

National Utility Service, Inc.

2009 OCT 28 A 10: 56

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

Docket No. CHIEF CLERK'S OFFICE
09-0471

APPLICATION

National Utility Service, Inc. ("**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.
*National Utility Service, Inc.
One Maynard Drive/PO Box 712
Park Ridge, New Jersey 07656-0712*
2. Related Information:
 - Type of business entity: *Corporation*
 - Jurisdiction in which and under whose laws business entity was created:
New Jersey
 - Other names under which Applicant does business (D/B/A):
NUS Consulting Group
3. Contact Persons for the following:
 - a) issues related to processing this application and
 - b) issues related to complaint resolution [454.130]

Provide each contact person's name, title, mailing address, telephone number, and e-mail address for a) and b).

- a) *David M. Brown
Vice President
One Maynard Drive/PO Box 712*

Park Ridge, NJ 07656-0712
(201) 391-4300 extension 105
dbrown@nusconsulting.com

- b) David M. Brown
Vice President
One Maynard Drive/PO Box 712
Park Ridge, NJ 07656-0712
(201) 391-4300 extension 105
dbrown@nusconsulting.com

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

National Utility Service, Inc. d/b/a NUS Consulting Group (“NUS”) is a professional cost management consulting firm specializing in solutions to reduce energy (i.e., electricity natural gas, water/sewer) expenses. We provide our clients a broad range of services including audit, rate optimization, procurement, on-line data management, and market/pricing research. Our objective is help businesses and utility intensive organizations make more informed utility purchasing decisions, recover over-payments and implement cost reduction strategies – thereby improving their overall profitability.

Since its founding in 1933, NUS has grown to serve approximately 15,000 clients worldwide. In addition to its headquarters in the United States, we currently maintain offices in the following countries: Australia, Belgium, Canada, France, Germany, Italy, Poland, South Africa, Spain, Sweden and the United Kingdom.

*As it specifically pertains to this application, NUS will offer its commercial and/or industrial customers, who maintain locations in the state of Illinois, assistance in the negotiation and re-negotiation of third-party electricity supply agreements. With the client's **prior** approval and upon NUS' auditing and analysis of the client's electricity load requirements, NUS will tender the customer's load requirements to various licensed Retail Electric Suppliers (“RES”) offering service in the state of Illinois. Each RES will be expected to offer electricity pricing meeting the client's specific requirements and the client may, in their sole discretion, select or decline any RES offer. NUS is expected to be compensated for its services through a “price adder” on the RES' billing to the client. Each client will be advised, in writing, of the existence and amount of the “price adder” prior to their execution of any RES service contract.*

NUS will only be offering its ABC service in the state of Illinois to commercial and/or industrial clients. NUS will not be offering its ABC services to residential customers nor will NUS be collecting any fees and/or deposits from any of its customers for its broker services.

NUS has also been approved and is currently licensed, in good standing, in all states requiring electricity broker registration. These states include Delaware,

District of Columbia, Maine, Maryland, Massachusetts, Ohio, Pennsylvania, New Hampshire and Texas.

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)]

Applicant in support of this application states that it will meet all of the requirements of Section 16-115C of the Act [454.40(d)(1)].

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)]

*Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703
(800) 927-9800*

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)]

Applicant 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)]. See Attachment "A".

- b) shall comply with all terms and conditions required by Section 16-115C of the Act; [454.40(d)(2)]

Applicant 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)]

Applicant 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]

Applicant 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)]

Applicant 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)]

Applicant 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 "B". Attachment "B" 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 "B" 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 "C". Attachment "C" 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>)]

See Attachment "D".

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;

Applicant understands and agrees to disclose in plain language to any and all of its customers or potential customers, in writing, the nature of the services offered by National Utility Service, Inc. d/b/a NUS Consulting Group (i.e., 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;

Applicant understands and agrees to 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 will 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;

*Applicant understands and agrees that it will **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 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;

*Applicant understands and agrees that it will **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;

Applicant understands and agrees to 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;

Applicant understands and agrees to 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

*Applicant understands and agrees that it will **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.*

- 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].

Applicant understands and agrees to 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]

Applicant understands and 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,

National Utility Service, Inc.

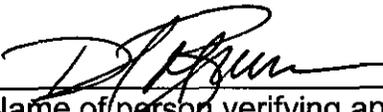
By:  _____

David M. Brown
Vice President

VERIFICATION

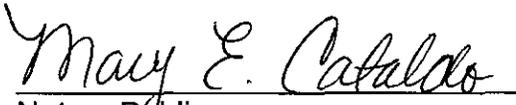
STATE OF NEW JERSEY)
COUNTY OF BERGEN)

David M. Brown, being first duly sworn, deposes and says that he is the Vice President of National Utility Service d/b/a NUS Consulting Group ("NUS"); that he has read the foregoing Application of NUS, 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.



[Name of person verifying application]
DAVID M BROWN

Subscribed and sworn to before me
this 27th day of OCTOBER, 2009.



Notary Public

MARY E. CATALDO
Notary Public of New Jersey
Bergen County ID # 2359833
Commission Expires May 10, 2012