

[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

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

Docket No.

10-0373

CHIEF CLERK'S OFFICE  
2010 JUN -11 A 10:33  
ILLINOIS COMMERCE COMMISSION

APPLICATION

[Name of Applicant] ("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.

DM & Associates Energy, LLC

247 W. Scott Street Unit 306

Chicago, IL 60610

- 2. Related Information:

- Type of business entity: [corporation, LLP, LLC, etc.] LLC

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

Cook County Illinois

CHIEF CLERK'S OFFICE  
2010 NOV -8 P 12:41  
ILLINOIS COMMERCE COMMISSION

Jurisdiction in which and under whose laws business entity was created:  
Cook County Illinois

- Other names under which Applicant does business (D/B/A): None

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

Richard Donofrio  
247 W Scott St.  
Chicago, IL 60610  
312-953-4935  
312-337-9916 fax  
richarddonofrio@earthlink.net

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)] Broker for energy provider companies
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)]
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)]

<u>Richard Donofrio</u>	<u>Ronald J. Marolda</u>
<u>247 W Scott St #306</u>	<u>6033 N. Sheridan Rd</u>
<u>Chicago, IL 60610</u>	<u>Chicago, IL 60660</u>
<u>312-953-4935</u>	<u>702-228-1108</u>
<u>312-337-9916 fax</u>	
<u>richarddonofrio@earthlink.net</u>	<u>ronmarolda@cox.net</u>

7. A statement to disclose whether the Applicant is 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. Additionally, the Applicant is directed to disclose whether it has had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. If yes, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution. Applicant licensed in the state of Massachusetts #EB-133. No complaints filed

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)]  
agreed to the above a-f

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

9. Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in Attachment: Verification. Attachment Corporate Organization Chart 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 \_ 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]

10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment Resume includes an exhibit containing occupational background information on the person or persons who are being

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]

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.]

[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]

12. 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;

Form for ABC Applicants

- 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]. Agrees to all the above a-h

REPORTING REQUIREMENTS [SECTION 454.110]

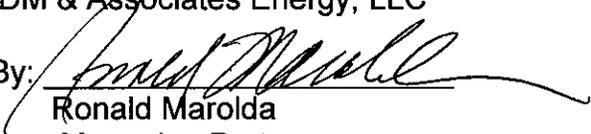
- 13. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110] Applicant Agrees

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,

[DM & Associates Energy, LLC

By: 

Ronald Marolda

Managing Partner

[Specify officer, agent, or attorney]

Name of Attorney

Mitchell D. Goldsmith

Attorney's Firm or Company Name

Shefsky & Froelich

Address of Attorney

111 East Wacker Dr Suite 2800

Chicago IL 60601

Attorney's Telephone Number

312-527-4000

Attorney's Fax and E-mail (optional)

312-527-4011

VERIFICATION

I, Ron Marolda, first being duly sworn upon oath depose and say that I am Managing Partner of DM & Associates Energy, LLC a LLC formed under the laws of the state of Illinois; that I have read the above and foregoing Response by me subscribed and know the contents There of; that said contents area true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

RONALD J. MAROLDA  
NAME

[Handwritten Signature]

MANAGING PARTNER  
TITLE

State of Nevada  
County of Clark

Subscribed and sworn to before me  
This 27 day of October, 2010

[Handwritten Signature]  
Notary Public

