

[The Form for ABC 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 to be licensed as an Agent, Broker, and Consultant ("ABC") under Section 16-115C of the Public Utilities Act ("Act") [220 ILCS 5/16-115C] and 83 Ill. Adm. Code 454 ("Part 454"), Licensure of Agents, Brokers, and Consultants. The Form is presented in a generic format and should be individually tailored by each ABC applicant before submitting to the Illinois Commerce Commission. The Form is not intended to constitute legal advice regarding compliance with Section 16-115C of the Act, 83 Ill. Adm. Code 454, or any applicable case law.]

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

ILLINOIS  
COMMERCE COMMISSION  
2009 OCT 28 A 10:48  
CHIEF CLERK'S OFFICE

Lincoln Energy Group LLC

Application for Licensure of  
Agents, Brokers, and Consultants  
under Section 16-115C  
of the Public Utilities Act.

Docket No.

09-0470

APPLICATION

Lincoln Energy Group LLC ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a license pursuant to Section 16-115C of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

GENERAL [454.40, 454.50, 454.100]

- 1. Applicant's name and street address.

Lincoln Energy Group LLC  
17 N State Street Suite 1890  
Chicago IL 60602

- 2. Related Information:

- Type of business entity: LLC
  - Jurisdiction in which and under whose laws business entity was created: Illinois
  - Other names under which Applicant does business (D/B/A): None
3. Contact Persons for the following:
- a) issues related to processing this application and
  - b) issues related to complaint resolution [454.130]

Blair Hutton  
17 N State Street Suite 1890  
Chicago, IL 60602  
312 782 8403  
[Hutton.b@lincolnenergygroup.com](mailto:Hutton.b@lincolnenergygroup.com)

Aaron Bernstien  
17 N State Street Suite 1890  
Chicago, IL 60602  
312 782 8400  
[Bernstien.a@lincolnenergygroup.com](mailto:Bernstien.a@lincolnenergygroup.com)

4. Description of Applicant's business. [454.40(c)(1)]

Lincoln Energy Group LLC (Lincoln) is an energy procurement broker and consultant that assists commercial and industrial end users of electricity procure their power needs in all deregulated electricity markets in the United States. Lincoln will review the power consumption history of each client. Lincoln will then perform the Request for Pricing (RFP) process from certified electricity generation suppliers. We will then present an apples to apples cost savings analysis to the customer so the end user can make an informed decision regarding electricity supply contracts. The client then signs a contract directly with the recommended electricity generation supplier. From that point forward Lincoln assists the end user in monitoring the volatile energy markets in order to capture future cost savings opportunities.

5. A statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of Section 16-115C of the Act. [454.40(d)(1)]

Lincoln Energy Group LLC supports the requirements and will uphold the law pursuant to Section 16-115C of the Public Utilities Act ("Act")

6. The name, address, telephone number, any facsimile number and any e-mail address of the agent registered with the Illinois Secretary of State. This information shall be kept current and any change regarding the licensee shall be reported within 15 days after the change occurs. The required information shall be filed with the Chief Clerk of the Commission at its Springfield office. [454.40(c)(3)]

Lincoln Energy Group LLC

17 N State Street, Suite 1890

Chicago, IL 60602

P-312-782-8400

F-312-782-8402

Bernstien.a@lincolnenergygroup.com

7. Applicant certifies that it:
- a) is licensed to do business in the State of Illinois and is in compliance with all other applicable laws, regulations and Commission rules and orders; [454.40(c)(2)]
  - b) shall comply with all terms and conditions required by Section 16-115C of the Act; [454.40(d)(2)]
  - c) shall ensure any person who acts on behalf of the entity will comply with all sections of Part 454 applicable to the function or functions to be performed; [454.40(d)(3)]
  - d) shall remain in compliance with the provisions of the Act and Part 454; [454.50]
  - e) shall ensure that authorizations received from customers, and all other applicable records are retained for a period of not less than three calendar years after the calendar year in which they were created; and [454.100(a)]
  - f) shall preserve the confidentiality of its customers' data. [454.100(b)]

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

8. Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in Attachment 1. Attachment 1 includes an exhibit containing a corporate organizational chart and identifying the persons who are being used to meet the requirements of Part 454.60(a). Attachment 1 includes an exhibit containing occupational background information on the person or persons who are being used to meet the requirements of Part 454.60(a). [Attachment should include narrative and/or resume of key personnel showing clearly how the managerial experience requirement is being met.]

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

9. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment 1. Attachment 1 includes an exhibit containing occupational background information on the person or persons who are being used to meet the requirements of Part 454.70(a). [The attachment shall identify the persons who are being used to meet each of the requirements of Part 454.70. Attachment should include narrative and/or resumes of key personnel showing clearly how the technical experience requirement is being met.]

FINANCIAL LICENSING REQUIREMENTS [SECTION 454.80]

10. 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 \$5,000. [Attach the license or permit bond required by Part 454.80(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 454.10.]

[Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>)]

CODE OF CONDUCT [SECTION 454.90]

11. Applicant certifies that it shall:
- a) Disclose in plain language in writing the nature of the services offered by the ABC;
  - b) Disclose in plain language in writing to all persons it solicits the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract. Any such disclosure must be made prior to entering into the contract and signed by the customer;
  - c) Not hold itself out as independent or unaffiliated with any RES, or both, or use words calculated to give that impression, unless the person or entity offering service under this Section 16-115C of the Act has no contractual relationship with any RES or its affiliates regarding retail electric service in Illinois;
  - d) Not utilize false, misleading, materially inaccurate, defamatory, or otherwise deceptive language or materials in the soliciting or providing of its services;
  - e) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;

- f) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;
- g) Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and
- h) Comply with the requirements of Sections 2EE, 2FF, 2GG, and 2HH of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE, 2FF, 2GG, and 2HH].

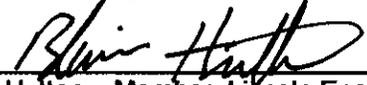
REPORTING REQUIREMENTS [SECTION 454.110]

- 12. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]

WHEREFORE, Applicant requests that the Commission grant its application for licensure as an agent, broker, or consultant to engage in the procurement or sale of retail electricity supply for third parties.

Respectfully submitted,

Lincoln Energy Group LLC

By:   
Blair Hutton – Member, Lincoln Energy Group

Attorney:  
John Goebel  
Bryan Cave LLP  
161 N Clark Street, Suite 4300  
Chicago, IL 60601  
312 602 5155  
Fax: 312 698 7555

VERIFICATION

STATE OF ILLINOIS  
COUNTY OF COOK

Aaron Bernstien being first duly sworn, deposes and says that he is a member of Lincoln Energy Group LLC; that he has read the foregoing Application of Lincoln Energy Group LLC 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.



A handwritten signature of Aaron Bernstien in black ink, written over a horizontal line.

Aaron Bernstien

Subscribed and sworn to before me  
this 21<sup>st</sup> day of OCTOBER, 2009.

A handwritten signature of the Notary Public in black ink, written over a horizontal line.

Notary Public

[Stamp of Notary]

