

LINDE ENERGY SERVICES, INC. :  
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Application for Certificate of Service Authority :  
Under Section 16-115 of the Public Utilities Act :

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No. \_\_\_\_\_ CHIEF CLERK'S OFFICE

10-0404

**APPLICATION FOR CERTIFICATION AS SUBPART B**  
**ALTERNATIVE RETAIL ELECTRIC SUPPLIER**

Linde Energy Services, Inc. ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a Modified Certificate of Service Authority pursuant to Section 16-115 of the Public Utilities Act ("Act") under Subpart B of the Commission's Rules of Certification of Alternative Retail Electric Supplier. The Applicant seeks modification of its certification to provide electric power and energy to all non-residential customers with demands of 1 MW or more located in Illinois within the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("AmerenCILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("AmerenCIPS"), and Illinois Power Company, d/b/a AmerenIP ("AmerenIP").

**General**

1. The Applicant is Linde Energy Services, Inc., located at 1 Greenwich Street, Stewartsville, NJ 08886 (83 Ill.Adm. Code 451.20(c)(1)).

2. Applicant is a Class C Corporation and is incorporated under the laws of the State of Delaware. Applicant's federal employer identification number is: 13-4217485. (451.20(c)(2)).

Applicant's registered agent in the State of Illinois is:

Illinois Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, IL 62703

3. The following persons may be contacted regarding:

a. issues related to the processing of this application:

Larry Stalica, Vice President  
Linde Energy Services, Inc.  
575 Mountain Avenue  
Murray Hill, NJ 07974  
908-771-1112 (P)  
908-771-1194 (F)  
[larry.stalica@linde.com](mailto:larry.stalica@linde.com)

Eric Robertson  
Lueders Robertson & Konzen  
P.O. Box 735  
1939 Delmar  
Granite City, Illinois 62040  
618-876-8500 (P)  
618-876-4534 (F)

b. issues related to retail customers, including complaint resolution:

Michael Messer, Vice-President  
Linde Energy Services, Inc.  
1 Greenwich Street  
Stewartsville, NJ 08886  
908-329-9542 (P)  
908-329-9401 (F)  
[michael.messer@linde.com](mailto:michael.messer@linde.com)

c. technical issues, including scheduling of generation, transmission, and distribution and issues arising from relationships with other providers of electric services:

Michael Messer, Vice-President  
Linde Energy Services, Inc.  
1 Greenwich Street  
Stewartsville, NJ 08886  
908-329-9542 (P)  
908-329-9401 (F)  
[michael.messer@linde.com](mailto:michael.messer@linde.com)

4. Applicant agrees to accept service by electronic means. (451.301(e)).

5. Applicant is licensed to do business in the State of Illinois, as shown in Attachment A.

(451.20(d)(1)).

6. Applicant will, within ten (10) days of the filing of this Application, publish in the Official State Newspaper, notice of filing of this Application and file proof of same with the Clerk of the Commission. (451.30(a)).

7. Applicant's employees will not be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, nor will any entity with which the Applicant has contracted to perform those functions. (451.20(d)(2)).

8. Linde Energy Services, Inc., is a wholly-owned subsidiary of Linde LLC, a Delaware Limited Liability Company, ("Linde"), which operates air separation and other manufacturing facilities across the United States. Linde Energy Services, Inc., was created to provide Linde and affiliated companies, with the ability to supply their retail load in competitive electric markets. Linde Energy Services, Inc., currently supplies affiliated retail load in Delaware, Maine, Pennsylvania, New Jersey and Illinois. (451.30(c)(1)).

9. Applicant is currently authorized to provide electric supply services to affiliated retail load with electrical demands of 1 MW or more in the service territories of AmerenCIPS, AmerenCILCO, and ComEd under Subpart B of the Commission's rules on certification. Applicant seeks a certificate of authority to serve all retail load with electrical demand of 1 MW or more within the service territory of ComEd, AmerenCIPS, AmerenCILCO and AmerenIP. (451.30(c)(2)-(3)).

10. Applicant, under Subpart B of the Commission's Rules on Certification of ARES, proposes to serve non-residential customers with annual electrical demand of greater than 1 MW. (451.30(c)(2)).

11. Proof of notification to AmerenCIPS, AmerenCILCO, AmerenIP and ComEd of Applicant's intent to serve in the AmerenCIPS, AmerenCILCO, AmerenIP and ComEd service areas

is provided in Attachment B. (451.30(c)(3)).

