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ILLINOIS COMMERCE COMMISSION

ORIGINAL

[Form for ABC Applicants]

[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

[Name of Applicant]	:	
Application for Licensure of Agents, Brokers, and Consultants under Section 16-115C of the Public Utilities Act.	:	Docket No. 09-0632

CHIEF CLERK'S OFFICE
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ILLINOIS COMMERCE COMMISSION

APPLICATION

Energy Cost Certainty 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.

Energy Cost Certainty LLC

12700 Park Central Drive, #200

Dallas, TX 75251

2. Related Information:

- Type of business entity: **LLC** [corporation, LLP, LLC, etc.]
- Jurisdiction in which and under whose laws business entity was created: **TX**

- Other names under which Applicant does business (D/B/A): 3. Contact Persons for the following:

a) issues related to processing this application:

Vida Kontoh – paralegal & contract/compliance administrator
12700 Park Central Drive, #200
Dallas, TX 75251
vida.kontoh@lpbenergy.com
Ph: 972-383-5200

and

b) issues related to complaint resolution [454.130]

Matthew Berke – Manager
12700 Park Central Drive, #200
Dallas, TX 75251
dan.matthew.berke@lpbenergy.com
Ph: 972-383-5200

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

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

To provide electricity purchasing and efficiency consulting and agency services.

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 meets the requirements set forth in Section 16-115C of the Act and Part 454.40(d)(1). Applicant possesses the necessary technical competence and managerial competence, and has demonstrated appropriate financial responsibility, as further described in Sections 8, 9 and 10 of this Application. Further, Applicant is familiar with, and will comply with, the regulations regarding conduct and reporting requirements for ABCs, as further described in Sections 11 and 12 of this Application.

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)]

Business Filings Incorporated

600 South Second Street, #103

Springfield, IL 62704

PH: 800-981-7183 **FX: 608-827-5501**

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)] **---see Attachment A/.**

   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 **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;

    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]

ECC agrees to submit reports in accordance with annual reporting requirements.

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,

Energy Cost Certainty LLC

By: _____
Matthew Berke
Manager

Name of Attorney
Attorney's Firm or Company Name
Address of Attorney
Attorney's Telephone Number
Attorney's Fax and E-mail (optional)

VERIFICATION

STATE OF Texas
COUNTY OF Dallas

Matthew Berke, being first duly sworn, deposes and says that she/he is the Manager of **Energy Cost Certainty LLC**; that he has read the foregoing Application of Energy Cost Certainty 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.

Matthew Berke

Subscribed and sworn to before me
this 10 day of November, 2009.

Notary Public

[Stamp of Notary]

SARAH SCHACHTER
Notary Public, State of Texas
My Commission Expires
January 17, 2010