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

CHIEF CLERK'S OFFICE
Docket No. 11-0150

APPLICATION

CurrentChoice™, Incorporated ("Applicant" or "CurrentChoice"), 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.

CurrentChoice™, Incorporated
46 Munroe Road
Lexington, MA, 02421

2. Related Information:

- Type of business entity:
 - Corporation
- Jurisdiction in which and under whose laws business entity was created:
 - Massachusetts See Attachment A
- Other names under which Applicant does business (D/B/A):
 - None

3. Contact Persons for the following:

- a) Issues related to processing this application:

Michael D'Angelo, Esq.
CurrentChoice™, Inc. Regulatory Counsel
134 Highland Ave
Leonia, NJ 07605
Mdeangelo2001@yahoo.com
(201) 736-6247

b) Issues related to complaint resolution [454.130]

Alan Lehmann, President
CurrentChoice™, Inc.
46 Munroe Road
Lexington, MA. 02421
Alan@currentChoice.com
(781) 861-1891

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

Through its industry standard website (patent pending), Applicant will provide all consumers (including residential and commercial) the information and tools to compare their options for purchase of electricity. This service is designed to educate customers generally about the retail electricity market and specifically about the different offerings to customers from available sources and the relative costs and savings associated with these offerings. Applicant also facilitates the customers' process of contracting with a particular supplier, if the customer so chooses. That choice is entirely up to customers at their own time and at their convenience. Marketing activities are currently contemplated to be entirely Internet-based.

CurrentChoice is an Internet marketplace specifically designed to provide residential and small business consumers of electricity in deregulated states easy access to the information they need to make an informed decision to participate confidently in the competitive electricity marketplace. This information includes: contract prices and fees, contract terms and details, competitive supplier background and licensing information, state law and regulatory information, and feedback about each company from other customers in the form of "Customer Ratings."

Using state-of-the-art technology, the CurrentChoice Internet marketplace also delivers a simple and transparent process that allows customers to select the product that is right for them and a fast, no hassle, signup/switching process once they have made the decision to switch suppliers. By providing important information in a manner that is easy to use and easy to understand together with the ability to switch suppliers with ease, CurrentChoice.com intends to lower the barriers to the competitive electricity market for residential and small business consumers and by doing so increase their participation in this market.

5. A statement in support of application (including supporting documents and schedules if necessary) certifying the applicant meets the requirements of Section 16-115C of the Act. [454.40(d)(1)]

In the more than 10 years since the generation of electricity began to be deregulated in states across the United States, competitive suppliers of electricity, even when offering to sell electricity at rates lower than incumbent local utilities, have been unable to penetrate the competitive retail electricity market to any significant degree. For example, in Maine, competitive suppliers of electricity supply only 5% of the residential market. Connecticut and Pennsylvania represent the high end of the spectrum with over 30% of the residential market being served by competitive suppliers. Across all the deregulated states, competitive suppliers serve only an average 10 -12% of the competitive retail electricity market.

In comparison, across the country competitive suppliers serve 60-70% of the large commercial and industrial competitive retail electricity market. In Illinois, in 2009, 75 % of all non-residential electrical load in the Commonwealth Edison service area was provided by the competitive retail electricity market and 97% of customers with a demand of over one megawatt received their service from an alternative supplier.

(<http://www.eia.doe.gov/cneaf/electricity/page/restructuring/illinois.html>)

There are about 5 million residences in Illinois that are currently eligible to buy electricity in the competitive retail electricity market. Most of them have never participated in the competitive supplier marketplace, but could benefit from access to lower priced electricity. Even those that have already switched suppliers can benefit from a more efficient market mechanism with which to get information about products and prices that will help them make future choices and ensure that they will stay engaged in the competitive marketplace.

Our research, and other studies, including a survey done in the State of Maryland in early 2010, show that low residential participation in the competitive retail electricity market is the result of one or more of the following factors:

1) General lack of awareness that there exists an option to choose a competitive supplier for electricity.

2) General lack of awareness of who the competitive suppliers for electricity are and if they are "reliable" "good" companies.

3) Lack of knowledge about the electric industry and regulatory issues which creates concerns for consumers about the risks associated with using deregulated suppliers (e.g. "Will I lose electricity if something happens to my supplier?" "Who will fix the lines if they break in a storm?").

4) Lack of understanding about the key factors to consider when selecting a supplier. ("How do I choose a new supplier?")