12. Applicant certifies that it:

- a) will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system; (451.20(a))
- b) will comply with informational and reporting requirements that the Commission may by rule establish; (451.20(b))
- c) complies with all other applicable laws and regulations and Commission rules and orders; (451.20(e))
- d) complies with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the Applicant as an alternative retail electric supplier. (451.30(d)(2)).

13. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. (451.20(a)).

14. Applicant certifies that it will provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase of all electric power and energy. (451.20(b)).

15. Applicant certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act.

16. Applicant certifies that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act. (451.20(g)).

17. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. (451.40(a)).

18. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. (451.40(b)).

19. Applicant does have current authority from the Commission to be an ARES. On September 26, 2006, in Docket 06-0584, the Commission granted ARES certification under 83 Ill. Adm. Code 451.200 et seq. to BOC Energy Services, Inc. ("BOC"), now Linde Energy Services, Inc.,<sup>1</sup> ("LESI") to provide service to customers with an electrical load of greater than 1 megawatt. The Commission granted BOCES, now LESI, a certificate of authority to serve The BOC Group, Inc., (now Linde LLC) in Hartford and Pekin, Illinois, and BOC Hydrogen, Inc., (now Linde Gas North America LLC) in Romeoville, Illinois, all with electrical demands greater than 1 megawatt. Said authority was granted within the service territories of Central Illinois Public Service Company d/b/a AmerenCIPS, Central Illinois Light Company d/b/a AmerenCILCO, and Commonwealth Edison Company in the State of Illinois (Sept. 26, 2006 Order at 6). Applicant requests that its current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.

20. Applicant is currently authorized to serve and is currently supplying retail electric load in Delaware, Maine, Pennsylvania, New Jersey and Illinois. It has had no complaints filed against it for its provision of any services in the electric industry in this or any other jurisdiction.

**License or Permit Bond**

21. Applicant has executed and will 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 is Thirty Thousand Dollars (\$30,000.00) as specified in Part 451.50(a) for ARES service for non-residential customers with electrical demands

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<sup>1</sup> On January 1, 2008, BOC changed its name to Linde Energy Services, Inc., and reported said name change to the Commission pursuant to its 2007 Annual Report to the Commission.

greater than 1 MW only. This bond, required by Part 451.50(a), and proof that the surety meets the definition of "qualifying surety" as set forth in Part 451.10, is Attachment C to this Application.

**Financial Qualifications**

22. Applicant meets one of the six financial criteria set forth in Part 451.110(a). Specifically Applicant meets the criteria set forth in Part 451.110(a)(3) as demonstrated in Attachment D. Applicant certifies it purchases all of the electricity it delivers and it will deliver to its Illinois customers from MISO and/or PJM.

23. Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

**Technical Qualifications**

24. Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. Applicant meets the requirements of Part 451.120(b) as shown on Attachment E in that it has a Staff with at least two years experience buying or selling power and energy in wholesale markets.

**Managerial Qualifications**

25. Applicant meets the managerial qualifications set forth in Part 451.130, in that it has at least one person in a management position with three or more years of experience with a business enterprise as demonstrated in Attachment F. Attachment F includes an exhibit containing a corporate organizational chart identifying the persons or agents who are being used to meet the requirements of Part 451.130, and an exhibit describing the relevant occupational experience of management to meet the requirements of Part 451.130.

26. Applicant is not relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.130 and 451.140.

WHEREFORE, Applicant Linde Energy Services, Inc. requests that the Commission grant its application for service authority under Subpart B to provide electric service to non-residential retail customers with electrical consumption of greater than 1 MW in the service territories of AmerenCILCO, AmerenCIPS, AmerenIP, and ComEd. Applicant requests that its current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.

Respectfully submitted,

Linde Energy Services, Inc.

By:   
Larry Staljica, Vice-President

STATE OF NEW JERSEY :  
 : SS  
COUNTY OF UNION :

Larry Stalica, being first duly sworn, deposes and says that he is Vice-President of Linde Energy Services, Inc.; that he has read the foregoing Application for Modification of Linde Energy Service 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.

  
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Subscribed and sworn to before me this 17 day of June, 2010.

  
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Notary Public

ATTORNEY FOR APPLICANT:

Eric Robertson  
Lueders, Robertson & Konzen  
1939 Delmar Avenue  
Granite City, IL 62040  
618-876-8500 (P)  
[erobertson@lrklaw.com](mailto:erobertson@lrklaw.com)

ANNA M. PRUMACHUK  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 12, 2014