

2009 NOV 30 A 11: 23

Bmark Energy, Inc. :

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

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Docket No. CHIEF CLERK'S OFFICE

09-0585

APPLICATION

Bmark Energy, 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.

Bmark Energy, Inc., 791 Price St. #177, Pismo Beach, CA 93449

2. Related Information:

- Type of business entity: Corporation
- Jurisdiction in which and under whose laws business entity was created: State of California, County of San Luis Obispo
- Other names under which Applicant does business (D/B/A): None

3. Contact Persons for the following:

a) Issues related to processing this application:  
 Robert S. Kramb, President  
 791 Price St. #177  
 Pismo Beach, CA 93449,  
 805-773-3762 email: robertk@bmarkenergy.com

And

b) Issues related to complaint resolution [454.130]

Robert S. Kramb, President  
 791 Price St. #177  
 Pismo Beach, CA 93449,  
 805-773-3762 email: robertk@bmarkenergy.com

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

Bmark Energy Inc., is an energy broker/consultant engaged in the business of providing electricity.

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)]

See attached

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)]

Faxon Legal Information Services, Inc.  
2501 Chatham Road, Suite 110  
Springfield, IL 62701  
(217) 698-8710

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 attached

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 the attached resume which 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).

See attached

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

9. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in the attached resume which 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).

See attached

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.

See attached

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]

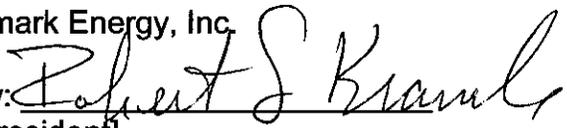
12. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]

Form for ABC Applicants

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,

Bmark Energy, Inc.

By:   
[President]

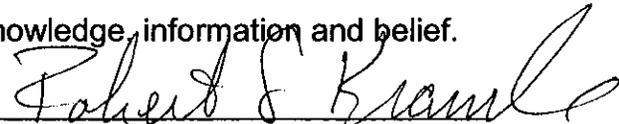
Attorney:

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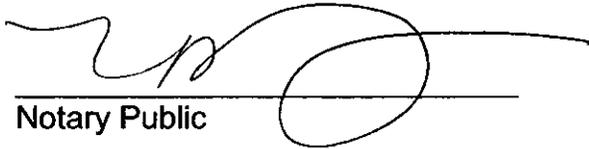
VERIFICATION

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO)

Robert S. Kramb, being first duly sworn, deposes and says that he is an Officer of Bmark Energy, Inc.; that he has read the foregoing Application of Bmark Energy, Inc., 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]

Subscribed and sworn to before me  
this 16 day of November, 2009.

  
\_\_\_\_\_  
Notary Public

[Stamp of Notary]