5) No clear understanding of the potential savings. ("How much will I really save switching from my utility to a competitive supplier?")

6) A resulting unclear understanding of risk-benefit scenario. ("Is it really worth it to switch?" "If it is a hassle to switch and the company is not reliable or won't fix my power during a storm, how much will I really save anyway?")

CurrentChoice.com directly addresses these barriers to the competitive electricity market for residential and small businesses by providing important information to customers in a manner that is easy to use and easy to understand together with a simple, fast no hassle way to switch suppliers if that is what they want to do.

Through its industry standard website, CurrentChoice will provide all consumers (including residential and commercial) the information and tools they need to compare their options for the purchase of electricity. Our service is designed to educate customers generally about the retail electricity market and specifically about the different offerings to customers from available sources and the relative costs and savings associated with the different offerings. CurrentChoice also facilitates the customers' choice of contracting with a particular supplier. That choice is entirely up to customer at their own time and at their convenience. Our marketing activities are currently entirely Internet-based, with no telemarketing and no door to door sales.

CurrentChoice is a patent pending Internet marketplace specifically designed to provide residential and small business consumers of electricity in deregulated states easy access to the information they need to make an informed decision to confidently participate in the competitive electricity marketplace. This information includes: the customers' cost to compare, electricity suppliers' electricity prices and fees, electricity suppliers' contract terms and details, supplier background and licensing information, customer feedback about each supplier in the form of "Customer Ratings" and comments from current and past customers of that supplier, and applicable state law and regulatory information.

Using state-of-the-art technology, the CurrentChoice Internet marketplace also delivers a simple and transparent process that allows customers to select the product that is right for them and use a fast, no hassle signup/switching process once they have made the decision to switch suppliers.

The management team of CurrentChoice has almost 25 years of combined business management experience with numerous business enterprises. Its Regulatory Counsel alone has 10 years of direct experience with numerous business enterprises including direct experience with the sale and marketing of electricity, which includes all aspects of the laws, regulations and policies of the electric regulated and deregulated marketplace. CurrentChoice respectfully submits that all of the above and the attached background information should more than meet all of the managerial and technical licensing requirements. In addition, CurrentChoice certifies herein that it meets the requirements of Section 16-115C of the Act. [454.40(d)(1)] at number 7 below and see all Attachments.

6. The name, address, telephone number, facsimile number and the e-mail address of the Applicant's agent registered with the Illinois Secretary of State is shown below. 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)]

National Registered Agents, Inc.
200 West Adams Street
Chicago, IL 60606
800-934-2556
Fax – 312-346-3607
Email – nnagel@nrai.com

7. Applicant is also licensed as a Electricity Broker in the Commonwealth of Massachusetts. It has applied for a brokers licenses in Pennsylvania, Maryland and New Jersey. CurrentChoice does not have any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction.

See Attachment B.

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)] See Attachment C. See also Attachments A, B, D and E.
 - b) shall comply with all terms and conditions required by Section 16-115C of the Act; [454.40(d)(2)] See also Attachments A through E.

Form for ABC Applicants

- 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; [454.100(a)] and
- 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, as demonstrated in Attachment D. Attachment E 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 D 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).

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

- 10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment D. Attachment D 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).

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. Attachment E.

[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;
- 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].

Applicant so certifies that its answer is yes to requirements A through H above.

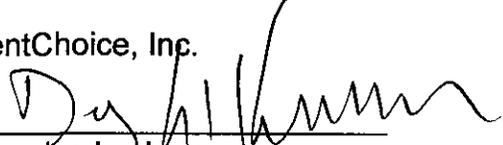
REPORTING REQUIREMENTS [SECTION 454.110]

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

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,

CurrentChoice, Inc.

By: 

Douglas Luckerman

General Counsel/ Senior Director

CurrentChoice, Inc

Douglas Luckerman
General Counsel/ Senior Director
CurrentChoice, Inc.
(617) 794-9495
Doug@CurrentChoice.com

VERIFICATION

STATE OF MASSACHUSETTS)
COUNTY OF MIDDLESEX)

Alan Lehmann, being first duly sworn, deposes and says that he is the President of CurrentChoice, Inc., that he has read the foregoing Application of CurrentChoice, 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.



Alan Lehmann

Subscribed and sworn to before me
this 10 day of February, 2011.


Notary Public

[Stamp of Notary]

