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Kenneth Vander Ark

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

Docket No. 09-0560

APPLICATION

Kenneth Vander Ark ("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:

Kenneth Vander Ark
1804 Apache LN
Mt Prospect, IL 60056

2. Related Information:

- Type of business entity:

Sole Proprietorship

- Jurisdiction in which and under whose laws business entity was created:

Illinois

- Other names under which Applicant does business (D/B/A):

Vander Ark & Associates

2. Contact Persons for the following:

- a) Issues related to processing this application:

Kenneth Vander Ark

1804 Apache LN
Mt. Prospect, IL 60056
847-299-0697
kenneth.vanderark@comcast.net

- b) Issues related to complaint resolution [454.130]:

Kenneth Vander Ark
1804 Apache LN
Mt. Prospect, IL 60056
847-299-0697
kenneth.vanderark@comcast.net

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

Kenneth Vander Ark, DBA Vander Ark and Associates, provides consulting and advisory services to businesses and non-profits to help them reduce their telephone, natural gas and electric utility expenses. My clients do not have the time to be knowledgeable of the tariffs, reconcile the differences between supplier proposal formats or to be aware of all of the alternatives available to them. These services might include analyzing invoices for accuracy, soliciting proposals from suppliers, evaluating all proposals including those obtained by the client, reviewing contracts, and conducting periodic reviews of invoices to verify that they are accurately invoiced for contracted services.

I get compensated by my clients in one of three ways: a fee for services performed; a share of money recovered due to billing errors; or a commission from a supplier. My clients know how I will be compensated and their bottom line cost of all alternatives being considered before they make their decision. I do not double dip by charging the client a fee and also getting a commission from a supplier. It is one or the other but not both.

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)]:

The applicant hereby certifies that it meets all requirements of Section 16-115C of the Public Utilities 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)]:

Vander Ark and Associates is not now nor has ever been represented by any agent or lobbyist in the State of Illinois; and none have ever been registered with the Illinois Secretary of State.

7. Applicant certifies that it:
 - a) is not required to be licensed as a sole proprietor 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:

Kenneth Vander Ark is the sole member of Vander Ark & Associates.

Ken Vander Ark has a degree in Electrical Engineering from the University of Michigan and a MBA from Michigan State University with a major in Finance and a minor in Marketing. He has enjoyed a successful career with Westinghouse Electric, Whirlpool International Corporation, and Griffin, Kubik, Stephens and Thompson, an Investment Banking firm in the Chicago loop. His business experience was evenly split between Manufacturing, Marketing and Sales, and Finance. Among the positions held were Corporate Controller at a division of Whirlpool and Financial Vice President at GKST.

Ken started the Consulting business approximately twelve years ago and has obtained his clients on a referral basis during the last few years.

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

9. Applicant meets the technical qualifications set forth in Part 454.70

See Managerial Licensing Qualifications statement above.

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,

[Kenneth Vander Ark]

By: Kenneth P. Vander Ark
[Owner]

State of Illinois
County of Cook

KEVIN NEUMANN, says that Kenneth Vander Ark, the applicant, has prepared this document and that all statements contained in the application and attachments are true and complete to the best of his knowledge. He has signed this application in my presence.

Subscribed and sworn to before me
this 12th day of November, 2009.

Kevin Neumann
Notary Public

(Stamp of Notary)

