

[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.]

ILLINOIS
COMMERCE COMMISSION
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CHIEF CLERK'S OFFICE

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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

Docket No. 10-0583

APPLICATION

Capital 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. Capital Energy has offices at 2113 W. 7th St., Brooklyn, NY 11223
- 2. Related Information:

Capital Energy is a corporation organized under the laws of the State of New York.

- 3. Contact Persons for the following:
 - a) issues related to processing this application and
 - b) issues related to complaint resolution [454.130]

- a) Caleb Berger – Principal
2113 W. 7th St.
Brooklyn, NY, 11223
Phone: 718-676-0829 Fax: 888-351-2122
caleb@capitalenergyinc.com

 - b) Albert Guigui – Principal
2113 W. 7th St.
Brooklyn, NY, 11223
Phone: 718-676-0830 Fax: 888-351-2122
albert@capitalenergyinc.com
4. Capital Energy is a contracted broker of electricity and natural gas services to commercial customers in deregulated states.
5. The applicant hereby certifies that it meets all requirements of Section 16-115C of the Public Utilities Act [454.40(d)(1)]
6. Capital Energy is a New York State Corporation in good standing, registered and regulated by the State of New York. Capital Energy does not have a registered agent as it is not required by the State of New York.
7. Capital Energy is not currently licensed as an agent, broker, or consultant in any other jurisdictions, similar to the licensure required under Section 16-115C of the Illinois Public Utilities Act.
- Capital Energy has not had any complaints files against it for its provision of services in the electric or gas industry in this or any other jurisdiction.
8. 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)]
 - 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]

9. Applicant meets the managerial qualifications set forth in Part 454.60:

Caleb Berger holds the only managerial position at Capital Energy.

Caleb Berger has eight years sales experience in the energy, finance, and retail electronics industries. Three years of which were spent as General Manager of J&K Cameras, a New York based online electronics retailer where he trained and supervised 20 sales representatives. Before Capital Energy's inception he served as Executive Vice President at Florida based energy broker National Energy Group.

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

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

See Managerial Licensing Qualifications Statement above.

FINANCIAL LICENSING REQUIREMENTS [SECTION 454.80]

11. 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.]

See attached proof of surety bond.

CODE OF CONDUCT [SECTION 454.90]

12. Applicant certifies that it shall:

- a) Disclose in plain language in writing the nature of the services offered by the ABC;

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- 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]

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

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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,

Capital Energy

By: 
Caleb Berger, Principal

Capital Energy
2113 W. 7th St.
Brooklyn, NY 11223
718.676.0830 (Main)
888.351.2122 (Fax)

VERIFICATION

STATE OF NEW YORK
COUNTY OF KINGS

Caleb Berger, being first duly sworn, deposes and says that he is a principal of Capital Energy; that he/she has read the foregoing Application of Capital Energy, 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.



Caleb Berger, Principal
Capital Energy Inc

Subscribed and sworn to before me
this 7 day of October, 2010.



Notary Public

[Stamp of Notary]
MARK KHASKELZON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KH6110718
Qualified in Kings County
Commission Expires 6/1/12