

ILLINOIS COMMERCE COMMISSION

Texas Retail Energy, LLC

Application for Certificate of  
Service Authority under Section  
16-115 of the Public Utilities Act.

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Docket No.

11-008

APPLICATION

Texas Retail Energy, LLC ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

GENERAL [451.20 and 451.30]

1. Applicant's name and street address [451.20(c)(1)] :

Texas Retail Energy, LLC, 2001 S.E. 10<sup>th</sup> Street, Bentonville AR 72716

2. Related Information:

- Texas Retail Energy is organized as a limited liability company under the laws of the State of Delaware:
- Other names under which Applicant does business (D/B/A): none
- Federal Employer Identification Number: [451.20(c)(2)] 82-0575557
- Registered Agent in Illinois: CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago, IL 60604.

CHIEF CLERK'S OFFICE

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COMMERCE COMMISSION

3. Contact Persons for the following:
  - a) issues related to processing this application,
  - b) issues related to retail customers, including complaint resolution, and
  - c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.

**Main Contact**

Chris Hendrix  
Director of Markets & Compliance  
Texas Retail Energy  
2001 S.E. 10<sup>th</sup> Street  
Bentonville, AR 72716  
(479) 204-0845 office  
(479) 586-9521 mobile  
(479) 204- 0936 fax  
Chris.Hendrix@texasretailenergy.com

**Alternate Contact**

Michele Allen  
Director of Competitive Energy Operations  
Texas Retail Energy  
2001 S.E. 10<sup>th</sup> Street  
Bentonville, AR 72716  
(479) 204-1095 office  
(479) 204- 0936 fax  
mallen@texasretailenergy.com

4. Applicant agrees to accept service by electronic means. [451.30(e)]
5. Applicant is licensed to do business in the State of Illinois, as demonstrated in Attachment A. [451.20(d)(1)]
6. Applicant will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]
7. None of Applicant's employees will be installing, operating, or maintaining generation, transmission, or distribution facilities within the State of Illinois, and Applicant has not contracted with any other entity to perform any of these functions. [451.20(d)(2)]
8. Texas Retail Energy is a wholly-owned subsidiary of Wal-Mart Stores, Inc. and will be providing electricity within the State of Illinois only to company facilities located within the State. Applicant is not affiliated with an Illinois utility. [451.30(c)(1)]
9. Applicant seeks to be authorized to offer service in the entire State of Illinois and intends to offer electricity supply. [451.30(c)]

10. Texas Retail Energy will provide electricity under Part 451 Subpart E to serve Wal-Mart Stores, Inc. entities within the State of Illinois. Customer accounts will range from small commercial to large commercial facilities, but all facilities will belong to affiliates of Texas Retail Energy. [451.30(c)(2)]
11. Proof of notification to each utility of Applicant's intent to serve in the utility's service area 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)] and
  - 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 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 and sale of electric power and energy; [451.20(b)]
15. Applicant certifies that it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. [451.20(f)].
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 currently is not a Commission-authorized ARES.
20. Texas Retail Energy has been operational as a retail electricity supplier in Texas (Certificate Number 10065) since 2003, the United Kingdom (operating as

Power4All, Ltd.) (Company Number 06222064) since 2008, and New York since October 2010. These other jurisdictions have similar licensure requirements as required under Section 16-115 of the Illinois Public Utilities Act. Applicant has not had any complaints filed against it for its provision of any services in the electric industry in this or any other jurisdiction.

LICENSE OR PERMIT BOND [451.50]

21. Applicant has executed and maintains a copy of the license or permit bond in the amount of **\$300,000** 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. [451.50(a)] Attachment C is a copy of the license or permit 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.]

FINANCIAL QUALIFICATIONS [Not applicable to Subpart E Applicants]

22. Applicant will provide electricity under Part 451 Subpart E; therefore the financial qualifications section is not applicable.
23. Paragraph 23 is not applicable to Subpart E Applicants.

TECHNICAL QUALIFICATIONS [451.420]

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 451.420, as demonstrated in Attachment D. Applicant maintains technical staff on duty or on call for 24 hours each day to operate and maintain Applicant's facilities as needed. Applicant's staff may be reached at all times through Chris Hendrix, Director of Markets & Compliance, who may be reached at 2001 S.E. 10<sup>th</sup> Street, Bentonville, AR 72716, or by telephone at (479) 204-0845 (office) or (479) 586-9521 (mobile), or by facsimile at (479) 204-0936.

MANAGERIAL QUALIFICATIONS [451.430]

25. Paragraph 25 is not applicable to Subpart E Applicants.
26. Applicant is not relying on any agents or contractors to meet the technical requirements of Part 451.420.

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

27. Applicant does not intend to provide single billing services.

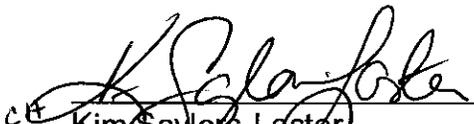
GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [Not applicable to Subpart E Applicants]

28. Paragraphs 23 through 32 are not applicable to Subpart E Applicants.
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33. Paragraphs 23 through 32 are not applicable to Subpart E Applicants.

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers as a Subpart E ARES to serve small commercial and large commercial entities, located at separate locations, that are both owned by, or are subsidiaries or other corporate affiliates of, Texas Retail Energy and are eligible for delivery services as discussed herein.

Respectfully submitted,

Texas Retail Energy, LLC

  
c# Kim Saylor-Laster  
Vice President

VERIFICATION

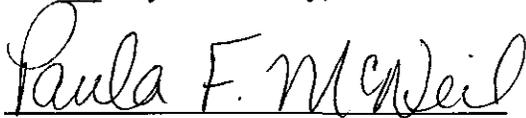
STATE OF ARKANSAS  
COUNTY OF BENTON

ss:

Kim Saylor-Laster, being first duly sworn, deposes and says that she is the Vice President for Texas Retail Energy, LLC; that she has read the foregoing Application of Texas Retail Energy, LLC, 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 her knowledge, information and belief.

  
\_\_\_\_\_  
Kim Saylor-Laster

Subscribed and sworn to before me  
this 24<sup>th</sup> day of January, 2011.



Notary Public

[Stamp of Notary]

