean coal facility cited in the Acts, if such facility is approved by the Legislature, Applicant will execute the required contract for renewable electric supply or a contract for differences. For other clean coal sources, Applicant will contract with and purchase from such sources and in such quantities as required by the Acts or the Commission, provided that such sources are available within the Commission's established procedures. Finally, Applicant will comply with the required reporting requirements under Section 16-115D(e) of the Public Utilities Act to show that it has met the Commission's requirements as it relates to the Acts.

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail commercial and industrial customers throughout the State of Illinois that have annual electricity usage in excess of 15,000 kilowatt hours and to provide Single Bill Option services to these customers.

Respectfully submitted,

Eagle Industrial Power Services (IL), LLC

By: 

Mark Siismets
Vice President

